

# LEGISLATIVE JOURNAL

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## SIXTY-NINTH SESSION

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### FIRST DAY

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Legislative Chamber, Lincoln, Nebraska

Tuesday, January 6, 1959

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Sixty-ninth Session of the Legislature of Nebraska assembled in Legislative Hall of the Capitol Building at the hour of 12:07 p.m., Tuesday, January 6, 1959, and was called to order by Mr. Dwight W. Burney, Lieutenant Governor.

Prayer was offered by Mr. John Adams, Sr., member of the Legislature from the 5th Legislative District.

The roll was called and the following members were present:

Adams, John, Sr.	Fenske, A. A.	Munnelly, John P.
Aufenkamp, John	Gerdes, George C.	Nelson, Frank
Bowen, Kenneth L.	Hollenbeck, Earl	Olinger, Oliver
Bridenbaugh, Hal	Jensen, Hans O.	Orme, Fern Hubbard
Burbach, J. W.	Klaver, Sam	Otto, Norman A.
Carpenter, Terry	Lautenschlager,	Peck, J. O.
Claussen, Peter H.	Marvin	Pizer, Harry L.
Cooper, John R.	Liebers, Otto H.	Portsche, Stanley L.
Diers, H. K.	Marvel, Richard D.	Romans, Jack
Donner, John G.	McHugh, Edwin T.	Ruhnke, Arnold
Erlewine, Dale	Moulton, William	Simmons, Ray C.

Skarda, William R., Jr.	Tews, David D.	Webb, Lewis
Stryker, Harold B.	Thompson, Don	Williams, Dwain
Swanson, Arthur W.	Vosoba, Joe T.	
Syas, George	Waldo, Willard H.	

All members were present except Mr. Vogel who was excused.

### Temporary Appointments

President Burney designated Hugo F. Srb as temporary Clerk of the Legislature, and George Santo as temporary Sergeant-at-arms.

### MOTION—Adopt Rules

Mr. President: I move that the rules of the last session, as revised and distributed to the members, be adopted until further order by the Legislature. (Signed) Arnold Ruhnke

Mr. Carpenter moved that Rule 5, section 5 be amended to read as follows:

“Sec. 5. The Chairman of Enrollment and Review shall be privileged, and shall be in order at any time in reporting bills which have been engrossed for final reading and passage. In the absence of the Chairman the Vice-Chairman of the Judiciary Committee shall assume the duties of the Chairman of Enrollment and Review. The bill drafting service shall have supervision of and provide legal services for the Enrollment and Review Committee.”

The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

Mr. Otto offered the following amendment to Rule 6, section 11:

Reporters of regularly accredited newspapers, press associations, and radio and television shall be admitted to executive sessions of the standing committees but shall respect as confidential discussions by members of the committee. The final record vote on the bill may be made public.

Mr. Jensen offered the following amendment which was adopted:

Amend the Otto motion by inserting “Except for the Budget Committee” before “The final record vote on the bill may be made public.”

Mr. Carpenter requested a record vote on the Otto motion.

Voting in the affirmative, 13:



Aufenkamp	Jensen	Nelson	Skarda
Carpenter	Liebers	Orme	Swanson
Diers	Munnelly	Pizer	Vosoba
Donner			

Voting in the negative, 27:

Adams	Fenske	Olinger	Stryker
Bowen	Gerdes	Otto	Syas
Bridenbaugh	Hollenbeck	Peck	Tews
Burbach	Lautenschlager	Portsche	Thompson
Claussen	Marvel	Romans	Webb
Cooper	McHugh	Ruhnke	Williams
Erlewine	Moulton	Simmons	

Not voting, 3:

Klaver	Vogel	Waldo
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The Otto motion lost.

Mr. Carpenter offered the following amendment to the Ruhnke motion which was adopted with 41 ayes, 1 nay, and 1 not voting:

Amend Rule 16 of the printed rules by adding at the end of line 3 thereof, the following: “, including the bill drafter and employees of the Legislative Council”.

The Ruhnke motion to adopt the rules prevailed as amended with 38 ayes, 4 nays, and 1 not voting.

#### **MOTION—Committee on Credentials**

Mr. President: I move that a committee of five be appointed on credentials. (Signed) Harold B. Stryker

The motion prevailed and the President appointed the following members to serve on said committee: Stryker, chairman; Syas, McHugh, Gerdes, Romans.

#### **REPORT OF COMMITTEE ON CREDENTIALS**

MR. PRESIDENT:

Your Committee on Credentials begs leave to report that we find the following to be the duly elected members of the Legislature of the State of Nebraska for the sixty-ninth session and that there are contests in the seventh and twenty-first districts.

## Dist.

1. John R. Cooper
2. John Aufenkamp
3. Edwin T. McHugh
4. George Syas
5. John Adams, Sr.
6. Sam Klaver
7. William R. Skarda, Jr.
8. John P. Munnelly
9. Karl E. Vogel
10. William Moulton
11. Ray C. Simmons
12. Oliver Olinger
13. Hal Bridenbaugh
14. J. W. Burbach
15. David D. Tews
16. Peter H. Claussen
17. Harold B. Stryker
18. Otto H. Liebers
19. Stanley L. Portsche
20. Fern Hubbard Orme
21. Willard H. Waldo
22. Arnold Ruhnke

## Dist.

23. Joe T. Vosoba
24. H. K. Diers
25. Hans O. Jensen
26. J. O. Peck
27. John G. Donner
28. Frank Nelson
29. Jack Romans
30. Marvin Lautenschlager
31. Richard D. Marvel
32. Kenneth L. Bowen
33. Don Thompson
34. Norman A. Otto
35. Dwain Williams
36. Arthur W. Swanson
37. Dale Erlewine
38. Harry L. Pizer
39. Lewis Webb
40. Earl Hollenbeck
41. George C. Gerdes
42. Terry Carpenter
43. A. A. Fenske

(Signed) Harold B. Stryker  
Chairman

(SEAL)

Certified by Roland A. Luedtke  
Deputy Secretary of State  
January 6, 1959

### MOTION—Adopt Report

Mr. President: I move that we adopt the report of the Committee on Credentials. (Signed) Harold B. Stryker.

The motion prevailed with 42 ayes, 0 nays, and 1 not voting.

### Notification of Vogel Resignation

The President read the following letter to the Legislature:

Honorable Dwight W. Burney  
Lieutenant Governor  
State of Nebraska  
c/o Hugo F. Srb  
Clerk of the Nebraska State Legislature  
State House  
Lincoln, Nebraska

Dear Lieutenant Governor Burney:

I submit herewith my resignation as a member of the Nebraska State Legislature for Legislative District Number 9, effective as of January 6, 1959. Mrs. Vogel is writing you separately as to the reasons for my resignation.

With kindest regards, I remain

Yours very truly,  
Karl E. (X) Vogel  
Karl E. Vogel

Witness to Mark  
Betty Mendenhall  
John P. Vogel

cc - Honorable Victor E. Anderson

**MOTION—To Obtain Attorney General's Opinion**

Mr. President: I move that the speaker be directed to obtain an opinion from the attorney general as to whether or not the resignation of the duly elected senator from the 9th district is a valid resignation submitted in accordance with law; and whether or not there now exists a vacancy which can be filled by the Governor. (Signed) Terry Carpenter.

Mr. Carpenter asked unanimous consent that his motion be amended by striking therefrom the word "Speaker" and inserting in lieu thereof "Lieutenant Governor". No objection. So ordered.

The motion lost with 16 ayes, 23 nays, and 4 not voting.

Mr. Jensen moved that in recognition of Senator Karl Vogel's long and outstanding record in the Nebraska Legislature we the members of this body wish him a speedy recovery from his recent illness and a copy of this resolution be sent to him.

The motion prevailed.

The President declared a vacancy in the Legislature in District No. 9 and stated that he was so notifying the Governor.

**MOTION—Committee to Wait Upon Chief Justice**

Mr. President: I move that a committee of five be appointed to wait upon the Chief Justice of the Supreme Court and escort him to the legislative chamber for the purpose of administering the oath of office to the members-elect. (Signed) Ray C. Simmons

The motion prevailed with 42 ayes, 0 nays, and 1 not voting, and the President appointed the following members to serve on said committee: Simmons, Peck, Munnelly, Orme, Williams.

The committee withdrew and escorted the Chief Justice of the Supreme Court of Nebraska, Robert G. Simmons, to the rostrum, where he administered the following:

**MEMBERS' OATH OF OFFICE**

State of Nebraska       )  
                                  ) ss.  
Lancaster County       )

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska and will faithfully discharge the duties of Member of the Legislature according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence, for any vote I may give or withhold on any bill, resolution or appropriation, so help me God.

Frank Nelson  
Sam Klaver  
Hans O. Jensen  
Ray C. Simmons  
Harold B. Stryker  
John O. Peck  
Peter H. Claussen  
Harry L. Pizer  
John Adams, Sr.  
William S. Moulton  
John P. Munnelly  
George Syas  
Wm. R. Skarda, Jr.  
John Aufenkamp

Oliver O. Olinger  
Hal Bridenbaugh  
Dwain Williams  
Lewis Webb  
J. W. Burbach  
A. A. Fenske  
John R. Cooper  
Fern Hubbard Orme  
Willard H. Waldo  
George C. Gerdes  
Dale Erlewine  
Norman A. Otto  
Arnold Ruhnke  
David D. Tews

Stanley L. Portsche  
Richard D. Marvel  
O. H. Liebers  
Jack Romans  
Earl Hollenbeck  
H. K. Diers  
Arthur W. Swanson

Don Thompson  
Joe T. Vosoba  
Kenneth L. Bowen  
Marvin Lautenschlager  
John G. Donner  
Edwin T. McHugh  
Terry Carpenter

Subscribed in my presence and sworn to before me this sixth day of January, 1959.

(Signed) Robert G. Simmons  
Chief Justice

**MOTION—Contest Committee**

Mr. President: I move that a special committee of five members be appointed by the presiding officer to have full charge of the contest in the 7th District. (Signed) William Moulton

Mr. Carpenter moved that the Moulton motion be amended to instruct the committee to make an investigation and report back to the Legislature.

Mr. Simmons moved the previous question. The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

The Carpenter amendment lost with 10 ayes, 28 nays, and 5 not voting.

The Moulton motion prevailed with 37 ayes, 3 nays, and 3 not voting, and the President appointed the following members to serve on said committee: Moulton, chairman; Lautenschlager, McHugh, Diers, Aufenkamp.

**MESSAGE FROM THE GOVERNOR**

January 6, 1959

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

I have this day appointed Michael P. Russillo a member of the Legislature from District No. 9, to fill the vacancy existing in that District in this session of the Legislature.

Sincerely yours,

(Signed) Victor E. Anderson  
GOVERNOR

**MEMBER'S OATH OF OFFICE**

State of Nebraska     )  
                               ) ss.  
 Lancaster County     )

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska and will faithfully discharge the duties of Member of the Legislature according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence, for any vote I may give or withhold on any bill, resolution or appropriation, so help me God.

(Signed) Michael P. Russillo

Subscribed in my presence and sworn to before me this sixth day of January, 1959.

(Signed) Robert G. Simmons  
 Chief Justice

(SEAL)

**Introduction**

Mr. Moulton introduced Mr. Russillo to the Legislature.

Mr. Russillo addressed the Legislature briefly.

**MOTION—Contest Committee**

Mr. President: I move that a special committee of five members be appointed by the presiding officer to have full charge of the contest in the 21st District. (Signed) Stanley L. Portsche

The motion prevailed with 36 ayes, 3 nays, and 4 not voting, and the President appointed the following members to serve on said committee: Portsche, chairman; Burbach, Bowen, Williams, Tews.

**MOTION—Election of Officers**

Mr. President: I move that we proceed to the election of officers of the Legislature, and that we vote by ballot and that the vote

of a majority of the elected members be required for the election of each such office. (Signed) Harry L. Pizer

The motion prevailed.

#### **MOTION—Informal Ballot**

Mr. President: I move that we nominate candidates for office by means of informal ballot. (Signed) Hal Bridenbaugh

The motion prevailed.

#### **MOTION—Election of Speaker**

Mr. President: I move that we proceed to vote on a candidate for Speaker. (Signed) A. A. Fenske

The motion prevailed.

Pizer .....	15
Liebers .....	6
Thompson .....	7
Bridenbaugh .....	13
Carpenter .....	1
Fenske .....	1

#### **Visitors**

Mr. Jensen introduced his son and daughter-in-law, Mr. and Mrs. Maynard W. Jensen from Aurora.

Mr. President: I move that we vote on the two high candidates. (Signed) Otto H. Liebers

The motion prevailed.

Pizer .....	23
Bridenbaugh .....	19
Otto .....	1

The President declared Mr. Pizer elected Speaker.

Mr. Bridenbaugh escorted Mr. Pizer to the rostrum and Mr. Pizer addressed the Legislature briefly.

#### **MOTION—Election of Clerk**

Mr. President: I move that we proceed to elect the Clerk of the Legislature. (Signed) Edwin T. McHugh

The motion prevailed.

Mr. President: I move that a unanimous ballot be cast for Hugo F. Srb for Clerk of the Legislature. (Signed) William S. Moulton

The motion prevailed and the Clerk expressed appreciation upon his re-election.

#### **MOTION—Election of Sergeant-at-arms**

Mr. President: I move that we proceed to vote on Sergeant-at-arms. (Signed) Frank Nelson

The motion prevailed.

Mr. President: I move that a unanimous ballot be cast for George Santo for Sergeant-at-arms. (Signed) Hans O. Jensen

The motion prevailed and the President declared George Santo the elected Sergeant-at-arms.

#### **MOTION—Election of Postmaster**

Mr. President: I move that we elect a Postmaster. (Signed) Peter H. Claussen

The motion prevailed.

Mr. President: I move that a unanimous ballot be cast for Ruby B. Nelson for Postmaster. (Signed) Peter H. Claussen

The motion prevailed.

#### **MOTION—Election of Chaplain**

Mr. President: I move that we proceed to elect the Chaplain. (Signed) Lewis Webb

The motion prevailed.

President Burney declared a brief moment of silence in respect for the late Rev. E. C. Hansen, former Chaplain of the Legislature.

Martin Schroeder .....	35
Gilbert T. Savery .....	5
Byron D. Corn .....	1

The President declared Martin Schroeder the elected Chaplain.



**MOTION—Election of Chairman of Committee on Committees**

Mr. President: I move that we proceed to vote on the Chairman of the Committee on Committees, by ballot. (Signed) Dwain Williams

The motion prevailed.

Carpenter .....	11
Moulton .....	21
Klaver .....	1
Otto .....	9
Bridenbaugh .....	1

Mr. President: I move that Mr. Moulton be declared unanimously elected as Chairman of the Committee on Committees. (Signed) Terry Carpenter

The motion prevailed.

Mr. Moulton addressed the Legislature briefly.

**MOTION—Committee on Committees**

Mr. President: I move that we authorize the members residing within each congressional district to nominate three members to be elected by the Legislature and who shall serve on said Committee on Committees. (Signed) George Syas

The motion prevailed.

**Recess**

At 4:22 p.m. the Legislature recessed.

**After Recess**

The Legislature reconvened at 4:48 p.m., President Burney presiding.

The roll was called and all members were present.

**REPORT OF NOMINATION OF MEMBERS OF  
COMMITTEE ON COMMITTEES**

Nominations from the congressional districts were reported as follows:

## First District

Don Thompson  
Arnold Ruhnke  
Otto H. Liebers

## Second District

John P. Munnelly  
George Syas  
Sam Klaver

## Third District

Harold B. Stryker  
Hans O. Jensen  
Peter H. Claussen

## Fourth District

Dwain Williams  
Norman A. Otto  
A. A. Fenske

**MOTION—Committee on Committees**

Mr. President: I move that the persons chosen by the members from the different congressional districts be declared duly elected thereto. (Signed) Hans O. Jensen

The motion prevailed.

**MOTION—Committee Schedule**

Mr. President: I move that the Committee on Committees, in arranging and publishing the schedule of regular standing committee meetings for this session provide that the Committee on Revenue meet three days each week and the Miscellaneous Subjects Committee meet two days each week. (Signed) Terry Carpenter

The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

**MOTION—Election of Chairman of Legislative Council**

Mr. President: I move that we now proceed to elect the Chairman of the Legislative Council. (Signed) John Aufenkamp

The motion prevailed.

Nelson .....	1
Thompson .....	31
Carpenter .....	1
Marvel .....	1
Klaver .....	2
Simmons .....	1
Bridenbaugh .....	2
Diers .....	3
Otto .....	1

Mr. Thompson was declared the elected Chairman of the Legislative Council.

#### **MOTION—Election of Vice-Chairman of Legislative Council**

Mr. President: I move that we proceed to elect the Vice-Chairman of the Legislative Council. (Signed) H. K. Diers

The motion prevailed.

Carpenter .....	2
Klaver .....	1
Otto .....	8
Munnelly .....	2
Bridenbaugh .....	11
Simmons .....	2
Adams .....	1
Marvel .....	3
Cooper .....	1
Diers .....	9
Stryker .....	1

#### **MOTION—Vote on Three High Candidates**

Mr. President: I move that voting proceed on the three high candidates. (Signed) Hans O. Jensen.

The motion prevailed.

Otto .....	9
Bridenbaugh .....	15
Diers .....	19

Mr. Bridenbaugh moved that a unanimous ballot be cast for Mr. Diers.

The motion prevailed and Mr. Diers was declared elected.

**MOTION—Committee on Election Returns**

Mr. President: I move that a committee of five be appointed to invite the Secretary of State to appear, and bring with him the returns of the regular election of 1958. (Signed) Willard H. Waldo

The motion prevailed and the President appointed the following members to serve on the committee: Waldo, Cooper, Orme, Olinger and Erlewine.

**MOTION—Adjournment**

Mr. Moulton moved that when we adjourn we adjourn until 2:00 p.m. tomorrow. The motion prevailed.

**Report of Secretary of State**

The committee appointed to call on the Secretary of State retired and subsequently returned with the Deputy Secretary of State, Mr. Roland A. Luedtke, who reported as follows:

**REPORT OF COMMITTEE ON ELECTION RETURNS**

January 6, 1959

**DEPARTMENT OF STATE**

The Speaker of the Legislature  
Sixty-Ninth Session of the  
Legislature of Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4, of the Constitution of the State of Nebraska, I have the honor to herewith deliver to you, under seal, the abstract of votes cast in the ninety-three counties of the State at the General Election held on November 4, 1958, for the officers of the executive departments of this State and member of the State Railway Commission, which votes are required by law to be canvassed by the Nebraska Legislature, pursuant to 32-4110, R.R.S. 1943 (1957 Supplement) as submitted to us for delivery to the Speaker of the Legislature.

I also deliver to you the list of candidates receiving the highest vote for each particular office. The certificate of the Secretary of State accompanies the foregoing list.

The original sheets containing the tabulation of votes for these candidates for the ninety-three counties, covering the General Elec-

tion of November 4, 1958, which constitutes a part of the official record of the State Board of Canvassers, are submitted for your examination. Inasmuch as these sheets are part of the records of the office of Secretary of State, we respectfully request that they be returned to our files immediately at the completion of your official canvass.

Respectfully submitted,

FRANK MARSH

Secretary of State

By

(Signed) Roland A. Luedtke  
Deputy Secretary of State

RAL:mr

Encls.

The President opened, published and declared the returns of such election, in accordance with the constitutional provision.

#### CERTIFICATE OF SECRETARY OF STATE

Frank Marsh, Secretary of State of the State of Nebraska does hereby certify that the attached sheet constitutes a true and correct list of candidates for public office, required to file for office with the Secretary of State, who received the highest number of votes for each particular office as shown thereon at the General Election in the State of Nebraska held on November 4, 1958.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this sixth day of January in the year of our Lord, one thousand nine hundred and fifty-nine.

(Signed) Frank Marsh  
Secretary of State

(Seal)

#### OFFICERS ELECTED AT THE 1958 GENERAL ELECTION

	Votes Received
Governor ..... Ralph G. Brooks .....	211,345
Lieutenant Governor ..... Dwight W. Burney .....	202,295
Secretary of State ..... Frank Marsh .....	236,505
Auditor of Public Accounts ..... Ray C. Johnson .....	228,874
State Treasurer ..... Richard R. Larsen .....	195,542
Attorney General ..... Clarence S. Beck .....	214,744
Railway Commissioner ..... Joseph J. Brown .....	198,900

**Speaker Pizer Presiding****MOTION—Adopt Report**

Mr. President: I move that the report of the Secretary of State be approved and that the candidates are elected as declared by the Speaker. (Signed) O. H. Liebers

The motion prevailed.

**President Burney Presiding****MOTION—Notify Governor**

Mr. President: I move that a committee of five be appointed to wait upon the Governor and notify him that the Legislature is organized and ready to transact business. (Signed) Willard H. Waldo.

The motion prevailed.

**Members Excused**

Mr. Jensen asked to be excused for Wednesday afternoon to attend the funeral of his mother-in-law. There was no objection and Mr. Jensen was excused.

Mr. Gerdes was excused for tomorrow and Thursday.

**MOTION—Inaugural**

Mr. President: I move that we arrange to hold inaugural ceremonies for the Governor and other officers at 2:00 p.m., Thursday, January 8, 1959. (Signed) Don Thompson

The motion prevailed.

**ADJOURNMENT**

At 5:44 p.m. on a motion by Mr. Klaver, the Legislature adjourned until 2:00 p.m., Wednesday, January 7, 1959.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**SECOND DAY**

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 7, 1959

Pursuant to adjournment, the Legislature met at 2:04 p.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Gerdes and Jensen who were excused.

The Journal for the First Day was approved.

**Communications**

Resolution from the Tallahassee Bar Association relative to Supreme Court rulings of States' Rights.

Senate Joint Resolution No. 9 from the State of Connecticut concerning application to Congress to call a convention for proposing an amendment to the Constitution of the United States to prevent taxation of income of residents of one state by another state.

House Concurrent Resolution No. 144 from the State of Mississippi memorializing the Congress of the United States to enact legislation providing for the repeal of the Federal Excise Tax upon the transportation of passengers and freight.

Senate Concurrent Resolution No. 148 from the State of Mississippi memorializing Congress to remove discriminatory regulations as they apply to transportation by railroads.

**MESSAGE FROM THE GOVERNOR**

January 7, 1959

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

For the information and subject to the consideration of your honorable body, I am pleased to advise that I have appointed the following named persons to the following respective offices:

William E. Minier	Board of Educational Lands & Funds
Jerome James DeLay	Board of Educational Lands & Funds
Keith Kreycik	Game, Forestation & Parks Commission
Lee Nauenburg	Game, Forestation & Parks Commission
Morris I. Evinger	State Board of Health
Carl J. Norden, Jr.	State Board of Health
Dr. W. W. Webster	State Board of Health
Dr. Maurice D. Frazer	State Board of Health
Dr. C. B. Edwards	State Board of Health
C. E. Metzger	State Highway Commission
Merle Kingsbury	State Highway Commission
Arthur J. Denney	Court of Industrial Relations
John B. Quinn	Merit System Council
Herbert Wall	Nebraska Motor Vehicle Dealers License Board
Bernard M. Spencer	Board of Education of State Normal Schools
Mrs. Haven Smith	Board of Education of State Normal Schools
John T. Bressler, Jr.	Board of Education of State Normal Schools
Carl Spelts	Board of Education of State Normal Schools

(Signed) Victor E. Anderson  
Governor

Referred to the Committee on Committees.

#### **Announcement—Mailing Lists**

Speaker Pizer announced that the mailing lists for Bills and Journals were on the desks, and he requested that each Senator go over his list and make the necessary changes.

#### **Communications**

Letter from Elmer H. Mahlin, Secretary, Board of Educational Lands and Funds as follows:

December 11, 1958

Honorable Hugo Srb  
Clerk of the Legislature  
State House  
Lincoln, Nebraska

Dear Mr. Srb:

The Board of Educational Lands and Funds in its meeting of December 8, 1958 in accordance with Section 72-201 RSN 1943 paragraph 5, has nominated Elmer H. Mahlin for a two year appointment as secretary for the Board for the period January 1, 1959 to December 31, 1960.



It is our understanding that the name of such appointee should be in the hands of the Clerk of the Legislature within ten days after the first Thursday after the first Tuesday in January.

Such appointment is subject to ratification by a majority of the members elected to the Legislature.

Very truly yours,

BOARD OF EDUCATIONAL  
LANDS AND FUNDS

(Signed) Elmer H. Mahlin

By

Elmer H. Mahlin, Secretary

EHM:iz

Referred to the Committee on Committees.

Letter from Ray C. Johnson, Auditor of Public Accounts, as follows:

January 7, 1959

Hugo Srb  
Clerk of the Legislature  
State House  
Lincoln, Nebraska

Dear Hugo:

Please advise the members of the Legislature that the properly approved surety bond to the State of Nebraska of Frank Marsh, Secretary of State of the State of Nebraska, in the amount of \$50,000.00 was filed in this office on January 6, 1959, covering a two-year term.

The properly approved surety bond to the State of Nebraska of Roland A. Luedtke, Deputy Secretary of State of the State of Nebraska, in the amount of \$5,000.00 was filed in this office on January 6, 1959, covering a two-year term.

The properly approved surety bond to the State of Nebraska of William F. Swanson, Director of the Nebraska Real Estate Commission of the State of Nebraska, in the amount of \$5,000.00 was filed in this office on January 6, 1959, covering a two-year term.

Witness my hand and official seal this seventh day of January, 1959.

Yours very truly,

(SEAL)

(Signed) Ray C. Johnson

AUDITOR OF PUBLIC ACCOUNTS

RCJ:lm1

### Invitations

Invitation from the Stuart Stations to a party on January 14, at the University Club. Social hour starts at 6:00 p.m. with dinner following.

Invitation from the Milford Chamber of Commerce to a dinner on January 12 at the Nebraska State Trade School Cafeteria, at 6:30 p.m. Transportation will be furnished.

Invitation to the Annual Banquet of the Nebraska County Fair Managers Association to be held Tuesday night, January 27.

Invitation to the members, their wives and families, from the Nebraska State Education Association to an informal dinner on January 22, at 6:30 p.m., in the Ballroom of the Hotel Cornhusker.

### MOTION—Appointments

Mr. President: I move that the appointment of Francis V. Robinson as Assistant Clerk and Max Baskins as Deputy Sergeant-at-arms of the Legislature be approved. (Signed) Richard D. Marvel

The motion prevailed.

### STANDING COMMITTEE REPORT

#### Committee on Committees

Mr. President: Your Committee on Committees submits the following schedule for the selection of the standing committees.

#### AGRICULTURE—Jensen, Chairman

Bowen	Olinger	Waldo
Skarda	Nelson	Gerdes

#### BANKING, COMMERCE, INSURANCE—Munnely, Chairman

Cooper	Peck	Williams
Klaver	Carpenter	Claussen

#### BUDGET—Liebers, Chairman

Thompson	Tews	Pizer
Marvel	Stryker	Fenske
Moulton		

#### EDUCATION—Syas, Chairman

Orme	Diers	Simmons
Adams	Otto	Erlewine

## GOVERNMENT—Williams, Chairman

Orme	Diers	Bridenbaugh
Skarda	Bowen	Erlewine

## JUDICIARY—Simmons, Chairman

Vosoba	Lautenschlager	McHugh
Adams	Cooper	Hollenbeck

## LABOR AND PUBLIC WELFARE—Claussen, Chairman

Aufenkamp	Klaver	Romans
Syas	Webb	Swanson

## MISCELLANEOUS SUBJECTS—Burbach, Chairman

Ruhnke	Bridenbaugh	Webb
Portsche	McHugh	Lautenschlager

## PUBLIC HEALTH—Klaver, Chairman

Claussen	Syas	Romans
Aufenkamp	Webb	Swanson

## PUBLIC WORKS—Ruhnke, Chairman

Waldo	Jensen	Donner
Russillo	Gerdes	Nelson

## REVENUE—Otto, Chairman

Portsche	Olinger	Peck
Munnelly	Carpenter	Burbach

## SALARIES AND CLAIMS—Aufenkamp, Chairman

Swanson	Donner	Romans
Russillo	Hollenbeck	Vosoba

## RULES—Marvel, Chairman

Cooper	Bridenbaugh	Otto
Klaver		

## INTERGOVERNMENTAL COOPERATION—Bridenbaugh, Chairman

## Members:

Swanson	Stryker	Nelson
Moulton		

## Alternates:

Portsche	Claussen	Lautenschlager
Syas		

Delegate at Large—Munnelly

Alternate at Large—Ruhnke

ENROLLMENT AND REVIEW—Vosoba, Chairman

(Signed) William Moulton, Chairman  
Committee on Committees

### **MOTION—Adopt Report**

Mr. President: I move that the report of the Committee on Committees be adopted. (Signed) William Moulton

The motion prevailed.

### **RESOLUTIONS**

#### **LEGISLATIVE RESOLUTION 1. Re: Legislative Council Study of State Election Laws and System.**

Introduced by Marvin Lautenschlager, 30th District.

WHEREAS, the election system is the cornerstone of the entire democratic process; and

WHEREAS, since the recent general election serious charges have been made concerning possible abuses of the election system in this state; and

WHEREAS, numerous failures on the part of election officials to comply with the election laws of this state; and

WHEREAS, the election laws of this state are in part cumbersome and outmoded; and

WHEREAS, the welfare of this state and the confidence of the people in the government of the state demand a thorough review of the election laws and system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee of seven members to conduct a full and complete study of the election laws and system in this state.

2. That the committee report its findings, together with such recommendations as it may deem proper, to the next regular session of the Legislature.

Referred to the Legislative Council Executive Board.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 1.** By David D. Tews of Legislative District 15 and Stanley L. Portsche of Legislative District 19.

A bill for an act to repeal sections 81-812.01 to 81-812.04, Reissue Revised Statutes of Nebraska, 1943, relating to state recreation grounds.

**LEGISLATIVE BILL 2.** By David D. Tews of Legislative District 15, John R. Cooper of Legislative District 1 and Joe T. Vosoba of Legislative District 23.

A bill for an act to amend sections 24-201.01 and 24-301.01, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to increase the salary of Chief Justice, Judges of the Supreme Court, and judges of the district court; to provide when a change in such salaries shall become operative; and to repeal the original sections.

**LEGISLATIVE BILL 3.** By Harold B. Stryker of Legislative District 17, Hans O. Jensen of Legislative District 25 and J. W. Burbach of Legislative District 14.

A bill for an act to amend sections 66-449, 66-451, and 66-461, Reissue Revised Statutes of Nebraska, 1943, relating to refund tax gasoline; to eliminate the requirement that the application for a permit to purchase refund tax gasoline be made under oath; to provide that claims for refund shall be made by statement rather than affidavit; to eliminate the requirement that the statement in the claim of all types of motor vehicle fuels other than refund tax gasoline purchased or required during the period covered by the claim be sworn; and to repeal the original section.

**LEGISLATIVE BILL 4.** By David D. Tews of Legislative District 15 and Don Thompson of Legislative District 33.

A bill for an act to amend section 23-1115, Revised Statutes Supplement, 1957, relating to the salary of county judges; to change the classification of counties for purposes of salaries of the county judges; to increase the salary of county judges; to provide when such increase shall be effective; and to repeal the original section.

**LEGISLATIVE BILL 5.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 21-608, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to include the Eastern Orthodox Church among the organizations made and declared to be corporations; and to repeal the original section.

**LEGISLATIVE BILL 6.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 32-530, Reissue Revised Statutes of Nebraska, 1943; to provide that a voter registered as an independent may vote the primary ballot of any political party; and to repeal the original section.

**LEGISLATIVE BILL 7.** By Terry Carpenter of Legislative District 42 and William R. Skarda, Jr. of Legislative District 7.

A bill for an act to amend sections 76-712 and 76-715, Reissue Revised Statutes of Nebraska, 1943, relating to eminent domain; to extend the time for perfecting an appeal from appraiser's report; to provide for notice to condemnee and contents thereof; and to repeal the original sections.

**LEGISLATIVE BILL 8.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 81-312, Reissue Revised Statutes of Nebraska, 1943, relating to the Blue-Sky Law; to remove the provision excepting any leasehold or other interest in oil, gas, or other minerals in the State of Nebraska from the provisions of the Blue-Sky Law; and to repeal the original section.

**LEGISLATIVE BILL 9.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to liquors; to provide when a retail liquor licensee, or person, partnership, unincorporated firm, association, or corporation interested, as specified in an existing license, shall be ineligible to receive an additional retail liquor license; to provide that this act shall not affect the continuance and renewal of any existing license; and to provide that this act shall not prevent anyone from standing in the relationship of lessor to any retail liquor licensee.

**LEGISLATIVE BILL 10.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to revenue and taxation; to authorize counties to impose a tax upon the privilege of engaging in the business of selling services, substances, and things in this act designated and defined; to authorize counties to impose a use tax; to provide for the collection of such taxes, the distribution and use of the revenue derived therefrom and the administration of such law; to provide for certain deductions and exemptions; to provide that such tax shall replace the property tax except as prescribed; to provide for submission to the voters of any county the question of adoption or discontinuance of the taxes authorized by this act; and to provide for violations and penalties.

**LEGISLATIVE BILL 11.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 21-303, Revised Statutes Supplement, 1957, relating to corporations; to change the amount of annual fees to be paid by corporations; and to repeal the original section.

**LEGISLATIVE BILL 12.** By Terry Carpenter of Legislative District 42 and William R. Skarda, Jr. of Legislative District 7.

A bill for an act relating to the advertisement and sale of merchandise; to make it unlawful to limit the number of items any purchaser may purchase, and to provide penalties.

**LEGISLATIVE BILL 13.** By Terry Carpenter of Legislative District 42 and William R. Skarda, Jr. of Legislative District 7.

A bill for an act to amend section 53-117, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to provide that all hearings before the Nebraska Liquor Control Commission shall be under the same rules of evidence that applies to hearings before a judge of the district court; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 14.** By Terry Carpenter of Legislative District 42 and John P. Munnelly of Legislative District 8.

A bill for an act to amend section 53-179, Revised Statutes Supplement, 1957, relating to liquors; to provide that any club that is a licensee to sell either beer or alcoholic liquors, or both, shall maintain the same closing hours as other similar licensees located in the same city or village; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 15.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 70-650.01, Reissue Revised Statutes of Nebraska, 1943, relating to public power and public power and irrigation districts; to provide for cities and villages to vote upon the question of whether the district shall convey the distribution system to the city or village prior to the time when the bonds or obligations of indebtedness are paid, and the effect of such election; and to repeal the original section.

**LEGISLATIVE BILL 16.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 32-1129, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to prohibit public power districts and public power and irrigation districts, or any officer, agent, or servant thereof, from giving or contributing any money, property, transportation, help, or assistance in any manner to be used or expended for any political purpose; to provide a penalty for such public power districts and public power and irrigation districts; to change the penalty for other corporations for violating the provisions of this act; and to repeal the original section and also section 32-1130, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 17.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to public power and public power and irrigation districts; to provide for a report of net profits from operations of the district together with the amount of other expenses of the district charged to the operation of the utility in the municipality.

**LEGISLATIVE BILL 18.** By Terry Carpenter of Legislative District 42.

A bill for an act to regulate fair employment practices; to define terms; to declare the public policy of the state with respect to discrimination in employment; to prescribe what shall be deemed unfair employment practices; to provide for recognition in contracts of public policy against discrimination; to provide for enforcement of this act; to provide for an educational program; to confer powers with respect to enforcement on the Department of Labor; to provide for judicial review of orders of the Department of Labor; to provide penalties; and to provide manner of citation of act.



**LEGISLATIVE BILL 19.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 2-1207, Reissue Revised Statutes of Nebraska, 1943, relating to the State Racing Commission; to provide for a tax on pari-mutuel wagering, the money from unclaimed wagers after thirty days, and one half of the state's share of the odd cents in the redistribution over the next lower multiple of ten shall be placed in the state treasury and credited to the General Fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 20.** By Terry Carpenter of Legislative District 42 and John P. Munnelly of Legislative District 8.

A bill for an act to amend section 53-125, Revised Statutes Supplement, 1957, relating to liquors; to provide that no liquor license of any kind shall be issued to any corporation when any stockholder thereof, owning in the aggregate more than five per cent of the stock thereof, would be ineligible for such license for any reason other than citizenship or residence; and to repeal the original section.

**LEGISLATIVE BILL 21.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 81-147, Reissue Revised Statutes of Nebraska, 1943, relating to the Purchasing Agent; to remove the condition that the Governor may remove the Purchasing Agent only for cause; and to repeal the original section.

**LEGISLATIVE BILL 22.** By Terry Carpenter of Legislative District 42 and William R. Skarda, Jr. of Legislative District 7.

A bill for an act relating to labor; to establish a minimum wage law; to define terms; to provide minimum wages, as prescribed; to provide duties for the employer, Secretary of State, and county attorneys; to provide for violations; to provide penalties; to provide the effect of this act; and to provide how this act may be cited.

**LEGISLATIVE BILL 23.** By Terry Carpenter of Legislative District 42 and John P. Munnelly of Legislative District 8.

A bill for an act to amend sections 53-103, 53-123, and 53-138.02, Reissue Revised Statutes of Nebraska, 1943, and section 53-124,

Revised Statutes Supplement, 1957, relating to liquors; to define terms; to provide for the licensing of nonprofit corporations for the sale of alcoholic liquors for consumption on the premises; to provide for the licensing of bottle clubs; to provide fees; to provide for applications to the Nebraska Liquor Control Commission; to provide for bonds; to provide for hearings and the giving of notice thereof; to provide for the issuance of licenses; to make certain acts unlawful; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 24.** By George Syas of Legislative District 4 and William Moulton of Legislative District 10.

A bill for an act to amend sections 81-812, 81-812.01, 81-812.02, and 81-812.03, Reissue Revised Statutes of Nebraska, 1943, relating to state parks and recreation grounds; to provide that no charge shall be made for the first seven days any person camps in a state park; to provide that the stamp now required for entry into recreation grounds also be required for entry into state parks; to change name of the State Recreation Ground Fund to the State Park and Recreation Ground Fund; to provide how revenues may be used; and to repeal the original sections.

**LEGISLATIVE BILL 25.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to insurance; to require proof of character and competency by the Director of Insurance of each applicant applying the first time for a license to sell insurance; to provide for a hearing and examination; to provide for exceptions to the act as prescribed; and to provide for a fee for a first-time applicant to sell insurance.

**LEGISLATIVE BILL 26.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to surety bonds; to provide that the Director of Insurance shall annually publish a list of companies licensed in this state and authorized to execute statutory bonds and the amount of the maximum single obligation each company may assume; to prescribe the maximum single obligation that each company may assume; to make certain acts unlawful; to provide penalties; and to provide for the suspension of licenses.

**LEGISLATIVE BILL 27.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to junior colleges; to provide for use of the existing facilities and equipment of junior colleges in

the furtherance of the educational program of the University of Nebraska, as prescribed.

**LEGISLATIVE BILL 28.** By John Aufenkamp of Legislative District 2, and Dale Erlewine of Legislative District 37.

A bill for an act relating to chiropractic; to require continual annual training of licensed chiropractors as prescribed; to provide for standards; to provide for the revocation and restoration of licenses; to provide a fee and the allocation thereof; to provide exceptions; and to declare an emergency.

**UNANIMOUS CONSENT—Add Co-introducer**

Mr. Aufenkamp asked unanimous consent to add the name of Arnold Ruhnke of Legislative District 22 as co-introducer of Legislative Bill 29. No objections. So ordered.

**LEGISLATIVE BILL 29.** By John Aufenkamp of Legislative District 2, Harold B. Stryker of Legislative District 17, J. W. Burbach of Legislative District 14, and Arnold Ruhnke of Legislative District 22.

A bill for an act to amend sections 77-1252 and 77-1253, Reissue Revised Statutes of Nebraska, 1943, relating to the taxation of grain and seed; to provide for apportionment of the tax levied on grain or seed produced between landlord and tenant, as prescribed; to provide for reporting of total production, the landlord's share, and the tenant's share by the tenant producer; to repeal the original sections; and to declare an emergency.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 30.** By Marvin Lautenschlager of Legislative District 30.

A bill for an act to amend section 85-106, Reissue Revised Statutes of Nebraska, 1943, relating to The Board of Regents of The University of Nebraska; to empower the board to provide, through the University Extension Division, for the holding of classes at various localities throughout the state; and to repeal the original section.

**LEGISLATIVE BILL 31.** By Arthur W. Swanson of Legislative District 36.

A bill for an act relating to and regulating the retail installment selling and financing of goods, including motor vehicles, and services; to define terms; to require the licensing of sales finance

companies; to vest the administration and enforcement of this act in the Department of Banking; to prescribe the powers, duties, authority and jurisdiction of such department with respect to this act; to authorize the adoption and promulgation of rules and regulations; to prescribe and regulate the form and content of contracts covering the retail installment sale of goods and services; to regulate the inclusion of insurance in a retail installment sale; to limit the amount of the finance charge that can be made for such retail installment sales; to require a partial refund of such charges on prepayment; to regulate delinquency charges; to make certain acts unlawful; to provide penalties; to provide how this act may be cited; to eliminate the provisions now existing for the purchase of installment paper as provided in sections 45-163 to 45-171, Revised Statutes Supplement, 1957; and to repeal sections 45-163, 45-164, 45-165, 45-166, 45-167, 45-168, 45-169, 45-170, and 45-171, Revised Statutes Supplement, 1957.

**President Burney Presiding**

**LEGISLATIVE BILL 32.** By William Moulton of Legislative District 10.

A bill for an act to amend section 24-703, Revised Statutes Supplement, 1957, relating to the retirement system for judges; to provide that the Auditor of Public Accounts shall make a deduction on the monthly pay roll of each judge of the Nebraska Workmen's Compensation Court as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 33.** By William Moulton of Legislative District 10, Dwain Williams of Legislative District 35, and Terry Carpenter of Legislative District 42.

A bill for an act to amend section 81-263.06, Reissue Revised Statutes of Nebraska, 1943, relating to Grade A milk; to eliminate the provisions requiring the date the milk was bottled to be shown on the container; to clarify the provisions thereof; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 34.** By William Moulton of Legislative District 10.

A bill for an act to amend sections 37-217, 37-220, 37-222, 37-223, and 37-224, Revised Statutes Supplement, 1957, relating to game and fish; to provide that the stamp required for the hunting of pheasant or quail be required beyond the time now prescribed; to require such stamp of any person hunting any upland game bird; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

**BUDGET MESSAGE  
OF  
GOVERNOR VICTOR E. ANDERSON**

January 7, 1959

The budget recommendation which I am presenting to this honorable body today represents a conservative middle-of-the-road approach to state spending. Nearly everyone in the state is familiar with my fiscal policies and my desire to provide all the necessary services to the people at the least possible expense, and at the same time to continue Nebraska's progress. I have at all times recommended that we be penny wise without being pound foolish. I am sure that our tax paying citizens have a right to expect this kind of administration.

I have always favored spending money to save money; in other words, spend money to improve methods which in the long run will be beneficial to our state. We have all seen the results which are obtained by this kind of program and I urge you to continue to probe and examine all spending, to continue to keep the taxpayers' interest foremost in your deliberations and to continue Nebraska's progress.

We frequently hear the statement that "our budget must be within our ability to pay". That is undoubtedly true, but it should not be the only test. We must not spend our financial resources simply because we are able to foot the bill. We must only spend when absolute need arises. Any other policy is foolhardy and builds a feeling of contempt for government.

Nebraska has the best tax record in the nation and this has not come about by accident. As a matter of fact, Nebraska's taxpayers paid \$1,348,000 less in property taxes last year than they paid in 1955. Many of you have served in previous sessions and know from first hand experience how we happen to be in our present enviable position. You are to be congratulated on your part in making such a record possible and my wish for you is the strength and courage to continue.

State budgeting is not merely a study of how to find a way to raise the money requested. It is the much more difficult task of determining whether the requests are for necessities. When it is felt that frills have been included, or that selfish pressure groups have been influential in the request, we are faced with the unpleasant job of saying so.

The budget presented to you today indicates an overall increase of 3.8 per cent. Some items, I believe, deserve specific comment.

The University of Nebraska has requested a substantial increase. I believe in our University, and I am convinced that we should keep it a strong institution, one that ranks high in the nation.

The "A" or Continuation Budget for the University requests salary increases for members of the faculty. We cannot have a high ranking University without a capable staff, and we cannot retain our capable staff unless we overcome our disadvantage in the current spirited competitive bidding for the services of our faculty by other educational institutions. I recommend that the "A" Budget increase of \$4,272,000 be granted.

We find ourselves in a rapidly changing agricultural situation. Not only is our agricultural economy changing, but also we are attempting to change our farming methods to keep pace with Twentieth Century progress. A great deal of the research which will enable us to maintain our progress can and should be done by our University. Of prime importance is the possible development of industrial uses for farm produce, research into groundwater and irrigation, continued research into better seeds which will produce better plants, more adaptable to Nebraska conditions. Very important to all of us is research into control of livestock diseases and many other items of vast importance to our agricultural economy.

In the "B" or Expansion Budget the University requested slightly less than two million dollars which is not for strictly educational purposes. Most of this money is for further development of our agricultural experiment stations and research, and directly benefits Nebraska's agricultural economy and our farmers and ranchers. I have recommended an increase of \$1,078,000 of the "B" Budget, \$796,500 of which is for the important research matters I have just mentioned. My recommendation is about one-half of the original request. After conferring with Chancellor Hardin and the Agricultural Advisory Council, I feel that this amount is necessary. This recommendation has the approval of the Agricultural Advisory Council. The Council is made up of leaders of our state who have taken a sound, realistic approach to the problem of development of agriculture in Nebraska. These people serve the state unselfishly, I am impressed with the reasonableness of their approach, and therefore recommend the foregoing amount.

Our Normal Schools have, for the past several years, faced many of the same problems that have plagued the University. High on the list of obstacles in the way of improved operation is the faculty salary schedule. Here again I have recommended that we raise our standards to somewhere near the average being paid by competing educational institutions. Therefore, I have recommended an increase of \$2,216,000.

Civil Defense should rank very high in your considerations this session. In the light of world conditions today, I feel I have a duty to call your special attention to the fact that protection of the lives and the property of our people is the responsibility of all officials at all levels of government. In this day of guided ballistic missiles, bombs of terrifying destructive power, and man made rockets orbiting in our universe, we can no longer expect invasion to begin on the perimeter of our country. Invasion can start anywhere, including Nebraska.

In the last three years our state has taken the lead in the preparation of comprehensive plans for Civil Defense and the preservation of government in an emergency. These plans have been approved by the federal government, and have served as models for the other states. I consider it important that they be put into effect immediately. Our previous appropriations for Civil Defense have been extremely modest, and in my opinion are now entirely inadequate. My budget recommends additional funds for this purpose.

Also included in my budget is the recommended increase for our State Safety Patrol. My recommendation indicates the necessity for an increase in order to keep the Patrol operating at its present level of service. The "B" Budget asks for a substantial increase in personnel with a corresponding substantial increase in funds.

I have allowed the request for increased personnel to remain in my budget, but only conditionally. The frightening highway fatality toll is something we cannot and must not ignore. However, the increase in fatalities experienced in Nebraska this past year did not occur on our state highway system. As a matter of fact, the state highway toll was somewhat less than in 1957. I believe this demonstrates the effectiveness of the comparatively small force in our highway patrol, and I would recommend some increase in personnel for work on our state highway system and the new interstate highway as it progresses. I do not recommend the entire requested increase unless the Legislature should decide that our Safety Patrol should engage in some work away from our state highway system. In other words, if additional patrol duties are assigned, I could recommend the entire request. If no additional duties are assigned, I could recommend only a modest increase in patrol personnel.

In the last session of the Legislature, a budget in excess of \$100,000 was granted to the Soil and Water Conservation Committee. \$50,000 represented an increase in the Committee's budget for an experiment. The experiment consisted of placing a part time state employee in the various federal soil conservation offices throughout the state, which then enabled the federal soil technicians

to do more work in the field. According to the reports made to me, the experiment was more successful than had been anticipated, and our agricultural population is enthusiastic for expansion of this service. Therefore I have recommended an increase of \$285,200 for the Committee.

The Board of Control has asked again for a modest increase in the mental health program. You will recall that at the last two sessions I specifically requested a substantial increase for this program. I did this because I felt that the program would be beneficial to Nebraskans, and also the program would be "spending money to save money". As a result of the Legislature's decision to grant an increased budget, we today have about 623 less mental patients than we had in 1955. We have about 623 more people leading normal lives, when just a few short years ago they could have been expected to remain in our mental institutions for the rest of their lives. We cannot measure a useful life in dollars but the facts show that the counties now have to pay a great deal less because of the reduction in the number of patients. True, the treatment costs the state more per patient but Dr. Wittson feels that in continuing the program, it will be possible to reduce our patient population by another 500 in the ensuing years. I am sure you will see the great need for continuing this program.

This session of this honorable body will be faced with many difficult and important decisions, not the least of which will be the appropriation bill. I have served in the Legislature, and I know from experience just how important your actions will be to the people of our state. You will be called upon to make decisions that affect the lives and bank accounts of all our people. I am sure that Nebraska's Legislature is a great deal more responsive to the wishes of the people than some of the complex Legislatures of other states. I am hopeful that your decisions will be made easily, simply because you are especially alert to the wishes of the people.

(Signed) Victor E. Anderson

### **BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 35.** By George Syas of Legislative District 4.

A bill for an act relating to the Governor; to provide that in case of vacancy in the office of Governor and there be no Lieutenant Governor or Speaker of the Legislature, the duties of the office shall be performed as prescribed until the vacancy is filled.



**LEGISLATIVE BILL 36.** By William Moulton of Legislative District 10, and Frank Nelson of Legislative District 28.

A bill for an act to amend section 37-501, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to permit shooting from public roads or highways except state highways, federal highways, or any hard-surfaced road not a part of the state or federal highway systems; to prohibit the discharge of firearms within one hundred fifty yards of occupied buildings; to provide exceptions; and to repeal the original section.

**LEGISLATIVE BILL 37.** By Marvin Lautenschlager of Legislative District 30.

A bill for an act to amend section 37-502, Revised Statutes Supplement, 1957, relating to game and fish; to prohibit snagging fish externally by hook and line; and to repeal the original section.

**LEGISLATIVE BILL 38.** By Arnold Ruhnke of Legislative District 22, Willard H. Waldo of Legislative District 21, and David D. Tews of Legislative District 15.

A bill for an act to amend section 39-7,108, Reissue Revised Statutes of Nebraska, 1943, and section 39-723, Revised Statutes Supplement, 1957, relating to highways; to provide that no person shall operate a motor vehicle at a rate of speed of fifty miles per hour on any highway or road that is not hard-surfaced; to provide that such speed shall be prima facie lawful on such highway or road; to harmonize provisions with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 39.** By Arnold Ruhnke of Legislative District 22, David D. Tews of Legislative District 15, and Willard H. Waldo of Legislative District 21.

A bill for an act to amend section 39-713, Revised Statutes Supplement, 1957, relating to highways; to change the penalty for throwing trash or litter on the highways; to require the placing of signs to give notice of the law and to inform of the penalty for violation thereof; and to repeal the original section.

**LEGISLATIVE BILL 40.** By Willard H. Waldo of Legislative District 21, A. A. Fenske of Legislative District 43, and Harold B. Stryker of Legislative District 17.

A bill for an act to amend section 54-766.03, Revised Statutes Supplement, 1957, relating to livestock; to provide when the en-

tire state shall be established as a brucellosis area; and to repeal the original section.

### **Adjournment**

At 3:21 p.m., on a motion by Mr. Ruhnke, the Legislature adjourned until 10:00 a.m., Thursday, January 8, 1959.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**THIRD DAY**

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Legislative Chamber, Lincoln, Nebraska

Thursday, January 8, 1959

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

The Journal for the Second Day was approved.

**Communications**

Letter from Norval B. Dame, Juneau, Alaska, sending a commemorative statehood stamp.

**Announcement—Committee Hearing Rooms**

The President announced that the hearing rooms for the various committees have been assigned as follows:

To the East Chamber: The committee on Agriculture, the committee on Labor, and the committee on Public Health.

To the East Lounge: The committee on Banking, Commerce and Insurance, and the committee on Government.

To the West Lounge: The committee on Education, and the committee on Public Works.

To the Supreme Court Hearing Room: The committee on Judiciary, and the committee on Miscellaneous Subjects.

To the Governor's Hearing Room: The committee on Budget.

To the Sixth Floor West Hearing Room: The committee on Salaries and Claims, and the committee on Revenue.

**Ease**

The Legislature was at ease from 10:09 a.m. until 10:30 a.m.

**STANDING COMMITTEE REPORTS****Agriculture**

Officers elected:

Frank Nelson ..... Vice Chairman  
Willard H. Waldo ..... Secretary

**Public Works**

Officers elected:

Michael P. Russillo ..... Vice Chairman  
Frank Nelson ..... Secretary

**Revenue**

Officers elected:

Stanley L. Portsche ..... Vice Chairman  
J. O. Peck ..... Secretary

**Salaries and Claims**

Officers elected:

John G. Donner ..... Vice Chairman  
Jack Romans ..... Secretary

**Education**

Officers elected:

Fern Hubbard Orme ..... Vice Chairman  
Dale Erlewine ..... Secretary

**Miscellaneous Subjects**

Officers elected:

Hal Bridenbaugh ..... Vice Chairman  
Stanley L. Portsche ..... Secretary

**Government**

Officers elected:

H. K. Diers ..... Vice Chairman  
Kenneth L. Bowen ..... Secretary

**Judiciary**

Officers elected:

Joe T. Vosoba ..... Vice Chairman  
Marvin Lautenschlager ..... Secretary

**Labor and Public Welfare**

Officers elected:

Jack Romans ..... Vice Chairman  
 Arthur W. Swanson ..... Secretary

**Public Health**

Officers elected:

Arthur W. Swanson ..... Vice Chairman  
 Lewis Webb ..... Secretary

**Budget**

Officers elected:

A. A. Fenske ..... Vice Chairman  
 David D. Tews ..... Secretary

**Announcement—Signatures on Bills**

President Burney announced that at least the original and press copies of all bills introduced should be signed and the district numbers indicated.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 41.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to amend section 77-202, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to exempt all household goods and personal effects not used for profit from taxation; to redefine property that is exempt from taxation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 42.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to amend sections 77-303, 77-304, 77-305, and 77-318, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to authorize the Tax Commissioner to decide disputed points in the revenue laws of the effect, and to state the effect thereof; to authorize the Tax Commissioner to

make rules and regulations; to provide for violations of rules and regulations; to provide penalties; to eliminate the dates when the Tax Commissioner shall furnish forms, as prescribed; to provide that after the effective date of this act property not returned by a deceased person shall be added to tax rolls without limitation as to the year which elapsed; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 43.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to amend section 77-509, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that the State Board of Equalization and Assessment may certify its order of increasing or decreasing valuations of real or personal property of a county to others than the county clerk, as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 44.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act relating to revenue and taxation; to provide that the real and personal property of public service companies shall be assessed by the Tax Commissioner; to provide for reports and the contents thereof; to provide for date of assessment; to provide for violations; to provide penalties; and to declare an emergency.

**LEGISLATIVE BILL 45.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to repeal Chapter 77, article 8, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; and to declare an emergency.

**LEGISLATIVE BILL 46.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to repeal Chapter 77, article 10, Reissue Re-

vised Statutes of Nebraska, 1943, relating to revenue and taxation; and to declare an emergency.

**LEGISLATIVE BILL 47.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to amend section 77-1611, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to abolish the poll tax; to increase the head tax and change the manner of allocation thereof; to repeal the original section, and also section 68-230, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 48.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to amend sections 68-230, 77-304, 77-305, 77-407, 77-708, 77-710, 77-713, 77-721, 77-1201, 77-1205, 77-1209.01, 77-1211, 77-1212, 77-1220, 77-1226, 77-1229, 77-1231, 77-1241.01, 77-1242, 77-1301, 77-1303, 77-1315, 77-1320, 77-1405, 77-1502, and 77-1611, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change the dates of reporting and assessing property for taxation; to change the dates when the county board of equalization shall meet; to fix the time for filing of complaints with the county board of equalization; and to repeal the original sections.

**LEGISLATIVE BILL 49.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to amend section 32-310, Revised Statutes Supplement, 1957, relating to elections; to provide that in the year 1962 and every four years thereafter, each county of the state shall elect a county assessor; and to repeal the original section.

**LEGISLATIVE BILL 50.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to amend section 30-603, Reissue Revised Statutes of Nebraska, 1943, relating to decedents' estates; to provide that no order for barring claims shall be entered by the court

until the court finds that all claims for tangible and intangible personal property taxes with respect to such estate within the county of probate have been filed, as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 51.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to amend section 77-413, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to clarify the provisions thereof; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 52.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to public improvements; to require the registering of certain equipment that is used in the repair, alteration, improvement, erection, or construction of any public improvement as prescribed; to provide for fees; to provide for violations; to provide penalties; and to declare an emergency.

**LEGISLATIVE BILL 53.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to repeal sections 86-501, 86-504, 86-505, 86-506, 86-507, 86-508, and 86-509, Reissue Revised Statutes of Nebraska, 1943, relating to express companies; and to declare an emergency.

**LEGISLATIVE BILL 54.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to amend sections 77-1301, 77-1311, 77-1314, and 77-1315, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that the provisions for employing a real estate and personal property classification and reappraisal shall apply to all counties; to provide that county assessor shall obey all rules and regulations made and instructions sent out by the Tax Commissioner; to provide that notices to be sent to owners for changes to a higher figure be based on assessed value; to provide duties for the county surveyor for adding new lands to the tax rolls due to the activity of any river, stream, or



other body of water, as prescribed; to provide for adding of such land where the county has no county surveyor or where the county surveyor fails to perform his duties; to eliminate employment of experts to determine values of real estate and building and to aid in valuation of real estate and buildings for assessment purposes in counties having a population of more than two hundred thousand inhabitants; to eliminate duties for Auditor of Public Accounts in listing lands becoming taxable for the first time; to repeal the original sections, and also sections 77-1302, 77-1306, 77-1307, 77-1308, and 77-1319, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 55.** By Terry Carpenter of Legislative District 42, David D. Tews of Legislative District 15, and John P. Munnelly of Legislative District 8.

A bill for an act to amend sections 77-1502, 77-1510, 77-1511, and 77-1514, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide for a separate written report as to each action taken in respect to equalization of values of property by the county board of equalization and contents thereof; to provide a copy of such report shall be sent certain taxing offices, as prescribed; to provide for time for appeals from county board of equalization and jurisdiction of such board after appeal has been initiated; to provide for refunds by county treasurer upon receiving a certified copy of final order on appeal; to provide procedure in district court on appeal from county board of equalization; to eliminate certain information from abstract of assessment; to eliminate provisions for equalization between taxing districts by county board of equalization; to eliminate provisions for holding tax funds during the time an appeal is pending; to repeal the original sections, and also sections 77-1505 and 77-1512, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 56.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend sections 77-701, 77-703, 77-705, 77-706, 77-707, 77-711, 77-713, 77-714, 77-716, 77-721, and 77-725, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to reclassify Class A and B intangible property; to increase the mill levy on Class B intangible property; to provide that shares of stock of corporations shall be returned and assessed to the individual owners at actual value and at the rate of eight mills, except as prescribed; to provide that corporations shall report to the Tax Commission the name and address of the owners of its shares of

stock; to eliminate the deductions on domestic building and loan stock or shares; to provide that the tax on banks, industrial loan and investment companies, and trust companies shall be in lieu of only intangible property of such institutions; to eliminate the provisions for listing or aiding in listing intangible tax by taxing authorities; to provide a statement to be printed on all schedules and the signing of the same under penalty of perjury; to eliminate the provisions for signing intangible schedules under oath; to provide the type of notice and how to be sent to a taxpayer failing to file a return for intangible property or omitting intangible property from his return; to provide duties for Tax Commissioner; to provide penalties; and to repeal the original sections, and also sections 77-715 and 77-722, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 57.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend sections 77-104, 77-105, 77-106, 77-107, and 77-112, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to redefine terms; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 58.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to revenue and taxation; to provide a procedure for the determination of certain property as exempt from taxation; and to provide duties for certain officers, as prescribed.

**LEGISLATIVE BILL 59.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to liquors; to require the filing by any holder and applicant for renewal of liquor licenses of a copy of that portion of his most recent federal income tax return which reflects the ownership of his business as such licensee; and to provide that such information shall be confidential.

**LEGISLATIVE BILL 60.** By Marvin Lautenschlager of Legislative District 30 and David D. Tews of Legislative District 15.

A bill for an act to amend section 39-7,128, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide a graduated scale of points for conviction for failure to stop and render aid as required under the laws of this state in the event of a motor

vehicle accident resulting in property damage; and to repeal the original section.

**LEGISLATIVE BILL 61.** By Sam Klaver of Legislative District 6.

A bill for an act to amend section 21-846, Reissue Revised Statutes of Nebraska, 1943, and section 21-838, Revised Statutes Supplement, 1957, relating to religious associations; to provide that directors of any religious associations, as defined in subdivision (2), (4), or (5) of section 21-834, Reissue Revised Statutes of Nebraska, 1943, may make a deed of conveyance or encumbrance; and to repeal the original section.

**LEGISLATIVE BILL 62.** By George Syas of Legislative District 4, John R. Cooper of Legislative District 1, and Stanley L. Portsche of Legislative District 19.

A bill for an act to amend sections 37-101, 37-307, and 37-308, Revised Statutes Supplement, 1957, relating to game and fish; to include the mourning dove as a game bird in the provisions of Chapter 37, Reissue Revised Statutes of Nebraska, 1943, and amendments thereof; and to repeal the original sections.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Syas asked unanimous consent to add the names of Michael P. Russillo of Legislative District 9, William R. Skarda, Jr., of Legislative District 7, John P. Munnely of Legislative District 8, and Sam Klaver of Legislative District 6 as co-introducers of Legislative Bill 63. No objections. So ordered.

**LEGISLATIVE BILL 63.** By George Syas of Legislative District 4, William Moulton of Legislative District 10, John Adams, Sr. of Legislative District 5, John P. Munnely of Legislative District 8, William R. Skarda, Jr. of Legislative District 7, Michael P. Russillo of Legislative District 9, and Sam Klaver of Legislative District 6.

A bill for an act to amend sections 79-1007.01 and 79-1007.02, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that the aggregate school tax in fifth class school districts, exclusive of the special levies to pay accrued liabilities of the retirement fund and a levy of not to exceed four mills for the site and building fund, shall be such number of mills as may be determined by the board of education to be necessary for the general

operation of the schools, and for the payment of interest on and retiring, funding or servicing bonded indebtedness of the district; to repeal the provision that the number of mills levied for the site and building fund shall be reduced by the number of mills levied for the bond fund; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 64.** By Arnold Ruhnke of Legislative District 22 and Harold B. Stryker of Legislative District 17.

A bill for an act to amend section 60-407, Revised Statutes Supplement, 1957, relating to motor vehicle operators' licenses; to provide for the issuance of a learner's permit to minors who have attained the age of fourteen years as prescribed; to prescribe the conditions under which such minors may operate a motor vehicle under such permit; to eliminate an erroneous cross reference; and to repeal the original section.

**LEGISLATIVE BILL 65.** By Arnold Ruhnke of Legislative District 22 and Dale Erlewine of Legislative District 37.

A bill for an act relating to motor vehicle operators' permit; to provide that no person whose permit has been suspended or revoked shall operate, solely for transportation on the streets, roads, or highways of this state any motor driven vehicle for which such permit is not required; and to provide penalties.

**LEGISLATIVE BILL 66.** By Arnold Ruhnke of Legislative District 22 and Joe T. Vosoba of Legislative District 23.

A bill for an act to amend section 39-714.03, Revised Statutes Supplement, 1957, relating to highways; to require the Department of Roads to erect and maintain signs along any state highway passing through any city or village when requested to do so by the governing body of such city or village; and to repeal the original section.

**LEGISLATIVE BILL 67.** By Don Thompson of Legislative District 33, A. A. Fenske of Legislative District 43, Stanley L. Portsche of Legislative District 19, and William Moulton of Legislative District 10.

A bill for an act relating to oil and gas; to define terms; to prohibit the waste of oil and gas or the contamination of water in the State of Nebraska; to create the Nebraska Oil and Gas Conservation Commission; to define the powers and duties of the

Oil and Gas Conservation Commission with respect to conservation of oil and gas; to provide for a technical advisor; to provide for the enforcement of the provisions of this act and the rules, regulations and orders of the commission; to provide for the filing and hearing of complaints concerning waste of oil and gas; to provide for appeals; to provide for violations; to provide penalties; to provide for a Director of Oil and Gas Conservation and employees, defining their powers and duties; to provide for a method of financing the enforcement of this act; and to repeal sections 57-214, 57-215, 57-216, 57-217, 57-225, and 57-226, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 68.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend sections 77-1201, 77-1203, 77-1206, 77-1214, 77-1220, 77-1226, 77-1229, 77-1232, 77-1233, 77-1235, 77-1236, 77-1239, 77-1239.02, 77-1240, and 77-1240.01, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide for listing of personal property; to eliminate the listing of franchises of corporations; to provide that property of all persons shall be listed; to provide the method of determining the value of improvements on leased land; to provide that a distress warrant shall be issued when any person attempts to sell all or substantial part of his personal property, a levy of attachment is made upon personal property, or a person attempts to or removes property from the county, city, or village; to change the dates for listing of pledged property by pawnbrokers; to eliminate the provisions for listing of property by using average inventory; to eliminate the method for taxing and assessing motion picture distributors, sugar manufacturers, and oil dealers; to eliminate the interrogatories and questions on schedule or statement; to eliminate the provisions for taxing of money invested in government bonds; to provide a penalty for failure to list such property by pawnbrokers on time; to change dates for listing of property in warehouses; to eliminate the provision of verifying statements of personal property under oath or delivering the statements to the taxpayer; to reduce penalties for failure, refusal or fraudulently furnishing of schedule or statement; to provide for signed statement of taxpayer or schedule or statement; to provide for inspection of books, and inventories of taxpayer and procedure therefor; to provide for determination of the value of motor vehicles; to provide for the taxation of lessees and users of tax-exempt property; to repeal the original sections and also sections 77-1202.01, 77-1202.02, 77-1209.01, 77-1222, 77-1223, 77-1224, 77-1230, 77-1231, and 77-1237, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Lautenschlager asked unanimous consent that his name be added as co-introducer of Legislative Bill 3. No objections. So ordered.

Mr. Lautenschlager asked unanimous consent to add the name of Harold B. Stryker of Legislative District 17 as co-introducer of Legislative Bill 30. No objections. So ordered.

**Ease**

The Legislature was at ease from 11:01 until 11:27 a.m.

**Communications**

Frank Marsh, Secretary of State, appeared and read the following communication:

January 8, 1959

The Speaker of the Legislature  
Sixty-Ninth Session of the  
Legislature of Nebraska

Honorable Speaker:

Pursuant to Section 32-1014, Revised Statutes of Nebraska, 1943, as amended, I herewith personally deliver to you all papers relating to the contested election involving William R. Skarda, Jr. as incumbent member of the Seventh District of the Nebraska Legislature and Charles F. Tvrdik as contestant.

The papers are delivered to you in the chronological order in which they were received in the office of Secretary of State as follows:

1. NOTICE OF CONTEST OF ELECTION by Charles F. Tvrdik including signed return by Douglas County Deputy Sheriff Charles E. Lenz, which paper was filed in the office of Secretary of State Frank Marsh November 24, 1958.
2. COMPLAINT in the matter of the election contest of Charles F. Tvrdik, Contestant, vs. William R. Skarda, Jr., Incumbent, as filed in the office of Secretary of State Frank Marsh November 24, 1958.

3. Certified copy of BOND in the amount of \$500.00 as filed in the office of Secretary of State Frank Marsh November 24, 1958.
4. Copy of the Affidavit of Service and Order concerning delivery of ballots, poll books and tally sheets in all of the voting districts comprising the Seventh Legislative District, Douglas County, Nebraska, which papers were filed December 19, 1958.
5. DEPOSITIONS of Charles F. Tvrdik, Albert E. May, Robert Saxton, Charles E. Lenz, Jerry W. Runa, Bernard J. Plummer, Joseph E. Stanek, Joseph Barta, Paul A. Hotovec, James W. Everhart, and William F. Goodro, Jr., personally delivered under seal by Edna E. McFarland, Notary Public in and for the State of Nebraska, and filed December 19, 1958.
6. RESPONSE in the matter of contest of election, Seventh Legislative District, State of Nebraska, filed December 30, 1958.
7. DEPOSITION of Herman E. Kuppinger personally delivered under seal by Edna E. McFarland, Notary Public in and for the State of Nebraska, and filed December 31, 1958.

The said depositions referred to above were received by the Secretary of State and preserved unopened until this date and are submitted to you under seal.

I also report to you that all the purported ballots and poll books in the above mentioned contest were delivered to me by Edna E. McFarland, Notary Public in and for the State of Nebraska, December 19, 1958, and have been held in custody by me since that date pursuant to Section 32-1013, Revised Statutes of Nebraska, 1943, as amended, and I am at this time ready to transmit such purported ballots and poll books, unopened, to the Speaker of the Legislature although it will be physically impossible to include them in the same envelope with the depositions as is contemplated by law.

Respectfully submitted,

(Signed) Frank Marsh  
FRANK MARSH  
Secretary of State

FM:mr

The Secretary of State, Frank Marsh, presented the unopened material to the Speaker of the Legislature.

Speaker Pizer presented the material to President Burney who opened the papers relating to the contested election in the presence of the Legislature.

President Burney presented the material to Mr. Moulton, chairman of the special contest committee for the seventh district.

Frank Marsh, Secretary of State, read the following communication:

January 8, 1959

The Speaker of the Legislature  
Sixty-Ninth Session of the  
Legislature of Nebraska

Honorable Speaker:

Pursuant to Section 32-1014, Revised Statutes of Nebraska, 1943, as amended, I herewith personally deliver to you all papers relating to the contested election involving Willard H. Waldo as incumbent member of the Twenty-First District of the Nebraska Legislature and George F. Fulton as contestant.

The papers are delivered to you in the chronological order in which they were received in the office of Secretary of State as follows:

1. COMPLAINT in the matter of George F. Fulton, contestant, vs. Willard H. Waldo, Incumbent, filed in the office of Secretary of State Frank Marsh November 24, 1958.
2. Certified copy of COST BOND filed in the above mentioned contest matter in office of Secretary of State Frank Marsh November 24, 1958.
3. AFFIDAVIT OF SERVICE signed by Dorsey D. Baird, Court Reporter, and filed in the office of Secretary of State December 31, 1958.
4. DEPOSITIONS of sundry witnesses taken before Dorsey D. Baird, as Notary Public, in the above mentioned contest matter, delivered to me under seal, and filed in the office of Secretary of State December 31, 1958.
5. ORDER concerning delivery of ballots and poll books of each and all of the voting precincts comprising the Twenty-



First Legislative District, Gage County, State of Nebraska, signed by Dorsey D. Baird, Notary Public, and filed in the office of Secretary of State Frank Marsh January 2, 1959.

The said depositions referred to above were received by the Secretary of State and preserved unopened until this date and are submitted to you under seal.

I also report to you that all the purported ballots and poll books in the above mentioned contest were delivered to me by Dorsey D. Baird, Notary Public, December 31, 1958, and have been held in custody by me since that date pursuant to Section 32-1013, Revised Statutes of Nebraska, 1943, as amended, and I am at this time ready to transmit such purported ballots and poll books, unopened, to the Speaker of the Legislature although it will be physically impossible to include them in the same envelope with the depositions as is contemplated by law.

Respectfully submitted,

(Signed) Frank Marsh  
FRANK MARSH  
Secretary of State

FM:mr

Secretary of State Frank Marsh transmitted the unopened material to the Speaker of the Legislature.

Speaker Pizer presented the material to President Burney who opened the papers relating to the contested election in the presence of the Legislature.

President Burney referred the material to Mr. Portsche who accepted the material as chairman of the special contest committee for the twenty-first district.

Secretary of State Frank Marsh read the following communication:

January 8, 1959

The Speaker of the Legislature  
Sixty-Ninth Session of the  
Legislature of Nebraska

Honorable Speaker:

Pursuant to Section 32-1014, Revised Statutes of Nebraska, 1943,

as amended, I herewith personally deliver to you all papers relating to the contested election involving Ralph G. Brooks as incumbent Governor of the State of Nebraska and Joseph S. Wishart as contestant.

The papers are delivered to you in the chronological order in which they were received in the office of Secretary of State as follows:

1. NOTICE OF ELECTION CONTEST by Joseph S. Wishart and return by Lancaster County Deputy Sheriff Glenn A. Allen filed in the office of Secretary of State November 24, 1958.
2. CERTIFIED COPY OF BOND AND CERTIFIED CHECK filed in the above captioned contest and approval thereof by Secretary of State Frank Marsh which bond and approval was filed in the office of Secretary of State November 24, 1958.
3. ANSWER, DESIGNATION AND CONDITIONAL REQUEST to the said Notice of Contest filed by Bernard J. Boyle for Ralph Brooks, November 28, 1958.
4. DEPOSITIONS taken in the matter of the contest of the election of Ralph G. Brooks to the office of Governor of the State of Nebraska, which depositions were in four separate volumes which were sealed together, personally delivered by Chauncey E. Barney, Notary Public, and filed in the office of Secretary of State Frank Marsh January 7, 1959.

The said depositions referred to above were received by the Secretary of State and preserved unopened until this date and are submitted to you under seal.

I also report to you that pursuant to Section 32-1013, Revised Statutes of Nebraska, 1943, as amended, all of the purported ballots and poll books in the above mentioned contest were delivered to Hugo Srb, Clerk of the Nebraska Legislature, and to me as persons named to receive the same. Purported ballots and poll books were received from all of the 93 counties of the State of Nebraska except Dakota, Morrill, and Scotts Bluff Counties. Mr. Srb and I hold keys to the vault in the State Capitol Building in which said ballots are now under our custody. Delivery to me as Secretary of State was made under date of January 7, 1959 by Chauncey Barney and Robert Conrad, Notaries Public in this contest. I am at this time

ready to transmit such purported ballots and poll books, unopened, to the Speaker of the Legislature although it will be physically impossible to include them in the same envelope with the depositions as is contemplated by law.

Respectfully submitted,

(Signed) Frank Marsh  
Secretary of State

FM:mr

#### **MOTION—Vault Keys**

Mr. President: I move that pending further order of this Legislature that one key to the locked vault containing the ballots remain in the custody of the Speaker and the other in the custody of the Clerk. (Signed) William Moulton

The motion prevailed.

#### **MOTION—Committee on Committees**

Mr. President: I move that the matter of the election contest relating to the office of Governor and all documents pertaining thereto be referred to the Committee on Committees for study and report back to the legislature as to their recommendations pertaining to further procedure. (Signed) Harry L. Pizer, Speaker

Mr. Adams moved that the Pizer motion be amended by including a time limit of fifteen days from this day for the Committee on Committees to report to the Legislature.

Mr. Bridenbaugh requested unanimous consent that the Pizer motion be held over until tomorrow and be made the first order of business.

Mr. Jensen objected.

Mr. Marvel moved the previous question. The motion prevailed with 31 ayes, 8 nays, and 4 not voting.

The Adams amendment was adopted with 39 ayes, 1 nay, and 3 not voting.

Mr. Bridenbaugh moved that the vote on the Pizer motion be postponed until tomorrow. The motion lost with 14 ayes, 24 nays, and 5 not voting.

The Pizer motion prevailed as amended with 37 ayes, 4 nays, and 2 not voting.

President Burney presented the unopened material to Mr. Moulton, Chairman, Committee on Committees.

### **Notice of Special Contest Committee Meetings**

Mr. Moulton, chairman of the special contest committee for the seventh district, and Mr. Portsche, chairman of the special contest committee for the twenty-first district, announced that there would be a meeting of the two committees at 1:30 p.m. today in the East Senate Lounge.

### **UNANIMOUS CONSENT—Add Co-introducer**

Mr. Swanson requested unanimous consent that the name of Marvin Lautenschlager of Legislative District 30 be added as co-introducer of LB 31.

No objections. So ordered.

### **UNANIMOUS CONSENT—Inaugural Ceremonies**

Mr. Pizer requested unanimous consent that the inaugural ceremonies be held as they have in the past.

No objections. So ordered.

### **Recess**

At 12:20 p.m., on a motion by Mr. Donner, the Legislature recessed until 2:00 p.m.

### **After Recess**

The Legislature reconvened at 2:01 p.m., President Burney presiding.

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

The wives of the state officers-elect were escorted to the front of the Chamber by officers of the Nebraska National Guard.

Mrs. Brooks was escorted to the front of the Chamber by an officer of the Nebraska National Guard.

Joseph J. Brown, Richard H. Larson, and Wayne R. Swanson, Railway Commissioners were escorted to the rostrum.

The following named officers were escorted to the rostrum:

Ray C. Johnson, Auditor of Public Accounts

Richard Larsen, State Treasurer

Clarence S. Beck, Attorney General

Frank Marsh, Secretary of State

The Chief Justice and Associate Justices of the Supreme Court were escorted into the Legislative Chamber.

Governor Victor E. Anderson was escorted into the Legislative Chamber by General Henninger.

Governor-elect Ralph G. Brooks was escorted to the rostrum by General Campbell.

#### **MOTION—Committee Appointment**

Mr. President: I move that a committee of three be appointed to wait upon the Secretary of State for him to certify that Governor Ralph G. Brooks, Lieutenant Governor Dwight W. Burney, Auditor of Public Accounts Ray C. Johnson, State Treasurer Richard R. Larsen, Attorney General Clarence S. Beck, Railway Commissioner Joseph J. Brown have furnished bond and have taken oath and both are on file with the Secretary of State; and that the same committee call upon the Auditor of Public Accounts for him to certify that the Secretary of State, Frank Marsh, has furnished bond and oath and that both bond and oath are on file with the Auditor of Public Accounts. (Signed) Marvin Lautenschlager.

The motion prevailed and the President appointed the following members to serve on said committee: Lautenschlager, Donner, Hollenbeck.

The committee retired and subsequently returned with following:

#### **STATE OF NEBRASKA DEPARTMENT OF STATE**

Frank Marsh, Secretary of State of the State of Nebraska does hereby certify that Governor Ralph G. Brooks, Lieutenant Governor Dwight W. Burney, Auditor of Public Accounts Ray C. Johnson, State Treasurer Richard R. Larsen, and Attorney General Clarence S. Beck have filed their bonds and oaths with the Secretary of State as required by law.

I further certify that the required oaths have been filed in the office of Secretary of State by Joseph J. Brown, Member of the Nebraska State Railway Commission; John W. Yeager, Justice of the Supreme Court representing the Second District; Fred W. Messmore, Justice of the Supreme Court representing the Fourth District; and Edward F. Carter, Justice of the Supreme Court representing the Sixth District.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this eighth day of January in the year of our Lord, one thousand nine hundred and fifty-nine.

(Signed) Frank Marsh  
Secretary of State

(SEAL)

#### **Speaker Pizer Presiding**

#### **Oaths of Office**

The oath was administered to the following State Officers-elect by Chief Justice Robert G. Simmons:

Joseph J. Brown, Railway Commissioner

Ray C. Johnson, Auditor of Public Accounts

Richard Larsen, State Treasurer

Clarence S. Beck, Attorney General

Frank Marsh, Secretary of State

The oath was administered to Associate Justices Edward F. Carter, Fred W. Messmore, and John W. Yeager by Chief Justice Robert G. Simmons.

The oath was administered to Lieutenant Governor Dwight W. Burney by Chief Justice Robert G. Simmons.

#### **Oath of Office to Governor**

The oath was administered to Governor Ralph G. Brooks by Chief Justice Robert G. Simmons.

#### **INAUGURAL ADDRESS OF GOVERNOR RALPH G. BROOKS**

**January 8, 1959**

Mr. President, Mr. Speaker, Chief Justice and Associate Justices of the Supreme Court, Senators of the Sixty-ninth Session of the Legislature of the State of Nebraska:

I wish to discuss a few of our many problems which I think should be paramount in our deliberations.

### REVENUE

Taxation is one of our first considerations. Specifically I would focus our attention on:

Assessment,

Enforcement, and

Extension of the taxing power to proper fields of revenue.

In assessment there should be an adequate, indiscriminate and equitable valuation of real, personal and intangible property.

If enforcement fails because of the nonfeasance of local officers, it is the duty of the Governor to remove the officials. If it fails because of inadequate machinery or defective laws, the situation should be remedied by legislation. Let us make it clear that the Governor of this State will enforce the tax laws at any level and at any time with dispatch and with impartiality.

As to the extension of the taxing power to proper fields of revenue, I mention the fact that of twenty-five states that have pari-mutuel betting, Nebraska is the only one that receives no revenue from taxation. The proposal to tax this activity has been a plank in the State Democratic Platform in 1956 and in 1958. Taxing legalized games of chance is also a legitimate source of revenue.

Immunity from taxation of non-profit organizations should also be the subject of survey. There is no intention here to hamper the institutions which these considerations may affect. It is rather a stated belief that both the Legislature and those who are concerned should approach and decide the problem in a realistic manner that will, in the long run, prove satisfactory and beneficial to all. Let us here observe that the largest non-profit organization in which our taxpayers and ourselves are vitally interested is the State of Nebraska itself.

### HOUSEHOLD GOODS

The unrealistic tax on household goods, from both the standpoint of assessment and enforcement, should be abolished.

### THE TAX COMMISSIONER

The Office of Tax Commissioner should be divorced from extraneous duties so that he may devote the entire resources of himself and office to this vital service.

Revenue collected by other states, which Nebraska does not collect, is in the form of interest on idle time state funds on deposit. A low interest rate on these time deposits should be profitable to such depositories and bring revenue to the State of Nebraska. The State Treasurer should be directed to offer these funds on time deposits to Nebraska institutions on terms set forth by you and the Treasurer should also be directed to invest any remainder in U. S. Government Bonds. I recommend that Your Honorable Body consider legislation implementing this procedure.

### HIGHWAY SAFETY

As pressing as the tax situation, and more critical, is the death toll on our state highways. I am suggesting that the Legislature immediately consider the enactment of measures to:

Reduce the speed limit on non-hard surface roads to 50 miles per hour by day and 45 miles per hour by night. These speeds are approved by established engineering formulae.

Post non-hard surface roads with the new speed limits.

Increase patrol service to add new roads to the patrol system and improve the patrol of present roads.

Coordinate the State Patrol with county and local peace officers.

Provide for stricter standards of examination and re-examination for drivers' licenses.

Increase penalties for first offenders.

Increase penalties for drunken drivers.

When a few people are killed in a burning building or there is a drowning in a lake, we look upon it with horror. Today, at the end of 1958, there are 343 vacant places in the homes of people whose loved ones were killed on our highways. I therefore recommend immediate passage, with the emergency clause, of legislation embodying the aforesaid principles together with what other supplementary measures Your Honorable Body may include.

This is not alone the problem or responsibility of the Legislature. Therefore, the Office of Governor will call within twenty days a conference of county attorneys, sheriffs, judges, lay groups interested in traffic safety, and other law enforcement officers to meet with the State Highway Patrol authorities and to discuss:

A new concept for adherence to the basic speed laws.



More careful investigation of accidents.

Stricter enforcement of revoked drivers' licenses.

The matter of arrest and convictions.

Securing the interest and enlisting the aid of all media of communication, press, radio, and television to bring this vital factor of daily living squarely before all our people.

### EDUCATION

Our school systems are so organized that the cost of education ranges from \$200 per pupil per year to \$600 per pupil per year in schools of the same class and with the same number of teachers; in our state the taxable wealth back of each individual pupil ranges from \$3,200 per pupil to \$50,000 per pupil. School costs are becoming confiscatory in some communities. Our talk about equality of educational opportunity becomes a travesty. The smallest economic-political unit that can grapple with this situation is the State of Nebraska. The Legislature is the School Board of the State of Nebraska.

In higher education, the University of Nebraska and the State Teachers Colleges, the problem is the maintenance of qualified instructors and adequate equipment.

### HIGHWAYS

The work of the Highway Department will go forward as rapidly as possible and will meet the requirements of Federal Aid, so that neither time nor money will be lost. There have been some complaints on the Sufficiency Rating. The State Engineer, with the Highway Advisory Commission, will study this policy-making guide, and if any defects exist, will remedy them in order to clarify its terms and facilitate its fair and impartial application to Nebraska's road needs.

### AGRICULTURE

In the technology of food production and the use of tranquilizers, antibiotics and hormones in livestock feeding, agriculture in Nebraska must avail itself of the latest research. Improved seed, fertilizers, insecticides, irrigation and labor-saving devices contribute to the continuing transformation of farm production. One of the most important and far-reaching concerns is the use and conservation of Nebraska's vast underground water supply. These are the factors which should bring Nebraska to the forefront in industrial use of farm products and in the whole field of Agri-Business.

## NEBRASKA RESOURCES

I heartily favor the work of the Division of Nebraska Resources. I will welcome the efforts of the Legislature to improve and strengthen its activities. The promotion of tourist travel and industrial development are absolutely essential if we are to capitalize upon the resources of our great State.

## BOARD OF CONTROL AND HIGHWAY COMMISSION

The people of Nebraska have, by constitutional amendment, empowered the Legislature, on the one hand to abolish the Board of Control, and on the other hand to create a new and independent commission for the operation of the State Highway Department. It appears that these ideas are in conflict. One abolishes a board, the other creates one. I feel that the conflict, apparent or real, should be one for serious study by the Legislature.

If the Board of Control is to be eliminated, I suggest that the activities now conducted by it be divided between two directors appointed by, and serving directly under, the Office of Governor. These might be the Division or Department of Correction, having in charge all of the penal institutions of the State. The other would be the Department of Public Assistance, whose work would entail the administration of the State Hospitals and the State assistance agencies, since these two activities constantly interweave in their operation.

## CIVIL DEFENSE

The United States Office of Civil and Mobilization Defense has designated five critical target areas in Nebraska. It is the obligation of every citizen and every official at all levels of government to realize that "target area" means danger area. We should, therefore, render all support and assistance to the Civil Defense Agency of Nebraska.

## BUDGET

We are confronted with an unprecedented budgetary request for the current biennium. All but ten of the forty-six spending agencies requested increases. The budget for the last biennium amounted to \$338,049,309.51. The requested budget amounts to \$351,288,881.82, or an overall proposed increase of \$13,239,572.31. Any increase must be accompanied by a definite showing of the additional service to be rendered and a distinctly demonstrated demand for that service.

## BI-PARTISAN COMMISSION

It is in my mind to appoint a bi-partisan commission of able and conscientious citizens to analyze the operation of the State government with a view to streamlining its activities and reducing the expenditures of the government. This, of course, will be an extra-legal body and will not entail any expense on the part of the State.

## MAINTENANCE

When a new building is erected or new equipment purchased, maintenance begins on the first day. We cannot afford to let our investment deteriorate by reason of neglect in custodial care or in lack of essential repair. Money spent in maintenance and repair is the best insurance against large expenditures later on to make up for day-to-day inattention. This situation is emphasized by the thousands of dollars requested by various agencies for renovation and replacement and by evidences of the need for like attention to the Capitol building itself.

## CIVIL SERVICE

I do not believe that the employees in the State House and in the several institutions under our authority should be subject to political compulsion. I believe that we should look forward to the establishment of a State Civil Service plan by which terms of service, salary and retirement should be included. I believe that it also should include safeguards against inefficiency, incompetence and disregard for authority. In this connection, let me also say that I will not seek or accept and will have no one in my name seek or accept any contributions for the purpose of supporting me in any political campaign. If employees wish to contribute to another political party, they should feel free to do so without fear of compromising their employment. I do not believe that employees of the State should buy or pay rent on their jobs.

I have been placed in a position of authority. Authority imposes responsibility. I have accepted the authority. I will not evade the responsibility. I will make mistakes. I need your help and counsel. I ask your help and counsel.

Senators of the Sixty-ninth Session of the Legislature of the State of Nebraska, individually and collectively, I thank you.

(Signed) Ralph G. Brooks

President Burney Presiding

**Announcement**

President Burney announced that a reception would be held in the Governor's office immediately following adjournment.

Governor Brooks was escorted from the Chamber by General Henninger.

Governor Anderson was escorted from the Chamber by General Campbell.

The Chief Justice and Associate Justices of the Supreme Court were escorted from the Chamber.

The State Officers were escorted from the Chamber.

Mrs. Brooks and the State Officers' wives were escorted from the Chamber.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 69.** By Dwain Williams of Legislative District 35 and A. A. Fenske of Legislative District 43.

A bill for an act relating to motor vehicles; to provide for increase of tonnage of a commercial vehicle as prescribed; to provide for issuing of the certificate; to provide duties for the county treasurers; to provide for violations; to provide penalties; and to declare an emergency.

**LEGISLATIVE BILL 70.** By Committee on Budget, Otto H. Liebers of Legislative District 18, Chairman.

A bill for an act to provide for the payment of compensation of officers and employees of the Legislature, traveling expenses of members, the payments to be made for supplies, the payments as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and other incidental expenses incurred during the Sixty-ninth Session, Nebraska State Legislature, during the biennium ending June 30, 1959, and for the ad interim activities of said Legislature during the biennium ending June 30, 1961; to appropriate the sum of one hundred fifty thousand dollars, and the unexpended balance in Auditor Account Nos. E3, E4, and E5, therefor; and to declare an emergency.

**LEGISLATIVE BILL 71.** By Committee on Budget, Otto H. Liebers of Legislative District 18, Chairman.

A bill for an act to provide for the payment of compensation of bill drafters, legal researcher, correlation clerk, stenographers,

and proofreaders, the payments as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and for the payments to be made for supplies and other incidental expenses incurred by the bill drafting and related services of the Nebraska Legislative Council during the Sixty-ninth Session, Nebraska State Legislature, commencing January 1, 1959; to appropriate the sum of thirty-two thousand dollars and the unexpended balance in Auditor Account No. E6, therefor; and to declare an emergency.

**LEGISLATIVE BILL 72.** By Committee on Budget, Otto H. Liebers of Legislative District 18, Chairman.

A bill for an act to provide for the payment of the salaries of the officers of the Nebraska state government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, for the biennium ending June 30, 1961; to provide for the payment thereof; and to declare an emergency.

**LEGISLATIVE BILL 73.** By Committee on Budget, Otto H. Liebers of Legislative District 18, Chairman.

A bill for an act to provide for the payment of the salaries of members of the Sixty-ninth Session, Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, for a period of two years commencing the first Tuesday in January, 1959; to appropriate the sum of seventy-seven thousand sixty-two dollars and fifty cents therefor; and to declare an emergency.

**LEGISLATIVE BILL 74.** By Committee on Budget, Otto H. Liebers of Legislative District 18, Chairman.

A bill for an act making appropriations for the state government of the State of Nebraska for the biennium beginning July 1, 1959, and ending June 30, 1961; to prescribe conditions for the determination of the levy of the state taxes for the state General Fund; to recite limits and conditions on the expenditure of funds from the appropriations so made; and to declare an emergency.

**Mr. Moulton Presiding**

**Adjournment**

At 2:58 p.m., on a motion by Mr. Lautenschlager, the Legislature adjourned until 10:00 a.m., Friday, January 9, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## FOURTH DAY

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Legislative Chamber, Lincoln, Nebraska

Friday, January 9, 1959

Pursuant to adjournment, the Legislature met at 10:02 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Gerdes and Syas who were excused.

**Visitor**

Mr. Peck introduced Mr. August Wagner from Columbus, a former member of the Legislature.

**Corrections for the Journal**

Page 39, line 31, insert "P." after the name "John".

Page 46, line 12, delete the word "operator's" and insert "operators".

Page 47, line 17, delete the comma after the word "and".

Page 47, line 38, correct the spelling of the word "schedule".

Page 55, line 18, correct the spelling of the name "Larsen".

Page 59, line 34, correct the spelling of the word "hormones".

Page 60, line 34, insert "spending" after "forty-six".

Page 60, line 36, delete "\$351,288,881,82" and insert "\$351,288,-881.82".

Page 61, line 20, correct the spelling of "believe".

Page 62, line 40, delete "researchers" and insert "researcher".

Page 63, line 2, delete "payment" and insert "payments".

The Journal for the Third Day was approved as corrected.

**Bills Referred to Standing Committees**

LB	Committee
1.....	Agriculture
2.....	Salaries and Claims
3.....	Miscellaneous Subjects

- 4.....Salaries and Claims
- 5.....Miscellaneous Subjects
- 6.....Government
- 7.....Judiciary
- 8.....Judiciary
- 9.....Government
- 10.....Revenue
- 11.....Revenue
- 12.....Government
- 13.....Judiciary
- 14.....Government
- 15.....Government
- 16.....Government
- 17.....Government
- 18.....Labor and Public Welfare
- 19.....Revenue
- 20.....Government
- 21.....Government
- 22.....Labor and Public Welfare
- 23.....Government
- 24.....Agriculture
- 25.....Banking, Commerce and Insurance
- 26.....Banking, Commerce and Insurance
- 27.....Education
- 28.....Public Health
- 29.....Revenue
- 30.....Education
- 31.....Banking, Commerce and Insurance
- 32.....Judiciary
- 33.....Agriculture
- 34.....Agriculture
- 35.....Government
- 36.....Agriculture
- 37.....Agriculture
- 38.....Public Works
- 39.....Public Works
- 40.....Agriculture

(Signed) Dwight W. Burney  
Lieutenant Governor

#### RESOLUTIONS

#### LEGISLATIVE RESOLUTION 2. Re: Taxation of Aksarben and Similar Corporations.

Introduced by Terry Carpenter, 42nd District and William R. Skarda, Jr., 7th District.

WHEREAS, the Aksarben and similar corporations have not been assessed nor are they paying taxes on their physical properties both real and personal property; and

WHEREAS, such corporations are carrying on activities of such a nature that do not entitle them to be exempt from taxation under Article VIII, section 2 of the Constitution of Nebraska and section 77-202, Reissue Revised Statutes of Nebraska, 1943; and

WHEREAS, there should be an original action filed in the Supreme Court of Nebraska to determine whether such corporations are exempt from taxation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Attorney General of Nebraska be and he is hereby directed to commence an action in the Supreme Court of Nebraska to determine the status of the Aksarben and similar corporations as to whether they are exempt from taxation.

2. If the Supreme Court of Nebraska shall determine that the Aksarben and similar corporations are not exempt from taxation, that the Attorney General proceed to collect taxes for those years the law permits.

### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 75.** By David D. Tews of Legislative District 15 and Marvin Lautenschlager of Legislative District 30.

A bill for an act to amend sections 60-423, 60-430, 60-557, Reissue Revised Statutes of Nebraska, 1943, and sections 60-430.01 and 60-430.02, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide uniform penalties for the operation of a motor vehicle during the period of suspension or revocation of a motor vehicle operators' license under any law of this state or after such suspension or revocation and before reinstatement of the license or issuance of a new one; to repeal the original sections and also section 60-430.03, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 76.** By David D. Tews of Legislative District 15 and Marvin Lautenschlager of Legislative District 30.



A bill for an act to amend section 39-793, Revised Statutes Supplement, 1957, relating to motor vehicle; to provide that any person arrested as prescribed and whom the arresting officer has good cause to believe is driving during any period of suspension or revocation of his operator's license or after any period of suspension and before renewal of such license, or any person resisting lawful arrest, shall be taken forthwith to the nearest or most accessible magistrate; and to repeal the original section.

**LEGISLATIVE BILL 77.** By David D. Tews of Legislative District 15 and Marvin Lautenschlager of Legislative District 30.

A bill for an act to amend section 60-324, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide for the issuance of new rather than duplicate license plates when motor vehicle license plates shall be lost, mutilated, or illegible; and to repeal the original section.

**UNANIMOUS CONSENT—Withdraw LB 24**

Mr. Moulton requested unanimous consent to withdraw LB 24.

No objections. So ordered.

**Ease**

The Legislature was at ease from 10:16 until 10:42 a.m.

**Visitors**

Mr. Jensen introduced Carl Bremer and C. H. Kemper from Aurora, Nebraska.

Mr. Donner introduced Mr. and Mrs. Dale Russell from Neligh, Nebraska, and Mr. and Mrs. Paul Dwyer of Bartlett, Nebraska.

Mr. Diers introduced I. G. Friesen from Henderson, Nebraska.

**UNANIMOUS CONSENT—Re-refer LB 3**

Mr. Stryker asked unanimous consent that LB 3 be re-referred from Committee on Miscellaneous Subjects to Committee on Agriculture. No objections. So ordered.

**UNANIMOUS CONSENT—Add Co-introducer**

Mr. Aufenkamp asked unanimous consent that the name of Hans O. Jensen of Legislative District 25 be added as co-introducer of LB 29. No objections. So ordered.

**UNANIMOUS CONSENT—Withdraw LB 31**

Mr. Swanson asked unanimous consent that LB 31 be withdrawn. No objections. So ordered.

**Visitors**

Mr. Romans introduced Mr. and Mrs. Archie Shatkoski of Arcadia, Nebraska.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 78.** By Joe T. Vosoba of Legislative District 23 and Fern Hubbard Orme of Legislative District 20.

A bill for an act to amend section 25-1601, Reissue Revised Statutes of Nebraska, 1943, relating to jurors; to add public and parochial school teachers during the term of school to the list of those who shall, upon request to the court, be exempt from jury service; and to repeal the original section.

**LEGISLATIVE BILL 79.** By David D. Tews of Legislative District 15, Marvin Lautenschlager of Legislative District 30 and Willard H. Waldo of Legislative District 21.

A bill for an act to amend sections 39-7,128, 39-7,129, 39-7,130, and 39-7,133, Revised Statutes Supplement, 1957, relating to the point system; to clarify the provisions of such sections; to provide that no points shall be assessed for muffler violations; to provide that points shall be assessed as of the date of the violations for which conviction is had; to provide that the notice of revocation shall state the dates of violations upon which convictions were had; to provide penalties for the operation of a motor vehicle after the license or privilege to do so has been revoked under the point system; to repeal the original sections; and to repeal section 39-7,131, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 80.** By Willard H. Waldo of Legislative District 21, John Aufenkamp of Legislative District 2 and Hans O. Jensen of Legislative District 25.

A bill for an act relating to crimes and punishments; to provide that any person who shall import livestock into the state of

Nebraska in violation of law or of any valid rule or regulation of the Department of Agriculture and Inspection or in violation of an embargo issued by the State Veterinarian, for which no specific penalty is provided, shall be guilty of a felony; and to provide penalties.

**LEGISLATIVE BILL 81.** By Don Thompson of Legislative District 33 and A. A. Fenske of Legislative District 43.

A bill for an act to amend section 72-902, Reissue Revised Statutes of Nebraska, 1943, relating to school lands; to provide that oil and gas leases of school lands shall provide an annual delay rental of fifty cents per acre; to provide the procedure when two or more persons desire to lease the same land; to provide that leases may be awarded to the party offering to pay the highest cash bonus; and to repeal the original section.

#### Visitors

Mr. Erlewine introduced Ward E. Bullock of Madrid, Nebraska and A. Searle of Grafton, Nebraska.

#### Bills Referred to Standing Committees

LB	Committee
41.....	Revenue
42.....	Revenue
43.....	Revenue
44.....	Revenue
45.....	Revenue
46.....	Revenue
47.....	Revenue
48.....	Revenue
49.....	Government
50.....	Judiciary
51.....	Revenue
52.....	Public Works
53.....	Public Works
54.....	Revenue
55.....	Revenue
56.....	Revenue
57.....	Revenue
58.....	Revenue
59.....	Government
60.....	Judiciary
61.....	Miscellaneous Subjects

62.....	Agriculture
63.....	Education
64.....	Judiciary
65.....	Judiciary
66.....	Public Works
67.....	Public Works
68.....	Revenue
69.....	Public Works
70.....	Budget
71.....	Budget
72.....	Budget
73.....	Budget
74.....	Budget

(Signed) Dwight W. Burney  
Lieutenant Governor

#### **SUSPEND RULES—Bills to General File**

Mr. President: I move that the rules be suspended which require a public hearing on Legislative Bills No. 70, 71 and 73 as they are routine matters, and that the bills be placed on General File. (Signed) Otto H. Liebers, Chairman, Committee on Budget

The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

#### **MOTION—Easter Recess**

Mr. President: I move that when we adjourn for Easter, we adjourn on Thursday afternoon, March 26, until Tuesday, March 31, at 10:00 a.m. (Signed) William Moulton

The motion prevailed.

#### **Visitors**

President Burney introduced his son and daughter-in-law, Don and Pat Burney from Whiting, Indiana.

#### **MOTION—Adjournment**

Mr. President: I move that when we adjourn today, we adjourn until Monday, January 12, 1959, at 1:00 p.m. (Signed) William Moulton

The motion prevailed.

#### **Notice of Committee Meeting**

Mr. Moulton, Chairman of the Committee on Committees, announced that there would be a meeting of the Committee on Committees Monday, January 12, at 9:30 a.m., in the West Lounge.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 82.** By Ray C. Simmons of Legislative District 11 and J. O. Peck of Legislative District 26.

A bill for an act to amend section 23-1201, Revised Statutes Supplement, 1957, relating to county officers; to authorize the county attorney to appear for the state in any action in which the state is interested or a party when directed by the Attorney General; to provide fees for such services; and to repeal the original section.

**LEGISLATIVE BILL 83.** By Ray C. Simmons of Legislative District 11 and J. O. Peck of Legislative District 26.

A bill for an act to amend section 29-2628, Reissue Revised Statutes of Nebraska, 1943, relating to pardons and paroles; to provide that restoration of good time forfeited when a prisoner violates the conditions of his parole shall be at the discretion of the Board of Pardons; to clarify the language thereof; and to repeal the original section.

**LEGISLATIVE BILL 84.** By Ray C. Simmons of Legislative District 11 and J. O. Peck of Legislative District 26.

A bill for an act to amend section 29-2632, Reissue Revised Statutes of Nebraska, 1943, relating to pardons and paroles; to change the manner of forfeiture of good time of a prisoner who is now or hereafter confined in the Nebraska State Penitentiary; and to repeal the original section.

**LEGISLATIVE BILL 85.** By Ray C. Simmons of Legislative District 11 and J. O. Peck of Legislative District 26.

A bill for an act to amend section 83-440, Reissue Revised Statutes of Nebraska, 1943, relating to penal and correctional institutions; to change the manner of allowing extra good time to prisoners; and to repeal the original section.

**LEGISLATIVE BILL 86.** By Sam Klaver of Legislative District 6.

A bill for an act to amend sections 28-941, 28-945, 28-961, and 28-962, Reissue Revised Statutes of Nebraska, 1943, relating to

games of chance; to define terms; to prohibit the conducting of bingo except by licensees; to prohibit the playing of bingo except when conducted by a licensee; to provide who shall be eligible for a license; to provide for the application and issuance of licenses; to provide for the division of the gross proceeds of any game of bingo; to provide duties for various public officers; to provide fees; to provide for the regulation of bingo; to authorize the imposition of taxes; to authorize law enforcement officers to enter places where bingo is being played, as prescribed; to provide for complaints and the investigation thereof; to provide for the suspension or revocation of licenses; to provide for local option; to authorize the adoption of rules and regulations; to provide penalties; to repeal the original sections; and to declare an emergency.

#### UNANIMOUS CONSENT—Add Co-introducers

Mr. Klaver requested unanimous consent that the names of Terry Carpenter of Legislative District 42, William R. Skarda, Jr., of Legislative District 7, and John P. Munnelly of Legislative District 8 be added as co-introducers of LB 86.

No objections. So ordered.

**LEGISLATIVE BILL 87.** By Ray C. Simmons of Legislative District 11 and J. O. Peck of Legislative District 26.

A bill for an act to amend section 83-459, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to provide for transfer of prisoners by order from State Reformatory to State Penitentiary; to provide for loss of good time allowance; and to repeal the original section.

#### NOTICE OF COMMITTEE HEARINGS

##### Public Works

LB 38	Monday, January 19, 1959	2:00 p.m.
LB 39	Monday, January 19, 1959	2:00 p.m.

##### Visitors

Mr. Otto introduced Mr. and Mrs. Alfred Mathis from Kearney.

#### MOTION—Distribution of Statutes

Mr. President: I move that the State Librarian be authorized and directed to furnish to each member of the Legislature, the

Lieutenant Governor, the Associated Press, the United Press, the World Herald, the Lincoln Journal, the Star, and the Committee on Enrollment and Review, not to exceed fifty copies of the current Reissue Revised Statutes of 1943 and the 1957 Supplement thereto; also the permanent Journals and Session Laws of the Sixty-eighth Session. (Signed) Otto H. Liebers

The motion prevailed.

#### **Visitors**

Mr. Tews introduced his mother, Mrs. E. L. Reeker from Norfolk, and his grandmother, Mrs. Mary E. Dean from Pierce.

#### **Member Excused**

Mr. Williams was excused for the week January 12 through January 16.

#### **Officers' Oath of Office**

STATE OF NEBRASKA, ss.

We, and each of us, do solemnly swear that we will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of our respective offices to the best of our ability, so help us God.

(Signed) Harry L. Pizer  
(Signed) Hugo F. Srb  
(Signed) Francis V. Robinson  
(Signed) George L. Santo  
(Signed) Max Baskins  
(Signed) Ruby B. Nelson  
(Signed) Martin Schroeder

Subscribed in my presence and sworn to before me this 8th day of January, 1959, as to all except Martin Schroeder as to him it was subscribed and sworn to January 9, 1959.

(Signed) Robert G. Simmons

#### **Adjournment**

At 11:20 a.m., on a motion by Mr. Moulton, the Legislature adjourned until 1:00 p.m., Monday, January 12, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## FIFTH DAY

Legislative Chamber, Lincoln, Nebraska  
Monday, January 12, 1959

Pursuant to adjournment, the Legislature met at 1:02 p.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

## Corrections for the Journal

Page 64, insert the following between lines 19 and 20:

"Page 47, line 39, delete "schedule" and insert "scheudle"."

Page 67, line 9, insert a semicolon after the word "magistrate".

Page 68, line 32, delete "Supplemental" and insert "Supplement".

The Journal for the Fourth Day was approved as corrected.

## Invitations

Invitation from the Women's Division of the Lincoln Chamber of Commerce to the wives of the State Legislators to their February 18, 1959 dinner meeting.

## NOTICE OF COMMITTEE HEARINGS

## Education

LB 63	Tuesday, January 20, 1959	2:00 p.m.
LB 27	Thursday, January 22, 1959	2:00 p.m.

## RESOLUTIONS

## LEGISLATIVE RESOLUTION 2.

Mr. Carpenter requested unanimous consent that Legislative Resolution 2 be considered the first order of business on Wednesday, January 14.



**Member Excused**

Mr. Bridenbaugh was excused for Tuesday, January 13, 1959.

**Announcement**

President Burney called attention to the rule change made in the last session of the Legislature requiring that departmental bills be approved by standing committees before introduction.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 88.** By Earl Hollenbeck of Legislative District 40.

A bill for an act to amend section 39-1309, Revised Statutes Supplement, 1957, relating to state highways; to provide for a state highway from Rushville in Sheridan County going south on the most feasible and direct route to the Smith Lake State Recreation Grounds; to provide how such highway shall be designated; and to repeal the original section.

**LEGISLATIVE BILL 89.** By Ray C. Simmons of Legislative District 11.

A bill for an act to amend section 32-233, Revised Statutes Supplement, 1957, relating to elections; to remove the requirement for a general reregistration every six years; and to repeal the original section.

**LEGISLATIVE BILL 90.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 45-155, Revised Statutes Supplement, 1957, relating to installment loans; to provide when a contract of loan or an indebtedness, as prescribed, shall be void and uncollectible; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 91.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to alcoholism; to define terms; to establish the Division of Alcoholic Studies and Rehabilitation within the Department of Health and to provide for the appointment of the director thereof and his salary; to provide duties; to provide for the contracting for or establishment of rehabilitative facilities as

prescribed; to provide for the commitment of persons to such facilities for treatment and the confinement and the duration of such commitment; to impose an additional tax on beer and alcohol and spirits, as prescribed; to provide how such tax shall be paid; to establish the Alcoholic Studies and Rehabilitation Fund and direct the payment of the proceeds of such tax into such fund; and to provide how such fund shall be expended.

**LEGISLATIVE BILL 92.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to retail installment sales transactions; to define terms; to regulate retail installment credit transactions in connection with personal property; to prescribe the conditions under which retail installment credit may be extended; to provide for the licensing of persons engaged in the extension of retail installment credit; to prescribe the contents of contracts and agreements evidencing such transactions and the conditions of their execution; to prescribe maximum permissible rates of charges; to provide for investigations and examinations; to provide for the revocation of licenses and the procedure for effecting such revocation; to provide that retail installment credit contracts or credit agreements violating the provisions of this act shall be void; to provide for the promulgation of rules and regulations to create the Retail Merchants Finance Fund in the state treasury; to make certain acts unlawful; to provide penalties; to provide for severability; and to provide how this act shall be cited.

**LEGISLATIVE BILL 93.** By Sam Klaver of Legislative District 6.

A bill for an act relating to prisoners committed to the county jail; to provide that such commitment shall be at hard labor unless the court otherwise directs; to authorize the court to order hospitalization for treatment; to provide for the gainful employment of such prisoners as prescribed; to require confinement except during periods of employment; to provide for the receipt, allocation, and distribution of the pay of such prisoners; to provide for a diminution of sentences for good conduct and for the loss of diminution; and to provide for the employment and custody of a prisoner in a county other than that in which he was sentenced.

**LEGISLATIVE BILL 94.** By George Syas of Legislative District 4, and William Moulton of Legislative District 10.

A bill for an act relating to taxation and revenue; to impose a tax of one-tenth mill to be used for state park purposes; to provide that such tax shall first be levied in 1959 and annually thereafter

for ten years to and including 1968; to establish the State Park Tax Fund and prescribe how it shall be used; and to declare an emergency.

**LEGISLATIVE BILL 95.** By George Syas of Legislative District 4.

A bill for an act to amend section 37-409, Reissue Revised Statutes of Nebraska, 1943, and sections 37-201 and 37-213, Revised Statutes Supplement, 1957, relating to game and fish; to provide that any person over the age of sixteen years shall be required to have a permit before fishing in any of the waters of this state as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 96.** By George Syas of Legislative District 4,  
Frank Nelson of Legislative District 28 and  
William Moulton of Legislative District 10.

A bill for an act relating to pesticides; to prohibit the application of any pesticide in any greater concentration than that recommended by the manufacturer thereof; to provide exceptions; and to provide penalties.

**LEGISLATIVE BILL 97.** By George Syas of Legislative District 4  
and Frank Nelson of Legislative District  
28.

A bill for an act relating to the Game, Forestation and Parks Commission; to authorize the commission to establish and maintain special public use areas as prescribed and to charge a fee for the use of such areas; and to provide to what funds such fees shall be credited in the state treasury.

**LEGISLATIVE BILL 98.** By George Syas of Legislative District 4  
and Frank Nelson of Legislative District  
28.

A bill for an act to amend section 46-541, Revised Statutes Supplement, 1957, relating to reclamation districts; to authorize the board of directors of a reclamation district to enter into agreements to furnish water to the Game, Forestation and Parks Commission for hunting, fishing, and recreational development; to provide for rates for water so furnished; and to repeal the original section.

**LEGISLATIVE BILL 99.** By George Syas of Legislative District 4,  
Frank Nelson of Legislative District 28,  
and William Moulton of Legislative Dis-  
trict 10.

A bill for an act relating to game and fish; to authorize the issuance of a duplicate permit when an original permit to hunt, fish, or both has been lost; to provide procedure; and to provide a fee.

**LEGISLATIVE BILL 100.** By George Syas of Legislative District 4.

A bill for an act to amend section 81-805, Reissue Revised Statutes of Nebraska, 1943, relating to the Game, Forestation and Parks Commission; to authorize the commission to stock all ponds, whether public or private, of this state with fish; to provide when private ponds shall not be stocked; and to repeal the original section.

**LEGISLATIVE BILL 101.** By George Syas of Legislative District 4 and William Moulton of Legislative District 10.

A bill for an act relating to the Game, Forestation and Parks Commission; to authorize the commission to exchange land owned by it for other land; to prescribe the conditions which must be satisfied before any such exchange may be made; and to authorize the exchange of a tract in Sarpy County for a tract in Cass County.

**LEGISLATIVE BILL 102.** By George Syas of Legislative District 4 and William Moulton of Legislative District 10.

A bill for an act to amend section 81-805, Reissue Revised Statutes of Nebraska, 1943, relating to the Game, Forestation and Parks Commission; to give the commission the power of eminent domain; to provide how such power shall be exercised; and to repeal the original section.

**LEGISLATIVE BILL 103.** By George Syas of Legislative District 4 and William Moulton of Legislative District 10.

A bill for an act to amend section 66-424.01, Reissue Revised Statutes of Nebraska, 1943, relating to distribution of the Gasoline Tax Fund; to create the Park and Recreation Ground Access Road Fund and to provide for the annual distribution to it of five hundred thousand dollars out of the Gasoline Tax Fund to be used in matching county funds for the construction of access roads to parks and recreation grounds; to provide for application for such funds and the action to be taken thereon by various state officials; to provide for the approval, disapproval, or qualified approval of such application; to provide for action by the county board in the event of such qualified approval; to provide for the transfer of funds to counties; to provide for the return of funds to the state on prescribed conditions; to eliminate an obsolete internal reference; and to repeal the original section.

**LEGISLATIVE BILL 104.** By George Syas of Legislative District 4 and William Moulton of Legislative District 10.

A bill for an act to amend section 37-412, Reissue Revised Statutes of Nebraska, 1943, and section 37-418, Revised Statutes Supplement, 1957, relating to state game refuges; to redefine the boundaries of the state game refuges; to reduce the size of the Garden County refuge and the refuge located in Dodge, Douglas, and Saunders County; and to repeal the original section.

#### **SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of a bill concerning Cows Lake. (Signed) George Syas

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

#### **Visitor**

Mr. Liebers introduced Mr. James R. Delehant, State Superintendent of Buildings and Grounds.

#### **Ease**

The Legislature was at ease from 1:33 p.m. until 2:30 p.m.

#### **Speaker Pizer Presiding**

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

#### **SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of a bill relating to the Highway Department. (Signed) Hal Bridenbaugh

The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

#### **BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 105.** By George Syas of Legislative District 4, William R. Skarda, Jr. of Legislative District 7, and William Moulton of Legislative District 10.

A bill for an act to transfer the sum of one hundred sixty-six thousand dollars from Auditor Accounty No. 310 and to appropriate the same for the purpose of exercising an option to purchase certain real estate as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 106.** By Ray C. Simmons of Legislative District 11, Frank Nelson of Legislative District 28, and Harold B. Stryker of Legislative District 17.

A bill for an act relating to state parks; to provide that the Game, Forestation and Parks Commission shall maintain the Fremont Recreation Area as a state park to be known as Fremont Park.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Claussen requested unanimous consent to add the names of George Syas of Legislative District 4, William Moulton of Legislative District 10, J. O. Peck of Legislative District 26, Oliver Olinger of Legislative District 12, and Peter H. Claussen of Legislative District 16 as co-introducers of LB 106. No objections. So ordered.

**LEGISLATIVE BILL 107.** By George Syas of Legislative District 4 and William Moulton of Legislative District 10.

A bill for an act to amend sections 81-812.01, 81-812.02, and 81-812.03, Reissue Revised Statutes of Nebraska, 1943, relating to state parks and recreation grounds; to provide that the stamp now required for entry into recreation grounds also be required for entry into state parks; to change name of the State Recreation Ground Fund to the State Park and Recreation Ground Fund; to provide how revenues may be used; and to repeal the original sections.

**Bills Referred to Standing Committees**

LB	Committee
75.....	Judiciary
76.....	Judiciary
77.....	Miscellaneous Subjects
78.....	Judiciary
79.....	Judiciary
80.....	Judiciary
81.....	Education
82.....	Government
83.....	Judiciary
84.....	Judiciary
85.....	Judiciary
86.....	Government
87.....	Judiciary

(Signed) Harry L. Pizer  
Speaker

**SUSPEND RULES—Consider Bills**

Mr. President: I move that the rules be suspended and that LB 70, LB 71 and LB 73 be considered on General File. (Signed) Otto H. Liebers

The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 70.** Read and considered.

Mr. Liebers moved that the rules be suspended and that LB 70 be advanced to E and R for engrossment.

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

**LEGISLATIVE BILL 71.** Read and considered.

Mr. Liebers moved that the rules be suspended and that LB 71 be advanced to E and R for engrossment.

The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

**LEGISLATIVE BILL 73.** Read and considered.

Mr. Liebers moved that the rules be suspended and that LB 73 be advanced to E and R for engrossment.

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

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 108.** By George Syas of Legislative District 4, William Moulton of Legislative District 10, and Ray C. Simmons of Legislative District 11.

A bill for an act to amend section 81-805, Reissue Revised Statutes of Nebraska, 1943, relating to the Game, Forestation and Parks Commission; to declare policy; to define terms; to provide for the regulation of motorboats and other vessels; to provide for the classification, registration, and licensing of motorboats; to provide safety requirements; to impose duties on anyone maintaining a boat livery; to impose duties in the event of collision; to provide for the holding of regattas, races, parades, tournaments, or exhibitions and the regulation thereof; to provide the effect of ordinances and local laws; to provide rules for determining liability for injury or damages resulting from the negligent operation of any vessel; to authorize the

adoption of rules and regulations; to authorize the adoption of special rules and regulations for certain waters; to provide for the enforcement of this act; to make certain acts unlawful; to provide penalties; to provide for fees; to make an appropriation; and to repeal the original section.

#### **UNANIMOUS CONSENT—Add Co-Introducer**

Mr. Syas requested unanimous consent to add the name of Arthur W. Swanson of Legislative District 36 as co-introducer of LB 108. No objections. So ordered.

**LEGISLATIVE BILL 109.** By Hal Bridenbaugh of Legislative District 13.

A bill for an act relating to interstate bridges; to state the legislative intent; to define terms; to provide the application of the act; to authorize the Department of Roads to enter into agreements with adjoining states and the United States; to provide for funds and costs; to provide for the acquiring of property; to provide for construction and maintenance of interstate bridges; to provide for acquisition of boundary bridges; to provide for regulation of public utilities; to provide for rules and regulations; to provide a severability clause; to provide how this act shall be known and cited; and to repeal sections 39-845.01, 39-845.02, 39-845.03, 39-845.04, 39-877, 39-878, 39-879, 39-880, 39-881, 39-882, 39-883, 39-884, 39-885, 39-886, 39-887, 39-888, 39-889, 39-890, and 66-425, Reissue Revised Statutes of Nebraska, 1943.

#### **Member Excused**

Mr. Peck was excused for Tuesday, January 13, 1959.

#### **Adjournment**

At 3:06 p.m., on a motion by Mr. Carpenter, the Legislature adjourned until 2:00 p.m., Tuesday, January 13, 1959.

Hugo F. Srb  
Clerk of the Legislature



**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**SIXTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 13, 1959

Pursuant to adjournment, the Legislature met at 2:02 p.m.,  
President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs.  
Bridenbaugh, Otto, Peck, Ruhnke, and Williams who were excused.

**Corrections for the Journal**

Page 77, line 17, delete "mented" and insert "mended".

Page 79, line 10, insert "(Signed) George Syas" at the end of  
the line.

Page 79, line 32, delete "Account" and insert "Accounty".

The Journal for the Fifth Day was approved as corrected.

**Communications**

Letter from Ray C. Johnson, Auditor of Public Accounts, as  
follows:

January 12, 1959

Hugo Srb  
Clerk of the Legislature  
State House  
Lincoln, Nebraska

Dear Hugo:

In accordance with Section 84-605, Revised Statutes of 1943, I  
am enclosing a statement showing the balance of money, securities  
and effects for which the State Treasurer is accountable and which

were delivered to his successor on January 8, 1959, and properly receipted by the new Treasurer, Richard R. Larsen.

Yours very truly,

(Signed) Ray C. Johnson  
AUDITOR OF PUBLIC ACCOUNTS

RCJ:lm1  
Encl.

**STATE TREASURER OF NEBRASKA  
TRANSFER OF ACCOUNTABILITY  
AS OF JANUARY 8, 1959**

**Exhibits Attached**

Cash and Cash Items on Hand - Exhibit I	704,523.82
Cash in Banks - Exhibit II	19,497,855.21
Bank Collateral - Exhibit II	37,791,500.00
Investments and Items Held in Safekeeping - Exhibit III	56,666,407.64
Escheat Estate Personal Property - Exhibit IV	no value
<b>Total</b>	<b>114,660,286.67</b>

Received of Bertha I. Hill, retiring State Treasurer, the within described list of all Cash, Bonds, Notes and Other Assets of the State Treasurer's Office of Nebraska, as of January 8, 1959.

Signed Richard R. Larsen

Dated January 8, 1959

Witness (Signed) Amon L. Sanders  
Witness (Signed) Howard S. Smith

STATE TREASURER OF NEBRASKA  
CASH ON HAND  
AS OF JANUARY 8, 1959

EXHIBIT I

Cash on Hand	Office Cash	Cash Overage	Deposits 1-8-59 Unreceipted	Total
Coins				
Pennies		.03		.03
Nickels	.05	.10		.15
Dimes	.20	.60		.80
Quarters	.25	1.75		2.00
Halves	.50	1.00		1.50
Currency				
Ones	34.00	20.00	2.00	56.00
Fives	40.00	10.00	25.00	75.00
Tens	250.00	10.00	10.00	270.00
Twenties	180.00			180.00
Other				
Checks and Warrants			701,557.59	701,557.59
Returned Checks - To Be Charged				
Against Depositing Agency	2,380.75			2,380.75
Total Cash & Cash Items	<u>2,885.75</u>	<u>43.48</u>	<u>701,594.59</u>	<u>704,523.82</u>

SIXTH DAY—JANUARY 13, 1959

**STATE TREASURER OF NEBRASKA  
BANK BALANCES AND COLLATERAL  
AS OF JANUARY 8, 1959**

**EXHIBIT II**

<u>Open Accounts</u>		Bank Balance	Amount of
Bank	Location	1-8-59	Collateral Securing
Adams State Bank	Adams	9,000.00	10,000.00
State Bank of Alexandria	Alexandria	6,000.00	10,000.00
Security State Bank of Allen	Allen	8,000.00	15,000.00
Alliance National Bank	Alliance	50,000.00	55,000.00
Harlan County Bank	Alma	25,000.00	50,000.00
Arcadia State Bank	Arcadia	5,000.00	6,000.00
Arlington State Bank	Arlington	10,000.00	16,000.00
Farmers & Merchants National	Ashland	10,000.00	15,000.00
First National Bank	Aurora	15,000.00	30,000.00
Farmers State Bank	Aurora	15,000.00	20,000.00
Auburn State Bank	Auburn	25,000.00	50,000.00
Farmers State Bank	Avoca	15,000.00	16,500.00
Farmers & Merchants Bank	Axtell	10,000.00	15,000.00
Battle Creek State Bank	Battle Creek	10,000.00	15,000.00
Beatrice National Bank	Beatrice	65,000.00	105,000.00
First National Bank	Beatrice	65,000.00	75,000.00
Bank of Bellevue	Bellevue	30,000.00	35,000.00
Washington County Bank	Blair	25,000.00	50,000.00
Farmers & Merchants State Bank	Bloomfield	15,000.00	31,000.00
The Commercial Bank	Blue Hill	16,000.00	20,000.00

<u>Open Accounts</u>		Bank Balance	Amount of
Bank	Location	1-8-59	Collateral Securing
Blue Springs State Bank	Blue Springs	8,000.00	10,000.00
Broken Bow State Bank	Broken Bow	9,000.00	10,000.00
Bruning State Bank	Bruning	35,000.00	44,000.00
State Bank of Burchard	Burchard	10,000.00	11,000.00
Kimball County Bank	Bushnell	10,000.00	11,000.00
Seven Valleys State Bank	Callaway	8,000.00	15,000.00
Citizens State Bank	Carleton	6,000.00	7,000.00
The Center State Bank	Center	10,000.00	11,000.00
State Bank of Chester	Chester	16,000.00	22,000.00
Bank of Clarks	Clarks	15,000.00	25,000.00
Clarkson Bank	Clarkson	8,000.00	30,000.00
Farmers Bank of Clatonia	Clatonia	6,000.00	10,000.00
The Commercial State Bank	Clay Center	7,000.00	16,000.00
Columbus Bank	Columbus	13,000.00	15,000.00
First National Bank	Cozad	9,000.00	10,000.00
City National Bank	Crete	8,000.00	10,000.00
Crete State Bank	Crete	20,000.00	23,000.00
Crofton State Bank	Crofton	15,000.00	17,000.00
Dalton State Bank	Dalton	3,500.00	6,000.00
Jennings State Bank	Davenport	10,000.00	12,000.00
Farmers State Bank	Davey	10,000.00	30,000.00
First National Bank	David City	16,000.00	25,000.00
Jefferson County Bank	Daykin	5,000.00	10,000.00
Nebraska Security Bank	Deshler	10,000.00	15,000.00
Dewitt State Bank	Dewitt	10,000.00	14,000.00

<u>Open Accounts</u>		Bank Balance	Amount of
Bank	Location	1-8-59	Collateral Securing
Citizens State Bank	Dorchester	10,000.00	11,000.00
Farmers State Bank	Douglas	5,000.00	6,000.00
Security State Bank	Edgar	10,000.00	20,000.00
Farmers & Merchants Bank	Edison	4,500.00	5,000.00
Bank of Elgin	Elgin	9,000.00	10,000.00
Farmers State Bank	Elkhorn	20,000.00	25,000.00
Elm Creek State Bank	Elm Creek	5,000.00	10,000.00
American Exchange Bank	Elmwood	16,000.00	30,000.00
First National Bank	Elwood	10,000.00	11,000.00
Farmers State Bank	Fairmont	20,000.00	22,000.00
Fairbury State Bank	Fairbury	35,000.00	50,000.00
First National Bank	Fairbury	60,000.00	75,000.00
The First National Bank	Falls City	25,000.00	30,000.00
Richardson County Bank	Falls City	25,000.00	30,000.00
The Filley Bank	Filley	5,000.00	6,000.00
The First National Bank	Fremont	50,000.00	55,000.00
The First State Bank	Fremont	50,000.00	55,000.00
Fremont National Bank	Fremont	50,000.00	55,000.00
The First National Bank	Friend	20,000.00	22,000.00
Fullerton National Bank	Fullerton	25,000.00	50,000.00
Geneva State Bank	Geneva	45,000.00	50,000.00
Gering National Bank	Gering	45,000.00	100,000.00
Exchange Bank	Gibbon	12,000.00	30,000.00
The First National Bank	Gordon	45,000.00	50,000.00
Gothenburg State Bank	Gothenburg	25,000.00	28,000.00

Open Accounts

Bank	Location	Bank Balance 1-8-59	Amount of Collateral Securing
Commercial National Bank	Grand Island	20,000.00	30,000.00
The First National Bank	Grand Island	75,000.00	150,000.00
The Overland National Bank	Grand Island	10,000.00	18,000.00
Gresham State Bank	Gresham	20,000.00	25,000.00
Hardy State Bank	Hardy	3,000.00	3,500.00
Harvard State Bank	Harvard	6,000.00	10,000.00
City National Bank	Hastings	60,000.00	105,000.00
Hastings National Bank	Hastings	50,000.00	100,000.00
Thayer County Bank	Hebron	35,000.00	46,000.00
Henderson State Bank	Henderson	7,500.00	10,000.00
Herman State Bank	Herman	10,000.00	12,000.00
First State Bank	Hickman	2,000.00	6,000.00
First Security Bank	Holdrege	20,000.00	22,000.00
The First National Bank	Holdrege	35,000.00	38,500.00
The First National Bank	Hooper	10,000.00	20,000.00
The First State Bank	Hordville	7,000.00	10,000.00
Howells Bank	Howells	12,000.00	15,000.00
Hubbell Bank	Hubbell	10,000.00	12,000.00
Home State Bank	Humboldt	27,500.00	60,000.00
Farmers State Bank	Ithaca	10,000.00	20,000.00
The First National Bank	Kearney	100,000.00	150,000.00
Security National Bank	Laurel	5,450.00	6,000.00
Bank of Leigh	Leigh	13,000.00	15,000.00
The First National Bank	Lewellen	9,000.00	10,000.00
State Bank of Liberty	Liberty	6,000.00	15,000.00

SIXTH DAY—JANUARY 13, 1959

<u>Open Accounts</u>		Bank Balance	Amount of
Bank	Location	1-8-59	Collateral Securing
Citizens State Bank	Lincoln	35,000.00	42,000.00
Havelock National Bank	Lincoln	40,000.00	50,000.00
Union Bank	Lincoln	15,000.00	20,000.00
Lisco State Bank	Lisco	10,000.00	11,000.00
First State Bank	Loomis	15,000.00	20,000.00
Farmers State Bank	Lyman	5,000.00	6,000.00
The Bank of Madison	Madison	25,000.00	60,000.00
Security Home Bank	Malmo	10,000.00	22,500.00
Martell State Bank	Martell	10,000.00	11,000.00
Farmers State Bank	Maywood	8,000.00	10,000.00
The First National Bank	McCook	45,000.00	50,000.00
The McCook National Bank	McCook	6,000.00	10,000.00
The Anchor Bank	Merriman	20,000.00	23,000.00
Farmers State Bank	Millard	7,000.00	10,000.00
Farmers & Merchants Banks	Milford	20,000.00	27,000.00
Farmers & Merchants Bank	Milligan	10,000.00	11,000.00
The First National Bank	Morrill	20,000.00	25,000.00
Murray State Bank	Murray	2,500.00	5,000.00
Otoe County National Bank	Nebraska City	15,000.00	20,000.00
The First National Bank	Newman Grove	25,000.00	27,500.00
Chase Manhattan Bank	New York, N.Y.	10,000.00	11,000.00
Bank of Niobrara	Niobrara	10,000.00	11,000.00
National Bank of Norfolk	Norfolk	25,000.00	45,000.00
Delay National Bank	Norfolk	40,000.00	54,000.00
North Loup Valley Bank	North Loup	4,000.00	5,000.00



Open Accounts		Bank Balance	Amount of
Bank	Location	1-8-59	Collateral Securing
McDonald State Bank	North Platte	50,000.00	56,000.00
The Farmers Bank	Oconto	2,500.00	3,000.00
The Center Bank	Omaha	50,000.00	55,000.00
Douglas County Bank	Omaha	50,000.00	100,000.00
North Side Bank	Omaha	50,000.00	100,000.00
First West Side Bank	Omaha	100,000.00	110,000.00
Packers National Bank	Omaha	100,000.00	125,000.00
South Omaha Bank	Omaha	150,000.00	250,000.00
Stock Yards National Bank	Omaha	370,000.00	440,000.00
The First National Bank	O'Neill	20,000.00	22,500.00
The O'Neill National Bank	O'Neill	17,500.00	20,000.00
The First National Bank	Ord	30,000.00	47,000.00
Nebraska State Bank	Ord	30,000.00	40,000.00
Republican Valley Bank	Orleans	5,000.00	10,000.00
The First National Bank	Osceola	10,000.00	13,000.00
Security State Bank	Oxford	15,000.00	25,000.00
State Bank Palmer	Palmer	15,000.00	20,000.00
Bank of Palmyra	Palmyra	10,000.00	15,000.00
Bank of Panama	Panama	10,000.00	13,000.00
Farmers State Bank	Pawnee City	8,000.00	11,000.00
Pender State Bank	Pender	20,000.00	23,000.00
Petersburg State Bank	Petersburg	7,000.00	15,000.00
Farmers National Bank	Pilger	5,000.00	5,500.00
Plainview State Bank	Plainview	20,000.00	25,000.00
Plattsmouth State Bank	Plattsmouth	20,000.00	30,000.00

<u>Open Accounts</u>		Bank Balance	Amount of
Bank	Location	1-8-59	Collateral Securing
Farmers State Bank	Plymouth	4,000.00	10,000.00
Citizens State Bank	Polk	12,000.00	25,000.00
Potter State Bank	Potter	7,500.00	10,000.00
Ralston Bank	Ralston	20,000.00	22,000.00
Peoples-Webster County Bank	Red Cloud	25,000.00	32,000.00
Farmers State Bank	Rising City	12,000.00	15,000.00
Roseland State Bank	Roseland	10,000.00	13,000.00
Bank of Salem	Salem	10,000.00	13,000.00
Farmers & Merchants Bank	Schuyler	20,000.00	25,000.00
State Bank of Scotia	Scotia	5,000.00	15,000.00
First State Bank	Scottsbluff	25,000.00	35,000.00
Scottsbluff National Bank	Scottsbluff	100,000.00	150,000.00
Farmers State Bank	Scribner	10,000.00	15,000.00
Cattle National Bank	Seward	25,000.00	50,000.00
The Jones National Bank	Seward	40,000.00	50,000.00
The First National Bank	Shelby	10,000.00	15,000.00
Shickley State Bank	Shickley	20,000.00	22,000.00
The American National Bank	Sidney	50,000.00	55,000.00
Sidney National Bank	Sidney	15,000.00	20,000.00
Nebraska State Bank	South Sioux City	40,000.00	45,000.00
Spencer State Bank	Spencer	10,000.00	11,000.00
St. Paul National Bank	St. Paul	13,000.00	20,000.00
The Stamford Bank	Stamford	15,000.00	20,000.00
Stanton National Bank	Stanton	5,000.00	6,000.00
Bank of Sterling	Sterling	10,000.00	11,000.00

<u>Open Accounts</u>		Bank Balance	Amount of
Bank	Location	1-8-59	Collateral Securing
Commercial Bank	Stratton	17,000.00	25,000.00
The First National Bank	Stromsburg	15,000.00	20,000.00
The Tri-County Bank	Stuart	3,500.00	15,000.00
Farmers State Bank	Superior	20,000.00	25,000.00
Security National Bank	Superior	25,000.00	41,000.00
City State Bank	Sutton	20,000.00	30,000.00
Johnson County Bank	Tecumseh	17,000.00	19,000.00
The First National Bank	Tekamah	40,000.00	44,000.00
State Bank of Trenton	Trenton	15,000.00	17,000.00
Oak Creek Valley Bank	Valparaiso	12,000.00	26,000.00
Citizens Security Bank	Wallace	7,000.00	10,000.00
Farmers State Bank	Wallace	8,000.00	11,000.00
Commercial State Bank	Wausa	10,000.00	20,000.00
Nebraska State Bank	Weeping Water	15,000.00	20,000.00
Nebraska State Bank	Western	10,000.00	15,000.00
The First National Bank	West Point	20,000.00	22,000.00
Wilber State Bank	Wilber	15,000.00	20,000.00
Citizens National Bank	Wisner	17,000.00	30,000.00
Bank of Wood River	Wood River	15,000.00	20,000.00
Wymore National Bank	Wymore	13,000.00	15,000.00
First National Bank	York	140,000.00	165,000.00
York State Bank	York	60,000.00	75,000.00
Total Open Accounts		4,521,950.00	6,344,500.00

Bank	Location	Bank Balance 1-8-59	Amount of Collateral Securing
<u>Clearing Accounts</u>			
Continental National Bank	Lincoln	2,699,438.67	3,195,000.00
First National Bank	Lincoln	3,244,031.65	7,000,000.00
National Bank of Commerce	Lincoln	3,060,486.52	4,546,000.00
First National Bank	Omaha	2,305,560.18	5,750,000.00
The Omaha National Bank	Omaha	1,597,933.07	6,000,000.00
United States National Bank	Omaha	1,585,187.84	4,350,000.00
Guardian State Bank	Alliance	207,931.80	266,000.00
Bank of Chadron	Chadron	36,705.48	50,000.00
Platte Valley State Bank	Kearney	161,487.18	200,000.00
Bank of Peru	Peru	39,744.52	50,000.00
First National Bank	Wayne	37,398.30	50,000.00
Total Clearing Accounts		14,975,905.21	31,457,000.00
Total Bank Balance		19,497,855.21	
Collateral			37,801,500.00
Less: First National Bank, Cozad,			10,000.00
F.D.I.C. Only			
Total Joint Custody Receipts			37,791,500.00

**STATE TREASURER OF NEBRASKA  
INVESTMENTS  
AS OF JANUARY 8, 1959**

**EXHIBIT III**

**Agricultural College Endowment**

Bonds - Face Value	707,500.00		
Premium	296.80	707,796.80	
Discount		<u>2,632.18</u>	705,164.62

**Annuity Reserve Fund**

Bonds - Face Value	3,053,000.00		
Premium	3,736.59	3,056,736.59	
Discount		<u>118,954.99</u>	2,937,781.60

**Bessey Memorial Fund**

Bonds - Face Value			8,900.00
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**Katie Darby Trust Fund**

Bonds - Face Value			85,000.00
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**Nebraska Municipal Retirement Fund**

Bonds - Face Value		175,500.00	
Discount		<u>6,578.12</u>	168,921.88

**Nebraska Safety Patrol Retirement Fund**

Bonds - Face Value		435,000.00	
Discount		<u>12,334.37</u>	422,665.63

SIXTH DAY—JANUARY 13, 1959

**Nebraska Veterans Aid Fund**

Bonds - Face Value	7,875,500.00		
Premium	43,721.23	7,919,221.23	
Discount		40,571.88	7,878,649.35

**Normal School Endowment**

Bonds - Face Value	85,000.00		
Premium	37.00	85,037.00	
Discount		298.12	84,738.88

**Permanent School Fund**

Investments - Face Value	18,235,797.12		
Premium	8,071.44	18,243,868.56	
Discount		285,021.95	17,958,846.61

**Permanent University Fund**

Bonds - Face Value	323,500.00		
Premium	238.16	323,738.16	
Discount		697.35	323,040.81

**Service Annuity Fund**

Bonds - Face Value		4,125,000.00	
Discount		210,593.75	3,914,406.25

**School Employees Savings Fund**

Bonds - Face Value	9,822,000.00		
Premium	23,686.88	9,845,686.88	
Discount		211,460.92	9,634,225.96

**Bonds Held as Interest**

Temporary School Fund - Face Value

14,633.55

**Surplus Cash Investments**

Investments - Per Custody Receipts

11,500,000.00

Discount

33,867.50

11,466,132.50

**Items Held in Safekeeping**

Department of Veterans' Affairs - Face Value

1,060,000.00

Board of Educational Lands &amp; Funds - Face Value

3,250.00

Nebraska Real Estate Commission

50.00

1,063,300.00

Total Per Inventory

56,666,407.64

SIXTH DAY—JANUARY 13, 1959

**STATE TREASURER OF NEBRASKA  
ESCHEATS - PERSONAL PROPERTY HELD BY STATE  
TREASURER  
AS OF JANUARY 8, 1959**

**EXHIBIT IV**

**Escheat Estate  
Harry T. Broer**

Corporation	Share Number	Number of Shares	Par Value	Corporate Status
Great Western Oil Company Gallup, New Mexico	350	2,000	.10	Unknown
Combined Oil Company San Francisco, California	1,665	2,850		
	3,001	4,000		
	1,963	3,650		
	2,350	2,000		
	427	7,500		
	2,242	3,000		
	2,203	1,000		
	26	1,000	1.00	Defunct
Little Kingdom Mining Company Denver, Colorado	1,043	5	.01	Defunct



**Escheat Estate**

**Steve Miller**

- 1 Stevens Shotgun, 16 Gauge, Single
- 1 Suitcase
- 1 Rockford Pocket Watch and Fob
- 1 Locket Brooch
- 1 Self Generator Flashlight
- 1 Zippo Cigarette Lighter
- 1 Gold Band Ring
- 1 Locket Ring

**NOTICE OF COMMITTEE HEARINGS****Agriculture**

LB 3	Tuesday, January 20, 1959	2:00 p.m.
LB 33	Tuesday, January 20, 1959	2:00 p.m.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 70.** Correctly engrossed.  
**LEGISLATIVE BILL 71.** Correctly engrossed.  
**LEGISLATIVE BILL 73.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 3.** Re: Legislative Council Study of  
Traffic Safety and Traffic Laws.

Introduced by Joe T. Vosoba, 23rd District.

WHEREAS, there was an alarming increase in the traffic fatality rate in Nebraska during 1958 at the same time that some adjoining states experienced a decline; and

WHEREAS, the rules of the road as found in Chapter 39, article 7, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, have been adopted and amended in a piecemeal fashion over a period of many years; and

WHEREAS, certain internal inconsistencies and inadequacies in the rules of the road create problems in enforcing the rules and assessing proper penalties thereunder; and

WHEREAS, the life, safety, and welfare of the motoring public require the protection of adequate and properly enforced rules of the road which are easily read and understood by the motoring public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee of seven members to make a comprehensive and detailed study of all aspects of traffic safety and traffic laws, including but not limited to the adequacy of the rules of the road, the proper enforcement of such rules, and the extent to which the present penalty provisions are effectively applied by our courts.

2. The committee report its findings to the next regular session of the Legislature together with such recommendations as it may deem proper.

Referred to the Legislative Council Executive Board.

**LEGISLATIVE RESOLUTION 4.** Re: Legislative Council Study of Highways and Motor Vehicle Laws and the Uniform Vehicle Code.

Introduced by Peter H. Claussen, 16th District and Hal Bridenbaugh, 13th District.

WHEREAS, The Nebraska State Legislature has adopted two complete Rules of the Road Acts; and

WHEREAS, The Nebraska State Legislature has amended the two acts at many sessions of the Legislature; and

WHEREAS, There are many sections of the statutes of Nebraska covering other rules of the road; and

WHEREAS, Because of the increasing number of accidents on the public roads of the state and streets of cities and villages; and

WHEREAS, The National Committee on Uniform Traffic Laws and Ordinances has adopted a Uniform Vehicle Code.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to make an objective study of highways and motor vehicle laws and also study the Uniform Vehicle Code prepared by the National Committee on Uniform Traffic Laws and Ordinances necessary to determine if there can be an improvement in our highway and motor vehicle laws and report their finding with recommendations to the next regular session of the Legislature.

Referred to the Legislative Council Executive Board.

**MOTION—Rule Study**

Mr. President: I move that Rule 6, section 3, Rules of the Nebraska Legislature, be referred to the Rules Committee for study by adding at the end thereof, the following:

“At the time the principal introducer, or representative of department head for departmental bills, presents a bill at committee

hearing, he shall present to the committee chairman a written statement setting forth the situation the bill intends to correct, how the bill will operate, and what it will accomplish, which statement shall be included in the committee statement on the bill.”  
(Signed) Ray C. Simmons

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

#### **MOTION—Rule Study**

Mr. President: I move that Rule 6, section 10, Rules of the Nebraska Legislature, be referred to the Rules Committee by adding at the end thereof, the following:

“The statement shall also give the final vote of each committee member on the bill.” (Signed) Ray C. Simmons

The motion prevailed with 26 ayes, 7 nays, and 10 not voting.

#### **BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 110.** By Ray C. Simmons of Legislative District 11.

A bill for an act to amend sections 39-1501 and 39-1506, Revised Statutes Supplement, 1957, relating to county roads; to provide authority to the county board in township type counties whether or not a county road unit system has been adopted; to provide that any member of the county board shall be qualified to serve as county highway superintendent; and to repeal the original sections.

**LEGISLATIVE BILL 111.** By Peter H. Claussen of Legislative District 16, and Joe T. Vosoba of Legislative District 23.

A bill for an act relating to insurance: to provide that insurers are authorized to affix to or include a written statement that the policy does not cover loss or damage caused by nuclear reaction, nuclear radiation, or nuclear contamination under the policy.

**LEGISLATIVE BILL 112.** By John P. Munnelly of Legislative District 8, Peter H. Claussen of Legislative District 16 and Joe T. Vosoba of Legislative District 23.

A bill for an act relating to insurance; to provide for the issuance of a policy varying from the standard fire insurance policy in the case of multiple-peril policies.

**LEGISLATIVE BILL 113.** By Peter H. Claussen of Legislative District 16, John P. Munnnelly of Legislative District 8 and Joe T. Vosoba of Legislative District 23.

A bill for an act to amend section 44-150, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide for retaliation of any taxes, licenses, and other fees, in the aggregate, and any fines, penalties, deposit requirements, or other material obligations, prohibition, or restriction imposed by the laws of any other state or foreign country upon Nebraska insurers, or upon the agents or representatives of such insurers, as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 114.** By John P. Munnnelly of Legislative District 8, David D. Tews of Legislative District 15, and William R. Skarda Jr. of Legislative District 7.

A bill for an act to amend section 28-1001, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to provide for the licensing of persons to carry concealed dangerous weapons as prescribed; to provide for the form of such license and the application therefor; to provide fees and the disposition thereof; to provide that such licenses shall be issued by the county sheriff of the county in which the applicant resides; to require certain statements from the applicant for such license; to require fingerprints from such applicant; to provide for investigation of such applicant; to provide that certain persons shall be ineligible for such license; to provide for the display of such license upon demand as prescribed; to provide the effect of a failure to display such license; to provide for revocation of such license; to provide exceptions; and to repeal the original section.

**LEGISLATIVE BILL 115.** By Fern Hubbard Orme of Legislative District 20, Stanley L. Portsche of Legislative District 19, and Otto H. Liebers of Legislative District 18.

A bill for an act to amend section 79-904, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to remove restrictions upon amount of annual levy for school districts of the fourth class for the building and equipment fund, and for general school purposes; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 116.** By Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 51-403, Revised Statutes Supplement, 1957, relating to Nebraska Public Library Commission; to increase the maximum amount that may be paid to the executive secretary; to provide when a change in such salary may become operative; and to repeal the original section, and also section 51-403.01, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 117.** By Stanley L. Portsche of Legislative District 19, Fern Hubbard Orme of Legislative District 20 and Otto H. Liebers of Legislative District 18.

A bill for an act to amend section 79-102, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase the maximum population specified for school districts of the fourth class; to increase the minimum population specified for school districts of the fifth class; and to repeal the original section.

**LEGISLATIVE BILL 118.** By David D. Tews of Legislative District 15.

A bill for an act to amend section 75-244, Reissue Revised Statutes of Nebraska, 1943, relating to motor common carrier tariffs; to require all motor common carriers to have a copy of the tariff containing their rates, fares, charges, rules, regulations and practices available for public inspection in their main or general office; to make certain acts unlawful; and to repeal the original section.

**LEGISLATIVE BILL 119.** By William Moulton of Legislative District 10, George Syas of Legislative District 4, and William R. Skarda Jr. of Legislative District 7.

A bill for an act relating to cities and villages, all; to authorize and empower municipalities in the State of Nebraska to furnish fire protection and the use of fire apparatus to other municipalities, communities and private persons outside of such municipalities by contract; and to determine the status of firemen serving outside the corporate limits of their own municipality.

**LEGISLATIVE BILL 120.** By John P. Munnelly of Legislative District 8, William Moulton of Legislative District 10, and George Syas of Legislative District 4.

A bill for an act to amend section 14-547, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to provide that meetings of the board of equalization in cities of the metropolitan class shall be held at a time and place to be set by the board; to change the manner in which complaints must be submitted to the board; and to repeal the original section.

**LEGISLATIVE BILL 121.** By William Moulton of Legislative District 10, George Syas of Legislative District 4, and Sam Klaver of Legislative District 6.

A bill for an act to amend section 14-537, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to provide for time of payment of special assessments for improvements when the total amount involved is less than fifty dollars; and to repeal the original section.

**LEGISLATIVE BILL 122.** By William Moulton of Legislative District 10, George Syas of Legislative District 4, and Sam Klaver of Legislative District 6.

A bill for an act relating to cities and villages, all; to provide for immunity of municipalities and their employees, for acts occurring without the corporate limits of any such municipality.

**LEGISLATIVE BILL 123.** By Michael P. Russillo of Legislative District 9, William Moulton of Legislative District 10, and George Syas of Legislative District 4.

A bill for an act to amend section 68-621, Reissue Revised Statutes of Nebraska, 1943, relating to social security; to provide that the term eligible employees shall include policemen and firemen if the Congress of the United States permits their inclusion; and to repeal the original section.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Moulton requested unanimous consent that the names of the remaining Douglas County Senators be added as co-introducers of LB 119, LB 120, LB 121, LB 122, and LB 123. No objections. So ordered.

**LEGISLATIVE BILL 124.** By David D. Tews of Legislative District 15.

A bill for an act to amend section 75-241, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to provide for the State Railway Commission to assemble motor common carrier rates in tariff form; to authorize the reproduction of such tariffs and the making of charges to cover the costs of reproducing and mailing such tariffs; to require motor carriers of property to obtain a copy of the most current applicable tariff; and to repeal the original section.

**LEGISLATIVE BILL 125.** By David D. Tews of Legislative District 15.

A bill for an act to amend sections 75-229, 75-234, 75-240, 75-240.02, 75-240.03, 75-240.05, and 75-401, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to provide for publication of notice of hearing, by the State Railway Commission, on applications for motor common carrier certificates and contract motor carrier permits in lieu of notice by mail to all interested parties; to provide that the cost of such publication shall be paid by the applicant; to authorize cancellation of hearings in uncontested matters; and to repeal the original section.

**Bills Referred to Standing Committees**

LB	Committee
88.....	Public Works
89.....	Government
90.....	Banking, Commerce and Insurance
91.....	Public Health
92.....	Banking, Commerce and Insurance
93.....	Judiciary
94.....	Revenue
95.....	Agriculture
96.....	Agriculture
97.....	Agriculture
98.....	Agriculture
99.....	Agriculture
100.....	Agriculture
101.....	Agriculture
102.....	Judiciary
103.....	Public Works
104.....	Agriculture
105.....	Agriculture
106.....	Agriculture
107.....	Agriculture
108.....	Government
109.....	Public Works

(Signed) Dwight W. Burney  
Lieutenant Governor

**Adjournment**

At 3:03 p.m., on a motion by Mr. Carpenter, the Legislature adjourned until 10:00 a.m., Wednesday, January 14, 1959.

Hugo F. Srb  
Clerk of the Legislature



**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**SEVENTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 14, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

The Journal for the Sixth Day was approved.

**Invitations**

Invitation from the Nebraska County Assessors' Association to the members and their wives to attend their 55th Annual Banquet to be held at 6:30 p.m. Thursday, January 22, in the Ballroom of the Hotel Lincoln.

Invitation to attend the Indianapolis-Omaha Pro Club hockey game Tuesday, January 20, in Omaha. Transportation will be furnished.

**Communications**

Letter from Theo. H. Berg, City Clerk, enclosing a resolution relative to additional appropriations for the Division of Nebraska Resources.

Letter from Walter D. James, Revisor of Statutes, as follows:

January 14, 1959

Hon. Hugo Srb,  
Clerk, Nebraska State Legislature,  
State House,  
Lincoln, Nebraska

Dear Mr. Srb:

I hand you herein, for consideration by the Legislature, the

report prepared by the Revisor of Statutes pursuant to section 49-702, Reissue Revised Statutes of Nebraska, 1943.

Yours truly,

(Signed) Walter D. James  
Revisor of Statutes

WDJ:jl  
Enc.

**REPORT OF JUDGES OF THE SUPREME COURT  
AS TO DEFECTS IN CONSTITUTION AND LAWS  
OF NEBRASKA**

To the Memembers of the Sixty-ninth Session of the  
Nebraska Legislature:

Section 49-702, Reissue Revised Statutes of Nebraska, 1943, imposes the duty upon the Revisor of Statutes to prepare the report of the Judges of the Supreme Court as to defects in the Constitution and laws of Nebraska, and to draft in the form of bills legislation to carry out the recommendations contained in the report.

The Supreme Court does not assume to sponsor legislation. It does have the duty of reporting to the Legislature defects in existing laws ascertained by it or by officers of the court acting under its supervision and direction. The responsibility for making its report and drafting bills to remedy defects has been placed by the Legislature upon the Reporter of the Supreme Court who is ex officio Revisor of Statutes.

A report has been made to each regular session of the Legislature since the office of Revisor of Statutes was established in 1945. The process of discovering and correcting mistakes in legislation is a continuing one. The office of the Revisor of Statutes serves as a clearing house for the reporting of defects in existing laws. Corrective legislation is then drafted by this office to cure the defects. This year the Revisor of Statutes has prepared and submits for consideration as corrective legislation forty-six amendatory bills and three bills which are strictly repeals of existing laws.

Another of the duties imposed upon the Revisor of Statutes is to arrange and correlate for publication replacements of permanent volumes of the statutes. Commencing in 1947 and continuing through 1953, the Legislature authorized the reissuance of all four of the original volumes of the Revised Statutes of 1943. In each biennium one volume was reissued and brought up-to-date.

Each original volume was replaced by two volumes. In 1955, the Legislature authorized the reissuance of Volume II and the Index. In 1957, the Legislature authorized the reissuance of Volumes IV and V. This year a bill is being submitted to reissue Volumes III and IIIA.

The bills that have been prepared to accompany this report will be delivered upon request to the Chairman of the Committee to which this report is referred.

Respectfully submitted,

(Signed) Walter D. James  
Revisor of Statutes

Referred to the Committee on Judiciary.

### SELECT COMMITTEE REPORT

#### Special Committee on Contest

Mr. President: Your Special Committee on Contest submits the following report with reference to the contest of the election for the office of member of the Nebraska State Legislature from the 7th Legislative District.

Your Committee will meet at 9:00 o'clock a.m. January 15, 1959 in the East Senate Chamber for the purpose of conducting a re-count of the votes cast at the general election held on November 4, 1958, for the office of member of the Nebraska State Legislature from the 7th Legislative District. The count will be conducted in the presence of the attorneys for the incumbent, William R. Skarda, Jr., and the contestant, Charles F. Tvrdik, if they so desire.

During the counting of the ballots either party will be given an opportunity to challenge the vote of any ballot, in which case such ballot will be laid aside for later determination by the Committee. The length of the counting day will be determined by the contestants and their attorneys.

The Election Commissioner and his Deputy from Douglas County will be present to conduct the re-count. Six counters from the Lincoln area will be hired by the Clerk of the Legislature to tabulate the votes. The Committee will determine the validity and count the votes which are challenged by the attorneys for the respective parties during the course of the ballot counting. Should it be necessary to rule on the challenged ballots, the Committee will consider using the Attorney General as the judge in all cases.

Any member of the Legislature will be allowed in the Chamber, but only as observers.

(Signed) William Moulton  
Chairman

### MOTION—Adopt Report

Mr. President: I move that the report of the Special Committee on Contest be adopted. (Signed) William Moulton

The motion prevailed.

### RESOLUTIONS

#### LEGISLATIVE RESOLUTION 2. Read.

Mr. Russillo objected to consideration of LR 2 at this time and requested that it be referred by the Reference Committee.

Mr. Carpenter moved that he, as introducer, be permitted to speak on LR 2.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 37:

Adams	Hollenbeck	Nelson	Skarda
Aufenkamp	Jensen	Olinger	Stryker
Bowen	Klaver	Orme	Swanson
Bridenbaugh	Lautenschlager	Otto	Syas
Burbach	Liebers	Peck	Tews
Carpenter	Marvel	Pizer	Thompson
Diers	McHugh	Portsche	Vosoba
Donner	Moulton	Ruhnke	Waldo
Fenske	Munnelly	Simmons	Webb
Gerdes			

Voting in the negative, 1:

Russillo

Not voting, 5:

Claussen	Erlewine	Romans	Williams
Cooper			

The Carpenter motion prevailed.

**Visitors**

Mr. Burbach introduced Jacque Marchard and John Josset from Paris, France who are visiting in the United States.

**LEGISLATIVE RESOLUTION 5. Re: Statehood to Hawaii.**

Introduced by David D. Tews, 15th District and Stanley L. Portsche, 19th District.

WHEREAS, the territory of Hawaii is vital to the defense of the United States; and

WHEREAS, said territory has greatly contributed to the economic and cultural life of the United States; and

WHEREAS, the people of said territory have demonstrated their maturity, responsibility, and willingness to accept in full, and ability to discharge, the responsibilities that accompany citizenship in one of the states of the United States; and

WHEREAS, not only principles of fairness, but also considerations of mutual benefit to said territory and the states of the United States demand that said territory be granted immediate statehood.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the members of Congress are hereby memorialized to grant immediate statehood to the territory of Hawaii.

2. That copies of this resolution be transmitted by the Clerk of the Legislature to the Vice President of the United States as President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to each member from Nebraska in the Senate of the United States and in the House of Representatives of the United States.

**MOTION—Permission to Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of a bill at the request of the State Treasurer's office. (Signed) John P. Munnelly

The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

**UNANIMOUS CONSENT—Hearing Room**

Mr. Syas, Chairman of the Education Committee, requested unanimous consent to exchange hearing rooms with the Agriculture Committee on January 20, 1959.

No objections. So ordered.

**Notice of Committee Meeting**

Mr. Bridenbaugh, Chairman of the Committee on Intergovernmental Cooperation, announced that there would be a meeting of the Committee at 1:30 p.m. today in the West Lounge.

**MOTION—Permission to Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of four bills at the request of the Banking Department. (Signed) Ray C. Simmons

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

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 126.** By John R. Cooper of Legislative District 1, A. A. Fenske of Legislative District 43, and William Moulton of Legislative District 10.

A bill for an act for submission to the electors of amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to change the terms and salary of the members of the Legislature; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide for the manner and form of ballot; and to provide for the effective date thereof.

**LEGISLATIVE BILL 127.** By George Syas of Legislative District 4, Otto Liebers of Legislative District 18, and Norman A. Otto of Legislative District 34.

A bill for an act relating to juvenile courts; to establish juvenile court judicial districts and to provide for juvenile courts

in such districts; to provide for the method of approval by the electors of the establishment of separate juvenile courts in such districts; to provide for the combination of juvenile court judicial districts and the establishment of separate juvenile courts in such combined districts; to provide for juvenile courts in juvenile court judicial districts in which a separate juvenile court is not established; to prescribe the jurisdiction, powers and duties of juvenile courts in children's and adults' cases; to provide for the selection of judges of separate juvenile courts, and their qualifications, compensation and term of office; to provide for a clerk and an official seal for separate juvenile courts, and the records to be established and maintained; to provide for probation officers and other employees of juvenile courts, their manner of selection, qualifications, duties, powers, compensation and the payment of their expenses; to provide for service of summons and other process, the method of procedure, orders and decrees, and for an appeal from the orders and decrees of juvenile courts; to provide for the apprehension, detention, commitment, treatment, custody and care of children; to provide for the rights, powers, and duties of associations, institutions, and individuals to which or to whom children are committed; to provide for detention accommodations and the manner of supervision thereof; to provide for the protection of religious affiliations of children committed to any individual, association or institution; to provide for support of a child committed to care and custody other than that of his parent, and for the payment for medical, psychological or psychiatric treatment; to provide that it shall be a misdemeanor for any person to do any act, or omit to do any act, which encourages, causes or contributes to the delinquency or neglect of any child and the penalty therefor, and providing for the procedure to be followed in such cases; to provide for the transfer to juvenile court of the cases involving children pending in other courts; to provide for the transfer of cases involving charges of felonies against children to courts having jurisdiction over such offenses; to provide for the punishment for the contempt of the courts; to provide for the sessions and quarters of the juvenile courts; to provide for the payment of fees and expenses; to provide for the supervision of associations receiving children from the juvenile courts; to provide for the cooperation of public officials, public departments and accredited associations; to provide that reference in other laws to the juvenile court or to the judge thereof shall be deemed a reference to a juvenile court as prescribed; to amend section 23-1114, Revised Statutes Supplement, 1957; and to repeal the original section and also sections 43-202, 43-204, 43-205, 43-206, 43-207, 43-208, 43-209, 43-210, 43-211, 43-212, 43-214, 43-216, 43-217, 43-218, 43-220, and 83-241, Reissue Revised Statutes of Nebraska, 1943,

and sections 29-2210, 43-201, and 43-221, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 128.** By Hans O. Jensen of Legislative District 25, Arthur W. Swanson of Legislative District 36, and J. W. Burbach of Legislative District 14.

A bill for an act relating to public retirement systems; to create a Retirement Systems Division of the Board of Educational Lands and Funds and to prescribe its composition; to create the Nebraska Retirement Systems Advisory Committee; to provide for the membership of such committee and the terms and expense reimbursement of such members; to provide the duties of such committee; and to provide that no action shall be taken by the Legislature on any bill or amendment, as prescribed, affecting any public retirement system until a report has been received from such committee.

**LEGISLATIVE BILL 129.** By Hans O. Jensen of Legislative District 25, Arthur W. Swanson of Legislative District 36, and J. W. Burbach of Legislative District 14.

A bill for an act to amend section 24-706, Reissue Revised Statutes of Nebraska, 1943, and sections 24-701, 24-703, and 24-710, Revised Statutes Supplement, 1957, relating to judges retirement; to define terms; to provide for contributions from judges of the Workmen's Compensation Court and the effective date thereof; to provide that a judge who terminates his service before retirement and with less than ten years service may elect to withdraw his contribution or leave it in the fund and be eligible for a retirement annuity upon reaching age sixty-five; to eliminate unnecessary provisions referring to incumbent judges over seventy years of age; to change the method of computing retirement annuities; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 130.** By Hans O. Jensen of Legislative District 25, Arthur W. Swanson of Legislative District 36, and J. W. Burbach of Legislative District 14.

A bill for an act to amend section 85-106, Reissue Revised Statutes of Nebraska, 1943, relating to the Board of Regents of the University of Nebraska; to authorize the board to establish a retirement system for the present and future employees of the



university and to make contributions thereto; and to repeal the original section.

**LEGISLATIVE BILL 131.** By Hans O. Jensen of Legislative District 25, J. W. Burbach of Legislative District 14, and Arthur W. Swanson of Legislative District 36.

A bill for an act to amend sections 24-704, 60-449, and 79-1541, Reissue Revised Statutes of Nebraska, 1943, relating to investments; to define terms; to create the State Investment Board and to prescribe its compensation, powers, and duties; to provide for meetings of such board; to provide that the members of such board shall receive no compensation but shall be reimbursed for their expenses; to provide for the appointment of an administrator and to prescribe his duties and salary; to provide that funds belonging to the state retirement systems shall be invested in accordance with policies formulated by the board; and to repeal the original sections.

**LEGISLATIVE BILL 132.** By Hans O. Jensen of Legislative District 25, Arthur W. Swanson of Legislative District 36, and J. W. Burbach of Legislative District 14.

A bill for an act to amend section 60-458, Reissue Revised Statutes of Nebraska, 1943, relating to the safety patrolmen's retirement system; to provide that no amounts paid into the system shall be paid to his survivors in the event of his death before retirement when he leaves one or more survivors entitled to receive survivor's benefits; and to repeal the original section.

**LEGISLATIVE BILL 133.** By Marvin Lautenschlager of Legislative District 30 and David D. Tews of Legislative District 15.

A bill for an act to amend section 60-311.03, Revised Statutes Supplement, 1957, relating to motor vehicles; to limit the exclusion from the classification of commercial trucks, the trucks of farmers or ranchers carrying their own supplies, farm equipment, and household goods to the owner's farm or ranch, or the trucks of farmers or ranchers to carry their own agricultural products to storage or market; and to repeal the original section.

**LEGISLATIVE BILL 134.** By David D. Tews of Legislative District 15.

A bill for an act to amend section 60-1001, Revised Statutes Supplement, 1957, relating to state-owned motor vehicles; to include

motor vehicles used by inspectors employed by the Nebraska Liquor Control Commission in the list of vehicles not required to be distinctively marked; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 135.** By David D. Tews of Legislative District 15, and Marvin Lautenschlager of Legislative District 30.

A bill for an act to amend section 39-7,108.01, Revised Statutes Supplement, 1957, relating to motor vehicles; to make it an offense to operate a motor vehicle upon any highway in such a manner as to endanger the safety of others or to cause immoderate wear or damage to a highway; and to repeal the original section.

**LEGISLATIVE BILL 136.** By John P. Munnelly of Legislative District 8, and David D. Tews of Legislative District 15.

A bill for an act specifically to appropriate the sum of ten thousand nine hundred fifty-seven dollars and seventy-five cents, or so much thereof as may be necessary, out of the General Fund of the State of Nebraska to pay the premiums on the official bonds of the State Treasurer and deputy state treasurer for the term commencing January 8, 1959; to pay the premiums for policy of insurance on money and securities in connection with the office of the State Treasurer, for the period ending January 6, 1961; and to declare an emergency.

**LEGISLATIVE BILL 137.** By John P. Munnelly of Legislative District 8, Peter H. Claussen of Legislative District 16, and Joe T. Vosoba of Legislative District 23.

A bill for an act to amend sections 60-508, 60-509, 60-510, 60-511, 60-512, 60-513, 60-514, 60-524, 60-525, 60-526, 60-527, and 60-554, Reissue Revised Statutes of Nebraska, 1943, and sections 60-501, 60-505, 60-505.01, and 60-507, Revised Statutes Supplement, 1957, relating to the Motor Vehicle Responsibility Act; to define terms; to change the requirements for reporting an accident; to change the time when records may be destroyed; to provide for reinstatement of licenses and registrations; to provide for fees; to change the conditions for suspension of licenses; to change internal references; to change the requirements for security and proof; to change the term of suspension; to provide for certifying suspensions of license of nonresident and effect of such suspension; to provide for a minimum deposit as security; to increase the time the security shall be retained; to extend the time security shall be required; to provide for reporting convictions; to provide for penalties; and to repeal the original sections.

**Bills Referred to Standing Committees**

LB	Committee
110.....	Public Works
111.....	Banking, Commerce and Insurance
112.....	Banking, Commerce and Insurance
113.....	Banking, Commerce and Insurance
114.....	Judiciary
115.....	Education
116.....	Salaries and Claims
117.....	Education
118.....	Public Works
119.....	Government
120.....	Government
121.....	Government
122.....	Government
123.....	Labor and Public Welfare
124.....	Public Works
125.....	Public Works

(Signed) Dwight W. Burney  
Lieutenant Governor

**NOTICE OF COMMITTEE HEARINGS****Public Works**

LB 52	Wednesday, January 21, 1959	2:00 p.m.
LB 53	Wednesday, January 21, 1959	2:00 p.m.

**Revenue**

LB 10	Monday, January 19, 1959	2:00 p.m.
LB 11	Monday, January 19, 1959	2:00 p.m.
LB 29	Monday, January 19, 1959	2:00 p.m.

**Education**

LB 30	Tuesday, January 27, 1959	2:00 p.m.
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**Announcement**

Mr. Aufenkamp, Chairman of the Committee on Salaries and Claims, announced that all claims to be considered by this session of the Legislature must be filed within or before the first twenty legislative days of the session, in accordance with the rules of the Legislature.

**Notice of Committee Meeting**

Mr. Aufenkamp, Chairman of the Committee on Salaries and Claims, announced that there would be a meeting of the Committee Thursday, January 15, at 2:00 p.m., in the Sixth Floor Hearing Room.

**Adjournment**

At 11:25 a.m., on a motion by Mr. Pizer, the Legislature adjourned until 10:00 a.m., Thursday, January 15, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 15, 1959

Pursuant to adjournment, the Legislature met at 10:05 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Otto, Thompson, and Williams who were excused, and Mr. Moulton who was excused until 10:50 a.m.

**Corrections for the Journal**

Page 113, line 15, delete "ification" and insert "ifications".

Page 114, line 4, delete "DISTRICT" and insert "BILL".

The Journal for the Seventh Day was approved as corrected.

**Invitation**

Invitation to the members and their wives from the Nebraska State Board of Agriculture to attend their annual banquet and floor show to be held Tuesday, January 27, at 6:30 p.m., at the Cornhusker Hotel.

**NOTICE OF COMMITTEE HEARINGS****Government**

LB 6	Friday, January 23, 1959	2:00 p.m.
LB 9	Friday, January 23, 1959	2:00 p.m.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 6.** Re: Television Broadcaster Repeater Stations.

Introduced by John G. Donner, 27th District, Earl Hollenbeck, 40th District, and Jack Romans, 29th District.

WHEREAS, the Federal Communications Commission on December 31, 1958 announced a decision prohibiting the operation of low

power television broadcaster repeater stations on Very High Frequency channels and requiring existing stations to apply for conversion to licensed Ultra High Frequency translators by April 1; and

WHEREAS, the cost of conversion to an operation of Ultra High Frequency translators would be prohibitive in the sparsely settled areas in Nebraska; and

WHEREAS, because of the distances involved in the sparsely settled areas of Nebraska the use of repeater stations on Very High Frequency channels does not interfere with licensed operations using the same channel.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That this Legislature respectfully requests the Federal Communications Commission to reconsider its decision of December 31 insofar as it applies to Nebraska and permit the continued operation of low power television repeater stations on Very High Frequency channels in this state.

2. That a copy of this resolution be sent to the Federal Communications Commission and to each of the members from Nebraska in the United States House of Representatives and the Senate.

#### **Visitors**

Mrs. Orme introduced thirty-one students of a sixth grade class, their teacher, Mrs. Lois Eno and Assistant Principal, Miss Lanta Dales, from Prescott School, Lincoln.

#### **LEGISLATIVE RESOLUTION 7. Re: Legislative Council Study of State Government Reorganization.**

Introduced by Otto H. Liebers, 18th District, Richard D. Marvel, 31st District, and Don Thompson, 33rd District.

WHEREAS, there has been no comprehensive reorganization of the Nebraska state government since 1919; and

WHEREAS, many additional executive or administrative agencies have been established during the last forty years; and

WHEREAS, the growth of administrative agencies is believed to have resulted in an unnecessary overlapping and duplication of functions with a consequent loss of efficiency and increase in costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Nebraska Legislative Council be directed to study and examine into the following matters:

(a) The functions and duties of all executive or administrative departments, boards, commissions, and other agencies;

(b) The internal organization and operation of such executive or administrative agencies; and

(c) All other matters designed to produce efficiency and economy in the state administration.

2. That the committee report its findings, together with such recommendations as it may deem feasible, to the next regular session of the Legislature.

Referred to the Legislative Council Executive Board.

#### **LEGISLATIVE RESOLUTION 5.**

Legislative Resolution 5 was adopted with 32 ayes, 0 nays, and 11 not voting.

#### **BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 138.** By George Syas of Legislative District 4.

A bill for an act to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1957, relating to workmen's compensation; to increase benefits to employees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 139.** By William R. Skarda, Jr. of Legislative District 7 and John P. Munnelly of Legislative District 8.

A bill for an act to amend section 32-208, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to provide that election commissioners may appoint, as assistant commissioners, one member from each civic, fraternal, religious, or service organization within the county; to provide for the furnishing of a bond; to prescribe powers and duties; to provide that assistant commissioners shall serve during the pleasure of the election commissioner with-

out salary or expense reimbursement; and to repeal the original section.

**LEGISLATIVE BILL 140.** By John P. Munnelly of Legislative District 8, John Adams, Sr. of Legislative District 5, and William R. Skarda, Jr. of Legislative District 7.

A bill for an act to amend section 48-115, Reissue Revised Statutes of Nebraska, 1943, relating to workmens compensation; to redefine the terms employee and workman; and to repeal the original section.

**LEGISLATIVE BILL 141.** By Ray C. Simmons of Legislative District 11, J. O. Peck of Legislative District 26, and Edwin T. McHugh of Legislative District 3.

A bill for an act to amend sections 81-348 and 81-349, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to increase the time for commencing an action to enforce the liability as provided in section 81-347, Reissue Revised Statutes of Nebraska, 1943; to eliminate the provision that violations of Chapter 81, article 3, Reissue Revised Statutes of Nebraska, 1943, shall not apply to violations which occurred prior to January 30, 1957; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 142.** By Ray C. Simmons of Legislative District 11, J. O. Peck of Legislative District 26, and Edwin T. McHugh of Legislative District 3.

A bill for an act to amend sections 77-712 and 77-712.01, Reissue Revised Statutes of Nebraska, 1943, relating to intangible property tax; to transfer the responsibility for collection of the intangible property tax assessed against licensees under section 45-117 from the Department of Banking to the Tax Commissioner; to authorize annual examinations of the books and records of any licensee at the expense of such licensee; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 143.** By Ray C. Simmons of Legislative District 11, J. O. Peck of Legislative District 26, and Edwin T. McHugh of Legislative District 3.

A bill for an act to amend sections 45-163, 45-165, 45-168, and 45-169, Revised Statutes Supplement, 1957, relating to the purchase



of installment paper; to transfer administration of the provisions of sections 45-163 to 45-171, Revised Statutes Supplement, 1957, from the Department of Banking to the Tax Commissioner; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 144.** By Ray C. Simmons of Legislative District 11, J. O. Peck of Legislative District 26, and Edwin T. McHugh of Legislative District 3.

A bill for an act to amend section 77-732, Reissue Revised Statutes of Nebraska, 1943, relating to intangible property tax; to transfer collection of the intangible property tax assessed against purchases of installment paper from the Department of Banking to the Tax Commissioner; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 145.** By John Aufenkamp of Legislative District 2.

A bill for an act to amend section 75-238, Reissue Revised Statutes of Nebraska, 1943, relating to the Motor Carriers Act; to authorize revocation or suspension of certificates and permits upon notice to the holder without hearing in cases of specified causes; and to repeal the original section.

#### **MOTION—Commendation**

Mr. President: I move that the State Fair Board, through Edwin Schultz, Secretary, be commended for delivering and removing chairs from the Chamber used during inauguration. (Signed) Harry L. Pizer

The motion prevailed.

#### **Bills Referred to Standing Committees**

LB	Committee
126.....	Judiciary
127.....	Judiciary
128.....	Labor and Public Welfare
129.....	Labor and Public Welfare
130.....	Labor and Public Welfare
131.....	Banking, Commerce and Insurance
132.....	Labor and Public Welfare
133.....	Miscellaneous Subjects
134.....	Miscellaneous Subjects
135.....	Judiciary

136.....Banking, Commerce and Insurance

137.....Judiciary

**Resolutions Referred to Standing Committees**

LR Committee

2.....Judiciary

(Signed) Dwight W. Burney  
Lieutenant Governor**Request for Ruling**

Mr. Carpenter requested a ruling of the Chair on the following:  
At any committee meeting, executive or otherwise, any Senator can attend such meeting solely as a spectator to observe.

The Chair ruled that the matter was up to the chairman of the committee.

**MOTION—Committee Meetings**

Mr. President: I move that all meetings of committees of this Legislature, executive sessions or otherwise, be open to any member of this body for the purpose of observing the proceedings. (Signed) John Adams, Sr.

Mr. Adams requested a record vote.

Voting in the affirmative, 8:

Adams	Carpenter	Jensen	Nelson
Aufenkamp	Donner	Munnelly	Skarda

Voting in the negative, 32:

Bowen	Gerdes	Olinger	Simmons
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Klaver	Peck	Swanson
Claussen	Lautenschlager	Pizer	Syas
Cooper	Liebers	Portsche	Tews
Diers	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Waldo
Fenske	Moulton	Russillo	Webb

Not voting, 3:

Otto	Thompson	Williams
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The Adams motion lost.

### Visitors

Speaker Pizer escorted J. Monroe Bixler from Harrison, a former member of the Legislature, to the rostrum where he was introduced by President Burney.

Mr. Donner introduced Jack Lough from Albion.

Mr. Diers introduced Mr. Stauffer from York.

### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 146.** By William Moulton of Legislative District 10, John P. Munnelly of Legislative District 8, and Michael P. Russillo of Legislative District 9.

A bill for an act to amend section 14-362, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to provide that sewer connections shall be made without an ordinance, but shall require that special assessments being made in installments shall have all delinquent and current installments paid before a permit shall be issued; to enlarge the jurisdiction of such a city over sewer permits; and to repeal the original section.

### UNANIMOUS CONSENT—Add Co-introducers

Mr. Syas asked unanimous consent to add the following names as co-introducers of LB 146: John Adams, Sr. of Legislative District 5, Sam Klaver of Legislative District 6, William R. Skarda, Jr. of Legislative District 7 and George Syas of Legislative District 4. No objections. So ordered.

**LEGISLATIVE BILL 147.** By Joe T. Vosoba of Legislative District 23, and H. K. Diers of Legislative District 24.

A bill for an act to repeal section 81-2,178, Reissue Revised Statutes of Nebraska, 1943, relating to the taxation of bees; and to declare an emergency.

**LEGISLATIVE BILL 148.** By Ray C. Simmons of Legislative District 11, and Hal Bridenbaugh of Legislative District 13.

A bill for an act relating to revenue and taxation; to vitalize Article VIII, section 4, of the Constitution of Nebraska for the releasing and extinguishing of certain real estate taxes and tax liens after fifteen years; and to declare an emergency.

**MOTION—Request Report**

Mr. President: I move that Mr. Gerdes who is President of the Nebraska Wheatgrowers Association, be requested to give a report on his trip to India. (Signed) Hans O. Jensen

The motion prevailed.

Mr. Gerdes addressed the Legislature and gave a report of his tour through various Far East countries.

**SUSPEND RULES—Introduce Bills**

Mr. President: I move that the rules be suspended to permit the introduction of three departmental bills. (Signed) George Syas

The motion prevailed with 32 ayes, 1 nay, and 10 not voting.

**Members Excused**

Messrs. Bowen, Klaver, Donner, and Syas were excused for Friday, January 16.

**SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of a bill relating to the Department of Banking. (Signed) J. O. Peck

The motion prevailed with 31 ayes, 0 nays, and 12 not voting.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 149.** By George Syas of Legislative District 4 and William Moulton of Legislative District 10.

A bill for an act to amend section 37-505, Reissue Revised Statutes of Nebraska, 1943, and section 37-213, Revised Statutes Supplement, 1957, relating to game and fish; to permit the taking and sale of the flesh or fur of certain animals by the holder of either a valid hunting or trapping permit; to prohibit the purchase, sale, barter, or possession of fish, game animals, or game birds as prescribed; to provide exceptions; to fix a burden of proof; to empower the Game, Forestation and Parks Commission to control commercial fishing on the Missouri River by regulation; and to repeal the original section.

**LEGISLATIVE BILL 150.** By George Syas of Legislative District 4 and William Moulton of Legislative District 10.

A bill for an act to amend sections 37-404, 37-419, 37-420, and 37-421, Reissue Revised Statutes of Nebraska, 1943, and sections 37-401 and 37-418, Revised Statutes Supplement, 1957, relating to reserves and sanctuaries for game and fish; to change the name of game refuges to game management areas; to redesignate the boundaries of such areas; to reduce the size of selected areas; to provide for regulations; to make certain acts unlawful; to provide penalties; to repeal the original sections, and also sections 37-406.02, 37-410, 37-412, 37-413, 37-414, and 37-417, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 151.** By George Syas of Legislative District 4 and William Moulton of Legislative District 10.

A bill for an act to amend section 37-603, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to change the designation of enforcement officers to conservation and deputy conservation officers; to enlarge the authority of such enforcement officers; to provide when any officer shall exhibit his written commission of authority; and to repeal the original section.

**LEGISLATIVE BILL 152.** By J. O. Peck of Legislative District 26, Kenneth L. Bowen of Legislative District 32, and Edwin T. McHugh of Legislative District 3.

A bill for an act to amend section 8-416, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide a method of liquidating industrial loan and investment companies; to provide for priority of claims; to repeal the original section; and to declare an emergency.

#### Visitor

Mr. Romans introduced Mr. LeRoy Bahensky from Palmer, a former member of the Legislature.

#### Member Excused

Mr. Tews was excused until Monday noon, January 19.

#### Visitor

Mr. Erlewine introduced Mr. Max Brown from Lexington.

**Adjournment**

At 11:43 a.m., on a motion by Mr. Pizer, the Legislature adjourned until 10:00 a.m., Friday, January 16, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

NINTH DAY

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Legislative Chamber, Lincoln, Nebraska

Friday, January 16, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Bowen, Donner, Klaver, Munnely, Portsche, Syas, Tews, and Williams, who were excused.

The Journal for the Eighth Day was approved.

**Communications**

Letter from Frank Smothers, Director of Publications for The Council of State Governments, relative to supplies and publications which they will be sending to the members.

**NOTICE OF COMMITTEE HEARINGS****Agriculture**

LB 1	Thursday, January 22, 1959	2:00 p.m.
LB 34	Thursday, January 22, 1959	2:00 p.m.
LB 36	Thursday, January 22, 1959	2:00 p.m.

**Banking, Commerce and Insurance**

LB 111	Thursday, January 22, 1959	2:00 p.m.
LB 112	Thursday, January 22, 1959	2:00 p.m.
LB 113	Thursday, January 22, 1959	2:00 p.m.
LB 26	Tuesday, January 27, 1959	2:00 p.m.
LB 90	Tuesday, January 27, 1959	2:00 p.m.
LB 92	Tuesday, January 27, 1959	2:00 p.m.

**Education**

LB 115	Thursday, January 29, 1959	2:00 p.m.
LB 117	Thursday, January 29, 1959	2:00 p.m.

**UNANIMOUS CONSENT—Hearing on LB 52**

Mr. Ruhnke, Chairman of the Public Works Committee, requested unanimous consent that the hearing on LB 52, now set for hearing Wednesday, January 21, 1959, be postponed until a later date. No objection. So ordered.

**President Signs**

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

LR 5

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 153.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 32-810, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to remove from the oath of absent or disabled voters the requirement to state the voter's color; and to repeal the original section.

**LEGISLATIVE BILL 154.** By Terry Carpenter of Legislative District 42.

A bill for an act to repeal Chapter 59, articles 11 and 12, Reissue Revised Statutes of Nebraska, 1943, relating to monopolies.

**LEGISLATIVE BILL 155.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 85-172.03, Reissue Revised Statutes of Nebraska, 1943, relating to the University of Nebraska; to extend the tax levied for the University of Nebraska College of Medicine and University Hospital Building Fund and to remove the dollar limitation therefrom; and to repeal the original section.

**LEGISLATIVE BILL 156.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 70-625, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to provide that public power districts shall not sell household appliances at retail; and to repeal the original section.



**LEGISLATIVE BILL 157.** By Frank Nelson of Legislative District 28.

A bill for an act to amend section 54-134, Revised Statutes Supplement, 1957, relating to Nebraska brand inspection area; to include the counties of Antelope and Boone in the Nebraska brand inspection area; and to repeal the original section.

**LEGISLATIVE BILL 158.** By Terry Carpenter of Legislative District 42.

A bill for an act for submission to the electors of amendments to Article VIII of the Constitution of Nebraska, relating to revenue; to provide that the Legislature shall enact a sales and use tax for the benefit of the public schools and tax supported institutions of higher learning; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 159.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to sales at retail; to provide that it shall be unlawful to advertise for sale, offer to sell, or sell merchandise at retail for less than invoice cost plus a markup of six per cent; to provide exceptions; and to provide remedies.

**LEGISLATIVE BILL 160.** By Hal Bridenbaugh of Legislative District 13.

A bill for an act relating to inheritance taxes; to repeal section 77-2015, Reissue Revised Statutes of Nebraska, 1943.

**SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of a departmental bill. (Signed) Don Thompson

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 161.** By Don Thompson of Legislative District 33 and J. O. Peck of Legislative District 26.

A bill for an act to amend sections 81-840, 81-847, 81-848, and 81-849, Reissue Revised Statutes of Nebraska, 1943, relating to engineers and architects; to establish the classification of engineer-in-training and prescribe the qualifications therefor; to change the qualifications required to establish qualification to practice professional engineering or architecture; to prescribe fees for registration as an engineer-in-training; to increase the fee for registration as a professional engineer or architect and for renewal of such registration; and to repeal the original sections.

### Visitors

Mr. Vosoba introduced Messrs. Joseph B. Horacek and Stanley Pospisil from Wilber.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 70. With emergency.

A bill for an act to provide for the payment of compensation of officers and employees of the Legislature, traveling expenses of members, the payments to be made for supplies, the payments as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and other incidental expenses incurred during the Sixty-ninth Session, Nebraska State Legislature, during the biennium ending June 30, 1959, and for the ad interim activities of said Legislature during the biennium ending June 30, 1961; to appropriate the sum of one hundred fifty thousand dollars, and the unexpended balance in Auditor Account Nos. E3, E4, and E5, 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, 34:

Adams	Fenske	Olinger	Simmons
Aufenkamp	Gerdes	Orme	Skarda
Bridenbaugh	Hollenbeck	Otto	Stryker
Burbach	Jensen	Peck	Swanson
Carpenter	Lautenschlager	Pizer	Thompson
Claussen	Liebers	Romans	Vosoba
Cooper	Marvel	Ruhnke	Waldo
Diers	Moulton	Russillo	Webb
Erlewine	Nelson		

Voting in the negative, 0.

Not voting, 9:

Bowen	McHugh	Portsche	Tews
Donner	Munnelly	Syas	Williams
Klaver			

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

**LEGISLATIVE BILL 71.** With emergency.

A bill for an act to provide for the payment of compensation of bill drafters, legal researcher, correlation clerk, stenographers, and proofreaders, the payments as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and for the payments to be made for supplies and other incidental expenses incurred by the bill drafting and related services of the Nebraska Legislative Council during the Sixty-ninth Session, Nebraska State Legislature, commencing January 1, 1959; to appropriate the sum of thirty-two thousand dollars and the unexpended balance in Auditor Account No. E6, 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, 34:

Adams	Fenske	Olinger	Simmons
Aufenkamp	Gerdes	Orme	Skarda
Bridenbaugh	Hollenbeck	Otto	Stryker
Burbach	Jensen	Peck	Swanson
Carpenter	Lautenschlager	Pizer	Thompson
Claussen	Liebers	Romans	Vosoba
Cooper	Marvel	Ruhnke	Waldo
Diers	Moulton	Russillo	Webb
Erlewine	Nelson		

Voting in the negative, 0.

Not voting, 9:

Bowen	McHugh	Portsche	Tews
Donner	Munnelly	Syas	Williams
Klaver			

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

**LEGISLATIVE BILL 73.** With emergency.

A bill for an act to provide for the payment of the salaries of members of the Sixty-ninth Session, Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Re-issue Revised Statutes of Nebraska, 1943, for a period of two years commencing the first Tuesday in January, 1959; to appropriate the sum of seventy-seven thousand sixty-two dollars and fifty cents 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, 34:

Adams	Fenske	Olinger	Simmons
Aufenkamp	Gerdes	Orme	Skarda
Bridenbaugh	Hollenbeck	Otto	Stryker
Burbach	Jensen	Peck	Swanson
Carpenter	Lautenschlager	Pizer	Thompson
Claussen	Liebers	Romans	Vosoba
Cooper	Marvel	Ruhnke	Waldo
Diers	Moulton	Russillo	Webb
Erlewine	Nelson		

Voting in the negative, 0.

Not voting, 9:

Bowen	McHugh	Portsche	Tews
Donner	Munnely	Syas	Williams
Klaver			

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

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 70.** Correctly enrolled.

**LEGISLATIVE BILL 71.** Correctly enrolled.

**LEGISLATIVE BILL 73.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### President Signs

While the Legislature was in session and capable of transacting business, the President signed: LB 70    LB 71    LB 73

### Visitors

Mr. Pizer introduced Mrs. Herbert Duis, wife of former Senator Herbert Duis, and children from Gothenburg, and Mrs. Mary McNutt, wife of former Senator Robert McNutt, and child from Lincoln.

### Notice of Committee Meeting

Mr. Simmons, Chairman of the Committee on Judiciary, announced that there would be a meeting of the committee on Monday, January 19, at 2:00 p.m., in the Supreme Court Hearing Room.

### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 162.** By John R. Cooper of Legislative District 1, Arthur W. Swanson of Legislative District 36, and Marvin Lautenschlager of Legislative District 30.

A bill for an act to amend section 44-330, Reissue Revised Statutes of Nebraska, 1943 and sections 44-114 and 44-341, Revised Statutes Supplement, 1957, relating to insurance; to define terms; to regulate the licensing of life insurance agents; to provide for the filing of applications and requisitions for licenses; to require examinations in certain instances; to provide exceptions; to provide fees; to provide for temporary licenses; to provide for rules and regulations; to authorize the appointment of an advisory board and prescribe its powers, duties, composition, and compensation; to limit the frequency with which an unsuccessful applicant may be examined; to prescribe grounds for the denial of licenses; to provide when a licensed life insurance agent may represent his insurer with respect to accident and health insurance; to provide for the issuance of nonresidents licenses; to provide for the cancellation or revocation of licenses; to require notice to the Director of Insurance of the termination of a life insurance agent's contract; and to repeal the original sections.

**LEGISLATIVE BILL 163.** By Lewis Webb of Legislative District 39 and John R. Cooper of Legislative District 1.

A bill for an act to amend section 74-592, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to require that

motor cars used for the transportation of railroad employees by their employer be equipped with a substantial top, front and rear lights, a windshield, and windshield wipers, all as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 164.** By Joe T. Vosoba of Legislative District 23 and John Aufenkamp of Legislative District 2.

A bill for an act to amend section 83-352, Reissue Revised Statutes of Nebraska, 1943, relating to state hospitals for the mentally ill; to provide that in action brought to recover the cost of care of a patient in a state hospital for the mentally ill the burden shall be on the defendant to allege and prove that he is not possessed of an estate or income as prescribed; to provide that amounts paid by the county for the care of such patients shall be a continuing account; and to repeal the original section.

**LEGISLATIVE BILL 165.** By Norman A. Otto of Legislative District 34, J. W. Burbach of Legislative District 14, and Willard H. Waldo of Legislative District 21.

A bill for an act for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to revenue; to provide that the Legislature may by general law provide that all or a portion of the value of any residence actually occupied by the owner thereof as a homestead shall be exempt from taxation; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; and to provide the effective date thereof.

#### **UNANIMOUS CONSENT—Add Co-introducers**

Mr. Otto requested unanimous consent to add the names of Hans O. Jensen of Legislative District 25, Marvin Lautenschlager of Legislative District 30, and Arnold Ruhnke of Legislative District 22, as co-introducers of LB 165. No objections. So ordered.

#### **Visitor**

Mr. Pizer introduced Mr. Herbert Duis from Gothenburg, a former member of the Legislature.

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Revenue**

LB 41	Wednesday, January 28, 1959	2:00 p.m.
LB 42	Wednesday, January 28, 1959	2:00 p.m.

LB 43	Wednesday, January 28, 1959	2:00 p.m.
LB 47	Wednesday, January 28, 1959	2:00 p.m.
LB 44	Friday, January 30, 1959	2:00 p.m.
LB 45	Friday, January 30, 1959	2:00 p.m.
LB 46	Monday, February 2, 1959	2:00 p.m.
LB 48	Monday, February 2, 1959	2:00 p.m.
LB 51	Wednesday, February 4, 1959	2:00 p.m.
LB 54	Wednesday, February 4, 1959	2:00 p.m.
LB 55	Wednesday, February 4, 1959	2:00 p.m.
LB 57	Wednesday, February 4, 1959	2:00 p.m.
LB 56	Friday, February 6, 1959	2:00 p.m.
LB 58	Monday, February 9, 1959	2:00 p.m.
LB 68	Monday, February 9, 1959	2:00 p.m.

#### Bills Referred to Standing Committees

LB	Committee
138.....	Labor and Public Welfare
139.....	Government
140.....	Labor and Public Welfare
141.....	Banking, Commerce and Insurance
142.....	Revenue
143.....	Banking, Commerce and Insurance
144.....	Revenue
145.....	Public Works
146.....	Government
147.....	Agriculture
148.....	Revenue
149.....	Agriculture
150.....	Agriculture
151.....	Agriculture
152.....	Banking, Commerce and Insurance

(Signed) Dwight W. Burney  
Lieutenant Governor

#### STANDING COMMITTEE REPORTS

##### Enrollment and Review

##### Presented to the Governor

Presented to the Governor for approval on January 16, 1959,  
at 10:50 a.m.: LB 70 LB 71 LB 73

(Signed) Jo Fisher  
Enrolling Clerk

**RESOLUTIONS****LEGISLATIVE RESOLUTION 6.**

Legislative Resolution 6 was adopted with 31 ayes, 0 nays, and 12 not voting.

**UNANIMOUS CONSENT—Deliver Resolution**

Mr. Romans requested unanimous consent for permission to personally deliver Legislative Resolution 6 to the Federal Communications Commission in Washington, D. C., on Wednesday, January 21, 1959. No objections. So ordered.

**Adjournment**

At 11:04 a.m., on a motion by Mr. Jensen, the Legislature adjourned until 10:00 a.m., Monday, January 19, 1959.

Hugo F. Srb

Clerk of the Legislature



**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**TENTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Monday, January 19, 1959

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

**Corrections for the Journal**

Page 134, insert the following after line 37: "LEGISLATIVE BILL 73. Correctly enrolled."

The Journal for the Ninth Day was approved as corrected.

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 6

**Visitors**

Mr. Fenske introduced Lenard Modlin from Kimball, and Robert McKinnon and Melvern Booker from Banner County.

Mr. Nelson introduced Mr. Glen Estes from Rock County.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 166.** By George C. Gerdes of Legislative District 41, and Earl Hollenbeck of Legislative District 40.

A bill for an act relating to cities and villages, particular class; to authorize and empower cities of the first class, cities of the second

class, and villages to regulate by appropriate ordinance, the construction, installation, and maintenance of television and radio telecasting and broadcasting stations and their equipment and apparatus; to authorize the issuance of annual licenses to such telecasting and broadcasting media and the collection of a reasonable annual license fee from each of the facilities; and to require the filing of maps as prescribed.

**LEGISLATIVE BILL 167.** By George C. Gerdes of Legislative District 41, and Earl Hollenbeck of Legislative District 40.

A bill for an act to amend sections 37-215 and 37-215.02, Revised Statutes Supplement, 1957, relating to game and fish; to provide for the separate issuance of permits for the killing of deer only and permits for the killing of antelope only; to provide the basis of issuance of such permits; to provide separate fees for resident and nonresident permits; and to repeal the original sections.

**LEGISLATIVE BILL 168.** By George Syas of Legislative District 4, and William R. Skarda, Jr. of Legislative District 7.

A bill for an act relating to public docks; to provide for the abolition of a board of public docks and disposition of property.

### NOTICE OF COMMITTEE HEARINGS

#### Government

LB 35	Monday, January 26, 1959	2:00 p.m.
LB 14	Monday, January 26, 1959	3:15 p.m.
LB 20	Monday, January 26, 1959	3:15 p.m.
LB 21	Monday, January 26, 1959	3:15 p.m.
LB 49	Monday, January 26, 1959	3:15 p.m.
LB 59	Monday, January 26, 1959	3:15 p.m.
LB 86	Wednesday, January 28, 1959	2:00 p.m.

### UNANIMOUS CONSENT—Time of Hearing

Mr. Williams, Chairman of the Committee on Government, requested unanimous consent to schedule the hearing on LB 14, LB 20, LB 21, LB 49, and LB 59 at 3:15 p.m. rather than 2:00 p.m. on Monday, January 26, 1959. No objections. So ordered.

### Notice of Committee Meeting

Mr. Marvel, Chairman of the Rules Committee, announced that there would be a meeting of the Rules Committee immediately following adjournment today in the West Chamber.

### Bills Referred to Standing Committees

LB	Committee
153.....	Government
154.....	Banking, Commerce and Insurance
155.....	Revenue
156.....	Government
157.....	Agriculture
158.....	Judiciary
159.....	Banking, Commerce and Insurance
160.....	Revenue
161.....	Miscellaneous Subjects
162.....	Banking, Commerce and Insurance
163.....	Public Works
164.....	Public Health
165.....	Judiciary

(Signed) Dwight W. Burney  
Lieutenant Governor

### SELECT COMMITTEE REPORT

#### Special Committee on Contest

Mr. President: Your Special Committee on Contest submits the following report with reference to the contest of the election for the office of member of the Nebraska State Legislature from the 21st Legislative District.

Your Committee will meet at 1:30 o'clock P. M. January 19, 1959 in the East Senate Lounge for the purpose of conducting a re-count of the votes cast at the general election held on November 4, 1958, for the office of member of the Nebraska State Legislature from the 21st Legislative District. The count will be conducted in the presence of the attorneys for the incumbent, Willard H. Waldo, and the contestant, George F. Fulton, if they so desire.

During the counting of the ballots either party will be given an opportunity to challenge the vote of any ballot, in which case such ballot will be laid aside for later determination by the Committee. The length of the counting day will be determined by the contestants and their attorneys.

The County Clerk from Gage County and the City Clerk from Beatrice will be present to conduct the re-count. Six counters from the Lincoln area will be hired by the Clerk of the Legislature to tabulate the votes. The Committee will determine the validity and count the votes which are challenged by the attorneys for the respective parties during the course of the ballot counting. Should it be necessary to rule on the challenged ballots, the Committee will consider using the Attorney General as the judge in all cases.

Any member of the Legislature will be allowed in the Lounge, but only as observers.

(Signed) Stanley L. Portsche  
Chairman

#### **MOTION—Adopt Report**

Mr. President: I move that the Special Committee on Contest report be adopted. (Signed) Stanley L. Portsche

The motion prevailed.

#### **UNANIMOUS CONSENT—Hearing Room**

Mr. Otto, Chairman of the Committee on Revenue, requested unanimous consent to hold the Revenue Committee hearings this afternoon in the East Chamber rather than the Sixth Floor Hearing Room. No objections. So ordered.

#### **Adjournment**

At 10:17 a.m., on a motion by Mr. Pizer, the Legislature adjourned until 10:00 a.m., Tuesday, January 20, 1959.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**ELEVENTH DAY**

---

Legislative Chamber, Lincoln, Nebraska

Tuesday, January 20, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Portsche who was excused until 10:50 a.m.

The Journal for the Tenth Day was approved.

**Communications**

Telegram from Frank A. Harm, President, Better Omaha Club, recommending a ceiling on Omaha school mill levy.

**MESSAGE FROM THE GOVERNOR**

January 16, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on January 16, 1959, he approved LB 70 — 71 — 73.

Respectfully submitted,

(Signed) Robert B. Conrad  
ADMINISTRATIVE ASSISTANT

**Visitor**

Mr. Bridenbaugh escorted Mr. John Reilly, Midwestern Representative of the Council of State Governments, Chicago, to the rostrum and introduced him to the Legislature.

Mr. Reilly addressed the Legislature and gave an outline of the activities of the Council of State Governments.

**Communications**

Telegram from Melvin E. Murphy, Omaha, requesting postponement of the hearing on LB 63.

Referred to the Committee on Education.

Mr. Romans read a telegram from Senator Carl T. Curtis, Washington, D. C., relative to their forthcoming visit with the Federal Communications Commission.

**Visitors**

Mr. Tews introduced H. L. Gerhart and James Warren from Newman Grove.

Mr. Claussen introduced L. M. Schultz, a former member of the Legislature, and Mrs. Schultz from Rogers.

Mr. Otto introduced Dr. Herbert Cushing and Carl Spelts from Kearney.

Mr. Erlewine introduced Lee Todd and George Gengenbach from Grant, and Larry D. Erlewine from Ogallala.

**UNANIMOUS CONSENT—Executive Session**

Mr. Ruhnke, Chairman of the Public Works Committee, requested unanimous consent to have an Executive Session of the Public Works Committee immediately following adjournment today in the East Chamber. No objections. So ordered.

**Notice of Committee Meeting**

Mr. Moulton, Chairman of the Committee on Committees, announced that there would be a meeting of the Committee on Committees at 1:30 p.m. today in the West Lounge.

**MOTION—Invitation**

Mr. President: I move that the Honorable Fred A. Seaton, Secretary of the Interior, and a distinguished former member of this body, be invited to address the Legislature at 10:00 o'clock a.m. February 2, 1959; and that the Clerk be directed to advise the Secretary of this action. (Signed) John R. Cooper

The motion prevailed.

**Visitors**

Mr. Marvel introduced Mrs. Helen Clarke and Richard Short from Hastings.

**Notice of Committee Meeting**

Mr. Marvel, Chairman of the Rules Committee, announced that there would be a meeting of the Rules Committee immediately following adjournment today in the West Lounge.

**MOTIONS—Amend Rules**

Mr. Otto made a motion, amended by Mr. Klaver, as follows:

Mr. President: I move that the rules be amended to provide that members may not divulge proceedings and votes on executive sessions of standing committees and that this motion be referred to the Rules Committee for immediate action. (Signed) Norman A. Otto

The motion prevailed.

Mr. President: I move to amend the Rules by requiring that all committee votes in executive sessions be by secret ballot. (Signed) John G. Donner

Referred to the Rules Committee.

**NOTICE OF COMMITTEE HEARINGS****Public Health**

LB 28 Monday, January 26, 1959

2:00 p.m.

**Public Works**

LB 110	Monday, January 26, 1959	2:00 p.m.
LB 66	Monday, January 26, 1959	2:00 p.m.
LB 103	Wednesday, January 28, 1959	2:00 p.m.
LB 145	Wednesday, January 28, 1959	2:00 p.m.

**Government**

LB 82	Friday, January 30, 1959	2:00 p.m.
LB 108	Monday, February 2, 1959	2:00 p.m.

**Miscellaneous Subjects**

LB 5	Tuesday, January 27, 1959	2:00 p.m.
LB 61	Tuesday, January 27, 1959	2:00 p.m.
LB 77	Tuesday, January 27, 1959	2:00 p.m.
LB 134	Tuesday, January 27, 1959	2:00 p.m.

**Agriculture**

LB 104	Tuesday, January 27, 1959	2:00 p.m.
LB 105	Tuesday, January 27, 1959	2:00 p.m.

**UNANIMOUS CONSENT—Re-refer LB 157**

Mr. Donner requested unanimous consent to have LB 157 re-referred from the Agriculture Committee to the Government Committee.

Laid over at the request of Mr. Jensen.

**Notice of Committee Meeting**

Mr. Aufenkamp, Chairman of the Committee on Salaries and Claims, announced that there would be a meeting of the Salaries and Claims Committee at 2:00 p.m. today for consideration of non-controversial claims.

**STANDING COMMITTEE REPORTS****Public Works**

**LEGISLATIVE BILL 39.** Placed on General File as amended.

Standing Committee amendments to LB 39:



1. Amend Section 1, page 2, line 19, by striking *fifty* and inserting *not less than twenty-five dollars nor more than one hundred*, and by striking lines 21 to 23 and inserting in lieu thereof the following: "*quent intervals on the side of all state highways by June 1, 1960, appropriate anti-litter signs showing the penalty. Such signs shall be of such size and design as to*".

2. Add the emergency clause.
3. Amend the title to conform.

(Signed) Arnold Ruhnke, Chairman

## SELECT COMMITTEE REPORTS

### Special Committee on Contest

Mr. President: Your Special Committee on the contest in Legislative District No. 7 reports the following with reference to the recount of votes in said District.

The counting of votes started at 9:30 A.M. on January 15, 1959 and was concluded at 3: P.M. on January 16, 1959. The delay in submission of this report was due to allowing the attorneys representing Messrs. Skarda and Tvrdik to examine the ballots from three precincts more closely. Your Committee wishes to report that the representatives of the contestants and the persons hired to help with recounting the votes did a most admirable job.

Final tabulation of the votes was as follows:

Senator Skarda .....4431

Former Senator Tvrdik .....4374

or a difference of 57 votes in favor of Senator Skarda.

(Signed) William Moulton, Chairman

(Signed) John Aufenkamp

(Signed) H. K. Diers

(Signed) Marvin Lautenschlager

(Signed) Edwin T. McHugh

Statement from Rudolph Tesar, Attorney for Charles F. Tvrdik:

Mr. Charles Tvrdik conducted this contest to assure the voters of his district that there was a free and fairly conducted election and honest vote counting; i.e., that there was no hindrance or im-

pediment to the right of qualified voters to exercise their elective franchise of a free ballot and fair count.

Mr. Tvrdik after consulting with his attorney and his personal representative at the recount, Mr. Joseph Kutilek, has definitely concluded that there was a free election and honest count on behalf of both candidates.

Mr. Tvrdik wishes that I express for him his sincere thanks to the members of the Nebraska Legislature for affording him this recount opportunity and particular thanks to the fine committee who conducted the recount. He desires to also compliment the Election Commissioner of Douglas County and all of the election officials and workers in his district for their sincere efforts to insure all candidates a free election, and for the fine condition of their records.

To Mr. William Skarda he offers his congratulations and states that he is happy to accept the final result of this recount and desires to wish for him, a most successful term in the Nebraska Legislature.

FOR CHARLES F. TVRDIK

(Signed) Rudolph Tesar  
Rudolph Tesar, Attorney

Dated January 19, 1959  
at Lincoln, Nebraska

#### **MOTION—Adopt Report**

Mr. President: I move the adoption of the report of the Special Committee on Contest and that William R. Skarda, Jr. be declared duly elected to the office of member of the Nebraska State Legislature from the 7th Legislative District and that he be seated as a member of this body for the term commencing on January 6, 1959, and that the report be printed in the Journal. (Signed) William Moulton

The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

#### **UNANIMOUS CONSENT—Add Co-introducers**

Mr. Lautenschlager requested unanimous consent that the names of Hal Bridenbaugh, 13th District, and William Moulton, 10th District, be added as co-introducers of Legislative Resolution 8. No objections. So ordered.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 8.** Re: Commendation of Press and Request for Adherence to Policies.

Introduced by Marvin Lautenschlager, 30th District; Richard D. Marvel, 31st District; H. K. Diers, 24th District; Hal Bridenbaugh, 13th District; and William Moulton, 10th District.

WHEREAS, the Nebraska Legislature recognizes the value of the press, including all news media, in the performance of its function in news dissemination; and

WHEREAS, a spirit of confidence and mutual trust has for years past characterized the relationship between the Legislature and the press; and

WHEREAS, the Legislature desires that the established relationship between it and the press be continued.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. The Legislature commends the press for the manner and spirit with which it has performed its function and the relationship which it has been instrumental in developing between itself and the Legislature.

2. That the cooperation of the press is requested in future adherence to the policies which have resulted in such relationship.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 169.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 45-145, Reissue Revised Statutes of Nebraska, 1943, and section 45-137, Revised Statutes Supplement, 1957, relating to installment loans; to provide that in the repayment of installment loans the portion of each payment credited to principal shall be applied first to reduce the amount of outstanding principal drawing the highest rate of interest; to provide that the loan statement furnished the borrower shall state the agreed rate of charges as a percentage expressed on annual basis; to provide

the style and size of type in which such rate of charge shall be shown; and to repeal the original sections.

**LEGISLATIVE BILL 170.** By David D. Tews of Legislative District 15.

A bill for an act to require telephone companies to file territorial maps with the State Railway Commission; to authorize the State Railway Commission to prescribe rules and regulations concerning the preparation and filing of such maps and changes thereto; and to provide penalties.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Webb requested unanimous consent to add the names of Dale Erlewine of Legislative District 37 and Marvin Lautenschlager of Legislative District 30 as co-introducers of LB 171. No objections. So ordered.

**LEGISLATIVE BILL 171.** By Lewis Webb of Legislative District 39, A. A. Fenske of Legislative District 43, George C. Gerdes of Legislative District 41, Dale Erlewine of Legislative District 37, and Marvin Lautenschlager of Legislative District 30.

A bill for an act relating to highways; to provide that when an interstate highway is constructed west of Grand Island, Nebraska, the right-of-way of the present highway known as U.S. 30 shall be used wherever feasible.

**Visitors**

Mr. Adams introduced students from Howard Kennedy's School, Omaha, and principal, Zell R. Sahn.

**LEGISLATIVE BILL 172.** By Peter H. Claussen of Legislative District 16.

A bill for an act to amend section 68-215.08, Reissue Revised Statutes of Nebraska, 1943, relating to old age assistance; to provide who shall be designated the attorney to foreclose assistance liens; to provide for compensation of such attorney and how such compensation shall be paid; and to repeal the original section.

**LEGISLATIVE BILL 173.** By Peter H. Claussen of Legislative District 16.

A bill for an act to amend sections 71-122 and 71-162, Reissue Revised Statutes of Nebraska, 1943, relating to optometry; to increase the annual license fee to practice optometry; to increase the share to the renewal fees of optometrists to the board of examiners in optometry; and to repeal the original sections.

**LEGISLATIVE BILL 174.** By Sam Klaver of Legislative District 6, Terry Carpenter of Legislative District 42, and Lewis Webb of Legislative District 39.

A bill for an act to amend section 68-206, Reissue Revised Statutes of Nebraska, 1943, relating to assistance; to increase the maximum monthly old age assistance payment; and to repeal the original section.

**LEGISLATIVE BILL 175.** By Sam Klaver of Legislative District 6 and Terry Carpenter of Legislative District 42.

A bill for an act to amend section 43-504, Reissue Revised Statutes of Nebraska, 1943, relating to dependent children; to redefine dependent child to include a child under eighteen years if such child is attending school, or is physically or mentally incapacitated; and to repeal the original section.

**LEGISLATIVE BILL 176.** By John R. Cooper of Legislative District 1 and Dwain Williams of Legislative District 35.

A bill for an act to amend section 53-132, Revised Statutes Supplement, 1957, relating to liquors; to increase the time period for publication of notice of hearing on applications for liquor licenses; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 177.** By John Aufenkamp of Legislative District 2 and John R. Cooper of Legislative District 1.

A bill for an act to amend section 17-803, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to delete the limitation on prescribed surplus funds

that may be invested; to clarify the provisions of such section; to correct an internal reference; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 178.** By John Aufenkamp of Legislative District 2 and John R. Cooper of Legislative District 1.

A bill for an act to amend sections 17-559 and 17-948, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to enlarge the eminent domain power of second-class cities and villages including exercise outside the limits of such city or village; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 179.** By John Aufenkamp of Legislative District 2, Dwain Williams of Legislative District 35, and John R. Cooper of Legislative District 1.

A bill for an act relating to cities of the first and second classes and villages; to define terms; to provide for an annual audit of all of the accounts of such municipalities; to prescribe the type of audit; to prescribe where a report of such audit shall be filed; to prohibit premature disclosure by the accountant of information obtained as a result of the audit; to provide penalties; to provide for the civil liability of municipal authorities; to provide for the construction of this act; to provide for payment of the expenses of such audit; and to declare an emergency.

**LEGISLATIVE BILL 180.** By John Aufenkamp of Legislative District 2, Dwain Williams of Legislative District 35, and John R. Cooper of Legislative District 1.

A bill for an act to amend section 19-1101, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, particular classes; to provide that the annual statement required to be published by the treasurer of any village or city of prescribed population shall be published within thirty days of the close of the municipal fiscal year; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 181.** By John Aufenkamp of Legislative District 2, Dwain Williams of Legislative District 35, and John R. Cooper of Legislative District 1.

A bill for an act to amend section 19-1309, Revised Statutes Supplement, 1957, relating to cities and villages, particular classes; to provide that cities of the first and second classes and villages may make otherwise authorized extraordinary levies to service and pay bonded indebtedness and judgments in addition to the all purpose levy; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 182.** By A. A. Fenske of Legislative District 43.

A bill for an act to amend section 75-224, Reissue Revised Statutes of Nebraska, 1943, relating to State Railway Commission; to exempt from the jurisdiction of the State Railway Commission vehicles hauling gravel or other road building material under contract with or in agreement with the county board for use upon the public roads; and to repeal the original section.

**LEGISLATIVE BILL 183.** By A. A. Fenske of Legislative District 43 and Terry Carpenter of Legislative District 42.

A bill for an act relating to taxation; to designate that whenever oil, gas or other minerals are being produced from real estate under circumstances whereby the ownership or rights in said oil, gas or minerals is in different proportions than the ownership or rights in the real estate other than in oil, gas or minerals that the oil, gas and other minerals in place shall thereafter for purposes of taxation only be considered to be personal property.

**NOTICE OF COMMITTEE HEARINGS**

**Judiciary**

LB 32	Monday, January 26, 1959	2:00 p.m.
LB 78	Monday, January 26, 1959	2:00 p.m.
LR 2	Monday, January 26, 1959	2:30 p.m.
LB 64	Wednesday, January 28, 1959	2:00 p.m.
LB 60	Wednesday, January 28, 1959	2:00 p.m.
LB 75	Wednesday, January 28, 1959	2:00 p.m.
LB 76	Wednesday, January 28, 1959	2:00 p.m.
LB 79	Wednesday, January 28, 1959	2:00 p.m.
LB 83	Wednesday, January 28, 1959	2:00 p.m.
LB 84	Wednesday, January 28, 1959	2:00 p.m.
LB 85	Wednesday, January 28, 1959	2:00 p.m.
LB 87	Wednesday, January 28, 1959	2:00 p.m.
LB 7	Wednesday, February 11, 1959	2:00 p.m.
LB 8	Wednesday, February 11, 1959	2:00 p.m.

LB 13	Wednesday, February 11, 1959	2:00 p.m.
LB 50	Wednesday, February 11, 1959	2:00 p.m.

### Visitor

Mr. Marvel introduced Roscoe E. Story from Hastings.

### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 184.** By Willard H. Waldo of Legislative District 21, Harold B. Stryker of Legislative District 17, and Hans O. Jensen of Legislative District 25.

A bill for an act relating to motor vehicles; to require examination of drivers involved in certain accidents; to provide for the suspension or revocation of the license of any person who shall fail to submit to or pass such examination; to provide for notice of such suspension or revocation and for the surrender of such license; and to provide when such person shall be entitled to a new license.

**LEGISLATIVE BILL 185.** By Willard H. Waldo of Legislative District 21 and Joe T. Vosoba of Legislative District 23.

A bill for an act to amend section 39-728, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to provide that the vehicle on the right shall have an absolute right-of-way when two motor vehicles approach or enter an intersection at approximately the same time; and to repeal the original section.

### Bills Referred to Standing Committees

LB	Committee
166.....	Government
167.....	Agriculture
168.....	Public Works

(Signed) Dwight W. Burney  
Lieutenant Governor

### Announcement

President Burney called attention to Rule 16, relating to privileges of the floor.



**Member Excused**

Mr. Romans was excused for Wednesday, January 21, and Thursday, January 22, 1959.

**Adjournment**

At 11:20 a.m., on a motion by Mr. Pizer, the Legislature adjourned until 10:00 a.m., Wednesday, January 21, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 21, 1959

Pursuant to adjournment, the Legislature met at 10:04 a.m.,  
President Burney presiding.

Prayer was offered by the Chaplain.

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

## Corrections for the Journal

Page 145, line 24, delete "Otto amendment" and insert "Rules".

The Journal for the Eleventh Day was approved as corrected.

## NOTICE OF COMMITTEE HEARINGS

## Government

LB 89	Wednesday, February 4, 1959	2:00 p.m.
LB 119	Wednesday, February 4, 1959	2:00 p.m.
LB 120	Wednesday, February 4, 1959	2:00 p.m.
LB 121	Monday, February 9, 1959	2:00 p.m.
LB 122	Monday, February 9, 1959	2:00 p.m.
LB 12	Friday, February 13, 1959	2:00 p.m.
LB 15	Friday, February 13, 1959	2:00 p.m.
LB 16	Friday, February 13, 1959	2:00 p.m.
LB 17	Friday, February 13, 1959	2:00 p.m.
LB 23	Monday, February 16, 1959	2:00 p.m.
LB 153	Monday, February 16, 1959	2:00 p.m.
LB 156	Monday, February 16, 1959	2:00 p.m.

## STANDING COMMITTEE REPORTS

## Education

LEGISLATIVE BILL 63. Placed on General File.

(Signed) George Syas, Chairman

**Public Works****LEGISLATIVE BILL 38.** Placed on General File as amended.

Standing Committee amendments to LB 38:

1. Amend the bill, Section 1, page 2, line 13, by inserting immediately after the word "highway" the following: "*, or upon any other highway that is a part of the state highway system*".
2. Amend the bill, Section 1, page 2, line 15, by inserting immediately after the word "hard-surfaced" the following: "*, except upon any road that is now a part of the state highway system*".
3. Amend the bill, Section 2, page 2, line 17, by inserting immediately after the word "highway" the following: "*, or upon any other highway that is a part of the state highway system*".
4. Amend the bill, Section 2, page 3, line 20, by inserting immediately after the word "hard-surfaced" the following: "*, except upon any road that is now a part of the state highway system*".
5. Add the emergency clause.
6. Amend the title to conform.

(Signed) Arnold Ruhnke, Chairman

**Rules**

Senator Otto's motion to amend the rules, found on Page 145 of the Legislative Journal, 69th Session, dated Tuesday, January 20, 1959, has been duly considered by the Rules Committee, and we respectfully submit the following recommendation: That Rule 6, Section 11, Page 12, of the Rules of the Nebraska Legislature be amended to read as follows:

Sec. 11. Reporters, Executive Session. Reporters of regularly accredited newspapers, press associations, and radio and television stations shall be admitted to executive sessions of the standing committees but shall respect as confidential discussions by members of the committee. , and such reporters and the members of such committees shall respect as confidential the discussions and voting of the members of any standing committee.

(Signed) Richard D. Marvel, Chairman

**MOTION—Adopt Report**

Mr. President: I move that the Rules Committee report be adopted. (Signed) Richard D. Marvel

Mr. Adams moved that the report, Section 11, line 7, be amended by adding "*and other members*" after "*committees*". The motion lost.

Mr. Russillo moved that the report, Section 11, line 6, be amended by striking the second word "*and*" and inserting in lieu thereof "*just as*". The motion lost.

Mr. Donner moved the previous question. The motion lost with 11 ayes, 23 nays, and 9 not voting.

Mr. Thompson moved that the report be amended by inserting in Section 11, line 8, the word "*other*" after the word "*the*". The motion prevailed.

Mr. Russillo moved that Section 11, line 1, be amended by inserting "*Members and*" before the first word "*Reporters*". The motion prevailed.

Mr. Vosoba moved that the report be amended by striking out the words "*and voting*" in line 8. The motion lost.

Mr. Carpenter requested a record vote on the adoption of the Rules Committee report.

Voting in the affirmative, 28:

Bridenbaugh	Klaver	Orme	Swanson
Claussen	Lautenschlager	Otto	Syas
Cooper	Liebers	Peck	Tews
Diers	Marvel	Portsche	Thompson
Erlewine	McHugh	Ruhnke	Waldo
Fenske	Moulton	Russillo	Webb
Hollenbeck	Olinger	Stryker	Williams

Voting in the negative, 12:

Adams	Donner	Munnelly	Simmons
Aufenkamp	Gerdes	Nelson	Skarda
Carpenter	Jensen	Pizer	Vosoba

Not voting, 3:

Bowen	Burbach	Romans
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The Rules Committee report was adopted as amended.

Mr. Tews requested unanimous consent that a statement be printed in the Journal that Messrs. Bowen and Burbach were excused while the foregoing vote was being taken on the adoption of the Rules Committee report, to attend the election recount being held in the East Lounge. No objections. So ordered.

**Request for Re-referral of LB 157**

Mr. Donner renewed his request for unanimous consent to have LB 157 re-referred from the Agriculture Committee to the Government Committee, found in the Legislative Journal for the Eleventh Day.

Mr. Ruhnke objected.

Mr. Donner moved that LB 157 be re-referred from the Agriculture Committee to the Government Committee.

Mr. Nelson requested unanimous consent to withdraw LB 157.

Mr. Donner objected.

Mr. Nelson requested unanimous consent to withdraw his name as introducer of LB 157.

Mr. Donner objected.

Mr. Donner withdrew his motion to re-refer LB 157.

**UNANIMOUS CONSENT—Add Co-introducer**

Mr. Klaver requested unanimous consent to add the name of Oliver Olinger of Legislative District 12 as co-introducer of LB 175. No objections. So ordered.

**UNANIMOUS CONSENT—Committee on Committees**

Mr. Moulton, Chairman of the Committee on Committees, requested unanimous consent that the Committee on Committees be given an extension of five days to make their report on the election recount for Governor. No objections. So ordered.

**Visitor**

Mr. Olinger introduced Robert Skinner from Burt County.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 8.**

Mr. Carpenter offered the following amendment to LR 8:

1. Amend the resolution by inserting the following immediately before the period in part 2 thereof:

"and that, if the press abandons its practice of servile submission and begins to perform its proper function of informing the people about what members of this Legislature say and how we vote, even the unusual privilege of observing and remaining mute about the process of government by secrecy will be withdrawn".

The amendment lost.

LR 8 was adopted with 27 ayes, 3 nays, and 13 not voting.

#### **Bills Referred to Standing Committees**

LB	Committee
169.....	Banking, Commerce and Insurance
170.....	Public Works
171.....	Public Works
172.....	Labor and Public Welfare
173.....	Public Health
174.....	Labor and Public Welfare
175.....	Labor and Public Welfare
176.....	Government
177.....	Government
178.....	Judiciary
179.....	Government
180.....	Government
181.....	Government
182.....	Public Works
183.....	Government
184.....	Public Health
185.....	Public Works

(Signed) Dwight W. Burney  
Lieutenant Governor

#### **BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 186.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 8-120 and 8-136, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to eliminate the provisions of a war deposit account in determining the average daily deposits and cash reserves of commercial banks; and to repeal the original sections and also section 8-136.01, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 187.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 10-703.01, Revised Statutes Supplement, 1957, relating to school district bonds; to provide that the persons named to count the ballots in elections where Class I, II, III, or VI districts are voting on the question of issuing bonds shall not constitute the election board of any such district; to harmonize the provisions thereof with previous legislation; and to repeal the original section.

**LEGISLATIVE BILL 188.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 11-107 and 64-104, Reissue Revised Statutes of Nebraska, 1943, relating to official bonds; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 189.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 14-375, Reissue Revised Statutes of Nebraska, 1943, and sections 14-556 and 14-1008, Revised Statutes Supplement, 1957, relating to cities of the metropolitan class; to correct internal references; to remove obsolete provisions; to clarify the provisions for the use of streets, alleys, and public grounds by water districts; and to repeal the original sections.

**LEGISLATIVE BILL 190.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 16-713, Reissue Revised Statutes of Nebraska, 1943, and section 16-712, Revised Statutes Supplement, 1957, relating to cities of the first class; to remove obsolete matter; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 191.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 17-936, Reissue Revised Statutes of Nebraska, 1943, and sections 17-528.02 and 17-567, Revised Statutes Supplement, 1957, relating to cities of the second class and villages; to clarify the provisions thereof; to harmonize the provisions with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 192.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 18-1003 and 18-1006, Reissue Revised Statutes of Nebraska, 1943, relating to all cities and villages; to harmonize the provisions with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 193.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 19-901, Reissue Revised Statutes of Nebraska, 1943, and section 19-1808, Revised Statutes Supplement, 1957, relating to cities and villages, particular classes; to harmonize the provisions with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 194.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 21-1,145, Revised Statutes Supplement, 1957, relating to corporations; to clarify the provisions thereof; and to repeal the original section.

**LEGISLATIVE BILL 195.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 23-343 and 23-1201, Revised Statutes Supplement, 1957, relating to counties; to delete the provisions for a county poorhouse; to clarify the duties of the county attorney; and to repeal the original sections.

**LEGISLATIVE BILL 196.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 25-1015, 25-1017, 25-1637, 25-1638, and 25-1920, Reissue Revised Statutes of Nebraska, 1943, relating to district court, civil procedure; to correct internal references; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 197.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 28-461, Revised Statutes Supplement, 1957, relating to crimes and punishments; to eliminate obsolete internal reference; and to repeal the original section.



**LEGISLATIVE BILL 198.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 29-2708, Reissue Revised Statutes of Nebraska, 1943, relating to receipts and disbursements in criminal cases; to provide for allocating of fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state; to clarify the provisions thereof; and to repeal the original section.

**LEGISLATIVE BILL 199.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 31-722, Reissue Revised Statutes of Nebraska, 1943, and section 31-742, Revised Statutes Supplement, 1957, relating to sanitary and improvement districts; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 200.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 32-713 and 32-1125, Reissue Revised Statutes of Nebraska, 1943, and sections 32-424, 32-522, 32-537, and 32-1044, Revised Statutes Supplement, 1957, relating to elections; to harmonize the provisions thereof with previous legislation; to eliminate obsolete internal reference; to clarify provisions thereof; and to repeal the original sections.

**LEGISLATIVE BILL 201.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 33-150, Revised Statutes Supplement, 1957, relating to fees and salaries; to harmonize the provisions thereof with previous legislation; and to repeal the original section.

**LEGISLATIVE BILL 202.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 35-515, Revised Statutes Supplement, 1957, relating to rural and suburban fire protection districts; to clarify the provisions thereof; and to repeal the original section.

**LEGISLATIVE BILL 203.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 36-501, Revised Statutes Supplement, 1957, relating to bulk sales of merchandise; to clarify the provisions thereof; and to repeal the original section.

**LEGISLATIVE BILL 204.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 37-206, Reissue Revised Statutes of Nebraska, 1943, and sections 37-214.03, 37-223, and 37-224, Revised Statutes Supplement, 1957, relating to game and fish; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 205.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 38-128, Revised Statutes Supplement, 1957, relating to guardians and wards; to harmonize the value of estates of minors in regard to the spending thereof for support with previous legislation; and to repeal the original section.

**LEGISLATIVE BILL 206.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 39-7,108 and 39-834, Reissue Revised Statutes of Nebraska, 1943, and sections 39-724, 39-1358, 39-1513, 39-1519, 39-1630, 39-1725, and 39-1906, Revised Statutes Supplement, 1957, relating to highways; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; to correct internal references; to eliminate obsolete internal reference; and to repeal the original sections.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 207.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 43-214, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to eliminate obsolete provisions; and to repeal the original section.

**LEGISLATIVE BILL 208.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 44-223 and 44-1402, Reissue Revised Statutes of Nebraska, 1943, and section 44-320.01, Revised Statutes Supplement, 1957, relating to insurance; to harmonize the provisions thereof with previous legislation; to eliminate obsolete internal reference; to correct internal references; and to repeal the original sections.

**LEGISLATIVE BILL 209.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 46-209 and 46-701, Revised Statutes Supplement, 1957, relating to irrigation; to eliminate inconsistent provisions with previous legislation; to correct internal reference; and to repeal the original sections.

**LEGISLATIVE BILL 210.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 49-204, Reissue Revised Statutes of Nebraska, 1943, relating to law; to correct internal reference; and to repeal the original section.

**LEGISLATIVE BILL 211.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 50-307, Revised Statutes Supplement, 1957, relating to lobbying; to clarify the provisions thereof; and to repeal the original section.

**LEGISLATIVE BILL 212.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 53-187, Reissue Revised Statutes of Nebraska, 1943, and sections 53-141, 53-169.01, and 53-1,115, Revised Statutes Supplement, 1957, relating to liquors; to harmonize the provisions thereof with previous legislation; to clarify the provisions thereof; to correct internal references; and to repeal the original sections.

**LEGISLATIVE BILL 213.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 54-824 and 54-825, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to correct internal references; and to repeal the original sections.

**LEGISLATIVE BILL 214.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 57-705, Revised Statutes Supplement, 1957, relating to oil and gas; to provide that the balance of the Severance Tax Fund shall be placed in the Temporary School Fund in accordance with the provisions of Article VII, section 4, Constitution of Nebraska; and to repeal the original section.

**LEGISLATIVE BILL 215.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 60-406, 60-432, 60-444, 60-445, and 60-905, Reissue Revised Statutes of Nebraska, 1943, and sections 60-323, 60-407, 60-433, and 60-1407, Revised Statutes Supplement, 1957, relating to motor vehicles; to correct internal references; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 216.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 66-424.01 and 66-606.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle fuels; to correct internal reference; to eliminate obsolete internal reference; and to repeal the original sections.

**LEGISLATIVE BILL 217.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 68-301 and 68-407, Reissue Revised Statutes of Nebraska, 1943, relating to State Assistance Fund; to correct internal reference; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 218.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 69-209, Reissue Revised Statutes of Nebraska, 1943, relating to pawnbrokers; to correct internal reference; and to repeal the original section.

**LEGISLATIVE BILL 219.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 71-611, Reissue Revised Statutes of Nebraska, 1943, relating to vital statistics; to clarify the provisions thereof; and to repeal the original section.

**LEGISLATIVE BILL 220.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 72-407, 72-707, and 72-1005, Reissue Revised Statutes of Nebraska, 1943, relating to public lands and buildings; to correct internal reference; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; to eliminate obsolete provisions therein; and to repeal the original sections.

**LEGISLATIVE BILL 221.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 75-227 and 75-432, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to harmonize the provisions thereof with previous legislation; to correct internal references; and to repeal the original sections.

**LEGISLATIVE BILL 222.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 76-217.03, Reissue Revised Statutes of Nebraska, 1943, relating to conveyances; to harmonize the provisions thereof with previous legislation; and to repeal the original section.

**LEGISLATIVE BILL 223.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 77-201, 77-513, 77-1214, 77-1702, 77-1715, 77-2005, 77-2347, 77-2610, 77-2612, 77-2613, and 77-2616, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 224.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 79-209, 79-312, 79-4, 114, 79-801, 79-1308, 79-1443, 79-1522, and 79-1811, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to harmonize the provisions thereof with previous legislation; to eliminate obsolete internal references; to clarify the provisions thereof; and to repeal the original sections.

**LEGISLATIVE BILL 225.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 80-109 and 80-401.02, Reissue Revised Statutes of Nebraska, 1943, relating to soldiers and sailors; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 226.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 81-101, 81-108, 81-201, 81-258, 81-263.06, and 81-701.05, Reissue Revised Statutes of Ne-

braska, 1943, relating to state administrative departments; to eliminate obsolete internal references; to harmonize the provisions thereof with previous legislation; to clarify the provisions thereof; and to repeal the original sections.

**LEGISLATIVE BILL 227.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 83-108, 83-122, 83-123, 83-134, 83-150, 83-322.01, 83-337, 83-339, and 83-356, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to eliminate obsolete provisions therein; to harmonize the provisions thereof with previous legislation; to correct internal reference; to clarify the provisions thereof; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 228.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 84-713, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to eliminate obsolete provisions therefrom; and to repeal the original section.

**LEGISLATIVE BILL 229.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 85-214 and 85-215, Reissue Revised Statutes of Nebraska, 1943, relating to state university and normal schools; to eliminate obsolete internal references; and to repeal the original sections.

**LEGISLATIVE BILL 230.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 88-201 and 88-208, Reissue Revised Statutes of Nebraska, 1943, relating to public grain warehouses; to clarify the provisions thereof; to eliminate obsolete provisions thereof; and to repeal the original sections.

**LEGISLATIVE BILL 231.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to repeal sections 21-1529, 25-220, 37-214, 72-234.03, 72-234.04, 77-1736.01, 77-1736.02, 77-1736.03, 85-221, and 85-222, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1908, 11-204, and 45-170, Revised Statutes Supplement, 1957, the same having expired by lapse of time.

**LEGISLATIVE BILL 232.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to repeal sections 15-604, 72-803, 72-804, 72-805, 72-806, 72-807, 72-1001, 72-1002, 72-1003, 72-1004, and 84-706, Reissue Revised Statutes of Nebraska, 1943, as being obsolete.

**LEGISLATIVE BILL 233.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to repeal sections 17-108.03, 23-260.01, 23-1117, 23-1613.01, 24-301.03, 24-301.04, 24-339.03, 25-1626.01, 26-106.01, 26-106.02, 33-128.01, 55-144.01, 72-201.01, 72-201.02, 72-709.03, 75-104.02, 75-105.02, 79-1423.01, 81-103.02, 81-503.01, 83-104.01, 83-337.01, 83-337.02, 83-337.03, 84-260.03, 84-314.01, 84-314.02, 84-509.02, 84-722, 84-724, and 84-810, Reissue Revised Statutes of Nebraska, 1943, and sections 16-310.01, 23-1115.01, 23-1115.02, 32-231.02, 32-231.03, 32-231.04, 33-128.02, 33-128.03, 44-119.03, 44-119.04, 48-159.03, 50-112.01, 51-403.01, and 53-112.02, Revised Statutes Supplement, 1957, the same being construction clauses with reference to effective date of salary increases that have now gone into effect.

**LEGISLATIVE BILL 234.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to authorize the Revisor of Statutes to reissue and bring up to date the 1952 reissue of Volumes 3 and 3A to the Revised Statutes of Nebraska, 1943; to provide for the sale and distribution of the reissued volumes; to provide an appropriation; and to declare an emergency.

**LEGISLATIVE BILL 235.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 53-132, Revised Statutes Supplement, 1957, relating to liquors; to correct internal reference therein to agree with subsequent legislation; to eliminate unnecessary internal references; and to repeal the original section.

**LEGISLATIVE BILL 236.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend sections 15-1008, 15-1009, 15-1010, 15-1011, 15-1012, 15-1013, 15-1014, and 15-1015, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1001, 15-1002, 15-1003, 15-1004, 15-1005, 15-1006, 15-1007, and 15-1016, Revised Statutes Supplement, 1957, relating to cities of the primary class; to ex-

tend the law requiring the payment of a pension to firemen and policemen in a city of the primary class to include firemen and policemen in a city of the first class; to limit the application of such law to full time firemen and policemen; to provide that the 1951 Group Annuity Mortality Table rather than the 1937 Standard Annuity Mortality Table shall be used in computing certain payments; to provide for the termination of certain survivor benefits upon remarriage; to require the establishment of a pension fund and the levy of a tax therefor; to provide for the transfer of certain amounts to such fund; to provide effective dates; and to repeal the original sections and also Chapter 35, article 2, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 237.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to schools; to provide for a single school district of the county under the direction of a board of education; to provide for an election and the number of votes required for the proposal to carry; to provide for membership of the board of education and how selected; and to provide for payment of cost of election.

**LEGISLATIVE BILL 238.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 81-117, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to provide extra compensation to employees of the state for overtime, as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 239.** By John R. Cooper of Legislative District 1, and Richard D. Marvel of Legislative District 31.

A bill for an act to amend section 37-214.03, Revised Statutes Supplement, 1957, relating to game and fish; to exempt veterans of wars, as specified, from payment of fees for the privilege of fishing or hunting in Nebraska; to provide for rules and regulations; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 240.** By John R. Cooper of Legislative District 1, and Richard D. Marvel of Legislative District 31.

A bill for an act to amend sections 80-104, 80-304, and 80-304.01, Reissue Revised Statutes of Nebraska, 1943, relating to soldiers and sailors; to remove the restriction on amount to be spent for burial



of an honorably discharged person; to provide that the Board of Inquiry and Review shall prescribe rules of admission to the Nebraska Soldiers' and Sailors' Home; to provide for appointment of guardian for members of the home who have become disabled because of age or otherwise when it is impossible for him to transact his personal financial business; and to repeal the original sections.

**LEGISLATIVE BILL 241.** By H. K. Diers of Legislative District 24, and Dale Erlewine of Legislative District 37.

A bill for an act to amend sections 72-1005, 72-1007, 79-1422, 79-1436, 79-1437, 79-1438, 79-1439, 79-1442, 79-1443, 79-1444, and 79-1445, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Trade School; to change the name of the Nebraska State Trade School to Nebraska Vocational Technical School; to change the name of the Trade School Cash Fund to Vocational Technical School Cash Fund; to eliminate an obsolete internal reference; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 242.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend sections 79-426.05 and 79-426.12, Reissue Revised Statutes of Nebraska, 1943, relating to the reorganization of school districts; to provide for the organization and composition of county committees in counties having fewer than six districts; to change the membership of county committees; to provide that territory included in a reorganization plan adopted by a county committee until the required election is held; to provide an exception; and to repeal the original sections.

**LEGISLATIVE BILL 243.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act relating to school district bonds; to provide that such bonds must be offered for public sale; to provide for notice of sale and the contents of such sale; to require a deposit as a condition precedent to the submission of any bid; to provide how such sale may be conducted; to provide for negotiated sale as prescribed; and to provide for the return or retention of deposits made.

**LEGISLATIVE BILL 244.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-402, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to remove the requirement that school boards or boards of education sign petitions for

transfer of land from a Class II or III school district to a Class I district or another Class II or III district under certain conditions; and to repeal the original section.

**LEGISLATIVE BILL 245.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend sections 79-1447, 79-1452, and 79-1455, Reissue Revised Statutes of Nebraska, 1943, relating to rehabilitation services; to give the title of Assistant Commissioner to the director in charge of the Division of Rehabilitation Services of the State Department of Education; to redefine vocational rehabilitation services; to expand the scope of agreements that the State Board of Education may enter into with the Secretary of the United States Department of Health, Education, and Welfare; and to repeal the original sections.

**LEGISLATIVE BILL 246.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-459, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that the bond of the treasurer of a school district shall be filed in the office of the county treasurer rather than of the county clerk; and to repeal the original section.

**LEGISLATIVE BILL 247.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-328, Reissue Revised Statutes of Nebraska, 1943, relating to education; to provide standards for the guidance of the State Board of Education as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 248.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act relating to education; to provide that school buses may be used for the transportation of pupils living outside of such district; to provide fees for such transportation; to provide for the preparation and filing of a schedule of such fees as prescribed; and to provide for personal liability of members of the school board for insufficiency of such fees.

**LEGISLATIVE BILL 249.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act relating to education; to provide for the issuance of certificates of high school equivalency by the State Board

of Education; to prescribe conditions on which such certificates may be issued; to provide fees; to authorize the adoption of rules and regulations; and to provide that decisions of the board on questions of eligibility for such certificate shall be final.

**LEGISLATIVE BILL 250.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-329, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Education; to authorize the board to provide for the publication of printed matter relating to education as prescribed; to provide that such publications may be furnished free of charge within this state as prescribed; to provide for the sale of such publications; to establish the Educational Publications Fund in the state treasury and prescribe the use of such fund; and to repeal the original section.

**LEGISLATIVE BILL 251.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend sections 79-1809, 79-1810, 79-1811, 79-1812, 79-1813, 79-1814, 79-1815, 79-1816, 79-1817, Reissue Revised Statutes of Nebraska, 1943, relating to private business or trade schools; to provide for accreditation rather than approval of such schools; to restrict accreditation to schools offering instruction in residence in this state; to provide for fees and that such fees shall not be refundable; to change the criteria for accreditation; to provide that accreditation shall be effective for a period of twelve months; to provide for reaccreditation; and to repeal the original sections.

**LEGISLATIVE BILL 252.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend sections 79-1801, 79-1802, 79-1803, 79-1804, 79-1805, 79-1807, and 79-1808, Reissue Revised Statutes of Nebraska, 1943, relating to private correspondence schools; to provide for permits rather than licenses; to authorize solicitation within the established and legal premises of the school without a permit; to reduce the fee for issuance of permits; to reduce the penal sum of the bond required to provide terms of such bond and the manner in which it may be furnished; to provide that no fees shall be refundable; to change the grounds for revocation of permits; to authorize the creation of an advisory committee; to reduce the penalty for violations; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 253.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act relating to education; to define terms; to provide for the licensing of privately owned correspondence, business, or trade schools; to provide standards; to provide for applications, fees, and bonds; to provide for revocation of licenses; to authorize the adoption of rules and regulations; and to provide penalties.

**LEGISLATIVE BILL 254.** By Don Thompson of Legislative District 33.

A bill for an act to amend section 54-134, Revised Statutes Supplement, 1957, relating to Nebraska brand inspection area; to include Furnas County in the Nebraska brand inspection area; and to repeal the original section.

**LEGISLATIVE BILL 255.** By Don Thompson of Legislative District 33.

A bill for an act to amend section 79-1254, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify the provisions respecting the employment and re-employment of teachers and superintendents by Class II, III, and VI districts; to include Class I districts within such provisions; and to repeal the original section and also sections 79-517 and 79-518, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 256.** By Peter H. Claussen of Legislative District 16, Ray C. Simmons of Legislative District 11, and Hal Bridenbaugh of Legislative District 13.

A bill for an act to provide generally for the continuity of the State Legislature in the event of an enemy attack upon the United States, or the immediate threat thereof; and to prescribe the conditions under which, and the time when, this act shall become effective.

**LEGISLATIVE BILL 257.** By Peter H. Claussen of Legislative District 16, Ray C. Simmons of Legislative District 11, and Hal Bridenbaugh of Legislative District 13.

A bill for an act to provide generally for continuity of the operations of the state government and of the governments of the political subdivisions of the state in the event of an enemy attack upon the United States, or the immediate threat thereof; to provide for emergency interim succession to the offices of the state, with certain exceptions, and to the offices of any and all

political subdivisions which shall elect to invoke the provisions of this act therein; to authorize such invocation by any political subdivision of this state, and to prescribe the time this act shall become effective therein if so invoked; to make certain acts unlawful; to prescribe a penalty; and to prescribe the conditions under which, and the time when, this act shall become effective.

**LEGISLATIVE BILL 258.** By Ray C. Simmons of Legislative District 11, Peter H. Claussen of Legislative District 16, and Hal Bridenbaugh of Legislative District 13.

A bill for an act to authorize any political subdivision of this state to establish an emergency location or locations for its local seat of government; to provide for the removal of the local government thereto in event of an enemy attack or immediate threat thereof; to authorize and validate the exercise of governmental powers and functions thereat during any such emergency period; to authorize certain planning and preparations prior to any such emergency period; and to prescribe the conditions under which, and the time when, this act shall become effective.

**LEGISLATIVE BILL 259.** By Ray C. Simmons of Legislative District 11, Peter H. Claussen of Legislative District 16, and Hal Bridenbaugh of Legislative District 13.

A bill for an act to authorize the establishment of an emergency location or locations for the seat of state government; to provide for the renewal of the state government thereto in the event of enemy attack or imminent threat thereof; to authorize and validate the exercise of governmental powers and functions thereat during such emergency period; to authorize certain planning and preparations prior to any such emergency period; and to prescribe the conditions under which, and the time when, this act shall become effective.

**LEGISLATIVE BILL 260.** By Hal Bridenbaugh of Legislative District 13, Peter H. Claussen of Legislative District 16, and Ray C. Simmons of Legislative District 11.

A bill for an act for submission to the electors of an amendment to Article III of the Constitution of Nebraska, relating to Legislative Power, to authorize the Legislature to provide by law such measures and procedures as may be necessary for insuring continuity of State and local governmental operations in periods of emergency resulting from enemy attack or imminent threat

thereof; to provide for submission of the proposed amendment to the electors at the general election in November, 1960; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 261.** By Hal Bridenbaugh of Legislative District 13, Peter H. Claussen of Legislative District 16, and Ray C. Simmons of Legislative District 11.

A bill for an act to provide for an order of succession to the powers and duties of the office of Governor; to provide for the compensation of an acting Governor; to provide a savings clause; and to declare an emergency.

**LEGISLATIVE BILL 262.** By Richard D. Marvel of Legislative District 31.

A bill for an act to amend sections 17-611 and 18-301, Revised Statutes Supplement, 1957, relating to Second Class cities and villages; to provide that receiving of deposits, cashing of checks, and buying and selling warrants and bonds of indebtedness of any city of the second class or village by a financial institution shall not be considered a contract under the provisions of this act; and to repeal the original sections.

**LEGISLATIVE BILL 263.** By Sam Klaver of Legislative District 6, and Terry Carpenter of Legislative District 42.

A bill for an act to amend sections 77-908, and 77-909, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to increase the tax on gross premiums of foreign and domestic insurance companies; and to repeal the original sections.

**LEGISLATIVE BILL 264.** By Arnold Ruhnke of Legislative District 22.

A bill for an act to amend section 74-609, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to eliminate the limitations on the amount to be paid the overseer of highways for mowing weeds along a railway right-of-way; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 265.** By Willard H. Waldo of Legislative District 21, Harold B. Stryker of Legislative District 17, and Hans O. Jensen of Legislative District 25.

A bill for an act to amend section 60-332, Revised Statutes Supplement, 1957, relating to motor vehicles; to exempt farm trailers pulled behind a motor vehicle or farm tractor in a local farm-to-farm hauling from paying a registration fee; and to repeal the original section.

**LEGISLATIVE BILL 266.** By Willard H. Waldo of Legislative District 21, Harold B. Stryker of Legislative District 17, and Hans O. Jensen of Legislative District 25.

A bill for an act to amend section 39-793, Revised Statutes Supplement, 1957, relating to rules of the road; to provide that the arresting officer shall forthwith take before the nearest or most accessible magistrate any person involved in an accident when the investigation of such accident indicates that such person has violated any law governing the operation of a motor vehicle and the arresting officer has reasonable cause to believe that such violation caused or contributed to the accident; and to repeal the original section.

**LEGISLATIVE BILL 267.** By Willard H. Waldo of Legislative District 21, Harold B. Stryker of Legislative District 17, and Hans O. Jensen of Legislative District 25.

A bill for an act to amend section 60-435, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Safety Patrol; to require that members of the Nebraska Safety Patrol submit a report of investigation within five days after each accident investigated; and to repeal the original section.

**LEGISLATIVE BILL 268.** By Sam Klaver of Legislative District 6.

A bill for an act to amend section 48-602, Revised Statutes Supplement, 1957, relating to unemployment compensation; to provide for vacation pay earned or accumulated at the time of layoff or separation from employment; to harmonize the provisions thereof with previous legislation; and to repeal the original section.

**LEGISLATIVE BILL 269.** By Sam Klaver of Legislative District 6.

A bill for an act to amend section 48-627, Revised Statutes Supplement, 1957, relating to the Employment Security Law; to provide that no individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because he is on vacation without pay during such week as prescribed; to eliminate obsolete provisions thereof; and to repeal the original section.

**MESSAGE FROM THE GOVERNOR**

January 21, 1959

Mr. Hugo Srb, Clerk  
Nebraska Legislature  
State House  
Lincoln, Nebraska

Dear Mr. Srb:

This is to advise you that, if it is agreeable with the members of the Legislature, I plan to deliver my Budget Message on January 23, 1959 at 10:30 a.m. In the event that, because of other activities, it will be inconvenient for some of the legislators to be present at that time, I respectfully suggest the alternative date of Monday, January 26 at 10:30 a.m.

Please advise the suitability of either of these dates.

Respectfully

(Signed) Ralph G. Brooks  
RALPH G. BROOKS  
Governor

RGB:sg

**MOTION—Notify Governor**

Mr. President: I move that Governor Brooks be notified that January 23, 1957 at 10:30 a.m. is a satisfactory time for receiving his budget message. (Signed) Sam Klaver

The motion prevailed and Mr. Klaver was appointed to notify the Governor.

**Visitors**

Mr. Waldo introduced his daughter, Willa, from Ainsworth.

Mr. Peck introduced Ted S. Hook from Wayne.

Mr. Hollenbeck introduced Don Hanna from Brownlee.



**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 270.** By J. W. Burbach of Legislative District 14 and Don Thompson of Legislative District 33.

A bill for an act relating to counties; to provide for use of county equipment for private use when operated by county employees; and to provide for rental and service fees.

**NOTICE OF COMMITTEE HEARINGS****Banking, Commerce and Insurance**

LB 136	Thursday, January 29, 1959	2:00 p.m.
LB 141	Thursday, January 29, 1959	2:00 p.m.
LB 143	Thursday, January 29, 1959	2:00 p.m.
LB 152	Thursday, January 29, 1959	2:00 p.m.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 271.** By Hans O. Jensen of Legislative District 25, Harold B. Stryker of Legislative District 17, and Don Thompson of Legislative District 33.

A bill for an act to amend sections 2-1501, 2-1503, 2-1507, 2-1508, 2-1509, 2-1510, 2-1511, 2-1512, 2-1515, 2-1516, 2-1517, 2-1518, 2-1519, 2-1520, 2-1521, 2-1525, 2-1526, 2-1528, 2-1529, 2-1530.01, 2-1543, 2-1544, 2-1546, 2-1547, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1504, 2-1551, 2-1552, 2-1553, 2-1554, 2-1555, 2-1556, 2-1557, 2-1558, 2-1559, 2-1560, 2-1563, 2-1564, and 2-1565, Revised Statutes Supplement, 1957, relating to soil and water conservation districts; to change the manner in which sections 2-1501 to 2-1547, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, may be cited; to enlarge the powers of soil and water conservation districts; to provide that taxpayers to vote and sign petitions must be of legal voting age; to provide conditions for dissolution of such districts; to provide for financial support to such districts from counties as prescribed; to provide for a change of number of directors in watershed conservancy districts; to provide for publications to be made in newspapers having a general circulation in the county; to provide for placing funds in escrow account in the state treasury upon dissolution of a district as prescribed; to harmonize the pro-

visions thereof with previous legislation; and to repeal the original sections.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Jensen requested unanimous consent that the following names be added as co-introducers of LB 271: Peter H. Claussen of Legislative District 16, Arnold Ruhnke of Legislative District 22, Willard H. Waldo of Legislative District 21, William Moulton of Legislative District 10, J. W. Burbach of Legislative District 14, Dale Erlewine of Legislative District 37, Oliver Olinger of Legislative District 12, John R. Cooper of Legislative District 1, Edwin T. McHugh of Legislative District 3, Otto H. Liebers of Legislative District 18, and Terry Carpenter of Legislative District 42. No objections. So ordered.

**Adjournment**

At 12:00 o'clock noon, on a motion by Mr. Ruhnke, the Legislature adjourned until 10:00 a.m. Thursday, January 22, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**THIRTEENTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Thursday, January 22, 1959

Pursuant to adjournment, the Legislature met at 10:06 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

**Corrections for the Journal**

Page 160, line 2, delete "service" and insert "servile".

The Journal for the Twelfth Day was approved as corrected.

**Announcement**

President Burney announced that he had received a letter from Mr. Louis M. Jeppeson, requesting that a date be set by the Legislature for visiting the State Home at Beatrice.

**NOTICE OF COMMITTEE HEARINGS****Agriculture**

LB 95	Thursday, January 29, 1959	2:00 p.m.
LB 96	Thursday, January 29, 1959	2:00 p.m.
LB 97	Thursday, January 29, 1959	2:00 p.m.

**Notice of Committee Meetings**

Mr. Aufenkamp, Chairman of the Committee on Salaries and Claims, announced that there would be a meeting this afternoon of the Committee on Salaries and Claims, as well as a meeting on Tuesday, January 27, 1959 and Thursday, January 29, 1959, for the purpose of considering claims.

**NOTICE OF COMMITTEE HEARINGS****Public Health**

LB 91      Monday, February 23, 1959      2:00 p.m.

**Education**

LB 81      Tuesday, February 3, 1959      2:00 p.m.

**UNANIMOUS CONSENT—Withdraw Notice of Hearing**

Mr. Munnely, Chairman of the Banking, Commerce and Insurance Committee, asked unanimous consent to withdraw the notice of hearing of LB 92 for January 27, 1959. No objections. So ordered.

**STANDING COMMITTEE REPORTS****Agriculture**

**LEGISLATIVE BILL 3.** Placed on General File as amended.

Standing Committee amendment to LB 3:

1. Amend the bill on page 3, Sec. 3, line 10 following the word "after" by striking the word "six" and inserting in lieu thereof the word *seven*.

**LEGISLATIVE BILL 33.** Placed on General File.

(Signed) Hans O. Jensen, Chairman

**Visitors**

Mrs. Orme introduced Mrs. J. F. Moell and thirteen other members of the Lincoln Women's Club.

**NOTICE OF COMMITTEE HEARINGS****Government**

LB 139	Wednesday, February 11, 1959	2:00 p.m.
LB 146	Wednesday, February 11, 1959	2:00 p.m.
LB 166	Wednesday, February 18, 1959	2:00 p.m.
LB 176	Wednesday, February 18, 1959	2:00 p.m.
LB 177	Wednesday, February 18, 1959	2:00 p.m.

LB 179	Monday, February 23, 1959	2:00 p.m.
LB 180	Monday, February 23, 1959	2:00 p.m.
LB 181	Monday, February 23, 1959	2:00 p.m.

### President Signs

While the Legislature was in session and capable of transacting business President Burney signed: LR 8

### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 272.** By Fern Hubbard Orme of Legislative District 20, J. O. Peck of Legislative District 26, and William Moulton of Legislative District 10.

A bill for an act relating to public power and irrigation districts; to provide for payment of money in lieu of taxes; to provide for a gross revenue tax derived from retail sale of electricity in incorporated cities and villages, as prescribed; to provide for allocation of such payments in lieu of taxes and gross revenue tax; and to repeal sections 70-651, 70-652, 70-653, and 70-654, Re-issue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 273.** By Dwain Williams of Legislative District 35.

A bill for an act to amend section 66-423, Reissue Revised Statutes of Nebraska, 1943, relating to Gasoline Tax Fund; to change the allocation of the Gasoline Tax Fund among the cities and villages located in each county; to repeal the original section; and to declare an emergency.

### GENERAL FILE

**LEGISLATIVE BILL 39.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Eleventh Day were adopted.

Mr. Ruhnke offered the following amendment which was adopted:

Amend LB 39, Section 1, lines 7 and 16, by inserting in each case before the word "county" the words "*Department of Roads*,".

Advanced to E and R for review.

**LEGISLATIVE BILL 63.** Read and considered.

Mr. Syas offered the following amendments which were adopted:

1. Amend page 2 of the bill, section 1, line 5 by inserting before the stricken matter the following: "*and exclusive of the levy for the site and building fund as authorized by section 79-1007.02,*", by striking line 7 and inserting "1959, shall be without restriction . ~~and thereafter such~~", and by striking the new matter in lines 13 to 15.

2. Amend page 3 of the bill, section 2, line 29 by inserting the word "*established*" after the word "*be*".

3. Renumber second section numbered 3 to be section 4.

Advanced to E and R for review.

**LEGISLATIVE BILL 38.** Read and considered.**Mr. Thompson Presiding**

Standing Committee amendments found in the Legislative Journal for the Twelfth Day were adopted.

**President Burney Presiding**

Advanced to E and R for review.

**Members Excused**

Mr. Cooper was excused for Friday, January 23, 1959.

Mr. Fenske was excused until Wednesday, January 28, 1959.

**Bills Referred to Standing Committees**

LB	Committee
186.....	Judiciary
187.....	Judiciary
188.....	Judiciary
189.....	Judiciary
190.....	Judiciary
191.....	Judiciary
192.....	Judiciary
193.....	Judiciary
194.....	Judiciary
195.....	Judiciary

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228.....	Judiciary
229.....	Judiciary
230.....	Judiciary
231.....	Judiciary
232.....	Judiciary
233.....	Judiciary
234.....	Judiciary
235.....	Judiciary
236.....	Labor and Public Welfare
237.....	Education
238.....	Salaries and Claims
239.....	Agriculture
240.....	Miscellaneous Subjects
241.....	Miscellaneous Subjects
242.....	Education

243.....	Education
244.....	Education
245.....	Education
246.....	Education
247.....	Education
248.....	Education
249.....	Education
250.....	Education
251.....	Education
252.....	Education
253.....	Education
254.....	Agriculture
255.....	Education
256.....	Government
257.....	Government
258.....	Government
259.....	Government
260.....	Judiciary
261.....	Government
262.....	Government
263.....	Revenue
264.....	Public Works
265.....	Public Works
266.....	Public Works
267.....	Public Works
268.....	Labor and Public Welfare
269.....	Labor and Public Welfare
270.....	Miscellaneous Subjects
271.....	Public Works

(Signed) Dwight W. Burney  
Lieutenant Governor

#### UNANIMOUS CONSENT—Salary Schedule

Mr. Pizer requested unanimous consent to have the proposed salary schedule for the Legislative employees printed in the Journal. No objections. So ordered.

#### ELECTED OFFICERS AND PROPOSED LIST OF LEGISLATIVE EMPLOYEES

69th SESSION, 1959

Proposed Schedule

George L. Santo, Sergeant-at-arms .....	\$200.00 month
Max Baskins, Assistant Sergeant-at-arms .....	195.00 month



Ruby B. Nelson, Postmaster .....	220.00	month
Martin Schroeder, Chaplain .....	170.00	month
Donna Jean Nelson, Secretary, Lt. Governor .....	300.00	month
Theba Lubken, Journal Clerk .....	375.00	month
Elaine Johnson, Assistant Journal Clerk .....	285.00	month
Jo Fisher, Engrossing and Enrolling Clerk .....	375.00	month
L. Larsen, Bookkeeper .....	200.00	month
Donna Cleavenger, Office Assistant and Secretary .....	300.00	month
Elsye Firestone, Docket Clerk .....	275.00	month
Dorothy Hubertus, Stencil Cutter and Mimeograph Operator .....	275.00	month
Gertrude Tyler, Telephone Operator .....	200.00	month
Eunice V. Bradley, Supervisor, Secretarial Pool .....	325.00	month
Eloise Galloway, Supervisor, Secretarial Pool .....	325.00	month
Sherill Ann Burgess, Secretary .....	300.00	month
Jo Ann Hansen, Public Works Committee Clerk .....	300.00	month
Bonnie J. Drohman, Stenographer .....	260.00	month
Arline Kottas, Stenographer .....	260.00	month
Shirley Sicner, Stenographer .....	260.00	month
Phyllis A. Camp, Stenographer .....	260.00	month
De Ann Shipps, Stenographer .....	260.00	month
Donna Lynch, Education Committee Clerk .....	300.00	month
Sue Steenson, Miscellaneous Subjects Committee Clerk .....	300.00	month
Delores Knudsen, Government Committee Clerk .....	300.00	month
Miriam Gabelman, Revenue Committee Clerk .....	300.00	month
Dorothy Kelly, Agriculture Committee Clerk .....	300.00	month
Sally G. Bloom, Public Health Committee Clerk .....	300.00	month
Virginia Trook, Salaries and Claims Committee Clerk .....	300.00	month
Genevieve O'Conner, Banking, Commerce and Insurance Committee Clerk .....	300.00	month
Betty Minder, Judiciary Committee Clerk .....	300.00	month
Verda Samuelson, Labor and Public Welfare Committee Clerk .....	300.00	month
Dorothea Fuchs, Budget Committee Clerk .....	300.00	month
Jeanne P. Allen, Clerk Typist .....	235.00	month
Phyllis Daniels, Page .....	180.00	month
Mary Jane Hall, Page .....	180.00	month
Marjorie Lowell, Page .....	180.00	month
Mary Jo Peters, Page .....	180.00	month
Beverly Sternberg, Page .....	180.00	month
Sharon Zade, Page .....	180.00	month
C. A. Mohrman, Chief Clerk, Bill Room .....	300.00	month
Charles Keefer, Assistant Clerk, Bill Room .....	235.00	month
John D. Curtis, Assistant Clerk, Bill Room .....	235.00	month
C. W. Touzalin, Assistant Clerk, Bill Room .....	235.00	month
F. R. Miller, Assistant Clerk, Bill Room .....	235.00	month

J. N. Schneider, Assistant Clerk, Bill Room .....	235.00 month
James A. Rivers, Assistant Clerk, Bill Room .....	235.00 month
William Hansen, Assistant Clerk, Bill Room .....	235.00 month
Oril Barber, Assistant Clerk, Bill Room .....	235.00 month
Leon R. Hill, Assistant Clerk, Bill Room .....	235.00 month
Ural Sterns, Assistant Bill Clerk .....	225.00 month
Blanche Cole, Assistant Bill Clerk .....	225.00 month
Corbett Krumtum, Custodian .....	235.00 month
Joseph Eickmeier, Custodian .....	200.00 month
Everett Hall, Custodian .....	200.00 month
Grace E. Clapp, Proof Reader .....	1.60 hour
Bertha Johnston, Proof Reader .....	1.60 hour
Elizabeth Reger, Proof Reader .....	1.60 hour
Bessie Watkin, Proof Reader .....	1.60 hour

(Signed) Hugo F. Srb  
Clerk of the Legislature

#### MOTION—Approve Report

Mr. President: I move that the report listing the names of elected officers and proposed list of employees and their salaries, as found in this Day's Journal, be approved. (Signed) Otto H. Liebers

The motion prevailed.

#### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 274.** By John P. Munnelly of Legislative District 8 and John R. Cooper of Legislative District 1.

A bill for an act relating to public contracts; to provide that residents of this state may be preferred in the letting of all public contracts as prescribed; and to provide penalties.

**LEGISLATIVE BILL 275.** By John P. Munnelly of Legislative District 8 and Michael P. Russillo of Legislative District 9.

A bill for an act to amend section 60-335, Revised Statutes Supplement, 1957, relating to motor vehicles; to extend the exemption of registration fees to be charged motor vehicles owned by cities, villages, and United States government; and to repeal the original section.

**LEGISLATIVE BILL 276.** By John P. Munnelly of Legislative District 8 and Michael P. Russillo of Legislative District 9.

A bill for an act to amend section 66-413, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle fuels; to provide for a refund of tax paid on motor vehicle fuel used and consumed by any municipality existing by virtue of and under the Constitution and laws of the State of Nebraska; and to repeal the original section.

**LEGISLATIVE BILL 277.** By John P. Munnelly of Legislative District 8, Arthur W. Swanson of Legislative District 36, and H. K. Diers of Legislative District 24.

A bill for an act to amend section 44-760, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to reduce from ten to five the minimum number of employees to constitute a group for sickness and accident insurance; to include retired employees in the term "employees" in group sickness and accident insurance; and to repeal the original section.

**LEGISLATIVE BILL 278.** By John P. Munnelly of Legislative District 8, Arthur W. Swanson of Legislative District 36, and H. K. Diers of Legislative District 24.

A bill for an act to amend section 44-1602, Revised Statutes Supplement, 1957, relating to insurance; to reduce from ten to five the minimum number of employees which may be covered by a group life insurance policy issued to an employer; and to repeal the original section.

**LEGISLATIVE BILL 279.** By George Syas of Legislative District 4.

A bill for an act to amend sections 43-601, 43-602, 43-603, 83-107.01, 83-108, 83-201, 83-202, 83-204, 83-205, 83-206, 83-207, 83-208, and 83-209, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to transfer the oversight and general control of the Nebraska School for the Deaf from the Board of Control to the State Department of Education; to transfer the care and education of children between the ages of five and twenty-one years who are both deaf and blind to the State Department of Education; to provide duties for the Commissioner of Education; to provide that the proceeds of the Deaf and Blind Educational and Maintenance Fund may be expended upon vouchers of the Commissioner of Education; to provide additional powers and duties for the State De-

partment of Education and State Board of Education; to eliminate obsolete provisions therein; to provide the operative date of this act; and to repeal the original sections.

**LEGISLATIVE BILL 280.** By George Syas of Legislative District 4.

A bill for an act to appropriate the sum of one hundred thirty thousand dollars to the State Department of Education to build a boys dormitory for the Nebraska School for the Deaf.

**LEGISLATIVE BILL 281.** By George Syas of Legislative District 4.

A bill for an act to amend sections 43-601, 43-602, 43-603, 83-107.01, 83-108, 83-201, 83-202, 83-203, 83-205, 83-206, 83-208, 83-209, 83-210, 83-210.01, 83-210.02, 83-211, 83-211.01, and 83-212, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to transfer the oversight and general control of the Nebraska School for the Blind from the Board of Control to the State Department of Education; to transfer the care and education of children between the ages of five and twenty-one years who are both deaf and blind to the State Department of Education; to provide for duties for the Commissioner of Education; to provide that the proceeds of the Deaf and Blind Educational and Maintenance Fund may be expended upon vouchers of the Commissioner of Education; to provide additional powers and duties for the State Department of Education and State Board of Education; to eliminate obsolete provisions therein; to provide the operative date of this act; and to repeal the original sections.

**LEGISLATIVE BILL 282.** By George Syas of Legislative District 4.

A bill for an act to appropriate the sum of three hundred forty thousand dollars to the State Department of Education to build a school and gymnasium, with the administrative offices for the Nebraska School for the Blind.

**LEGISLATIVE BILL 283.** By George Syas of Legislative District 4.

A bill for an act to amend sections 72-1005, and 72-1007, Reissue Revised Statutes of Nebraska, 1943, relating to State Institutional and Military Department Building Fund; to provide that a portion of the levy creating such fund shall be for the use of the Nebraska School for the Deaf and the Nebraska School for the Blind; to reduce the amount of the funds from such levy allocated to the Board of Control; and to repeal the original sections.

**SUSPEND RULES—Introduce Bills**

Mr. President: I move that the rules be suspended to permit the introduction of a departmental bill at the request of the Department of Banking. (Signed) John P. Munnelly

The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

Mr. President: I move that the rules be suspended to permit the introduction of a departmental bill. (Signed) Ray C. Simmons

The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

**Visitors**

Mr. Burbach introduced Neal Haskell, Faye Stewart, Norman Anderson, and Jack Kinney of Cedar and Dixon Counties.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 284.** By John P. Munnelly of Legislative District 8.

A bill for an act to amend sections 8-408, 8-410, and 8-432, Reissue Revised Statutes of Nebraska, 1943, and section 8-403, Revised Statutes Supplement, 1957, relating to industrial loan and investment companies; to require a cash reserve for such companies as prescribed; to provide that executive officers shall be licensed; to provide for regulations and forms; to provide for surplus; to provide qualifications for directors; to provide for the amount of paid-up capital stock; to provide for reports as prescribed; to provide for borrowing of funds from the general public; to provide for the amount of required collateral from borrowers; to provide for violations; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 285.** By Ray C. Simmons of Legislative District 11 and Marvin Lautenschlager of Legislative District 30.

A bill for an act to amend section 83-455, Reissue Revised Statutes of Nebraska, 1943, relating to the State Reformatory; to clarify the provisions as who may be sentenced to confinement in the State Reformatory; and to repeal the original section.

**LEGISLATIVE BILL 286.** By Edwin T. McHugh of Legislative District 3, John R. Cooper of Legislative District 1, and J. O. Peck of Legislative District 26.

A bill for an act relating to banks and banking; to authorize commercial banks in this state to act, either by itself or jointly, as executor or administrator of any deceased as prescribed.

#### **Visitors**

President Burney introduced Charles J. Warner, Jr., from Waverly.

Mr. Swanson introduced Leo Neil from Lexington.

#### **Member Excused**

Mr. Syas was excused for Friday, January 23, 1959.

#### **Adjournment**

At 11:37 a.m., on a motion by Mr. Pizer, the Legislature adjourned until 10:00 a.m., Friday, January 23, 1959.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**FOURTEENTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Friday, January 23, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Cooper, Fenske, Romans, Syas, and Tews who were excused.

**Ease**

The Legislature was at ease from 10:02 a.m. until 10:08 a.m., at the request of Mr. Adams for a caucus of the Douglas County delegates.

**Visitors**

Mr. Lautenschlager introduced Duane Plucknett, Mrs. Carol Galloway, and thirty-nine students of the Wood River seventh and eighth grades.

**Journal Approved**

The Journal for the Thirteenth Day was approved.

**Invitation**

Invitation from the Lincoln Chamber of Commerce to the members to their biennial Legislative dinner February 3, 1959, at the University Club.

**MOTION—Escort Governor**

Mr. President: I move that the President appoint a committee to escort the Governor to the Chamber for the purpose of delivering his budget message. (Signed) Don Thompson

The motion prevailed and the President appointed the following to serve on said committee: Thompson, chairman; Carpenter, Jensen.

**NOTICE OF COMMITTEE HEARINGS****Labor and Public Welfare**

LB 123	Wednesday, January 28, 1959	2:00 p.m.
LB 128	Wednesday, January 28, 1959	2:00 p.m.
LB 132	Wednesday, January 28, 1959	2:00 p.m.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 39.** Placed on Select File as amended.

E and R amendments to LB 39:

1. In the Ruhnke amendment, after "*Roads*", add "*or*".
2. In the title, line 3, after the semi-colon, insert "to include the Department of Roads among the agencies authorized to designate places for the deposit of rubbish and similar material;".
3. In the title, line 7, strike "and" and in line 8, after "tion", insert "; and to declare an emergency".

**LEGISLATIVE BILL 63.** Placed on Select File.

**LEGISLATIVE BILL 38.** Placed on Select File as amended.

E and R amendments to LB 38:

1. Committee amendment 2, line 3, strike "*road*" and insert "*highway*".
2. Committee amendment 4, line 3, strike "*road*" and insert "*highway*" and in line 4 strike the underscored comma.
3. In the title, line 6, after "*speed*", insert "*in excess*".
4. In the title, line 8, insert, before the semi-colon: ", except upon any highway that is a part of the state highway system".
5. In the title, line 10, strike "and" and line 11, insert, after "sections": "; and to declare an emergency".

(Signed) Joe T. Vosoba, Chairman

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 287.** By William Moulton of Legislative District 10, Arthur W. Swanson of Legisla-



tive District 36, and H. K. Diers of Legislative District 24.

A bill for an act to amend section 44-213.01, Revised Statutes Supplement, 1957, relating to insurance; to provide that domestic insurance companies may include dependents and retired members in retirement, disability, sickness, accident, or death benefit plans for its employees, officers, or agents, or any reasonable classification thereof; and to repeal the original section.

**LEGISLATIVE BILL 288.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to taxation; to provide when the amount of taxes levied against car companies, mercantile or other companies, firms or individuals taxed under the provisions of sections 77-624 to 77-633, Reissue Revised Statutes of Nebraska, 1943, shall become a lien; to provide that the Tax Commissioner or his designated agent may collect such amount by distress warrant and levy; to provide for surrender of any property or rights to property upon which such levy has been made; to provide liability in the event of failure or refusal to make such surrender; and to provide how money resulting from such levy shall be applied.

**LEGISLATIVE BILL 289.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to foreign corporations; to provide that foreign corporations failing to comply with the requirements of Chapter 21, article 12, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto shall be denied the right to maintain any suit or action, either legal or equitable, in any of the courts of this state, upon any demand, whether arising out of the contract or tort.

**LEGISLATIVE BILL 290.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to the collection of obligations owing to the State of Nebraska; to provide for the filing of a lien with the Auditor of Public Accounts on account of any such obligation; to provide for the withholding of an amount, not in excess of the amount of such lien, from any money then owing by the State of Nebraska to the person indebted on such obligation; and to provide for the filing of successive liens.

**LEGISLATIVE BILL 291.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 88-159, Reissue Revised Statutes of Nebraska, 1943, relating to warehousemen; to provide uniform fees for warehouse licenses; to establish the Public Warehouse Fund and what funds shall be credited thereto; to provide the purpose for which such fund may be expended; and to repeal the original section.

**LEGISLATIVE BILL 292.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to corporations; to provide that corporations must be qualified to do business in the State of Nebraska as provided in Chapter 21, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, in order to bid or enter into contracts to supply labor, services, materials, or commodities to the State of Nebraska or to any of its political subdivisions; to provide for violations; and to provide penalties.

**LEGISLATIVE BILL 293.** By Fern Hubbard Orme of Legislative District 20, Stanley L. Portsche of Legislative District 19, and Otto H. Liebers of Legislative District 18.

A bill for an act to amend section 15-322, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to change and clarify the duties of the city attorney in a city of the primary class; and to repeal the original section.

**LEGISLATIVE BILL 294.** By Fern Hubbard Orme of Legislative District 20, Stanley L. Portsche of Legislative District 19, and Otto H. Liebers of Legislative District 18.

A bill for an act to amend section 15-701, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to provide that when any street, avenue, alley, or lane in a city of the primary class is vacated title thereto may be retained by such city in the vacation ordinance; to provide that such property may be leased or sold; and to repeal the original section.

**LEGISLATIVE BILL 295.** By William R. Skarda, Jr. of Legislative District 7.

A bill for an act relating to the collection of sewer rental or use fees; to empower and provide that a city of the metropolitan class may enter into a contract with the metropolitan water or metropolitan utilities district serving such city for the purpose of aiding in the collection of any sewer rental or use fee established by such

city and to pay the charge therefor; to provide that such a metropolitan water or metropolitan utilities district may by contract provide such services to such city upon payment of the cost thereof, and to terminate water services for nonpayment of such sewer use fee.

**LEGISLATIVE BILL 296.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 53-182, Revised Statutes Supplement, 1957, relating to liquors; to make it an unlawful practice for a licensee to make contributions toward the campaign fund or expenses of any political party, or candidate for public office or for nomination for any public office but shall not prohibit a licensee from becoming a candidate for public office and to pay any and all necessary filing fees therefor, and his own expenses; and to repeal the original section.

**LEGISLATIVE BILL 297.** By Michael P. Russillo of Legislative District 9, William R. Skarda, Jr. of Legislative District 7, and George Syas of Legislative District 4.

A bill for an act to amend sections 14-118, 14-120, 14-121, 14-123, and 14-124, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to provide for the annexation, consolidation or merger of drainage districts; fire protection districts, improvement districts of any type, other political subdivisions or quasi-municipalities, or any part thereof on the same basis as now provided for annexation, or consolidation or merger of any city or village with a city of the metropolitan class; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 298.** By Michael P. Russillo of Legislative District 9 and George Syas of Legislative District 4.

A bill for an act relating to cities of the metropolitan class; to provide for the dissolution of improvement districts heretofore or hereafter organized and existing under sections 31-701 to 31-762, and sections 39-1601 to 39-1636, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto where a part of the territory thereof is annexed by any city of the metropolitan class; to provide for the transfer of the assets of the district to such city, and the assumption and payment by the city of all outstanding obligations of the district; to provide for levying and collection of taxes and special assessments, establishment and collection of sewer service charges; to provide for the operation and maintenance of dissolved

districts by cities of the metropolitan class, and the termination of tenure of the offices of trustees and other officers of the district; and to declare an emergency.

### **Governor Escorted**

The committee escorted Governor Brooks into the Chamber where he delivered the following:

### **BUDGET MESSAGE OF GOVERNOR RALPH G. BROOKS**

**January 23, 1959**

The recommendations contained in the budget I am today presenting to this honorable body represent the same fiscal views I have employed in my thirty-two years of service to the school systems of Nebraska. Those fiscal views require that each budgetary request satisfy the primary and fundamental test of a public demand for the service represented by the budgetary allotment.

This year, this legislative body, confronted with almost unprecedented budgetary demands, must weigh and evaluate two factors which form a very necessary part in the preparation of any budget. The first factor in that budget is the ability of the people to pay for the budgetary item; the second factor is the evaluation of the demand for the budgetary item proposed.

I have said that I do not feel that there should be any budgetary increases over the amounts provided by the previous legislative sessions unless there is a distinct showing of the additional service to be furnished by virtue of that budgetary increase and a distinctly demonstrated demand for such additional service.

To that end, I have attempted to analyze, with all possible care and consideration in the short period of time allotted to me for that purpose, every fund comprising a part of our state financial framework and it is my thought that the budgetary recommendation hereinafter set forth represents an application of conservative realism to the demands of Nebraskans for service and to the ability of Nebraskans to pay for that service.

In that connection, permit me to first set forth that a distinctly demonstrated demand for additional service is that evidenced by the demand for an improved highway traffic safety program and, in response to that distinctly demonstrated demand, I have proposed that the budget of the State Safety Patrol be increased over

that set forth in the 1957-59 biennium in order to enable the Superintendent of Law Enforcement and Public Safety to add 50 men to his present comparatively small staff; this recommendation contains the proviso, however, that these 50 additional men, properly equipped, shall be used for the sole purpose of serving as highway patrol officers and shall not be assigned to any other incidental purpose in connection with the administration of the State Safety Patrol system.

A further indication of a distinctly demonstrated demand is that which has been made known to me by those interested in developing the Nebraska park and recreation sites, not only as tourist incentives but also for the enjoyment of our own good people. Here again, in response to that demand, I have recommended a substantial increase in the budget of the Game, Forestation and Parks Commission from that of the previous biennium.

Of additional interest to all Nebraskans, and I can assure you that there are few things closer to me personally, is our fine system of colleges and universities. With reference to our four state teachers' colleges, which operate in a very limited area within the realm of tax revenue, I have recommended an increase over the previous biennium which will enable equitable salary adjustments.

With reference to the University of Nebraska, I respectfully call attention to the fact that there are two operating funds in the University fiscal area . . . . . that neither of these funds is affected by tax revenues . . . . . that these funds are available, nevertheless, for the payment of instructors' salaries and for the advancement of research programs as well as for the purchase of equipment . . . . . the University also participates in the Building Fund levy to say nothing of the grants received through federal funds and other sources such as the University of Nebraska College of Medicine levy and the levy for the care of indigent persons. With reference to the two cash operating funds, one of those funds results from student tuition and student fees and this year's proposed increase for the 1959-61 biennium is \$1,700,000.00 greater than it was in 1955 and \$400,000.00 greater than that of the 1957-59 biennium, indicating that this fund is increasing at the rate of an approximate one-half million dollars each biennium. Attention is also respectfully drawn to the fact that in the other cash operating fund account of the University, the amount appropriated in this fund has increased from an approximate sixteen and one-half million dollars in 1955 through an approximate eighteen and three-fourths million dollars in 1957 to a \$20,750,000.00 appropriation in 1959, further indicating that this fund is increasing at a rate in excess of two million dollars each biennium. The over-all increase in the budget for the University of Nebraska by virtue of the increase in these cash operating fund

appropriations, along with the two million dollars I have recommended for application upon salary adjustments, makes the total University of Nebraska budgetary increase in the sum of approximately \$7,600,000.00 of which increase, however, but two million dollars will be derived from general property tax funds.

In the preparation of this budget, I have been highly appreciative of the excellent conclusions reached by the Legislative Council and particularly those committees on the Budget and on Cash Funds and Budgeting. Pursuant to the recommendations of those two committees, I have directed that the most realistic estimate possible be applied to the unexpended balances expected at the end of the present biennium. In addition, I have observed the suggestions with reference to the appropriation of cash funds on a not-to-exceed basis and you will note from an examination of the budget that the number of funds to which this suggested budgetary practice is applied has been increased from three in 1957-59 to twenty-three in the 1959-61 biennium. I know that we will be submitted to a great many expressions of opinion on this budgetary practice but I urge you to join with me in a careful evaluation of this fiscal policy which seven of your members formulated, and your entire Legislative Council approved. We may be reasonably certain that adherence to this budget practice at this time will provide a substantial reward in the examination of unexpended balances two years hence.

Despite a conscientious and determined effort to be conservatively realistic in every phase of the preparation of this budget, it, nevertheless, displays an over-all increase in the grand total budget of approximately seven million dollars. Of this seven million dollars, there will be raised from the property tax levy the sum of \$4,688,065.52, subject to an additional downward revision for estimated cash funds to be received during the biennium in the sum of \$600,000.00.

An additional item of consideration in the preparation of this budget has been my desire to provide for reasonable salary increases in each department and these figures are reflected in the budgetary recommendations. Consideration must be given, if legislation is enacted, to an additional budgetary recommendation for any retirement system to state employees which may be instituted.

The budget contains a recommendation with reference to the Governor's mansion and this has been made on the basis of the belief that the legislature desires to have the mansion used for state functions; if the mansion is to be used only as the private home of the Governor, the Governor will be the first to recommend a reduction in this budgetary proposal.

This budgetary message constitutes the framework of the financial proposals of the various departments that I am recommending to this legislative body in accordance with a statute which requires me, within fifteen days after the presentation of the budgetary message of the outgoing governor, to present to you the results of my study of that budget. These budgetary proposals represent the result of these studies. It may well be that additional evidence will be brought to my attention which will reveal that there is a distinctly demonstrated demand for services reflected through budgetary increases beyond those I have included in this financial framework. If such evidence is presented or if additional data be made available upon which any upward or downward revision can be predicated, I look forward to the opportunity of visiting with the informed members of your Budget Committee as well as each member of this distinguished body to consider any phase of this financial picture which will serve to advance our State and our people in the Nebraska we all know and love so well.

Respectfully submitted,  
(Signed) Ralph G. Brooks  
GOVERNOR

The committee escorted the Governor from the Chamber.

### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 299.** By Michael P. Russillo of Legislative District 9 and George Syas of Legislative District 4.

A bill for an act to amend sections 31-716 and 31-760, Reissue Revised Statutes of Nebraska, 1943, and section 39-1635, Revised Statutes Supplement, 1957, relating to annexation of cities and villages; to eliminate metropolitan cities from the provisions for annexation of cities and villages by sanitary and improvement districts and road districts; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 300.** By Ray C. Simmons of Legislative District 11.

A bill for an act to amend section 77-1734.01, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to extend the time for filing a claim for refund of tax paid as a result of clerical error; and to repeal the original section.

**LEGISLATIVE BILL 301.** By Arthur W. Swanson of Legislative District 36, Ray C. Simmons of Legislative District 11, and Don Thompson of Legislative District 33.

A bill for an act relating to retail selling and financing of goods; to define terms; to prescribe conditions for revolving charge agreements; to provide for charges; and to provide penalties.

**LEGISLATIVE BILL 302.** By J. W. Burbach of Legislative District 14 and Harold B. Stryker of Legislative District 17.

A bill for an act to amend section 88-163, Reissue Revised Statutes of Nebraska, 1943, relating to warehouses; to empower the State Railway Commission to suspend, temporarily or absolutely, licenses issued pursuant to Chapter 88, article 1, Reissue Revised Statutes of Nebraska, 1943; to prescribe the conditions for such suspensions; to provide how such power shall be exercised; and to repeal the original section.

**LEGISLATIVE BILL 303.** By J. W. Burbach of Legislative District 14 and Frank Nelson of Legislative District 28.

A bill for an act to amend section 79-486, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the provisions for instruction of pupils in another district; and to repeal the original section.

**LEGISLATIVE BILL 304.** By Willard H. Waldo of Legislative District 21, Joe T. Vosoba of Legislative District 23, and Arnold Ruhnke of Legislative District 22.

A bill for an act relating to insurance; to provide that no assessment hail association hereafter organized shall begin to transact business until it shall have made a deposit, to be used as a reserve, with the Department of Insurance; to provide the amount of such deposit; to require a similar deposit of an existing association before it shall transact further business; to provide when such deposit shall be returned; and to provide that no new policy of insurance shall be issued while such reserve is impaired.

**LEGISLATIVE BILL 305.** By Ray C. Simmons of Legislative District 11 and Marvin Lautenschlager of Legislative District 30.

A bill for an act to amend section 29-112, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide



that the prescribed disqualification of any person sentenced to be punished as a felon shall be terminated upon receipt of a warrant of discharge rather than a pardon; and to repeal the original section.

**LEGISLATIVE BILL 306.** By Arthur W. Swanson of Legislative District 36.

A bill for an act to amend sections 79-1254, 79-1255, 79-1256, 79-1257, 79-1258, 79-1259, 79-1260, 79-1261, and 79-1262, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to extend the provisions of employment of superintendents and teachers to Class II school district; to define the terms teacher and school board for Class III school district; to extend the provisions of teachers contracts set forth in sections 79-1256 to 79-1262, Reissue Revised Statutes of Nebraska, 1943, shall be extended to Class III school districts; to harmonize provisions with previous legislation; and to repeal the original sections.

#### Bills Referred to Standing Committees

LB	Committee
272.....	Revenue
273.....	Public Works
274.....	Public Works
275.....	Miscellaneous Subjects
276.....	Miscellaneous Subjects
277.....	Banking, Commerce and Insurance
278.....	Banking, Commerce and Insurance
279.....	Public Health
280.....	Salaries and Claims
281.....	Public Health
282.....	Salaries and Claims
283.....	Salaries and Claims
284.....	Banking, Commerce and Insurance
285.....	Judiciary
286.....	Banking, Commerce and Insurance

(Signed) Dwight W. Burney  
Lieutenant Governor

#### Invitation

Invitation to the members and wives to a dinner at the Penitentiary on Monday, January 26, at 6:00 p.m. Transportation will be furnished.

## GENERAL FILE

Speaker Pizer Presiding

**LEGISLATIVE BILL 3.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Thirteenth Day was adopted.

Mr. Stryker requested unanimous consent that the bill be amended by adding the name of John Aufenkamp of Legislative District 2 as co-introducer. No objections. So ordered.

Laid over temporarily at the request of Mr. Stryker.

**Visitors**

Mr. Vosoba introduced Messrs. Merle Heinzman, Anton Bohac, Genge Geistlinger, and Carl Engel from Saline County.

**LEGISLATIVE BILL 33.** Read and considered.

Advanced to E and R for review.

**Visitors**

Mr. Marvel introduced Rev. and Mrs. Earle Barclay and children, and Mr. D. H. Pedersen from Hastings.

Mr. Donner introduced Messrs. K. W. Carter and J. W. Carter from St. Edward.

Mr. Ruhnke introduced Mr. Henry Freese from Plymouth.

**LEGISLATIVE BILL 3.** Considered.

Mr. Stryker offered the following amendment which was adopted:

1. Page 3, section 2, line 11, strike "affidavit of", and show the same as stricken.

Mr. Stryker offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**Visitors**

Mr. Williams introduced Mr. and Mrs. E. R. Neth.

Mr. Erlewine introduced Mr. and Mrs. Gale Erlewine and sons from Grant.

**NOTICE OF COMMITTEE HEARINGS****Miscellaneous Subjects**

LB 133	Thursday, January 29, 1959	2:00 p.m.
LB 161	Thursday, January 29, 1959	2:00 p.m.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 307.** By Willard H. Waldo of Legislative District 21, Arnold Ruhnke of Legislative District 22, and Oliver Olinger of Legislative District 12.

A bill for an act relating to livestock; to make it unlawful to purchase, possess, keep, sell, offer for sale, barter, exchange, give away, or otherwise dispose of hog cholera virus except as prescribed; and to provide penalties.

**LEGISLATIVE BILL 308.** By Michael P. Russillo of Legislative District 9 and William R. Skarda, Jr. of Legislative District 7.

A bill for an act to amend sections 14-373 and 14-374, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to abolish the city planning commission in cities of the metropolitan class; to require each city of such class to prepare a plan for its future physical development and growth; to provide how such plan shall be prepared and what lands may be included within it; to provide for the acquisition and disposition of real estate and the uses to which it may be put pursuant to such plan; and to repeal the original sections and also section 14-375, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 309.** By Michael P. Russillo of Legislative District 9 and William Moulton of Legislative District 10.

A bill for an act to amend section 14-115, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to change the procedure and conditions for subdividing real estate

into blocks and lots or parcels; to provide for approval and vacation of plats and effect thereof; and to repeal the original section.

#### **Invitation**

Invitation from the Nebraska Motor Carriers Association to the members and wives to a dinner at the Compass Room, Thursday, February 5, at 6:00 p.m.

#### **UNANIMOUS CONSENT—Cancel Executive Session**

Mr. Otto, Chairman of the Committee on Revenue, requested unanimous consent to cancel the executive session of the Revenue Committee scheduled for 2:00 p.m. today. No objections. So ordered.

#### **Adjournment**

At 11:30 a.m., on a motion by Mr. Diers, the Legislature adjourned until 10:00 a.m. Monday, January 26, 1959.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**FIFTEENTH DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Monday, January 26, 1959

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Burney presiding.

Prayer was offering by the Chaplain.

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

**Corrections for the Journal**

Page 198, line 3, add an "s" to the word "office".

The Journal for the Fourteenth Day was approved as corrected.

**Communications**

Letters from U. S. Senator Carl T. Curtis acknowledging receipt of Legislative Resolutions 5 and 6.

Letter from Sam Rayburn, Speaker, U. S. House of Representatives, Washington, D. C., acknowledging receipt of Legislative Resolution 5.

Letter from U. S. Representative Glenn Cunningham acknowledging receipt of Legislative Resolutions 5 and 6.

Postal card from Gladys E. Rohr, Stuart, Nebraska, favoring continued mourning dove protection and opposing LB 62.

Letter from George J. Buglewicz, Omaha, regarding votes in standing committees.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 3.** Placed on Select File as amended.

E and R amendments to LB 3:

1. Amend the Standing Committee amendment, line 2, by inserting, after "six": " , showing the same as stricken,".

2. Amend the title, line 13, by inserting, after the semi-colon: "to change from six to seven months the time after which no claim shall be allowed;"

3. Amend the title, line 13, by striking "and" and by inserting, after "section" "; and to declare an emergency".

**LEGISLATIVE BILL 33.** Placed on Select File.

(Signed) Joe T. Vosoba, Chairman

#### **Agriculture**

**LEGISLATIVE BILL 34.** Placed on General File.

**LEGISLATIVE BILL 36.** Indefinitely postponed.

(Signed) Hans O. Jensen, Chairman

#### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 9.** Re: Legislative Council Study of State Charitable, Mental, Reformatory, and Penal Institutions.

Introduced by Hal Bridenbaugh, 13th District; Peter H. Clausen, 16th District; and John Aufenkamp, 2nd District.

WHEREAS, the members of the Board of Control as now constituted have charge of all institutions with full power to manage, control and govern them, and

WHEREAS, by the constitutional amendment of Article IV, section 19, Constitution of Nebraska, the general management, control, and government of all state charitable, mental, reformatory, and penal institutions shall be vested as determined by the Legislature, and

WHEREAS, some desire that the management of such institutions be under the general management, control, and government of other created body or bodies, and

WHEREAS, the Legislative Council in recommending the amendment of Article IV, section 19, Constitution of Nebraska recommended that changes in the present set up be made only after additional extensive study has been made of the possible benefits or adverse effects of a change in the institutional system, and

WHEREAS, it is important that careful study be made as to whether there should be any changes made in such general management, control, and government of such institutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to make a complete study of the functions, needs, management, and government of the various state charitable, mental, reformatory, and penal institutions and report its findings to the next session of the Nebraska Legislature with recommendations of the type of body to manage, control, and govern the same.

Referred to the Legislative Council Executive Board.

**LEGISLATIVE RESOLUTION 10.** Re: Legislative Council Study of the Board of Control.

Introduced by Hans O. Jensen, 25th District; Harold B. Stryker, 17th District; and Richard D. Marvel, 31st District.

Inasmuch as the people of Nebr. have seen fit to lay the jurisdiction and responsibility of the Board of Control upon the Legislature and inasmuch as this matter is of extreme importance in that it deals with the welfare and future of over 10,000 unfortunates, we believe that it is a matter that should have the very best consideration and study that the 69th session can give to the matter.

We believe that no emergency exists that would condone nor call for piecemeal approach to this matter.

Be it therefore resolved that the 69th session set up a study committee to make an overall study of this matter during the interim and to be prepared to make recommendation to the 70th session of the Nebr. Legislature from this study.

Referred to the Legislative Council Executive Board.

**Visitors**

Mr. Webb introduced Ira F. Radke, Charles Munson, and Ramey C. Whitney from Chappell.

Mr. Donner introduced Mr. Lyman from Clearwater.

**MOTION—Appreciation**

Mr. President: I move that we extend a vote of thanks to Senator and Mrs. Cooper for the pancake mix and the leaflet "The Cooper Story". (Signed) Harry L. Pizer

The motion prevailed.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 11. Re: Federal Excise Tax on Gasoline.**

Introduced by Don Thompson, 33rd District; Richard D. Marvel, 31st District; and Hans O. Jensen, 25th District.

WHEREAS, since the enactment in 1919 of the first state gasoline tax, this levy has been historically and rightfully a state tax, and

WHEREAS, the gasoline tax has traditionally provided the major portion of the funds needed by the states to construct and maintain their highway systems, and

WHEREAS, in 1932, the federal government also imposed an excise tax on gasoline, as a temporary, emergency, revenue-producing measure, and

WHEREAS, the expressed, and reaffirmed, intent of Congress to vacate this tax field has not been carried out, and

WHEREAS, instead, the original federal excise on gasoline has been continued and increased by 200 per cent, and

WHEREAS, the mounting federal tax on this product threatens to preempt this legitimate tax source belonging by priority and equity to the states, and

WHEREAS, further increase in the federal gasoline tax rate would lead to serious restriction upon the ability of the states to secure funds for needed highway improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Sixty-ninth Session of the Nebraska Legislature, does respectfully record its opposition to any further increase in the present federal excise tax on gasoline.

2. That a copy of this resolution be transmitted by the Clerk of the Legislature to the office of the President of the United States



and to the members of the House of Representatives and of the United States Senate from Nebraska, and to the Chairman of the Ways and Means Committee of the House of Representatives and to the Chairman of the Finance Committee of the United States Senate.

### **SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of a departmental bill. (Signed) Joe T. Vosoba

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

### **BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 310.** By John R. Cooper of Legislative District 1 and Stanley L. Portsche of Legislative District 19.

A bill for an act to amend sections 77-1720, 83-337, and 83-424, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1112 and 33-117, Revised Statutes Supplement, 1957, relating to fees and allowances; to provide that county sheriffs shall be allowed fifteen cents per mile for each mile actually and necessarily traveled in the performance of their duties; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 311.** By John Adams, Sr. of Legislative District 5.

A bill for an act to amend sections 14-301, 14-303, 14-304, 14-308, 14-309, 14-312, 14-324, and 14-325, Reissue Revised Statutes of Nebraska, 1943, and section 14-311, Revised Statutes Supplement, 1957, relating to cities of the metropolitan class; to declare policy; to broaden the authority of such cities with respect to streets; to provide authority for such cities to construct and improve arterial streets and state highway and interstate highway connecting links; to provide for the opening and vacating of streets and alleys; to provide when the right to halt a change of grade by protest petition shall not exist; to provide powers and duties of certain public officials; and to repeal the original sections.

**LEGISLATIVE BILL 312.** By John Adams, Sr. of Legislative District 5.

A bill for an act to amend section 25-1903, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to fix a

definite time for issuing a summons in error; and to repeal the original section.

### UNANIMOUS CONSENT—Add Co-introducers

Mr. Webb requested unanimous consent to add the names of William R. Skarda, Jr. of Legislative District 7 and Fern Hubbard Orme of Legislative District 20 as co-introducers of LB 313. No objections. So ordered.

**LEGISLATIVE BILL 313.** By Lewis Webb of Legislative District 39, Sam Klaver of Legislative District 6, Terry Carpenter of Legislative District 42, William R. Skarda, Jr. of Legislative District 7, and Fern Hubbard Orme of Legislative District 20.

A bill for an act to amend sections 77-1204 and 77-1205, Reissue Revised Statutes of Nebraska, 1943, relating to taxation of livestock; to provide for the taxation of livestock kept in several taxing districts; to provide for the taxation of livestock located on a farm situated in one or more counties; to provide for the allocation of taxes among such taxing districts or counties; and to repeal the original sections.

**LEGISLATIVE BILL 314.** By Joe T. Vosoba of Legislative District 23.

A bill for an act relating to highways; to authorize the Department of Roads to enter into agreements for removal and preservation of historical, archeological, and paleontological remains disturbed or to be disturbed by highway construction as prescribed; and to authorize the use of highway funds for such purpose.

**LEGISLATIVE BILL 315.** By Willard H. Waldo of Legislative District 21, John R. Cooper of Legislative District 1, and Hans O. Jensen of Legislative District 25.

A bill for an act relating to colleges and universities; to create the University of Nebraska College of Agriculture and Experiment Stations Fund; to provide a levy therefor; to provide the disposition of such fund; and to declare an emergency.

### Bills Referred to Standing Committees

LB	Committee
287_____	Banking, Commerce and Insurance
288_____	Judiciary

289	Banking, Commerce and Insurance
290	Judiciary
291	Public Works
292	Banking, Commerce and Insurance
293	Government
294	Government
295	Public Works
296	Government
297	Public Works
298	Public Works
299	Government
300	Revenue
301	Banking, Commerce and Insurance
302	Miscellaneous Subjects
303	Education
304	Banking, Commerce and Insurance
305	Judiciary
306	Education
307	Agriculture
308	Government
309	Government

(Signed) Dwight W. Burney  
Lieutenant Governor

#### UNANIMOUS CONSENT—Withdraw LB 267

Mr. Waldo requested unanimous consent to withdraw LB 267.  
No objections. So ordered.

#### UNANIMOUS CONSENT—Withdraw LB 102

Mr. Syas requested unanimous consent to withdraw LB 102.  
No objections. So ordered.

#### Members Excused

At 10:37 a.m. at the request of Mr. Portsche, the following who are members of the Special Committee on Contest were excused for the remainder of the morning: Portsche, Burbach, Bowen, Williams, and Tews.

#### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 316.** By Willard H. Waldo of Legislative District 21 and George C. Gerdes of Legislative District 41.

A bill for an act to amend sections 71-1,148, 71-1,149, 71-1,150, and 71-1,152, Reissue Revised Statutes of Nebraska, 1943, relating to veterinary medicine and surgery; to redefine the practice of veterinary medicine and surgery; to change the requirements for a license to practice veterinary medicine and surgery; to redefine accredited school of veterinary medicine and surgery; to provide that the provisions of sections 71-1,148 to 71-1,152 shall not apply to certain persons, as presented; and to repeal the original sections.

#### UNANIMOUS CONSENTS—Hearing Rooms

Mr. Syas, Chairman of the Committee on Education, requested unanimous consent for permission to use the West Senate Chamber Thursday afternoon, January 29, 1959, for the Education Committee hearing. No objections. So ordered.

Mr. Simmons, Chairman of the Committee on Judiciary, requested unanimous consent for permission to use the West Senate Chamber at 2:30 p.m. today for hearing on LR 2, if necessary. No objections. So ordered.

#### SELECT FILE

**LEGISLATIVE BILL 39.** E and R amendments found in the Legislative Journal for the Fourteenth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 63.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 38.** E and R amendments found in the Legislative Journal for the Fourteenth Day were adopted.

Laid over at the request of Mr. Ruhnke.

#### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 317.** By William Moulton of Legislative District 10.

A bill for an act to amend sections 32-216, 32-220, and 32-223, Revised Statutes Supplement, 1957, relating to elections; to eliminate the requirement of designation of registration registers; to

change the form of registers; to change the personal application of voters when registering, as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 318.** By William Moulton of Legislative District 10.

A bill for an act to amend section 32-806, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to clarify the provisions thereof; and to repeal the original section.

**LEGISLATIVE BILL 319.** By William Moulton of Legislative District 10.

A bill for an act to amend section 32-522, Revised Statutes Supplement, 1957, relating to elections; to harmonize the provisions with previous legislation; and to repeal the original section.

**LEGISLATIVE BILL 320.** By William Moulton of Legislative District 10.

A bill for an act to repeal section 32-213, Revised Statutes Supplement, 1957, relating to elections.

**LEGISLATIVE BILL 321.** By William Moulton of Legislative District 10.

A bill for an act to amend section 32-231, Revised Statutes Supplement, 1957, relating to elections; to increase the compensation of the election commissioner and the chief deputy commissioner in counties having more than two hundred thousand inhabitants; to provide when the change in salaries may become operative; and to repeal the original section.

**LEGISLATIVE BILL 322.** By Ray C. Simmons of Legislative District 11, Harold B. Stryker of Legislative District 17, and Peter H. Claussen of Legislative District 16.

A bill for an act relating to drainage districts; to provide for a drainage system of any county not included in the boundaries of a drainage district organized under the provisions of Chapter 31, article 3 or 4, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, or any sanitary drainage district organized under Chapter 31, article 5 or 7, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; to define terms; to provide the procedure for organization of such districts; to provide powers and duties for the county board; to provide how this

act may be cited; and to repeal section 31-132, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 323.** By David D. Tews of Legislative District 15.

A bill for an act to appropriate the sum of six thousand dollars to aid in defraying the expenses and per diem payments of deputy state parole officers for the biennium ending June 30, 1959; and to declare an emergency.

**LEGISLATIVE BILL 324.** By William Moulton of Legislative District 10 and David D. Tews of Legislative District 15.

A bill for an act relating to telephone and telegraph companies; to make it a misdemeanor to obtain telephone service by the use of a false or nonexistent credit card or by charging the price of such call to a nonexistent telephone number or an existing telephone number without the authority of the holder or to obtain transmission of a message by telephone without payment of the lawful charges therefor; and to provide penalties.

**LEGISLATIVE BILL 325.** By William Moulton of Legislative District 10 and George Syas of Legislative District 4.

A bill for an act relating to publicly owned public utilities; to prohibit the expending of money for or advertising, promotion, or sponsorship by or on behalf of any such public utility except such as relates to safety and precautionary measures; to provide joint and several liability in the event of any such expenditure.

### Report

Mr. Romans reported that he delivered Legislative Resolution 6 to the various parties as provided for in the Resolution, while he was in Washington, D. C., last week.

## NOTICE OF COMMITTEE HEARINGS

### Public Works

LB 118	Monday, February 2, 1959	2:00 p.m.
LB 124	Monday, February 2, 1959	2:00 p.m.
LB 125	Monday, February 2, 1959	2:00 p.m.
LB 69	Wednesday, February 4, 1959	2:00 p.m.
LB 170	Wednesday, February 4, 1959	2:00 p.m.
LB 109	Friday, February 6, 1959	2:00 p.m.

**Adjournment**

At 10:59 a.m., on a motion by Mr. Ruhnke, the Legislature adjourned until 10:00 a.m. Tuesday, January 27, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## SIXTEENTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 27, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Fenske and Thompson who were excused.

The Journal for the Fifteenth Day was approved.

**Communications**

Letter from Mr. and Mrs. Anton Geist, Beatrice, regarding old age assistance.

Letter from Mrs. Luther E. Thomas, Los Angeles, California, concerning a widow's pension under the retirement system since the adoption of the Omaha City Charter.

Postal card from Pearle Axtell, Stuart, favoring protection of turtle doves.

**NOTICE OF COMMITTEE HEARINGS****Public Health**

LB 164	Monday, February 2, 1959	2:00 p.m.
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**Education**

LB 243	Tuesday, February 3, 1959	2:00 p.m.
LB 242	Thursday, February 5, 1959	2:00 p.m.
LB 246	Thursday, February 5, 1959	2:00 p.m.

**Agriculture**

LB 37	Tuesday, February 3, 1959	2:00 p.m.
LB 40	Tuesday, February 3, 1959	2:00 p.m.
LB 98	Tuesday, February 3, 1959	2:00 p.m.
LB 62	Thursday, February 5, 1959	2:00 p.m.
LB 99	Thursday, February 5, 1959	2:00 p.m.



**STANDING COMMITTEE REPORTS**

**Government**

**LEGISLATIVE BILL 21.** Placed on General File.

**LEGISLATIVE BILL 6.** Indefinitely postponed.

(Signed) Dwain Williams, Chairman

**Education**

**LEGISLATIVE BILL 27.** Indefinitely postponed.

(Signed) George Syas, Chairman

**MOTION—Lincoln's Day Program**

Mr. President: I move that Senator Adams and the Chaplain make arrangements for our Lincoln's Day program for February 12, 1959, at 11:00 a.m. (Signed) Harry L. Pizer

The motion prevailed.

**UNANIMOUS CONSENT—Re-refer LB 279 and LB 281**

Mr. Syas requested unanimous consent to have LB 279 and LB 281 re-referred to the Committee on Judiciary. No objections. So ordered.

**SELECT COMMITTEE REPORTS**

**Special Committee on Contest**

Mr. President: Your Special Committee on the contest in Legislative District No. 21 reports the following with reference to the recount of votes in said District.

You asked me and my committee to make a study of this recount and report to you, at which time we received all of the information pertaining to the recount from the deposition obtained from the hearings in Gage County held in Beatrice. In this report Mr. Crosby, the attorney for Willard H. Waldo, submitted a brief showing they were of the opinion that there were irregularities in the formality of filing bonds. Pertaining to this brief, the committee contacted the Attorney General's office for an opinion concerning the above mentioned irregularities. The opinion of the Attorney General stated

that all facts seemed to be in order, so the committee agreed to continue with the recount. (Copy of Attorney General's opinion is herewith attached.)

The recount started Monday, January 19, 1959 at 1:30 P. M. under the direct supervision and rules set forth by the Special Legislative Committee on the 21st district recount with the agreement of the attorney for George F. Fulton and attorney for Willard H. Waldo that it be stipulated that they would abide by the ruling of the Attorney General's office on challenged ballots.

Wednesday afternoon, at the conclusion of the counting of the non-contested ballots, the records showed that Willard H. Waldo was leading George F. Fulton by 3 votes. Willard H. Waldo received 3,968 votes, and George F. Fulton received 3,965 votes.

The committee requested the Attorney General's office to examine the 117 challenged ballots and to make a determination of the same. This was done Thursday morning, January 22, 1959 at 10:00 A. M. in the presence of the recount committee and attorneys for both parties. Of the 117 challenged ballots, 60 were challenged by the attorney for Willard H. Waldo, and 57 by the attorney for George F. Fulton. After examination and ruling by the Attorney General's office, 96 of the 117 challenged ballots were passed. Willard H. Waldo received 43 and George F. Fulton received 53 of these votes.

The reason for contesting the 96 ballots was due to the fact they were marked with a check mark instead of an X, and a very small number contained X's a little bit outside the square, or behind the name instead of in front. These check marks and other reasons mentioned above, were ruled by the Attorney General's office to show intent and passed.

Then, of the remaining 21 ballots, 17 were thrown out because of only one judge's name on the back instead of the required two.

With respect to the remaining 4 ballots, the objections as to validity were as follows:

Two ballots were marked identically with an X for both candidates. One ballot, across the top of said ballot, had the following words, "Straight Democrat ticket," and that ballot was thrown out.

The final ballot was challenged on the grounds that in the space provided for a write-in candidate, one of the two candidates names was written in this space with no X beside the write-in line. This was done although the voter had placed an X in the box for the same person whose name was written in.

On Monday morning, January 26, 1959, the committee heard the final argument from the attorneys for Willard H. Waldo and George F. Fulton at 9:00 A. M. giving each side fifteen minutes to state their case and answer questions of the committee members.

After reviewing the final counting of both the challenged and unchallenged votes, the records show that George F. Fulton was ahead by 7 votes.

Final tabulation of the votes was as follows:

Willard H. Waldo .....	4011
George F. Fulton .....	4018

Therefore, we recommend that George F. Fulton be seated as senator from the 21st district.

(Signed) Stanley L. Portsche, Chairman

(Signed) David D. Tews

(Signed) J. W. Burbach

(Signed) Dwain Williams

(Signed) K. L. Bowen

#### **MOTION—Adopt Report**

Mr. President: I move that the report of the Special Committee on Contest be adopted. (Signed) Stanley L. Portsche

A letter dated January 9, 1959, from Robert B. Crosby, Attorney for Senator Waldo and addressed to the Special Legislative Committee, Election Contest, Senator Willard H. Waldo, was read at the request of Mr. Stryker.

Mr. Vosoba moved that the report of the Special Committee on Contest be re-referred to said committee. The motion lost with 15 ayes, 19 nays, and 9 not voting.

The report of the Special Committee on Contest was adopted with 30 ayes, 8 nays, and 5 not voting.

Mr. Waldo introduced Mr. and Mrs. George F. Fulton.

#### **MOTION—Retain Seat**

Mr. President: I move that Senator Waldo be permitted to retain his seat in the Chamber for the remainder of the day. (Signed) William Moulton

The motion prevailed.

**Commendation**

The Chair expressed appreciation to the Special Committee on Contest for the sincerity of the recount and report on the election contest.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 12.** Re: Appreciation to Willard H. Waldo.

Introduced by Arnold Ruhnke, 22nd District; Joe T. Vosoba, 23rd District; and Harry L. Pizer, 38th District.

WHEREAS, through the regular process of free elections in our democratic form of government, our good friend and member, Willard H. Waldo is yielding his seat in this Legislature to the individual selected by the voters of his district; and

WHEREAS, the said Willard H. Waldo has faithfully and conscientiously discharged the duties of his office during the Sixty-eighth Session of this Legislature and the early days of this the Sixty-ninth Session of the Nebraska State Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA STATE LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislature of Nebraska hereby expresses its sincere appreciation to Willard H. Waldo for the honesty, the vigor, and the efficiency with which he has performed his duties, and for the valuable services which he has rendered to the State of Nebraska, and the people thereof.

2. That a copy of this resolution, suitably engrossed, be presented to Willard H. Waldo.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Ruhnke requested unanimous consent that the names of the other members of the Legislature who wish to sign the resolution be added as co-introducers of LR 12. No objections. So ordered.

**SUSPEND RULES—Adopt Resolution**

Mr. President: I move to suspend the rules and adopt Legislative Resolution 12. (Signed) Arnold Ruhnke

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

### Communication

Mr. Romans read a telegram which he had received from U. S. Senator Carl T. Curtis relative to Legislative Resolution 6.

### Ease

The Legislature was at ease from 11:26 until 11:33 a.m.

### MOTION—Amend Rules

Mr. President: In view of the importance of the legislative process and the necessity for full understanding of proposed legislation on the part of the members of this legislature before being called upon to vote for or against any measure, I move that the rules be amended to extend the time allowed for debate; and, to accomplish this purpose, that Rule 4, Section 10, be amended to read as follows:

"Sec. 10. Debate: Limitations. Proponent may close. No member shall speak more than twice upon any one question in debate during the same legislative day, without leave of the Legislature, except in explanation, unless he be the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. *In no event shall any member speak more than thirty minutes at one time without leave of the Legislature.*" (Signed) Terry Carpenter

Referred to the Rules Committee.

### Visitors

Mr. Tews introduced Mr. and Mrs. Don Huck from Norfolk.

Mr. Burbach introduced Otto Hansen from Bloomfield, True Carder from Creighton, and Joe Buschkamp from Crofton.

### Member's Oath of Office

State of Nebraska       )  
                                  ) ss.  
County of Lancaster    )

I, George F. Fulton, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not im-

properly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation).

(Signed) George F. Fulton

Subscribed in my presence and sworn to before me this 27th day of January, 1959.

(SEAL)

(Signed) Robert G. Simmons  
Chief Justice

### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 326.** By Richard D. Marvel of Legislative District 31 and John R. Cooper of Legislative District 1.

A bill for an act to amend section 80-301, Reissue Revised Statutes of Nebraska, 1943, relating to Nebraska Soldiers' and Sailors' Home; to establish the Soldiers' and Sailors' Home Building Fund; to provide how such fund shall be used; and to repeal the original section.

**LEGISLATIVE BILL 327.** By Harold B. Stryker of Legislative District 17 and Hans O. Jensen of Legislative District 25.

A bill for an act relating to motor vehicles; to require submission of motor vehicle accident investigation to the Department of Roads by prescribed peace officers; to provide when such reports shall be made; and to provide for the prescription and furnishing of forms.

**LEGISLATIVE BILL 328.** By Hans O. Jensen of Legislative District 25 and Harold B. Stryker of Legislative District 17.

A bill for an act relating to motor vehicles; to provide for the revocation or suspension of the motor vehicle operators' license of any surviving driver convicted of any violation of law which caused or contributed to a fatal accident involving two or more motor vehicles; to require reports of conviction; to provide pro-

cedures; to provide duties for certain public officials; and to provide the period of such revocation or suspension which shall be consecutive to any period provided by the Motor Vehicle Safety Responsibility Law.

**LEGISLATIVE BILL 329.** By Lewis Webb of Legislative District 39, Oliver Olinger of Legislative District 12 and Earl Hollenbeck of Legislative District 40.

A bill for an act relating to highways; to require the Department of Roads, on request of any member of the Nebraska State Legislature, to disclose full information concerning any highway project and to permit the inspection of plans, specifications and records concerning such project; and to provide that any person willfully failing to disclose such information or permit such inspection shall be guilty of official misconduct.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Aufenkamp requested unanimous consent to add the names of Dwain Williams of Legislative District 35, Peter H. Claussen of Legislative District 16 and Sam Klaver of Legislative District 6 as co-introducers of LB 330. No objections. So ordered.

**LEGISLATIVE BILL 330.** By John Aufenkamp of Legislative District 2, John G. Donner of Legislative District 27, Marvin Lautenschlager of Legislative District 30, Dwain Williams of Legislative District 35, Peter H. Claussen of Legislative District 16, and Sam Klaver of Legislative District 6.

A bill for an act relating to motor vehicles; to create a reciprocity commission; to provide the powers and duties of such commission; to grant reciprocity with other states as to licensing of motor vehicles of a foreign state or territory as prescribed; to amend section 60-305.03, Revised Statutes Supplement, 1957; and to repeal the original section.

**LEGISLATIVE BILL 331.** By Hal Bridenbaugh of Legislative District 13, Edwin T. McHugh of Legislative District 3, and John R. Cooper of Legislative District 1.

A bill for an act to amend section 50-404, Reissue Revised Statutes of Nebraska, 1943, relating to the Legislative Council;

to provide that committees of the Legislative Council may hold hearings only when a majority of the committee are present at such hearings; and to repeal the original section.

**LEGISLATIVE BILL 332.** By William R. Skarda, Jr. of Legislative District 7.

A bill for an act to amend sections 60-310 and 60-331, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide that the registration fee for commercial trucks and truck-tractors shall be paid in two installments; to provide when such installments shall be due; to provide for the display of the receipt showing payment of the second installment; to provide for the surrender of the registration certificate and number plate when such second installment is not paid; to make certain acts unlawful; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 333.** By John R. Cooper of Legislative District 1, William Moulton of Legislative District 10, and Richard D. Marvel of Legislative District 31.

A bill for an act relating to cigarettes; to define terms; to prevent unfair competition and unfair trade practices in the sale of cigarettes; to prohibit sales of cigarettes below cost; to confer powers and impose duties on the Director of the Department of Agriculture and Inspection and on persons engaged in the sale of cigarettes at wholesale or retail; and to provide penalties.

#### UNANIMOUS CONSENT—Add Co-introducers

Mr. Moulton requested unanimous consent to add the names of John P. Munnelly of Legislative District 8 and William R. Skarda, Jr. of Legislative District 7 as co-introducers of LB 333. No objections. So ordered.

**LEGISLATIVE BILL 334.** By Arthur W. Swanson of Legislative District 36, Kenneth L. Bowen of Legislative District 32, and Richard D. Marvel of Legislative District 31.

A bill for an act to amend sections 16-706 and 17-708, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first and second classes and villages; to redefine the circumstances under which an emergency appropriation may be made by such municipalities; to repeal the original sections; and to declare an emergency.



**LEGISLATIVE BILL 335.** By John Adams, Sr. of Legislative District 5.

A bill for an act relating to education; to establish the position of Reserve Teacher; to prescribe the qualifications for such position; to provide that the Commissioner of Education shall make appointments to such position; to provide that Reserve Teachers shall perform such duties as the Commissioner of Education may direct; to provide that Reserve Teachers shall receive a salary as prescribed; and to provide that such salary shall be reduced by the amount of any payments under the school retirement system of this state.

**LEGISLATIVE BILL 336.** By Joe T. Vosoba of Legislative District 23.

A bill for an act to amend section 28-929, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishment; to provide for the examination by two physicians of a person convicted, for a first offense, for prescribed sex offenses; to provide for the confinement of such person when found to be a sexual psychopath; and to repeal the original section.

**LEGISLATIVE BILL 337.** By Joe T. Vosoba of Legislative District 23 and Edwin T. McHugh of Legislative District 3.

A bill for an act to amend sections 33-126.03 and 77-2024, Reissue Revised Statutes of Nebraska, 1943, relating to proceedings for the determination of inheritance tax; to provide that when it is determined that no inheritance tax is due, the fee of the county judge in proceedings for the determination of inheritance tax shall be paid by the person petitioning for such determination except in cases instituted by the county attorney; to provide that, except in cases brought by the county attorney, when no inheritance tax is found to be due, all costs of the proceeding shall be paid by the person seeking such determination; and to repeal the original sections.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Lautenschlager requested unanimous consent to add the names of H. K. Diers of Legislative District 24, Kenneth L. Bowen of Legislative District 32, and J. W. Burbach of Legislative District 14 as co-introducers of LB 338. No objections. So ordered.

**LEGISLATIVE BILL 338.** By Marvin Lautenschlager of Legislative District 30, Hal Bridenbaugh of Legislative District 13, Richard D. Marvel of

Legislative District 31, H. K. Diers of Legislative District 24, Kenneth L. Bowen of Legislative District 32, and J. W. Burbach of Legislative District 14.

A bill for an act to amend sections 81-101, 81-102, 81-103, 81-701.01, 81-701.02, and 81-701.03, Reissue Revised Statutes of Nebraska, 1943, and sections 39-1101, 39-1107, 39-1110, 39-1303, 39-1309, 39-1313, 39-1325, 39-1327, and 60-433, Revised Statutes Supplement, 1957, relating to state administrative departments; to place the Department of Roads under the executive direction of the State Highway Commission and to eliminate the Department of Roads as an executive department; to redesignate the State Engineer as State Highway Engineer and eliminate the office of State Engineer; to redefine the duties of the State Highway Commission; to provide for a State Highway Engineer, his appointment, qualifications, duties, and compensation; to provide duties for the superintendent of law enforcement and Department of Roads; to provide veto powers for the Governor; to direct the Revisor of Statutes to substitute names of officers or departments as prescribed; to repeal the original sections, and also section 60-1304, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 339.** By Dwain Williams of Legislative District 35 and H. K. Diers of Legislative District 24.

A bill for an act to amend sections 54-1101, 54-1122, and 54-1123, Reissue Revised Statutes of Nebraska, 1943, relating to livestock sales rings; to define terms; to provide the manner of appointing and the compensation of inspectors for livestock sales rings; to provide qualifications for such inspectors; to authorize the Director of the Department of Agriculture and Inspection to adopt rules and regulations; to create the Livestock Sales Revolving Fund; to provide for expenditure of such fund; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 340.** By Michael P. Russillo of Legislative District 9.

A bill for an act to amend sections 14-360, 14-361, and 14-365.01, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to authorize a city of the metropolitan class to create sewerage and drainage districts in territory within three miles of the corporate limits thereof; to require connections and assessment of the cost thereof; to remove the requirement for keeping on file plans in the office of the city engineer; to provide for levy of taxes; and to repeal the original sections.

**LEGISLATIVE BILL 341.** By Michael P. Russillo of Legislative District 9.

A bill for an act relating to cities of the metropolitan class; to provide that in the event of the annexation by a metropolitan city of a part or all of the territory in any improvement district formed under sections 31-701 to 31-762, and sections 39-1601 to 39-1636, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, the metropolitan city shall have the power to levy special assessments for improvements completed or in the process of construction or contracted for on the real property annexed to the extent of special benefits to said property; to provide that such special assessments can be levied, irrespective of any finding as to general or special benefits by the board of trustees of the district or any past general tax levies in connection therewith; and to declare an emergency.

**LEGISLATIVE BILL 342.** By Michael P. Russillo of Legislative District 9.

A bill for an act to amend section 14-366, Revised Statutes Supplement, 1957, relating to cities of the metropolitan class; to clarify the provision for acquiring property within corporate limits of a metropolitan city or three miles thereof by purchase or by the exercise of the power of eminent domain; and to repeal the original section.

**LEGISLATIVE BILL 343.** By Michael P. Russillo of Legislative District 9.

A bill for an act to amend sections 14-404, 14-407, and 14-415, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to refer to such planning authority as may exist rather than the city planning commission in such cities; to harmonize existing provisions; to repeal the original sections and also to repeal section 14-382, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 344.** By Michael P. Russillo of Legislative District 9.

A bill for an act to amend section 39-1622, Revised Statutes Supplement, 1957, relating to highways; to provide that the board of trustees of any road improvement district shall assess to the extent of special benefits the cost of such portion of improvements as are local improvements upon property found especially benefited thereby; to repeal the original section; and to declare an emergency.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 345.** By Michael P. Russillo of Legislative District 9.

A bill for an act to amend sections 19-2602, 19-2603, 19-2606, 19-2611, 19-2618, 19-2622, 19-2623, 19-2636, 19-2637, and 19-2641, Revised Statutes Supplement, 1957, relating to cities and villages, particular class; to extend the provisions of sections 19-2601 to 19-2644, Revised Statutes Supplement, 1957; to redefine terms; to provide procedure; to change from a redevelopment plan or project to urban renewal plan or project, as prescribed; to provide for powers and duties of an urban renewal authority; to provide powers and duties to municipalities; to provide for investment of funds; and to repeal the original sections, and also sections 19-2604, 19-2605, 19-2607, 19-2608, 19-2609, 19-2610, 19-2612, 19-2613, 19-2614, 19-2615, 19-2616, 19-2617, 19-2619, 19-2620, 19-2621, 19-2624, 19-2625, 19-2626, 19-2627, 19-2628, 19-2629, 19-2630, 19-2631, 19-2632, 19-2633, 19-2634, 19-2635, 19-2640, and 19-2644, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 346.** By Joe T. Vosoba of Legislative District 23, Edwin T. McHugh of Legislative District 3, and John R. Cooper of Legislative District 1.

A bill for an act to amend sections 81-1007 and 84-306.03, Reissue Revised Statutes of Nebraska, 1943, relating to the mileage allowance for the use of privately-owned motor vehicles on state business; to increase such allowance to ten cents per mile; and to repeal the original sections.

**SUSPEND RULES—Introduce Bill**

Mr. President: I move to suspend the rules to permit the introduction of a departmental bill. (Signed) Sam Klaver

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 347.** By Sam Klaver of Legislative District 6.

A bill for an act to amend section 71-612, 71-614, 71-615, 71-623, 71-626, 71-627, 71-628, and 71-630, Reissue Revised Statutes of Nebraska, 1943, relating to vital statistics; to change the fees to be paid to the Department of Health or certified copies of

records of vital statistics or searches made at applicant's request; to change the date for marriage, divorce and annulment reports to the Department of Health; to change the type of birth certificate to be issued for adopted children or children born out of wedlock; to provide the manner of showing correction of erroneous or incomplete birth or death records; and to repeal the original sections.

#### **SUSPEND RULES—Introduce Bill**

Mr. President: I move to suspend the rules to permit the introduction of a department bill relating to noxious weeds. (Signed) John G. Donner

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

#### **UNANIMOUS CONSENT—Committee on Committees**

Mr. Moulton, Chairman of the Committee on Committees, requested unanimous consent that the Committee on Committees be granted an extension of time until Friday, January 30, 1959, to make their report on the recount for Governor. No objections. So ordered.

#### **Bills Referred to Standing Committees**

LB	Committee
310.....	Miscellaneous Subjects
311.....	Government
312.....	Judiciary
313.....	Revenue
314.....	Miscellaneous Subjects
315.....	Education
316.....	Public Health
317.....	Government
318.....	Government
319.....	Government
320.....	Government
321.....	Government
322.....	Public Works
323.....	Salaries and Claims
324.....	Judiciary
325.....	Public Works

(Signed) Dwight W. Burney  
Lieutenant Governor

**STANDING COMMITTEE REPORTS****Public Health**

**LEGISLATIVE BILL 28.** Placed on General File.

(Signed) Sam Klaver, Chairman

**Public Works**

**LEGISLATIVE BILL 110.** Placed on General File as amended.

Standing Committee amendments to LB 110:

1. Amend the bill, page 2, line 18, by striking after the word "inhabitants" the words, "and less than five commissioners".
2. Amend the title to conform.

**LEGISLATIVE BILL 66.** Placed on General File as amended.

Standing Committee amendments to LB 66:

1. Amend the bill, page 2, lines 12, 13, 14, 15, 16, and 17, by striking all matter beginning after the period in line 12, and ending with the word "lage" in line 17, and inserting in lieu thereof the following: *"The Department whenever requested to do so by resolution of the governing body of any city or village shall make the necessary traffic engineering studies to determine a system of reasonable and proper speed limits upon the highways within the village or city. Upon adoption of recommendations in ordinance form by the village or city, the Department shall furnish, erect, and maintain all necessary signs to designate the speed zone."*

2. Amend the bill by adding the emergency clause.
3. Amend the title to conform.

(Signed) Arnold Ruhnke, Chairman

**Enrollment and Review**

**LEGISLATIVE BILL 63.** Replaced on Select File as amended.

E and R amendment to LB 63:

1. In the Syas Amendment, strike the comma after "1959" in line 5 and show the same as stricken.

**LEGISLATIVE BILL 39.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**Invitation**

Invitation from C. N. Moon, Athletic Commissioner, to the members and wives to attend the wrestling matches tonight, January 27, at the Pershing Auditorium.

**Adjournment**

At 12:17 p.m., on a motion by Mr. Otto, the Legislature adjourned until 10:00 a.m. Wednesday, January 28, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## SEVENTEENTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 28, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Bridenbaugh and Claussen who were excused, and Mr. Munnely who was excused until 10:15 a.m.

**Corrections for the Journal**

Page 220, line 40, delete the "s" from the first word "candidates".

Page 229, line 26, add an "s" to the word "section".

Page 233, line 7, delete "a.m." and insert "p.m.".

The Journal for the Sixteenth Day was approved as corrected.

**Correction for Previous Journal**

Page 211, line 3, Journal for the Fifteenth Day, insert "from Nebraska" after "Senate".

The Journal for the Fifteenth Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

January 28, 1959

Mr. Hugo Srb, Clerk  
Nebraska Legislature  
State House  
Lincoln, Nebraska

Dear Mr. Srb:

In my Inaugural Address, I advised that I would call, within twenty days, a state-wide traffic conference to discuss a positive



program for curbing our increasing fatality rate. That conference is under way on this date at the Lincoln Hotel in this city and the attendance of all available legislators will be welcomed in order that all Nebraska might benefit from your views on this important matter.

This meeting is being attended by the presidents and other executive officers of Nebraska organizations interested in traffic safety and arrangements have been made to see that every legislator in attendance is introduced to this group in proper fashion.

Thank you for your cooperation in this important matter.

Sincerely,

(Signed) Ralph G. Brooks  
RALPH G. BROOKS  
Governor

RGB:sg

#### **Communications**

Postal card from Sister M. Hildegard, Sidney, opposing LB 62.

#### **RESOLUTIONS**

##### **LEGISLATIVE RESOLUTION 11.**

LR 11 was adopted with 35 ayes, 3 nays, and 5 not voting.

#### **UNANIMOUS CONSENTS—Hearing Rooms**

Mr. Williams, Chairman of the Government Committee, requested unanimous consent for permission for the Government Committee to use the East Chamber rather than the East Lounge for their public hearing at 2:00 p.m. today. No objections. So ordered.

Mr. Otto, Chairman of the Revenue Committee, requested unanimous consent for permission for the Revenue Committee to use the West Chamber for their hearing today, if necessary. No objections. So ordered.

#### **UNANIMOUS CONSENT—Withdraw LB 330**

Mr. Aufenkamp requested unanimous consent to withdraw LB 330. No objections. So ordered.

**UNANIMOUS CONSENT—Withdraw LB 183**

Mr. Fenske requested unanimous consent to withdraw LB 183.  
No objections. So ordered.

**NOTICE OF COMMITTEE HEARINGS****Government**

LB 261	Monday, February 2, 1959	2:00 p.m.
LB 256	Wednesday, February 25, 1959	2:00 p.m.
LB 257	Wednesday, February 25, 1959	2:00 p.m.
LB 258	Wednesday, February 25, 1959	2:00 p.m.
LB 259	Wednesday, February 25, 1959	2:00 p.m.

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 12

**Visitors**

Mr. Moulton introduced his son, Bill, and Miss Pat Brady.

**MOTION—Committee Assignments**

Mr. President: I move that Senator Fulton be given the same committee assignments that Senator Waldo had. (Signed) William Moulton

The motion prevailed.

Mr. Fulton addressed the Legislature briefly.

**STANDING COMMITTEE REPORTS****Education**

**LEGISLATIVE BILL 30.** Placed on General File.

(Signed) Fern Hubbard Orme, Vice Chairman

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 348.** By John G. Donner of Legislative District 27 and Hans O. Jensen of Legislative District 25.

A bill for an act to amend sections 2-910, 2-943, 2-947, 2-948, and 2-951, Reissue Revised Statutes of Nebraska, 1943, relating to noxious weeds; redefine pests; to change powers of supervisors of weed eradication district; to provide minimum price for the sale of insecticides by supervisors; to provide for notice to be attached to machines for harvesting or cleaning seeds; to change the requirements for sale or furnishing of seed or grain screenings on feed containing noxious weed seed; to increase the minimum penalty for violating provisions of sections 2-910 to 2-951, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto and rules and regulations, as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 349.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act relating to nonprofit corporations; to enact a general corporation law for Nebraska relating to corporations, foreign and domestic, not organized for pecuniary profit; to define terms; to provide for their incorporation, operation, management, control, regulation, merger, consolidation, dissolution and for the renewal, extension or restoration of their corporate existence; to provide how such act may be cited; to repeal sections 21-1501, 21-1502, 21-1503, 21-1504, 21-1505, 21-1506, 21-1507, 21-1508, 21-1523, 21-1524, 21-1525, 21-1526, 21-1527, 21-1528, and 21-1529, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 350.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 21-103, 21-107, 21-108, 21-183 21-1208, and 21-1209, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to provide for indemnifying a director or officer serving as director or officer of another corporation as prescribed; to provide for furnishing composite articles of incorporation by the Secretary of State; to provide for a verification of facts as specified in the consent for dissolution; to eliminate provisions for filing duplicate articles and changing of registered office in office of register of deeds; to make composite articles of incorporation available as evidence; to eliminate provision for posting of corporate name; and to repeal the original sections and also section 21-174, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 351.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 21-101, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to redefine domestic corporations; and to repeal the original section.

**LEGISLATIVE BILL 352.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 21-1202, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to redefine foreign corporations; and to repeal the original section.

**LEGISLATIVE BILL 353.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act relating to real property; to provide for the protection of land titles against references and recitals as to certain instruments which should be recorded.

**LEGISLATIVE BILL 354.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act for submission to the electors of amendments to the Constitution of Nebraska relating to the judiciary; to provide a plan for the selection of Justices of the Supreme Court, judges of the district court, and certain county and municipal courts in the State of Nebraska; to provide for the adoption of three new sections to the Constitution of Nebraska to appear as Article V, sections 5A, 15A, and 15B; to amend Article IV, sections 11 and 12, Article V, sections 4, 5, 7, 10, 15, 20, and 21, and Article XVII, sections 4 and 5, of the Constitution of Nebraska; to provide for the submission of the proposed amendments to the electors at the general election in November, 1960; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 355.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act for submission to the electors of an amendment to Article V, section 10, of the Constitution of Nebraska, relating to the judiciary; to provide that when retired district judges may serve as active judges of the district court; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 356.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 26-117, Reissue Revised Statutes of Nebraska, 1943, relating to municipal courts in metropolitan and primary cities; to increase the jurisdiction of munic-

ipal courts in metropolitan and primary cities in civil actions; and to repeal the original section.

**LEGISLATIVE BILL 357.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 26-1,109, Reissue Revised Statutes of Nebraska, 1943, relating to municipal courts; to provide that on appeal from a municipal court judgment the amount sought to be recovered by the petition, or cross petition, if any, shall not be changed so as to exceed the jurisdictional limit of the municipal court; and to repeal the original section.

**LEGISLATIVE BILL 358.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 42-319, Reissue Revised Statutes of Nebraska, 1943, relating to liens; to provide when a judgment or order for alimony or maintenance shall cease to be a lien upon property; and to repeal the original section.

**LEGISLATIVE BILL 359.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 30-1806, Revised Statutes Supplement, 1957, relating to decedents' estates; to change the terms and conditions of property devised or bequeathed to an inter vivos trust, as prescribed; and to repeal the original section, and also section 30-1807, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 360.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act relating to real property; to provide that possibilities of reverter or rights of entry or re-entry for breach of condition are future interests and not alienable or devisable; to provide for period of limitation for condition or possibility of reverter; to provide when this act shall not apply; and to declare an emergency.

**LEGISLATIVE BILL 361.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act relating to testamentary gifts of securities or money to minors; to provide that testamentary gifts of money or securities may be made to minors under the same terms and conditions as now provided for inter vivos gifts under the Nebraska Uniform Gifts to Minors Act; to provide how distribution

of such bequest may be made; and to provide for the appointment of a custodian when none has failed to make such designation or when the custodian designated by the testator is unwilling or unable to serve.

**LEGISLATIVE BILL 362.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 84-901, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to define and redefine terms; to provide a construction clause as prescribed; to provide a uniform procedure for proceedings before administrative agencies; to provide for the adoption of rules of agencies; to provide that the validity of any rule can be determined by declaratory judgment; to provide that any agency may issue a declaratory ruling on the applicability of any of its rules and to provide when such ruling shall be binding; to provide procedures for the conduct of contested cases before agencies; to provide rules of evidence; to provide that agencies shall have the subpoena power; to provide for the issuance of decisions or orders by agencies and for notice to parties of such decisions or orders; to provide that this act shall be independent and cumulative of existing laws; and to repeal the original section.

**LEGISLATIVE BILL 363.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 36-303, Revised Statutes Supplement, 1957, relating to chattel mortgages; to provide the procedure for extending the lien of chattel mortgages as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 364.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 25-1010, 25-1026, 25-1029, and 25-1056, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to clarify the garnishment procedure; to provide that garnishment shall effect only the property or credits of the defendant held by the garnishee at the time of the service of the summons and interrogatories; to provide that the garnishee shall answer regarding the property or credits of the defendant held by such garnishee at the time of service of the summons and interrogatories; and to repeal the original sections.

**LEGISLATIVE BILL 365.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act relating to atomic energy; to provide that the state shall coordinate its activities in the field of atomic energy with the federal government; to provide for a Coordinator of Atomic Development Activities, his appointment and his duties.

**LEGISLATIVE BILL 366.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 57-215 and 57-217, Reissue Revised Statutes of Nebraska, 1943, relating to oil and gas; to authorize the State Geologist to adopt reasonable rules and regulations pertaining to exploration for, development of and production from, and abandonment of oil and gas wells; to provide when rules and regulations of the State Geologist shall have the force and effect of law; to provide penalties for the violation of such rules and regulations; and to repeal the original sections.

**LEGISLATIVE BILL 367.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 57-210 and 57-223, Revised Statutes Supplement, 1957, relating to oil and gas leases; to provide procedures for the ratification of any unauthorized or defective oil and gas lease executed by any executor, administrator, guardian, or trustee; to provide the procedure for execution of leases and contracts as prescribed by certain trustees; and to repeal the original sections.

**LEGISLATIVE BILL 368.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 57-304, Reissue Revised Statutes of Nebraska, 1943, and section 57-303, Revised Statutes Supplement, 1957, relating to liens on oil-field equipment; to provide that notice of such lien shall be filed within four months after the oil-field equipment was transported and delivered; to provide that an action to foreclose such lien may be brought within two years of the filing of such lien; and to repeal the original sections.

**LEGISLATIVE BILL 369.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 48-155, Reissue Revised Statutes of Nebraska, 1943, relating to the Workmen's Compensation Court; to provide for the selection of a judge of the Workmen's Compensation Court to act as presiding judge during the disqualification, disability, or absence of the presiding judge; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 370.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act relating to the Workmen's Compensation Court; to provide for the appointment by the Governor of a competent and disinterested person to act as acting judge of the Workmen's Compensation Court in the event of the disqualification or absence of any judge or other emergency; to provide the term of such appointment; to provide for the compensation of such acting judge; to provide that such acting judge shall be subject to call by the presiding judge; and to declare an emergency.

**LEGISLATIVE BILL 371.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 48-126.01, Revised Statutes Supplement, 1957, relating to the Workmen's Compensation Act; to provide that when a member of a voluntary fire department, injured in the performance of his duties as member of such department, is not regularly employed by such other person, it shall be deemed that he is receiving income from his business or other employment equivalent to wages sufficient to produce the maximum compensation benefit; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 372.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 68-215.11, Reissue Revised Statutes of Nebraska, 1943, relating to sales of real estate; to change the procedure for sale of real estate by a county acquiring it by purchase in foreclosure of an old age assistance lien; and to repeal the original section.

**LEGISLATIVE BILL 373.** By Michael P. Russillo of Legislative District 9, Lewis Webb of Legislative District 39, and John R. Cooper of Legislative District 1.

A bill for an act relating to the Department of Roads; to define terms; to provide for the establishment and administration of a retirement system for the State Engineer and employees of the Department of Roads of the State of Nebraska not already covered by retirement plans, and supplementing the federal Social Security system benefits; to provide funds for the payment of retirement benefits and the administration of the retirement system by the Board of Educational Lands and Funds; to prescribe the conditions for eligibility to receive such benefits; to provide for



contribution by the Department of Roads to such retirement system; to make certain acts unlawful; to provide for penalties; and to declare an emergency.

**LEGISLATIVE BILL 374.** By Richard D. Marvel of Legislative District 31 and Norman A. Otto of Legislative District 34.

A bill for an act to amend section 43-607, Reissue Revised Statutes of Nebraska, 1943, and sections 43-604 and 43-609, Revised Statutes Supplement, 1957, relating to handicapped children; to redefine handicapped children; to provide for the special education and training for trainable retarded children; to change the term Superintendent of Public Instruction to Commissioner of Education to harmonize with previous legislation; and to repeal the original sections.

**LEGISLATIVE BILL 375.** By Joe T. Vosoba of Legislative District 23, Edwin T. McHugh of Legislative District 3, and John R. Cooper of Legislative District 1.

A bill for an act relating to state-owned motor vehicles; to provide for reports by each operator of a state-owned motor vehicle; to prescribe the contents of such report and when and to whom it shall be made; to provide for transmission of such reports to the Auditor of Public Accounts; to provide that such reports shall be open to public inspectors; to provide when such reports may be destroyed; and to provide an exception.

**LEGISLATIVE BILL 376.** By John P. Munnelly of Legislative District 8 and Peter H. Claussen of Legislative District 16.

A bill for an act to amend section 44-311.02, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to permit every domestic insurance company with a policyholders' surplus of more than one million dollars to acquire, own, hold, develop and improve real estate in cities or towns that is essentially either residential or commercial in character, or both; to change the aggregate value of all investments in such real estate by eliminating the requirement which provides the value of a single parcel may not exceed one per cent of the admitted assets; and to repeal the original section.

**LEGISLATIVE BILL 377.** By Joe T. Vosoba of Legislative District 23 and John P. Munnelly of Legislative District 8.

A bill for an act relating to motor vehicles; to provide when the operator of a motor vehicle following, overtaking, or having been overtaken by another motor vehicle during the hours of darkness shall be required to dim his headlights; and to provide an exception.

**LEGISLATIVE BILL 378.** By John P. Munnelly of Legislative District 8 and William Moulton of Legislative District 10.

A bill for an act relating to public improvements in cities of the metropolitan class and within three miles of the corporate limits of such city; to define terms; to provide the authority for paving, grading, curbing, guttering, surfacing, re-surfacing, and improving streets, alleys, major traffic streets, connecting links, controlled access facilities, main thoroughfares, highways, and boulevards; to provide the manner, methods, and procedures for creating improvement districts and the requirements therefor; to provide for levying special assessments and property taxes; to provide for grading and changing grades; to provide methods for assessing damages and paying awards; to provide for construction and repair of sidewalks and for vacating streets; to provide for water and gas or other utility connections in the streets; to provide for the improvement of intersections; to provide for notices and the publication thereof; to provide for protests and for specifications for materials; to provide a severability clause; to repeal sections 14-301, 14-302, 14-303, 14-304, 14-305, 14-306, 14-307, 14-308, 14-309, 14-310, 14-312, 14-313, 14-314, 14-315, 14-316, 14-317, 14-318, 14-319, 14-320, 14-321, 14-323, 14-324, 14-325, 14-326, 14-327, 14-328, 14-329, 14-330, 14-331, 14-332, 14-333, 14-334, 14-335, 14-336, 14-337, 14-338, 14-339, 14-340, 14-341, 14-342, 14-343, 14-344, 14-345, 14-346, and 14-347, Reissue Revised Statutes of Nebraska, 1943, and also sections 14-311 and 14-322, Revised Statutes Supplement, 1957; and to declare an emergency.

**LEGISLATIVE BILL 379.** By Norman A. Otto of Legislative District 34, Edwin T. McHugh of Legislative District 3, and H. K. Diers of Legislative District 24.

A bill for an act relating to state-owned airplanes; to authorize the purchase of aircraft and hull insurance on state-owned airplanes; to authorize the purchase of liability insurance covering pilots as prescribed; to provide that no action shall be brought against the state or any department, office, board, commission, or agency thereof; and to provide how judgments against pilots may be collected.

**LEGISLATIVE BILL 380.** By Norman A. Otto of Legislative District 34, George Syas of Legislative District 4, and Otto H. Liebers of Legislative District 18.

A bill for an act to amend sections 79-1522, 79-1531, and 79-1533, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for a service annuity for an emeritus member; to change the amount of deposit by a member of the retirement system to the School Employees' Savings Fund; to change the amount of a school retirement allowance; and to repeal the original sections.

**LEGISLATIVE BILL 381.** By Norman A. Otto of Legislative District 34, William Moulton of Legislative District 10, and J. O. Peck of Legislative District 26.

A bill for an act to amend sections 39-721 and 39-722, Revised Statutes Supplement, 1957, relating to highways; to extend the limitation on length of vehicles that may lawfully use the highways of this state; to change weight limits on motor vehicles; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 382.** By George Syas of Legislative District 4.

A bill for an act to amend section 48-626, Reissue Revised Statutes of Nebraska, 1943, and section 48-624, Revised Statutes Supplement, 1957, relating to unemployment compensation; to provide that the weekly benefit amount shall be the average wages during the highest quarter of the base period; to provide that the weekly benefit amount shall be rounded to the nearest whole dollar; to provide that benefits may be payable for a maximum period of thirty-nine weeks in any one year; and to repeal the original sections.

#### **SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of a department bill. (Signed) Sam Klaver.

The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

**LEGISLATIVE BILL 383.** By Sam Klaver of Legislative District 6.

A bill for an act relating to recreation camps; to define terms; to require permits for the operation of camps; to provide for

the inspection of camps, the suspension and revocation of permits, issuance and enforcement of regulations, the construction of future camps; to make certain acts unlawful; and to provide penalties.

**LEGISLATIVE BILL 384.** By Norman A. Otto of Legislative District 34, Fern Hubbard Orme of Legislative District 20, and David D. Tews of Legislative District 15.

A bill for an act to amend sections 71-1,132.05, 71-1,132.07, 71-1,132.11, 71-1,132.22, 71-1,132.34, 71-1,132.36, and 71-1,132.42, Reissue Revised Statutes of Nebraska, 1943, relating to nursing; to define terms; to remove the Board of Nursing from the Department of Education; to establish the Board of Nursing as an independent board; to provide the terms of members of the board; to provide that the board shall make an annual report of its proceedings to the Governor; to provide for the appointment and qualifications of an executive director to the board; to provide for the disbursement of funds upon vouchers approved by the executive director; to provide for appeals from decisions of the board; to provide for prosecutions at the request of the board; and to repeal the original sections.

**LEGISLATIVE BILL 385.** By Hans O. Jensen of Legislative District 25 and Arnold Ruhnke of Legislative District 22.

A bill for an act relating to school buses; to provide the maximum speed of school buses carrying any school child, as prescribed.

**LEGISLATIVE BILL 386.** By William Moulton of Legislative District 10 and Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 48-626, Reissue Revised Statutes of Nebraska, 1943, and sections 48-624 and 48-669, Revised Statutes Supplement, 1957, relating to the Employment Security Law; to change the unemployment benefit table; to increase the maximum weekly benefit amount and the maximum duration of benefits payable in a benefit year; to provide transition from former law; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 387.** By Richard D. Marvel of Legislative District 31 and Edwin T. McHugh of Legislative District 3.

A bill for an act relating to deceased persons; to provide for the disposition of the remains of deceased persons; to provide that any person may direct the disposition of his own remains to prescribed institutions or to any nonprofit blood bank, artery bank, eye bank, or other therapeutic service; to provide how such direction may be made; to provide that similar disposition may be permitted by written authorization for autopsy; and to provide duties for certain public officials.

**LEGISLATIVE BILL 388.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 8-1,105, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to require that a bank transact its general business at the place of business specified in its charter; to permit any such bank to maintain an attached auxiliary teller office; to permit any bank, or two or more banks jointly, to establish and maintain not more than one detached, drive-in auxiliary teller office; to prescribe where such detached office may be located and the services to which it shall be limited; and to repeal the original section.

**LEGISLATIVE BILL 389.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to schools; to provide that statutes covering certification of teachers, approval and accreditation, courses of study, curriculum, transfer of property and pupils, contracting for instruction, entrance age, use of school buildings, transportation, health, and safety, shall not apply to school districts of the first class.

**LEGISLATIVE BILL 390.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 79-495, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that the state-wide examinations given after the completion of eight grades of school shall be mandatory for all pupils; to provide for an extra member of a school board until the next annual meeting when two districts merge, as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 391.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 77-1918, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to

provide that the county board may designate the attorney to foreclose the liens of taxes; to provide the compensation for such attorney; and to repeal the original section.

**LEGISLATIVE BILL 392.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to insurance; to authorize political subdivisions to establish, participate in, and manage plans providing prescribed insurance coverage for their employees or dependents; to provide for the purchase of such insurance; to provide that such political subdivisions may pay the cost of such insurance for employees in whole or in part; to provide that no part of the cost of coverage for dependents shall be paid by such political subdivision; to authorize wage and salary deductions; to provide that employee participation in such plan shall be voluntary; and to provide that no commission or compensation paid by any insurance company on account of such plan shall be received by any officer or other employer of such political subdivision.

**LEGISLATIVE BILL 393.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 53-118, Revised Statutes Supplement, 1957, relating to liquors; to provide that regulations of the Nebraska Liquor Control shall not prohibit the sale of beer or other malt beverages in containers having a capacity of six fluid ounces or more; and to repeal the original section.

**LEGISLATIVE BILL 394.** By Harold B. Stryker of Legislative District 17.

A bill for an act to amend section 8-118, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to provide that directors shall retain the stock of banks in his possession and not hypothecate or assign the same in any manner; and to repeal the original section.

**LEGISLATIVE BILL 395.** By Harold B. Stryker of Legislative District 17.

A bill for an act relating to banks and banking; to define a bank holding company; to prohibit the creation of and to limit the expansion of such a company; to amend section 21-1,141, Reissue Revised Statutes of Nebraska, 1943; to limit the power to acquire, transfer, guarantee, and vote stock of a corporation as

prescribed; to provide penalties; and to repeal the original section.

**LEGISLATIVE BILL 396.** By J. O. Peck of Legislative District 26, H. K. Diers of Legislative District 24, and Kenneth L. Bowen of Legislative District 32.

A bill for an act to amend section 8-136, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to change the reserves required to be carried by commercial banks against time deposits evidenced by certificates of deposit; and to repeal the original section.

**LEGISLATIVE BILL 397.** By Richard D. Marvel of Legislative District 31, Stanley L. Portsche of Legislative District 19, and Lewis Webb of Legislative District 39.

A bill for an act relating to wages; to provide for withholding of wages by any employee of the state, political subdivision, municipal corporation or any public body or agency created by the laws of this state to participate voluntarily in any labor union, credit union, United States bond saving plan, or any community charity or public welfare plan or campaign, as prescribed.

**LEGISLATIVE BILL 398.** By David D. Tews of Legislative District 15.

A bill for an act to amend sections 53-130, 53-138.02, 53-154, and 54-158, Reissue Revised Statutes of Nebraska, 1943, and sections 53-132 and 53-164.01, Revised Statutes Supplement, 1957, relating to liquors; to provide for the use by liquor licensees of perpetual bonds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 399.** By David D. Tews of Legislative District 15.

A bill for an act to amend section 53-117, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to clarify the subpoena powers of the Nebraska Liquor Control Commission; to provide that the commission shall have authority to issue subpoenas and to compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony; and to provide that the district court shall have the duty to compel obedience by proceedings for contempt; and to repeal the original section.

**LEGISLATIVE BILL 400.** By William R. Skarda, Jr. of Legislative District 7.

A bill for an act to amend section 37-201, Revised Statutes Supplement, 1957, relating to game and fish; to exempt residents of this state sixty-five years of age or older from the payment of any tax to hunt or fish; to provide for the issuance of a life time permit to such persons to be carried at all times while hunting or fishing in this state; and to repeal the original section.

**LEGISLATIVE BILL 401.** By Fern Hubbard Orme of Legislative District 20, Otto H. Liebers of Legislative District 18, and Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 15-231, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to extend the authority of a city of the primary class to include the operation of a hospital; to extend such authority to include any hospital the governing body of which is appointed by the mayor or council; to authorize such a city to receive donations and bequests of money or property for such purposes; to remove the requirement of an election before bonds for such purposes may be issued; to remove the limit on the amount of such bonds that may be issued; and to repeal the original section.

**LEGISLATIVE BILL 402.** By Fern Hubbard Orme of Legislative District 20, Otto H. Liebers of Legislative District 18, and Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 15-210, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to remove the limit on the amount that a city of the primary class may spend for public grounds and roads, memorials, and similar purposes; to authorize such a city to receive donations and bequests of money or property for such purposes; and to repeal the original section.

**LEGISLATIVE BILL 403.** By John G. Donner of Legislative District 27, Frank Nelson of Legislative District 28, and George C. Gerdes of Legislative District 41.

A bill for an act to amend section 23-358, Reissue Revised Statutes of Nebraska, 1943, and section 37-101, Revised Statutes Supplement, 1957, relating to animals; to include badgers, opossums, raccoons, and skunks as predatory animals and to remove them



from the lists of game or fur-bearing animals; and to repeal the original sections.

**LEGISLATIVE BILL 404.** By David D. Tews of Legislative District 15 and Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 84-206, Reissue Revised Statutes of Nebraska, 1943, relating to the Attorney General; to eliminate the restriction on the salary of the deputy attorney general; to provide when such salary may be changed; and to repeal the original section.

### **SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of LB 405, a departmental bill. (Signed) Edwin T. McHugh

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

**LEGISLATIVE BILL 405.** By Edwin T. McHugh of Legislative District 3 and Arthur W. Swanson of Legislative District 36.

A bill for an act to amend sections 8-112, 8-118, 8-119, 8-120, 8-121, 8-122, 8-123, 8-124, 8-128, 8-136, 8-138, 8-142, 8-145, 8-150, 8-152, and 8-157, Reissue Revised Statutes of Nebraska, 1943, and section 8-801, Revised Statutes Supplement, 1957, relating to banks and banking; to eliminate therefrom reference to savings, commercial and cooperative banks; to eliminate reference to war loan deposits; to redefine terms; to reduce the time for publishing notice for reduction or increase of capital; to repeal the original sections and also sections 8-125, 8-136.01, 8-160, and 8-161, Reissue Revised Statutes of Nebraska, 1943.

### **Visitors**

President Burney introduced Mr. Glenn Cramer from Albion, a former member of the Legislature.

Mr. Olinger introduced Mr. Ed Bauman from West Point, Mr. Swedholm from Bancroft, and Messrs. Clair Holmquist, Orrin Kohlmeier, Carl Anderson, and Ed Hansen from Burt County.

Mr. Gerdes introduced Mr. Jack Manion from Alliance and Mr. Benton Marshall from Chadron.

Mr. Fulton introduced Henry Johnson, Rex Ohem, Hallie Wilkenson, and Frank Hollingworth from Beatrice.

Mr. McHugh introduced the South Ashland Women's Club, and Mr. John Peterson, a former member of the Legislature.

Mr. Swanson introduced Miss Joan L. Graf from Republican City, and Miss Muriel Olsen from Axtell.

Mr. Munnely introduced John Cavanaugh, Hap. Hefflinger, and Gus Dworak from Omaha, and Mr. McQuinn, Principal, Ashland Park School, Omaha.

### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 406.** By George Syas of Legislative District 4, Stanley L. Portsche of Legislative District 19, and William Moulton of Legislative District 10.

A bill, for an act to amend section 37-212, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to exclude receipts from state park concessions and permits from appropriation for prescribed game and fish purposes; to eliminate reference to allocation of funds to state parks from the Game Fund; to expand the authority of the Game, Forestation and Parks Commission with respect to expenditures for game and fish purposes; and to repeal the original section.

### UNANIMOUS CONSENT—Add Co-introducer

Mr. Syas requested unanimous consent that the name of David D. Tews of Legislative District 15 be added as co-introducer of LB 406. No objections. So ordered.

**LEGISLATIVE BILL 407.** By Stanley L. Portsche of Legislative District 19 and Norman A. Otto of Legislative District 34.

A bill for an act to amend section 24-339, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to increase the salary of district court reporters; to provide when such increase shall be effective; and to repeal the original section.

**LEGISLATIVE BILL 408.** By Stanley L. Portsche of Legislative District 19, David D. Tews of Legislative District 15, and George Syas of Legislative District 4.

A bill for an act relating to parks; to state purpose; to define terms; to establish the state park system; to create the Division of State Parks within the Game, Forestation and Parks Commission; to provide for a Division Chief of such division, his appointment, and salary; to provide for the re-evaluation and classification of areas of the state park system; to provide for naming of areas of such system; to authorize the acquisition of real estate; to authorize lease or lease-purchase agreements; to provide for rules and regulations; to provide for fees and the disposition thereof; to provide for the granting of concessions; to provide for cooperative agreements as prescribed; to provide for the operation, outside the state park system, of state special use areas and to provide for their management; to create the State Park Cash Revolving Fund and to prescribe the source and use thereof; to make certain acts unlawful; to provide penalties; to create the State Park Fund to consist of the proceeds of a tax of one-fourth mill on the dollar upon the assessed valuation of all taxable property of the state, except intangible property, to be levied in 1959 and annually thereafter for ten years to and including 1968; to provide that such fund shall be expended for prescribed state park system purposes; to repeal sections 72-401, 72-402, 72-403, 72-404, 72-405, and 72-406, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**UNANIMOUS CONSENT—Add Co-introducer**

Mr. Portsche requested unanimous consent that the name of William Moulton of Legislative District 10 be added as co-introducer of LB 408. No objections. So ordered.

**LEGISLATIVE BILL 409.** By John Aufenkamp of Legislative District 2 and William Moulton of Legislative District 10.

A bill for an act to amend section 60-1308, Revised Statutes Supplement, 1957, relating to weighing stations; to provide that a bus need not stop at a state weighing station; and to repeal the original section.

**LEGISLATIVE BILL 410.** By Richard D. Marvel of Legislative District 31 and William Moulton of Legislative District 10.

A bill for an act to amend sections 79-1522, 79-1531, and 79-1533, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the amount of allowances under the retirement system; to increase the amount of deposit by each member of the retirement system and to authorize the withholding of such deposit from the member's compensation; and to repeal the original sections.

**LEGISLATIVE BILL 411.** By Stanley L. Portsche of Legislative District 19 and Richard D. Marvel of Legislative District 31.

A bill for an act to amend section 74-905, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to eliminate the provision that the style and equipment of a caboose shall not apply when the car so used for a way car or caboose car is a passenger car or a combination passenger and baggage car; to require caboose cars to be equipped with electric lights as prescribed, electric marker warning lights as prescribed, sanitary water cooler with individual paper drinking cups and appropriate dispenser, and safety seat backs for cupola seats; and to repeal the original section.

**LEGISLATIVE BILL 412.** By Stanley L. Portsche of Legislative District 19, Otto H. Liebers of Legislative District 18, and Fern Hubbard Orme of Legislative District 20.

A bill for an act relating to cities of the primary class; to provide for a planning department; to provide for personnel of such a department; to provide for a comprehensive plan for the improvement and development of such a city; to provide for a planning director and duties; to provide for a board of zoning appeals and its powers and duties.

**LEGISLATIVE BILL 413.** By Ray C. Simmons of Legislative District 11, George Syas of Legislative District 4, and George C. Gerdes of Legislative District 41.

A bill for an act to amend sections 82-201, 82-202, 82-204, and 82-205, Reissue Revised Statutes of Nebraska, 1943, relating to historical land markers; to change the Historical Land Mark Committee to the Historical Land Mark Commission; to provide for the members thereof, their appointment, term of office, and compensation; to provide powers and duties; and to repeal the original sections.

#### **UNANIMOUS CONSENT—Add Co-introducers**

Mr. Simmons requested unanimous consent to add the names of Richard D. Marvel of Legislative District 31, Otto H. Liebers

of Legislative District 18, Don Thompson of Legislative District 33, and Norman A. Otto of Legislative District 34 as co-introducers of LB 413. No objections. So ordered.

**LEGISLATIVE BILL 414.** By George Syas of Legislative District 4 and Norman A. Otto of Legislative District 34.

A bill for an act to amend section 83-101, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to create a State Department of Institutions and Public Assistance and a State Board of Institutions and Public Assistance and to transfer the functions, powers, and duties of the Board of Control to such board; to provide duties for the board and certain officers as prescribed; to authorize the Revisor of Statutes to make changes in terminology in accordance with the terms of this act; to provide the operative date of this act; and to repeal the original section.

**LEGISLATIVE BILL 415.** By Committee on Agriculture, Hans O. Jensen, 25th District, Chairman.

A bill for an act relating to game; to authorize the use of fireworks to frighten bird and animal life from agricultural lands or buildings under prescribed conditions.

**LEGISLATIVE BILL 416.** By Norman A. Otto of Legislative District 34, Stanley L. Portsche of Legislative District 19, and Fern Hubbard Orme of Legislative District 20.

A bill for an act to amend section 43-512, Revised Statutes Supplement, 1957, relating to dependent children; to remove obsolete provisions; to increase the monthly allowance that may be paid for monthly assistance for dependent children; and to repeal the original section.

**LEGISLATIVE BILL 417.** By Fern Hubbard Orme of Legislative District 20, Stanley L. Portsche of Legislative District 19, and Otto H. Liebers of Legislative District 18.

A bill for an act to amend section 1, Laws 1957, Chapter 251, Sixty-eighth Session, Nebraska State Legislature, relating to public lands; to provide that Lots forty-eight and forty-nine of irregular tracts in the northeast quarter of section fifteen, township ten, north, range seven, east of the sixth principal meridian, located in Lancaster County, Nebraska may be sold or leased; to authorize the Governor to execute a lease; to provide the terms and con-

ditions of the lease; to provide that a lease of such land may contain an option to purchase, as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 418.** By Fern Hubbard Orme of Legislative District 20, Stanley L. Portsche of Legislative District 19, and Otto H. Liebers of Legislative District 18.

A bill for an act to amend section 31-512, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary drainage districts; to increase the amount of work that may be done without submitting the work to be done to bidders; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 419.** By Arthur W. Swanson of Legislative District 36, Edwin T. McHugh of Legislative District 3, and H. K. Diers of Legislative District 24.

A bill for an act relating to banks and banking; to authorize a commercial bank to conduct a trust business, as prescribed; to provide powers and duties for the Director of Banking; and to provide powers, duties and obligations of the trust department of a commercial bank.

**LEGISLATIVE BILL 420.** By Stanley L. Portsche of Legislative District 19 and Kenneth L. Bowen of Legislative District 32.

A bill for an act to amend sections 81-872, 81-876, 81-877, 81-881, 81-884, and 81-884.01, Reissue Revised Statutes of Nebraska, 1943, relating to the State Real Estate Commission; to eliminate the provision defining a single act that constitutes a person as real estate broker or real estate salesman; to change the provisions for giving examination, and effect of failing of an applicant to pass; to provide for hearings; to provide for fees and collection thereof; to change provisions for appeals; to redefine unfair practices; to repeal the original sections, and also section 81-884.03, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 421.** By Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 12-101, Reissue Revised Statutes of Nebraska, 1943, relating to cemeteries; to provide for the appointment of the trustees of Wyuka Cemetery; to provide for terms of office of such trustees; and to repeal the original section.

**LEGISLATIVE BILL 422.** By Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 77-1716, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to make it mandatory that notice of personal taxes due be sent; to require that notice of real estate taxes due be sent; to require notice of delinquent real estate taxes as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 423.** By Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 48-604, Revised Statutes Supplement, 1957, relating to unemployment compensation; to provide that employment as defined shall not include service performed by an individual as a real estate salesman when the remuneration for such service is remunerated solely by way of commission; and to repeal the original section.

**LEGISLATIVE BILL 424.** By Stanley L. Portsche of Legislative District 19.

A bill for an act relating to the militia; to provide for the cancellation of lease as prescribed.

**LEGISLATIVE BILL 425.** By Stanley L. Portsche of Legislative District 19, Norman A. Otto of Legislative District 34, and Fern Hubbard Orme of Legislative District 20.

A bill for an act to require provision for the special education of mentally gifted children of school age; to prescribe how such education shall be provided; and to prescribe how the cost of such education shall be distributed.

**LEGISLATIVE BILL 426.** By Stanley L. Portsche of Legislative District 19, Otto H. Liebers of Legislative District 18, and Fern Hubbard Orme of Legislative District 20.

A bill for an act relating to a planning commission; to provide that municipalities may join with other political or governmental subdivisions, agencies, or public corporations by contract in joint performance of planning; and to provide how such organization may be designated.

**LEGISLATIVE BILL 427.** By Stanley L. Portsche of Legislative District 19, Otto H. Liebers of Legislative District 18, and Fern Hubbard Orme of Legislative District 20.

A bill for an act to amend sections 15-901 and 15-902, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to provide the authority of a city of the primary class to regulate subdivision of land which is in such a city or within three miles of the corporate limits, as prescribed; to define terms; to provide for building regulations, as prescribed; to provide for zoning regulations, as prescribed; and to repeal the original sections, and also section 15-903, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 428.** By George C. Gerdes of Legislative District 41, Richard D. Marvel of Legislative District 31, and Hans O. Jensen of Legislative District 25.

A bill for an act to amend sections 81-805, Reissue Revised Statutes of Nebraska, 1943, and section 2-1905, Revised Statutes Supplement, 1957, relating to recreational areas and facilities; to transfer responsibility for certain surveys, reports, and recommendations respecting recreational areas and facilities from the Division of Nebraska Resources to the Game, Forestation and Parks Commission; and to repeal the original sections.

**LEGISLATIVE BILL 429.** By William R. Skarda, Jr. of Legislative District 7.

A bill for an act relating to liquor; to eliminate the selling of a brand of alcoholic beverage, including beer and wine; to provide for posting of prices as prescribed; to provide for a tax as prescribed, and the disposition thereof; to provide for violations; and to provide penalties.

**LEGISLATIVE BILL 430.** By J. W. Burbach of Legislative District 14, John Aufenkamp of Legislative District 2, and Hal Bridenbaugh of Legislative District 13.

A bill for an act to amend section 88-211, Reissue Revised Statutes of Nebraska, 1943, relating to public grain warehouses; to provide for issuance of receipt without receiving grain; to provide for the removing of grain in a greater amount than for which receipts are received and cancelled; to provide a presumption in event of a shortage; to provide a penalty for violation of this section; and to repeal the original section.



**LEGISLATIVE BILL 431.** By J. W. Burbach of Legislative District 14, John Aufenkamp of Legislative District 2, and Hal Bridenbaugh of Legislative District 13.

A bill for an act to amend section 88-213, Reissue Revised Statutes of Nebraska, 1943, relating to public grain warehouses; to change the penalty from a misdemeanor to a felony for violating the provisions of sections 88-201 to 88-218, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

**LEGISLATIVE BILL 432.** By David D. Tews of Legislative District 15, and John Aufenkamp of Legislative District 2.

A bill for an act to amend section 50-112, Revised Statutes Supplement, 1957, relating to the Legislature; to increase the salary of the first assistant clerk; to provide when such increase in salary of the first assistant clerk shall become operative; to repeal the original section; and to declare an emergency.

#### UNANIMOUS CONSENT—Add Co-introducer

Mr. Portsche requested unanimous consent that his name be added as co-introducer of LB 432. No objections. So ordered.

#### Bills Referred to Standing Committees

LB	Committee
326.....	Miscellaneous Subjects
327.....	Miscellaneous Subjects
328.....	Miscellaneous Subjects
329.....	Public Works
330.....	Government
331.....	Miscellaneous Subjects
332.....	Revenue
333.....	Banking, Commerce and Insurance
334.....	Government
335.....	Education
336.....	Judiciary
337.....	Judiciary
338.....	Government
339.....	Agriculture
340.....	Public Works
341.....	Government
342.....	Government
343.....	Government
344.....	Public Works

- 345.....Government  
 346.....Miscellaneous Subjects  
 347.....Public Health

(Signed) Dwight W. Burney  
 Lieutenant Governor

#### Visitors

Mr. Russillo introduced Mrs. John Bock, Mrs. Allen Wolfson, and Mr. Matt Jaap from Omaha.

#### STANDING COMMITTEE REPORTS

##### Judiciary

**LEGISLATIVE RESOLUTION 2.** Indefinitely postponed.

**LEGISLATIVE BILL 32.** Placed on General File.

**LEGISLATIVE BILL 78.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

#### NOTICE OF COMMITTEE HEARINGS

##### Miscellaneous Subjects

LB 240	Tuesday, February 3, 1959	2:00 p.m.
LB 241	Tuesday, February 3, 1959	2:00 p.m.
LB 270	Tuesday, February 3, 1959	2:00 p.m.
LB 302	Tuesday, February 3, 1959	2:00 p.m.

##### Banking, Commerce and Insurance

LB 131	Tuesday, February 3, 1959	2:00 p.m.
LB 154	Tuesday, February 3, 1959	2:00 p.m.
LB 159	Tuesday, February 3, 1959	2:00 p.m.

##### Judiciary

LB 65	Monday, February 2, 1959	2:00 p.m.
LB 126	Monday, February 2, 1959	2:00 p.m.
LB 285	Monday, February 2, 1959	2:00 p.m.
LB 305	Monday, February 2, 1959	2:00 p.m.
LB 80	Wednesday, February 4, 1959	2:00 p.m.
LB 114	Wednesday, February 4, 1959	2:00 p.m.
LB 178	Wednesday, February 4, 1959	2:00 p.m.
LB 260	Wednesday, February 4, 1959	2:00 p.m.

**MOTION—Appoint Committee**

Mr. President: I move that a greeting committee of three Senators be appointed to meet, greet and escort to the Legislative Chamber, the Secretary of Interior, Honorable Fred Seaton, at the time of his appearance before us the morning of February 2, 1959. (Signed) John R. Cooper

The motion prevailed and the President appointed the following to serve on said committee: Cooper, chairman; Marvel, Peck.

**SELECT FILE**

**LEGISLATIVE BILL 38.** Laid over temporarily.

**LEGISLATIVE BILL 3.** E and R amendments found in the Legislative Journal for the Fifteenth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 38.**

Mr. Ruhnke requested unanimous consent that the following amendments be adopted:

1. Amend the bill by adding, at the end of section 1, the following:

“The Department of Roads shall, at the expense of such department, erect and maintain suitable signs along county roads in such number and at such locations as the department shall deem necessary to give adequate notice of the speed limit upon such roads.”.

2. Amend the title to conform.

Laid over at the request of Mr. Lautenschlager.

**LEGISLATIVE BILL 33.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 63.** E and R amendment found in the Legislative Journal for the Sixteenth Day was adopted.

Advanced to E and R for engrossment.

**GENERAL FILE****LEGISLATIVE BILL 34.** Read and considered.

Advanced to E and R for review with 24 ayes, 6 nays, and 13 not voting.

**Members Excused**

At 11:55 a.m., the members of the Budget Committee were excused for the remainder of the morning at the request of Mr. Liebers.

**GENERAL FILE****LEGISLATIVE BILL 21.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 28.** Read and considered.

Mr. Ruhnke offered the following amendment which was adopted:

Amend LB 28, Section 6, line 14, by inserting "within the state" after "seminar".

Mr. Vosoba offered the following amendment which was adopted:

Amend LB 28, Section 6, by striking lines 3 and 4 and by re-numbering subsections (2) through (5) as subsections (1) through (4), respectively.

Laid over.

**NOTICE OF COMMITTEE HEARINGS****Judiciary**

LB 135	Monday, February 9, 1959	2:00 p.m.
LB 186	Monday, February 9, 1959	2:00 p.m.
LB 187	Monday, February 9, 1959	2:00 p.m.
LB 188	Monday, February 9, 1959	2:00 p.m.
LB 189	Monday, February 9, 1959	2:00 p.m.
LB 190	Monday, February 9, 1959	2:00 p.m.
LB 191	Monday, February 9, 1959	2:00 p.m.
LB 192	Monday, February 9, 1959	2:00 p.m.
LB 193	Monday, February 9, 1959	2:00 p.m.
LB 194	Monday, February 9, 1959	2:00 p.m.

LB 195	Monday, February 9, 1959	2:00 p.m.
LB 196	Monday, February 9, 1959	2:00 p.m.
LB 197	Monday, February 9, 1959	2:00 p.m.
LB 198	Monday, February 9, 1959	2:00 p.m.
LB 199	Monday, February 9, 1959	2:00 p.m.
LB 200	Monday, February 9, 1959	2:00 p.m.
LB 201	Monday, February 9, 1959	2:00 p.m.
LB 202	Monday, February 9, 1959	2:00 p.m.
LB 203	Monday, February 9, 1959	2:00 p.m.
LB 204	Monday, February 9, 1959	2:00 p.m.
LB 205	Monday, February 9, 1959	2:00 p.m.
LB 206	Monday, February 9, 1959	2:00 p.m.
LB 207	Monday, February 9, 1959	2:00 p.m.
LB 208	Monday, February 9, 1959	2:00 p.m.
LB 209	Monday, February 9, 1959	2:00 p.m.
LB 210	Monday, February 9, 1959	2:00 p.m.
LB 211	Monday, February 9, 1959	2:00 p.m.
LB 212	Monday, February 9, 1959	2:00 p.m.
LB 213	Monday, February 9, 1959	2:00 p.m.
LB 214	Monday, February 9, 1959	2:00 p.m.
LB 215	Monday, February 9, 1959	2:00 p.m.
LB 216	Monday, February 9, 1959	2:00 p.m.
LB 217	Monday, February 9, 1959	2:00 p.m.
LB 218	Monday, February 9, 1959	2:00 p.m.
LB 219	Monday, February 9, 1959	2:00 p.m.
LB 220	Monday, February 9, 1959	2:00 p.m.
LB 221	Monday, February 9, 1959	2:00 p.m.
LB 222	Monday, February 9, 1959	2:00 p.m.
LB 223	Monday, February 9, 1959	2:00 p.m.
LB 224	Monday, February 9, 1959	2:00 p.m.
LB 225	Monday, February 9, 1959	2:00 p.m.
LB 226	Monday, February 9, 1959	2:00 p.m.
LB 227	Monday, February 9, 1959	2:00 p.m.
LB 228	Monday, February 9, 1959	2:00 p.m.
LB 229	Monday, February 9, 1959	2:00 p.m.
LB 230	Monday, February 9, 1959	2:00 p.m.
LB 231	Monday, February 9, 1959	2:00 p.m.
LB 232	Monday, February 9, 1959	2:00 p.m.
LB 233	Monday, February 9, 1959	2:00 p.m.
LB 234	Monday, February 9, 1959	2:00 p.m.
LB 235	Monday, February 9, 1959	2:00 p.m.
LB 93	Wednesday, February 18, 1959	2:00 p.m.
LB 158	Monday, March 2, 1959	2:00 p.m.
LB 288	Monday, March 2, 1959	2:00 p.m.
LB 290	Monday, March 2, 1959	2:00 p.m.
LB 137	Wednesday, March 4, 1959	2:00 p.m.

**Adjournment**

At 12:19 p.m., on a motion by Mr. Lautenschlager, the Legislature adjourned until 10:00 a.m. Thursday, January 29, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## EIGHTEENTH DAY

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Legislative Chamber, Lincoln, Nebraska

Thursday, January 29, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present.

**Corrections for the Journal**

Page 237, line 8, delete the "s" from the word "seeds".

Page 237, lines 9 and 10, delete beginning with the word "to" in line 9 and ending with the word "seed;" in line 10.

Page 238, line 20, add an "s" to the word "section".

Page 245, line 18, capitalize the word "supplement".

Page 249, line 6, delete "K." and insert "Kenneth".

The Journal for the Seventeenth Day was approved as corrected.

**Communications**

Letter from John P. Vogel expressing appreciation for the flowers sent to his father, Karl E. Vogel.

Letter from Fred A. Seaton, Secretary of the Interior, acknowledging receipt of the invitation to be a guest of the Legislature Monday, February 2, 1959.

**UNANIMOUS CONSENT—Print Reports**

Mr. Carpenter requested unanimous consent that the majority and minority reports of the Judiciary Committee relative to Legislative Resolution 2, be printed in the daily Journal.

Laid over at the request of Mr. Bridenbaugh.

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 11

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 3.** Replaced on Select File as amended.

E and R amendment to LB 3:

1. In the Stryker amendment to section 2, strike "line 11" and insert "line 10".

**LEGISLATIVE BILL 21.** Placed on Select File.

**LEGISLATIVE BILL 34.** Placed on Select File as amended.

E and R amendment to LB 34:

1. In section 2, line 3, after "37-220." insert "It shall be unlawful:".

2. In the title, line 10, after the semi-colon, insert: "to provide that the receipts from the sale of such stamps shall be deposited in the State Game and Park Fund;".

**LEGISLATIVE BILL 63.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**Agriculture**

**LEGISLATIVE BILL 105.** Placed on General File.

(Signed) Hans O. Jensen, Chairman

**MOTION—Place LB 6 on General File**

Mr. President: I move that LB 6 be placed on General File.  
(Signed) Terry Carpenter

Mr. Carpenter requested a record vote.

Voting in the affirmative, 11:

Adams  
Carpenter  
Donner

Gerdes  
Munnelly  
Orme

Otto  
Portsche  
Skarda

Syas  
Vosoba



Voting in the negative, 31:

Aufenkamp	Fenske	McHugh	Simmons
Bowen	Fulton	Moulton	Stryker
Bridenbaugh	Hollenbeck	Olinger	Swanson
Burbach	Jensen	Peck	Tews
Claussen	Klaver	Pizer	Thompson
Cooper	Lautenschlager	Romans	Webb
Diers	Liebers	Ruhnke	Williams
Erlewine	Marvel	Russillo	

Not voting, 1:

Nelson

The Carpenter motion lost.

#### MOTION—Place LB 27 on General File

Mr. President: I move that LB 27 be placed on General File.  
(Signed) Terry Carpenter

Mr. Carpenter requested a record vote.

Voting in the affirmative, 2:

Carpenter          Donner

Voting in the negative, 39:

Adams	Gerdas	Olinger	Skarda
Aufenkamp	Hollenbeck	Orme	Stryker
Bowen	Jensen	Otto	Swanson
Bridenbaugh	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams
Fulton	Nelson	Simmons	

Not voting, 2:

Burbach          Liebers

The Carpenter motion lost.

#### Visitors

Mr. McHugh introduced Mr. Richard Loseke, Teacher, and twenty-one students from Louisville High School; H. Edwin Cramer from Bellevue; and Dixon Adams, Sarpy County Attorney.

Mrs. Orme introduced a group of Kamakeya Camp Fire girls and their leader, Mrs. Sultzbaugh, from Lincoln.

Mr. Liebers introduced twenty Boy Scouts from Troup 1, Goodyear Plant, and their sponsors from Lincoln.

#### Announcement

Mr. Moulton, Chairman of the Committee on Committees, requested that any member of the Committee on Committees who has not yet viewed the ballots in the vault, do so before Friday, January 30th.

#### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 433.** By Jack Romans of Legislative District 29.

A bill for an act to amend section 75-226, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to eliminate the annual fees paid by motor carriers subject to the provisions of sections 75-222 to 75-250; and to repeal the original section.

**LEGISLATIVE BILL 434.** By Kenneth L. Bowen of Legislative District 32, Hans O. Jensen of Legislative District 25, and Joe T. Vosoba of Legislative District 23.

A bill for an act to amend section 18-102, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, all; to provide a standard to determine the number of signatures of voters required for an initiative proposal; and to repeal the original section.

**LEGISLATIVE BILL 435.** By Kenneth L. Bowen of Legislative District 32.

A bill for an act to amend sections 16-206 and 17-526, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class and cities of the second class and villages; to clarify the provisions thereof; to authorize cities of the second class and villages to regulate, license or prohibit the running at large of dogs; to authorize destructions of dogs; and to repeal the original sections.

**LEGISLATIVE BILL 436.** By Don Thompson of Legislative District 33.

A bill for an act to amend section 39-1904, Revised Statutes Supplement, 1957, relating to highways; to provide that one half of the county road tax when collected shall be paid to the cities and villages within the county where levied to be used for the construction, improvement, or maintenance of streets and alleys in the city or village; and to repeal the original section.

**LEGISLATIVE BILL 437.** By Fern Hubbard Orme of Legislative District 20 and Michael P. Russillo of Legislative District 9.

A bill for an act to amend section 26-106, Revised Statutes Supplement, 1957, relating to municipal courts; to increase the salary of judges of the municipal court; and to repeal the original section.

**LEGISLATIVE BILL 438.** By Fern Hubbard Orme of Legislative District 20 and Michael P. Russillo of Legislative District 9.

A bill for an act to amend section 26-106, Revised Statutes Supplement, 1957, relating to municipal courts; to increase the salary of the clerk of the municipal court, as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 439.** By David D. Tews of Legislative District 15 and Fern Hubbard Orme of Legislative District 20.

A bill for an act relating to motor vehicles; to prohibit the operation of motor vehicles with any object, except equipment of the vehicle, placed therein or thereon so as to obstruct or interfere with the view of the operator as prescribed.

**LEGISLATIVE BILL 440.** By Michael P. Russillo of Legislative District 9.

A bill for an act to amend section 14-116, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to grant to a city of the metropolitan class the same powers in granting or withholding approval of plats in areas over which it is granted authority as it has within its corporate limits; and to repeal the original section.

**LEGISLATIVE BILL 441.** By Michael P. Russillo of Legislative District 9 and J. O. Peck of Legislative District 26.

A bill for an act relating to trusts and trustees; to provide that securities may be registered either in the name of the fiduciary or in the name of a nominee of the fiduciary; to provide for the manner in which such securities may be transferred; and to provide for the exemption from liability of the person registering or transferring such securities.

**LEGISLATIVE BILL 442.** By Don Thompson of Legislative District 33, Arnold Ruhnke of Legislative District 22, and David D. Tews of Legislative District 15.

A bill for an act relating to education; to appropriate the sum of two hundred forty thousand dollars out of the General Fund of the State of Nebraska to several public junior colleges of the State of Nebraska; to provide that such funds shall be distributed to the various junior colleges by the Commissioner of Education; to provide that said funds shall be distributed in proportion to the total number of credit hours for which all students are enrolled in each junior college; to provide the time and manner for the payment thereof; and to declare an emergency.

**LEGISLATIVE BILL 443.** By David D. Tews of Legislative District 15.

A bill for an act to amend section 60-452.01, Revised Statutes Supplement, 1957, relating to the Nebraska Safety Patrol; to provide that when a retired patrolman's death results from accident or injury arising out of and in the scope of employment it shall only be required that his widow was married to him at the time of his retirement, rather than prior to four years prior thereto in order to qualify for survivorship benefits; and to repeal the original section.

**LEGISLATIVE BILL 444.** By Jack Romans of Legislative District 29.

A bill for an act to amend section 54-134, Revised Statutes Supplement, 1957, relating to the brand inspection area; to remove the counties of Greeley, Valley, and Wheeler from the brand inspection area; and to repeal the original section.

**LEGISLATIVE BILL 445.** By John G. Donner of Legislative District 27.

A bill for an act to amend section 54-134, Revised Statutes Supplement, 1957, relating to brands and marks; to include the counties of Nance, Pierce, and Platte, and all of Madison County in the brand inspection area; and to repeal the original section.

**LEGISLATIVE BILL 446.** By John G. Donner of Legislative District 27 and Jack Romans of Legislative District 29.

A bill for an act to amend section 54-143, Reissue Revised Statutes of Nebraska, 1943, relating to brands and marks; to provide that bona fide land owners and tenants may transport their own cattle in the state without an inspection by the Nebraska brand committee; and to repeal the original section.

**LEGISLATIVE BILL 447.** By John G. Donner of Legislative District 27.

A bill for an act to amend section 54-152, Reissue Revised Statutes of Nebraska, 1943, relating to brands and marks; to require the Nebraska brand committee to maintain inspectors at the livestock sales rings located in or near the cities and villages of Elgin, Neligh and Orchard for the purpose of inspecting cattle originating from the brand inspection area; and to repeal the original section.

#### **SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of LB 448, a departmental bill. (Signed) Michael P. Russillo

The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

**LEGISLATIVE BILL 448.** By Michael P. Russillo of Legislative District 9.

A bill for an act to amend sections 39-877, 39-878, and 39-879, Reissue Revised Statutes of Nebraska, 1943, relating to interstate bridges; to provide the Department of Roads with adequate power to construct, maintain, and purchase interstate bridges and to enter into necessary agreements with adjoining states and the United States; to provide for the allocation of cost thereof; to change the portion of such costs for which this state may be liable; to repeal the original sections, and also sections 39-880, 39-883, 39-884, 39-885, 39-886, 39-887, 39-888, 39-889, and 39-890, Reissue Revised Statutes of Nebraska, 1943, and section 66-425, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 449.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 29-1401, 29-1402, 29-1407, and 29-1417, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to change the percentage of qualified electors necessary to call a grand jury; to prescribe the requirements of a petition to call a grand jury; to provide the effect of calling of a grand jury on the right of prosecution on information or complaint during the time the grand jury is in session; to provide that no report of a grand jury shall be filed unless one or more indictments are returned; to provide that the duty of a grand jury to examine and report the condition of the county jail shall be discretionary rather than mandatory; and to repeal the original sections.

**LEGISLATIVE BILL 450.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 25-2221, Reissue Revised Statutes of Nebraska, 1943, relating to courts and the procedure therein; to provide the manner of computation of time; to provide the days upon which courts and their offices may be closed; to repeal the original section and also section 24-316, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 451.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 25-10,102, 25-10,104, 26-1,143, and 27-1509, Reissue Revised Statutes of Nebraska, 1943, relating to actions of replevin; to provide procedure for placing the parties in status quo where a trial of the merits of an action of replevin is prevented by reason of irregularity in process or for any jurisdictional reason; to harmonize the provisions of said sections as to disposition upon proceedings prior to trial; and to repeal the original sections.

**LEGISLATIVE BILL 452.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 25-1140, 25-1140.01, 25-1140.02, 25-1140.05, and 25-1140.06, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1140.03 and 25-1140.04, Revised Statutes Supplement, 1957, relating to procedure in civil cases; to prescribe the time, manner, and procedure for ordering, preparation, certification, filing, and amendment of bills of exceptions; and to repeal the original sections and also sections 25-1140.07 and 25-1140.08,

Reissue Revised Statutes of Nebraska, 1943, and section 25-1140.09, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 453.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 29-2020, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide the manner of obtaining a bill of exceptions in a criminal case; to prescribe the method of preparation thereof; to provide for automatic ordering of a bill of exceptions in cases where the sentence is capital punishment; and to repeal the original section.

**LEGISLATIVE BILL 454.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 24-340, Reissue Revised Statutes of Nebraska, 1943, and sections 24-341 and 24-342, Revised Statutes Supplement, 1957, relating to courts; to redefine the duties of court reporters of the district courts; to provide for disposition of records over ten years old; to provide for preparation of transcribed copies of proceedings in the district court and of bills of exceptions; to prescribe the fees to be paid therefor and for copies thereof; and to repeal the original sections.

**LEGISLATIVE BILL 455.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to repeal section 29-1801, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure, as being inconsistent with later enacted legislation.

**LEGISLATIVE BILL 456.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 77-2018.02, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that notice of hearing may be dispensed with and immediate determination of inheritance tax may be made upon compliance with prescribed conditions; and to repeal the original section.

**LEGISLATIVE BILL 457.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act relating to courts and procedure therein; to provide for service of any order, motion, notice, or document,

except a summons, upon a party represented by attorney upon such attorney; to provide the manner of such service; to provide for designation on the record of the address of a party to an action or his attorney for purpose of such service; to provide the manner of making proof of service; and to provide for additional time for making such service when service is made by mail.

**LEGISLATIVE BILL 458.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act relating to civil actions; to provide for service of process in actions arising out of the use or operation of motor vehicles over and upon any street, highway, or any other place within the State of Nebraska by a person who was a resident of this state at the time of such use or operation but who before action is brought becomes a nonresident of this state; to provide the venue of any such action; and to provide the manner of making service of process and the effect thereof.

**LEGISLATIVE BILL 459.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 25-530, Revised Statutes Supplement, 1957, relating to civil procedure; to extend the provisions thereof to any use or operation of a motor vehicle within the State of Nebraska; to provide the venue of an action against a nonresident of the State of Nebraska arising out of the use and operation by such nonresident or his agent of a motor vehicle over or upon any street, highway, or any other place within the State of Nebraska; and to repeal the original section.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 460.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 25-1140 and 25-1140.08, Reissue Revised Statutes of Nebraska, 1943, relating to procedure in civil cases; to provide the manner of ordering a bill of exceptions upon appeal from the district court to the Supreme Court; to prescribe that the procedure for preparation, settlement, signature, allowance, certification, filing, and amendment of a bill of exceptions shall be regulated and governed by rules of practice prescribed by the Supreme Court; to provide that a bill of exceptions of proceedings before any officer, board, or tribunal other than the district court may be ordered by filing a praecipe therefor; to prescribe that the procedure for preparation, settlement,



signature, allowance, certification, filing, and amendment of a bill of exceptions shall also be regulated and governed by rules of practice prescribed by the Supreme Court; and to repeal the original sections and also sections 25-1140.01, 25-1140.02, 25-1140.05, 25-1140.06, and 25-1140.07, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1140.03, 25-1140.04, and 25-1140.09, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 461.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act relating to criminal procedure; to provide in criminal cases on application of the county attorney for review by the Supreme Court on error proceedings of any ruling or decision of the district court adverse to the State of Nebraska; to prescribe the procedure for obtaining and maintaining such error proceedings; to provide for appointment of a lawyer to support the ruling of the district court and to provide for payment of his compensation; to prescribe the effect of the judgment of the Supreme Court on further proceedings in the case; to amend section 29-2316, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section, and also sections 29-2021, 29-2314, and 29-2315, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 462.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend sections 25-531, 25-1579, 25-2154, 33-106, and 33-106.01, Reissue Revised Statutes of Nebraska, 1943, relating to fees of the clerk of the district court; to provide, except where otherwise provided by law, a uniform fee to be paid to the clerk of the district court in each civil and criminal case; and to repeal the original sections, and also sections 33-143 and 33-144, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 463.** By Joe T. Vosoba of Legislative District 23, John R. Cooper of Legislative District 1, and Otto H. Liebers of Legislative District 18.

A bill for an act to amend sections 70-631, 70-632, 70-636, 70-637, and 70-657, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to provide the powers of public power districts with relation to radioactive material and the rights with respect thereto; and to repeal the original sections.

**LEGISLATIVE BILL 464.** By John P. Munnelly of Legislative District 8 and William R. Skarda, Jr. of Legislative District 7.

A bill for an act to amend section 48-816, Reissue Revised Statutes of Nebraska, 1943, relating to the Court of Industrial Relations; to provide that the Court of Industrial Relations may order bargaining in good faith to be begun or resumed in the event of any dispute between the employer and employees of a public utility where such employer and employees have failed or refused to bargain in good faith; and to repeal the original section.

**LEGISLATIVE BILL 465.** By William R. Skarda, Jr. of Legislative District 7 and John P. Munnelly of Legislative District 8.

A bill for an act to repeal sections 48-801 to 48-813 and sections 48-815 to 48-823, Reissue Revised Statutes of Nebraska, 1943, and section 48-814, Revised Statutes Supplement, 1957, relating to Court of Industrial Relations.

**LEGISLATIVE BILL 466.** By John P. Munnelly of Legislative District 8 and Peter H. Claussen of Legislative District 16.

A bill for an act relating to insurance; to provide for group life insurance for members of a credit union, as prescribed.

**LEGISLATIVE BILL 467.** By Joe T. Vosoba of Legislative District 23, David D. Tews of Legislative District 15, and Arnold Ruhnke of Legislative District 22.

A bill for an act to amend sections 28-1212 and 28-1215, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to provide that the making, drawing, uttering, or delivering of an insufficient-fund or no-fund check or other instrument with intent to defraud shall be a misdemeanor rather than a felony and to change the penalty therefor; to provide for discharge of criminal liability by payment of such instrument with accrued penalties and costs; to provide for abatement of the crime; to provide for discharge from imprisonment upon such abatement; to provide a supplementary procedure for the collection of such instruments through the sheriff or chief of police; to provide procedures; to provide duties for certain public officers; to provide for costs; and to repeal the original sections and also sections 28-1213 and 28-1214, Reissue Revised Statutes of Nebraska, 1943.

**SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of LB 468, a departmental bill. (Signed) David D. Tews

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

**LEGISLATIVE BILL 468.** By David D. Tews of Legislative District 15.

A bill for an act for submission to the electors of an amendment to Article IV, section 13, of the Constitution of Nebraska, relating to the executive; to provide powers of the Governor to grant respites or reprieves in cases of conviction for offenses against laws of Nebraska except as prescribed; to provide that the Legislature shall provide for a board of correction and parole and the powers for such board as the Legislature may provide; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

**Visitors**

Mr. Tews introduced Bill A. Weil from Evergreen, Colorado.

**LEGISLATIVE BILL 469.** By J. O. Peck of Legislative District 26, David D. Tews of Legislative District 15, and Arthur W. Swanson of Legislative District 36.

A bill for an act to amend sections 25-2103, 25-2119, and 77-2407, Reissue Revised Statutes of Nebraska, 1943, relating to procedure; to provide for the arbitration of disputes arising out of a contract with the Department of Roads; to remove the limitation on the compensation of arbitrators; to provide for the submission to arbitration when the Auditor of Public Accounts and Secretary of State have disallowed a claim arising out of a contract with the Department of Roads without the necessity of lodging an appeal in the district court; and to repeal the original sections.

**LEGISLATIVE BILL 470.** By J. O. Peck of Legislative District 26, Dwain Williams of Legislative District 35, and David D. Tews of Legislative District 15.

A bill for an act to amend section 39-1349, Revised Statutes Supplement, 1957, relating to state highways; to provide for the

payment of interest by the Department of Roads on retained amounts and the final payment on road and bridge contracts; to provide the rate of interest and the time during which it shall run; and to repeal the original section.

**President Burney Presiding**

**LEGISLATIVE BILL 471.** By Richard D. Marvel of Legislative District 31.

A bill for an act relating to state hospitals for the mentally ill; to provide for caring of mentally ill patients on convalescent leave; and to provide for payment of the cost of such patients.

**LEGISLATIVE BILL 472.** By William R. Skarda, Jr. of Legislative District 7 and Lewis Webb of Legislative District 39.

A bill for an act relating to common carriers; to define terms; to make it unlawful to require any employee or applicant for employment to pay the cost of a medical examination or cost of furnishing records as a condition of employment by a common carrier, as prescribed; and to provide penalties.

**LEGISLATIVE BILL 473.** By John P. Munnelly of Legislative District 8 and Joe T. Vosoba of Legislative District 23.

A bill for an act relating to highways; to make it unlawful to operate motor vehicles on any highway or street of any city or village of this state, hauling sand or gravel unless such part of the vehicle in which sand or gravel is loaded is covered with canvas or other similar material; and to provide penalties.

**LEGISLATIVE BILL 474.** By John Aufenkamp of Legislative District 2, Sam Klaver of Legislative District 6, and John G. Donner of Legislative District 27.

A bill for an act relating to motor vehicles; to provide for proportional registration of fleet motor vehicles engaged in interstate commerce; to define terms; to provide for fees and allocation of the same; to provide number plates, stickers, and tags; to provide for cancellation of registration; to provide for reciprocity agreements; to provide for underpayment of fees, liens, and collection thereof; to provide for overpayments and issuance of warrants therefor; and to provide penalties and refunds.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Aufenkamp requested unanimous consent that the names of Dwain Williams of Legislative District 35, Marvin Lautenschlager of Legislative District 30, Harold B. Stryker of Legislative District 17, and Peter H. Claussen of Legislative District 16 be added as co-introducers of LB 474. No objections. So ordered.

**LEGISLATIVE BILL 475.** By John Aufenkamp of Legislative District 2, Sam Klaver of Legislative District 6, and John G. Donner of Legislative District 27.

A bill for an act to authorize and direct the Director of the Department of Motor Vehicles, for and in the name of the State of Nebraska, to join with other states in an Interstate Vehicle Registration Proration and Reciprocity Agreement; and to provide the Director of the Department of Motor Vehicles with authority to execute other agreements and to withdraw therefrom.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Aufenkamp requested unanimous consent that the names of Dwain Williams of Legislative District 35, Marvin Lautenschlager of Legislative District 30, Harold B. Stryker of Legislative District 17, and Peter H. Claussen of Legislative District 16 be added as co-introducers of LB 475. No objections. So ordered.

**LEGISLATIVE BILL 476.** By William R. Skarda, Jr. of Legislative District 7 and Lewis Webb of Legislative District 39.

A bill for an act relating to railroads and railway express; to provide protective measures for employees in cases of abandonments, mergers and consolidations, in the railroad and railway express industry; and to declare an emergency.

**LEGISLATIVE BILL 477.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 24-601, Reissue Revised Statutes of Nebraska, 1943, relating to trusts; to harmonize an internal reference to agree with previous legislation; and to repeal the original section.

## STANDING COMMITTEE REPORTS

## Enrollment and Review

LEGISLATIVE BILL 33. Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

## Public Works

LEGISLATIVE BILL 103. Indefinitely postponed.

(Signed) Frank Nelson, Acting Chairman

## Bills Referred to Standing Committees

LB	Committee
348	Agriculture
349	Judiciary
350	Judiciary
351	Judiciary
352	Judiciary
353	Judiciary
354	Judiciary
355	Judiciary
356	Judiciary
357	Judiciary
358	Judiciary
359	Judiciary
360	Judiciary
361	Judiciary
362	Judiciary
363	Judiciary
364	Judiciary
365	Judiciary
366	Judiciary
367	Judiciary
368	Judiciary
369	Judiciary
370	Judiciary
371	Judiciary
372	Judiciary
373	Miscellaneous Subjects
374	Education
375	Public Works
376	Banking, Commerce and Insurance
377	Miscellaneous Subjects
378	Public Works
379	Miscellaneous Subjects

380	Education
381	Public Works
382	Labor and Public Welfare
383	Public Health
384	Public Health
385	Public Works
386	Labor and Public Welfare
387	Public Health
388	Banking, Commerce and Insurance
389	Education
390	Education
391	Judiciary
392	Banking, Commerce and Insurance
393	Banking, Commerce and Insurance
394	Banking, Commerce and Insurance
395	Banking, Commerce and Insurance
396	Banking, Commerce and Insurance
397	Labor and Public Welfare
398	Banking, Commerce and Insurance
399	Judiciary
400	Agriculture

(Signed) Dwight W. Burney  
Lieutenant Governor

### BILL ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 478.** By J. W. Burbach of Legislative District 14.

A bill for an act to amend section 54-134, Revised Statutes Supplement, 1957, relating to brand inspection area; to eliminate Morton township in Knox County from the brand inspection area; and to repeal the original section.

**LEGISLATIVE BILL 479.** By John P. Munnelly of Legislative District 8, Stanley L. Portsche of Legislative District 19, and J. O. Peck of Legislative District 26.

A bill for an act to amend section 8-321, Reissue Revised Statutes of Nebraska, 1943, and sections 8-303 and 8-319, Revised Statutes Supplement, 1957, relating to building and loan associations; to enable state chartered building and loan associations to make certain loans and accept investments that a Federal Savings and Loan Association doing business in this state is or may be authorized to make; and to repeal the original sections.

**SELECT FILE**

**LEGISLATIVE BILL 38.** The pending Ruhnke amendment found in the Legislative Journal for the Seventeenth Day was adopted by unanimous consent.

Advanced to E and R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 28.** Considered.

Mr. Syas moved that LB 28 be indefinitely postponed.

Motion pending.

Laid over until Wednesday, February 4, 1959, at the request of Mr. Aufenkamp.

**LEGISLATIVE BILL 110.** Section 1 read.

Mr. Ruhnke moved that Standing Committee Amendment 1 found in the Legislative Journal for the Sixteenth Day be adopted.

Motion pending.

Laid over at the request of Mr. Fenske.

**LEGISLATIVE BILL 66.** Read and considered.

Mr. Ruhnke offered the following amendment to Standing Committee Amendment 1 which was adopted:

Amend Standing Committee Amendment 1, by inserting after the words "*speed limits*" the following: "*and passing zones*".

The Standing Committee Amendments found in the Legislative Journal for the Sixteenth Day were adopted as amended.

Advanced to E and R for review.

**LEGISLATIVE BILL 30.** Laid over at the request of Mr. Lautenschlager.

**BILLS ON FIRST READING**

The following bills were read the first time by title:



**LEGISLATIVE BILL 480.** By Ray C. Simmons of Legislative District 11, George Syas of Legislative District 4, and Michael P. Russillo of Legislative District 9.

A bill for an act relating to county officers; to authorize the county clerk, county treasurer, and county assessor to enter into an agreement for joint exercise of powers by one of such officers for the purpose of assessing and taxing of motor vehicles, issuance of certificates of title and registration of motor vehicles, and issuing of operators license, and collection of fees therefor when approved by the county board of such county.

**LEGISLATIVE BILL 481.** By Norman A. Otto of Legislative District 34 and Arthur W. Swanson of Legislative District 36.

A bill for an act to amend section 16-321, Reissue Revised Statutes of Nebraska, 1943, and section 17-568.01, Revised Statutes Supplement, 1957, relating to purchases by municipalities; to increase the value of purchases that may be made by certain municipalities without a prior estimate by the city engineer and without advertising for bids; to prescribe additional emergency situations in which purchases, regardless of amount, may be made without such estimate or advertising; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 482.** By Norman A. Otto of Legislative District 34 and Arthur W. Swanson of Legislative District 36.

A bill for an act to amend sections 17-515 and 17-923, Reissue Revised Statutes of Nebraska, 1943, and sections 16-622, 16-669, and 17-920, Revised Statutes Supplement, 1957, relating to special assessments by municipalities; to increase the interest rate on special assessments by certain municipalities for public improvement and on delinquent installments thereof; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 483.** By Norman A. Otto of Legislative District 34, George C. Gerdes of Legislative District 41, and Peter H. Claussen of Legislative District 16.

A bill for an act to amend section 85-304, Reissue Revised Statutes of Nebraska, 1943, relating to normal schools; to authorize the Board of Education of State Normal Schools through an extension division to provide for holding of classes at various localities throughout the state; and to repeal the original section.

**LEGISLATIVE BILL 484.** By Norman A. Otto of Legislative District 34, George C. Gerdes of Legislative District 41, and Peter H. Claussen of Legislative District 16.

A bill for an act to amend section 85-311, Reissue Revised Statutes of Nebraska, 1943, relating to state normal schools; to eliminate the provision requiring the matriculation fee to be held and disbursed as a library fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 485.** By Norman A. Otto of Legislative District 34, George C. Gerdes of Legislative District 41, and Peter H. Claussen of Legislative District 16.

A bill for an act relating to state normal schools; to create the State Normal Schools Building Fund; to provide a levy therefor; to provide the disposition of such fund; and to declare an emergency.

#### UNANIMOUS CONSENT—Add Co-introducers

Mr. Otto requested unanimous consent that the names of John Aufenkamp of Legislative District 2 and Michael P. Russillo of Legislative District 9 be added as co-introducers of LB 485. No objections. So ordered.

#### SUSPEND RULES—Introduce Bill

Mr. President: I move that the rules be suspended to permit the introduction of a department bill. (Signed) Arnold Ruhnke

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

#### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 486.** By Arnold Ruhnke of Legislative District 22 and Don Thompson of Legislative District 33.

A bill for an act relating to state highways; to provide that, in the event of the restriction of use or closing of state highways during construction, improvement, or maintenance and suitable notice, as prescribed, has been given of such restriction or closing, it shall be unlawful to wilfully enter such restricted or closed portion or ignore such notice; to provide penalties; and to provide for civil liability.

**LEGISLATIVE BILL 487.** By John P. Munnelly of Legislative District 8, J. O. Peck of Legislative District 26, and David D. Tews of Legislative District 15.

A bill for an act to amend sections 53-130, 53-133, 53-134, 53-135, 53-142, 53-145, 53-149, and 53-150, Reissue Revised Statutes of Nebraska, 1943, and sections 53-121, 53-124, 53-125, 53-127, 53-131, 53-132, 53-138.01, and 53-146, Revised Statutes Supplement, 1957, relating to liquors; to require all applications for liquor licenses to be filed with the Liquor Control Commission; to provide for hearings upon new and renewal licenses; to provide for the processing of new applications by the commission and local governing body; to provide for the processing of renewal applications by the commission; and to repeal the original sections, and also sections 53-134.01, 53-136, and 53-138, Reissue Revised Statutes of Nebraska, 1943, and sections 53-137 and 53-141, Revised Statutes Supplement, 1957.

#### Visitors

Mr. Marvel introduced Messrs. Fred Irons and M. W. McBride of Hastings.

#### Member Excused

Mr. Tews was excused until Thursday, February 5, 1959.

#### Adjournment

At 11:54 a.m. on a motion by Mr. Klaver, the Legislature adjourned until 10:00 a.m. Friday, January 30, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## NINETEENTH DAY

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Legislative Chamber, Lincoln, Nebraska

Friday, January 30, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

**Corrections for the Journal**

Page 271, line 33, correct the spelling of the word "Reissue".

The Journal for the Eighteenth Day was approved as corrected.

**Communications**

Letter to Mr. Swanson from Kitty Tederman, Holdredge, requesting legislation on behalf of dogs.

**UNANIMOUS CONSENT—Print Report**

Mr. Vosoba renewed the request found in the Legislative Journal for the Eighteenth Day for unanimous consent to print the majority and minority reports of the Judiciary Committee relative to Legislative Resolution 2. No objections. So ordered.

**JUDICIARY COMMITTEE****STATEMENT ON LEGISLATIVE RESOLUTION 2**

This resolution, as amended, asks that the Legislature direct the attorney general to bring court suit to determine whether Ak-Sar-Ben and a number of other organizations conducting horse racing are subject to property tax and if so, that back taxes be collected from them. The resolution has nothing to do with the proposal to place a tax on the proceeds from parimutual betting—the resolution deals only with the property tax.

The introducer stated that in his opinion that Ak-Sar-Ben's horse racing and similar activities make it taxable. It was pointed out to him that an attorney general's opinion in 1936 held Ak-Sar-Ben to be non-taxable; that it and other corporations had been treated as non-taxable for many years; that many non-profit corporations, such as veterans organizations, have money-raising activities; and that the federal government has held Ak-Sar-Ben to be non-taxable. Although he was asked numerous times, the principal introducer did not state to the satisfaction of the majority of the committee on what theory Ak-Sar-Ben could be held taxable.

The chairman of the committee quoted the attorney general as having authorized him to report at the hearing that the attorney general believed that an action to hold Ak-Sar-Ben taxable "has little or no chance of success," and would cost the state conservatively a minimum of \$30,000. The majority of the committee believes that suits with so little apparent prospect of success and at such great expense are not justified. Assuming a number of suits, the expense could well run into hundreds of thousands of dollars.

The principal introducer argued that the possible tax status of Ak-Sar-Ben has never been determined by court decision so there should be a suit. However, this contention could be made about hundreds of other non-profit corporations which also have not had their status settled by the courts. And, there are untold thousands of legal questions which have not been determined by the Nebraska courts. The majority of the committee doubts the wisdom of bringing lawsuits just because the questions involved have never been determined before, particularly where the chances of success are slight and the cost of suit great. This is especially true where, as here, the question has been settled by an attorney general's opinion and practice of many years.

The introducer said he had not asked the governor to have the action brought, though the majority of this committee believes this would be the necessary course before the Legislature should involve itself. The introducer had not talked to the attorney general at all about the matter. He made no effort to learn from the attorney general as to the attorney general's thoughts on the suit, the chances of success, where the suit would be brought, procedures to follow, or the merits of the resolution generally. Nor, had he talked to any assistant attorney general within the last year about the matter. He only had a letter, a year old, from the attorney general's office, stating generally some of the problems as to possible tax liability of Ak-Sar-Ben, without conclusion

thereon. The introducer asked the suit to be brought in the Supreme Court, though it is very doubtful that the Supreme Court would accept original jurisdiction. The majority of the committee believes that the matter should certainly have been discussed with the attorney general, so intelligent consideration could be made.

Testimony also indicated that if Ak-Sar-Ben and county fair associations are held liable for back taxes, these taxes might go back so many years that these associations would be put out of business. A decision might also subject to back tax liabilities and put out of operation hundreds of other non-profit Nebraska corporations, such as American Legion clubs, V.F.W. clubs, Y.M.C.A., Y.W.C.A., labor temples, Elks, Eagles, Odd-Fellows, Masonic Lodge, Knights of Columbus, Boy Scouts, religious societies, etc., where these organizations carry on fund-raising activities. The majority of the committee doubts either the fairness or desirability of subjecting to taxes for many years back, and possibly putting out of business, these organizations which have for so long carried on community activities, relying on tax-exempt status. The tax gain to the state would be far more than offset by the state's loss from destruction of these organizations.

Finally, there presently are ample avenues open for testing the liability of Ak-Sar-Ben or any other non-profit corporation at the county level. And, the majority of the committee believes that the question of enforcing the tax laws is primarily a matter for the executive branch of the government. Therefore, this resolution should have been directed to the governor for his decision before submission to the Legislature.

Appearing on behalf of the resolution were the principal introducer and Mr. George J. Thomas of Omaha, who stated the reasons above explained for the resolution. Appearing in opposition to the bill were: Senator Russillo; Mr. J. J. Isaacson, General Manager of Aksarben; Mr. Yale C. Holland, attorney representing Ak-Sar-Ben; Mr. Warren Albert, attorney from Columbus, representing outstate racing associations; Mr. Al Raun, Walthill, representing State Fair Board and County Fair Associations; and Senator Jack Romans.

Those in opposition explained the various activities of Ak-sar-ben and county agriculture societies and how these did not subject Ak-sar-ben to tax liability.

The resolution was indefinitely postponed by a vote of 4 in favor, 2 in opposition, 1 present and not voting.

(Signed) Ray C. Simmons, Chairman

**Minority Report on LR 2**

The committee unanimously amended the resolution to (1) limit it to "similar corporations *conducting pari-mutuel betting*" and (2) to direct the suit to be brought in the District Court if the Supreme Court declines to take jurisdiction, and direct an appeal to the Supreme Court if the District Court decision would be adverse to the State. These amendments are set out in full on the attached sheet.

Putting aside personalities and prejudices, and attempting to judge Legislative Resolution 2 solely on its merits, the undersigned minority of the Judiciary Committee recommend that LR 2, as amended in committee, be approved by the Legislature of Nebraska for the following reasons:

The question of whether Aksarben, and similar organizations conducting *pari-mutuel betting*, are tax-exempt is not legislative or political, but is purely a legal question: law applied to facts. There has never been a final or authoritative legal determination of this question, and only the Supreme Court can make that final determination, in an action commenced in the proper court.

Hundreds of thousands of dollars in tax money may be involved.

We do not indicate any opinion as to whether these organizations are actually tax-exempt or not, nor whether they should be tax-exempt or not, but we do firmly believe that the public interests, as well as those of Aksarben and similar organizations conducting *pari-mutuel betting*, require a legal determination of this important legal question.

(Signed) Joe T. Vosoba

(Signed) Marvin Lautenschlager

**AMENDMENTS TO LEGISLATIVE RESOLUTION 2**

Amend LR 2:

By inserting "*conducting pari-mutuel betting*" after the words "similar corporations" in paragraph 2, line 1, and section 1, line 3.

By adding the following at the end of section 1:

"In the event the Supreme Court refuses to accept such action as an original action, the Attorney General is then directed to commence such action in the appropriate district court and to appeal to the Supreme Court from any adverse decision."

By striking line 1 of section 2 and inserting in place thereof:

"2. If in such action it shall be finally determined".

**NOTICE OF COMMITTEE HEARINGS****Public Works**

LB 88	Monday, February 9, 1959	2:00 p.m.
LB 163	Monday, February 9, 1959	2:00 p.m.
LB 168	Monday, February 9, 1959	2:00 p.m.
LB 67	Wednesday, February 11, 1959	2:00 p.m.
LB 182	Wednesday, February 11, 1959	2:00 p.m.
LB 185	Friday, February 13, 1959	2:00 p.m.
LB 265	Friday, February 13, 1959	2:00 p.m.
LB 266	Friday, February 13, 1959	2:00 p.m.

**UNANIMOUS CONSENT—Withdraw Bill**

Mr. Syas requested unanimous consent to withdraw LB 95. No objections. So ordered.

**MOTION—Delay Action on Report**

Mr. President: I move that following the presentation of the report of the Committee on Committees on the recount, no further action be taken until after the closing date for the introduction of bills, Monday, February 2, 1959. (Signed) Arnold Ruhnke

The motion prevailed.

**STANDING COMMITTEE REPORTS****Committee on Committees**

Mr. President: Your Committee on Committees submits the following report with respect to its investigation regarding the contest of the election for Governor on November 4, 1958.

The Committee met on January 12, 1959 to decide upon procedure to be followed in conducting the investigation. It was decided to invite the attorneys representing the opposing sides in this issue to meet with the Committee on alternate days and present a summary of the evidence from their respective points of view.

The Committee then decided to examine the ballots sent in by the various county clerks in order to ascertain their condition and state of preservation. This was done at the close of business on January 12.

It was further decided that the press would be allowed at all meetings of the Committee, but that news releases should



be issued only by the Chairman. Executive meetings were to be restricted to the members of the Committee and representatives of the press.

The Committee next met on January 14, 1959 at which time Attorneys Robert A. Nelson, Lincoln, and Jack Devoe, Lincoln, representing the proponents of a recount, presented their thinking as to why there should be a recount.

On January 15, 1959 the Committee met with Attorneys Joseph Ginsburg, Lincoln, and Bernard Boyle, Omaha, representing the opponents of a recount, who presented their arguments as to why there should not be a recount.

The Committee then invited Mr. Clarence S. Beck, Attorney General of the State of Nebraska, to meet with them on January 26, 1959 to explain various points of the election laws and to give a summary of the research upon which was based his opinion that it is mandatory to hold a recount in this case. Mr. Beck and Assistant Attorney General Homer Hamilton duly met with the Committee on January 26 and again on January 28.

On Thursday, January 29, 1959, after considering all information which had been presented, the Committee on Committees voted by secret ballot on this matter. The vote was seven to six in favor of recommending to the Legislature that the votes cast for Governor in the November 4, 1958 election be recounted.

(Signed) William Moulton, Chairman

#### **MOTION—Accept Report**

Mr. President: I move that the report of the Committee on Committees with regard to contest on the Governor election be accepted. (Signed) William Moulton

The motion prevailed.

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Government**

LB 293	Friday, February 20, 1959	2:00 p.m.
LB 294	Friday, February 20, 1959	2:00 p.m.

#### **BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 488.** By J. W. Burbach of Legislative District 14 and John R. Cooper of Legislative District 1.

A bill for an act to amend section 88-216, Reissue Revised Statutes of Nebraska, 1943, relating to public grain warehouses; to provide a penalty for violation of the purchase of grain for resale, licensing, motor vehicle registration and conditions pertaining thereto; and to repeal the original section.

**LEGISLATIVE BILL 489.** By David D. Tews of Legislative District 15.

A bill for an act relating to elections; to provide for an approval committee and the manner of selection; to provide for a chairman of the committee; to provide the manner of selecting the time and place of the meeting of such committee; to provide duties for the committee, Secretary of State and certain election officials; and to provide what election ballots shall contain.

**LEGISLATIVE BILL 490.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-1203, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require a non-refundable fee of two dollars for each applicant for a teachers' certificate; and to repeal the original section.

**LEGISLATIVE BILL 491.** By George C. Gerdes of Legislative District 41, Arthur W. Swanson of Legislative District 36, and H. K. Diers of Legislative District 24.

A bill for an act relating to industrial development; to create the Bureau of Industrial Development; to create the position of Director of the Bureau of Industrial Development; to provide for the appointment, term of office, and salary of such director; to provide for the administration of such bureau; to provide the powers and duties of the bureau and the director; to provide for cooperation between the bureau and other agencies; to create an advisory committee to be known as the Nebraska Resources Committee, its composition, duties, appointment, term of office, and compensation; and to repeal sections 2-1901, 2-1902, 2-1903, 2-1904, 2-1906, and 2-1907, Reissue Revised Statutes of Nebraska, 1943, and also sections 2-1905, 2-1908, 2-1909, 2-1910, and 2-1911, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 492.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-201, Reissue Revised Statutes of Nebraska, 1943, relating to education; to provide that every person in this state having legal or actual charge or control of any child of prescribed age and not a high school graduate shall cause such child to attend school each day that schools are open and in session except when excused by school authorities; and to repeal the original section.

**LEGISLATIVE BILL 493.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-601, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify the provisions with respect to election of officers in a Class I school district; and to repeal the original section.

**LEGISLATIVE BILL 494.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-541, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that the power granted by such section may be exercised at an election as well as at any annual or special meeting; and to repeal the original section.

**LEGISLATIVE BILL 495.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-515, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to redesignate as budget the annual estimate now required of schools in districts of the second class; and to repeal the original section.

**LEGISLATIVE BILL 496.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-451, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that certain reports required by such section shall only be required of Class I, II, and III districts; to provide when such reports shall be made; and to repeal the original section.

**LEGISLATIVE BILL 497.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-428, Reissue Revised Statutes of Nebraska, 1943, relating to education; to include in the oath of a person whose qualification to vote in a school district meeting or election a statement that he is a citizen of the United States; and to repeal the original section.

**LEGISLATIVE BILL 498.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-431, Reissue Revised Statutes of Nebraska, 1943, relating to education; to provide that the cash reserve to be included in a school district budget shall be in an amount to be fixed by the board of education or school board but not to exceed fifty per cent of the budget of the previous fiscal year; and to repeal the original section.

**LEGISLATIVE BILL 499.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-4,144, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase to twenty-five dollars per teacher the amount to be spent annually by each school district for books other than regular textbooks; and to repeal the original section.

**LEGISLATIVE BILL 500.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-701, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for the annual election of officers by the school board of a Class II District and the time when such election shall be held; and to repeal the original section.

**LEGISLATIVE BILL 501.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-810, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to redesignate as budget the annual estimate required of Class III school districts and change the time of its submission to the county board; to clarify the procedures for levy of the tax necessary to provide the funds indicated as necessary by such budget and accompanying certificate; and to repeal the original section.

**LEGISLATIVE BILL 502.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-1239, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify the requirement that a teacher register his certificate in the office of the county superintendent; to change the time when the county superintendent certifies the name of any teacher not complying with the requirements of this section; to provide that such teacher shall not be reimbursed for his services; and to repeal the original section.

**LEGISLATIVE BILL 503.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-458, Reissue Revised Statutes of Nebraska, 1943, relating to education; to eliminate the names of all taxpayers in the district from the record reflecting the school census; and to repeal the original section.

**LEGISLATIVE BILL 504.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-4106, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify the procedure for payment of free high school tuition in counties contiguous to the boundaries of this state; and to repeal the original section.

**LEGISLATIVE BILL 505.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend section 79-486, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide procedure for the dissolution of school districts under prescribed conditions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 506.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to liquor; to make it unlawful for the holder of any liquor license, directly or indirectly, to permit gambling, except bingo, on or in the licensed premises or to permit the operation or possession of prescribed gambling devices thereon; to provide that any premises where any violation occurs shall be a nuisance; and to provide for the abatement of such nuisance.

**LEGISLATIVE BILL 507.** By Sam Klaver of Legislative District 6 and David D. Tews of Legislative District 15.

A bill for an act to amend section 71-2601, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Health;

to change the qualifications of members; to designate the time the member of new qualifications shall be appointed; and to repeal the original section.

**LEGISLATIVE BILL 508.** By Sam Klaver of Legislative District 6.

A bill for an act to amend section 77-201, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that motor vehicles shall be assessed at fifty per cent of their actual value; and to repeal the original section.

**LEGISLATIVE BILL 509.** By Ray C. Simmons of Legislative District 11, Marvin Lautenschlager of Legislative District 30, and Hal Bridenbaugh of Legislative District 13.

A bill for an act relating to the State Railway Commission; to provide for a maximum time within which matters before the State Railway Commission may be heard and disposed of by the commission.

**UNANIMOUS CONSENT—Add Co-introducer**

Mr. Simmons requested unanimous consent to add the name of John G. Donner of Legislative District 27 to LB 509 as co-introducer. No objections. So ordered.

**LEGISLATIVE BILL 510.** By Ray C. Simmons of Legislative District 11, Hal Bridenbaugh of Legislative District 13, and Marvin Lautenschlager of Legislative District 30.

A bill for an act to amend sections 75-238 and 75-238.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor carriers; to provide when a motor carrier permit may be suspended or revoked; to provide for filing of complaint against a motor carrier for refusal and delay in any pickup and delivery hearing, and decision; and to repeal the original sections.

**UNANIMOUS CONSENT—Add Co-introducer**

Mr. Simmons requested unanimous consent to add the name of John G. Donner of Legislative District 27 to LB 510 as co-introducer. No objections. So ordered.

**LEGISLATIVE BILL 511.** By Ray C. Simmons of Legislative District 11.

A bill for an act to amend sections 2-1010, 2-1013, 2-1025, and 2-1028, Reissue Revised Statutes of Nebraska, 1943, relating to plant diseases, insects and animal diseases; to redefine terms; to provide for a dealers certificate for dealers and nurserymen, distributing nursery stock from more than one place of business; to prohibit any person selling, offering for sale, or knowingly moving any living insect pest or living plant disease without obtaining a permit as prescribed; to make it unlawful to ship infested nursery stock; to provide the manner of storing nursery stock; to provide for inspection of nursery stock and payment of cost of such inspection; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 512.** By Dwain Williams of Legislative District 35 and Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 3-504, Revised Statutes Supplement, 1957, relating to airports; to authorize all cities to levy a tax of, not to exceed one mill on the dollar upon the assessed valuation of all the taxable property in such city, except intangible property; and to repeal the original section.

#### **SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of a department bill at the request of the Department of Health. (Signed) H. K. Diers

The motion prevailed with 34 ayes, 1 nay, and 8 not voting.

**LEGISLATIVE BILL 513.** By H. K. Diers of Legislative District 24 and Arthur W. Swanson of Legislative District 36.

A bill for an act to amend section 71-1330, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to change the qualification for a funeral director's license; and to repeal the original section.

**LEGISLATIVE BILL 514.** By John R. Cooper of Legislative District 1 and Stanley L. Portsche of Legislative District 19.

A bill for an act to amend sections 55-114 and 55-115, Reissue Revised Statutes of Nebraska, 1943, and section 55-108, Revised Statutes Supplement, 1957, relating to the militia; to provide that

the maximum age limit shall not apply to the Adjutant General; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 515.** By John R. Cooper of Legislative District 1 and Norman A. Otto of Legislative District 34.

A bill for an act relating to aeronautics; to define guest passenger of private aircraft; to provide for claim for damages; and to provide the rights of passengers.

**LEGISLATIVE BILL 516.** By Stanley L. Portsche of Legislative District 19 and William Moulton of Legislative District 10.

A bill for an act to amend section 48-159, Revised Statutes Supplement, 1957; relating to Nebraska Workmen's Compensation Court; to increase the salary to be paid judges of the Nebraska Workmen's Compensation Court; to provide when a change may be made in such salary; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 517.** By Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 32-483, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to change the manner of counting votes; to provide when counting of ballots shall be open to the public; to repeal the original section and also sections 32-480 and 32-481, Reissue Revised Statutes of Nebraska, 1943.

#### **SUSPEND RULES—Introduce Bill**

Mr. President: I move to suspend the rules to introduce a departmental bill. (Signed) Stanley L. Portsche

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

**LEGISLATIVE BILL 518.** By Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 75-103, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to provide that appointments to fill the vacancy in the office of railway commissioner shall be for the unexpired term; and to repeal the original section.



**LEGISLATIVE BILL 519.** By Stanley L. Portsche of Legislative District 19, John P. Munnelly of Legislative District 8, and Joe T. Vosoba of Legislative District 23.

A bill for an act to amend section 60-302, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide that the application for registration shall contain the principal color or colors of the motor vehicle; and to repeal the original section.

#### **Members Excused**

Messrs. Cooper and Russillo were excused at 10:35 a.m. for the remainder of the day.

**LEGISLATIVE BILL 520.** By Stanley L. Portsche of Legislative District 19 and Joe T. Vosoba of Legislative District 23.

A bill for an act to amend section 83-122, Reissue Revised Statutes of Nebraska, 1943, and sections 60-310, 60-311, 60-311.04, and 60-323, Revised Statutes Supplement, 1957, relating to motor vehicle license plates; to eliminate the use of license plate renewal tabs; to provide for the issuance of license plates each year; to require that trucks and trailers, as well as other motor vehicles, be required to display two license plates at all times, and to repeal the original sections.

**LEGISLATIVE BILL 521.** By Stanley L. Portsche of Legislative District 19, John P. Munnelly of Legislative District 8, and Joe T. Vosoba of Legislative District 23.

A bill for an act relating to municipal and county police officials; to provide legal counsel for municipal and county police officials against whom an action for false arrest or imprisonment has been brought arising out of an arrest made in the apparent line of duty; and to declare an emergency.

**LEGISLATIVE BILL 522.** By Stanley L. Portsche of Legislative District 19 and J. O. Peck of Legislative District 26.

A bill for an act to amend section 44-392, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to raise from one hundred thousand to two hundred thousand the population of any city within which it shall be unlawful for any bank or other prescribed financial institution to sell, write, or solicit insurance; and to repeal the original section.

**LEGISLATIVE BILL 523.** By George Syas of Legislative District 4.

A bill for an act for submission to the electors of an amendment to Article XVI, section 1, of the Constitution of Nebraska, relating to constitutional amendments; to remove the minimum requirement of votes required for an amendment to become a part of the constitution; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; and to provide the effective date thereof.

**SUSPEND RULES—Introduce Bill**

Mr. President: I move to suspend the rules to introduce a departmental bill. (Signed) Edwin T. McHugh

The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

**LEGISLATIVE BILL 524.** By Edwin T. McHugh of Legislative District 3, J. O. Peck of Legislative District 26, and John R. Cooper of Legislative District 1.

A bill for an act to amend sections 8-801, 8-803, 45-114, and 45-119, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to harmonize the provisions of Chapter 8, article 8, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, with the provisions of sections 45-114 to 45-155, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; to exclude banks, savings banks, trust companies, building and loan associations, and industrial loan and investment companies from making certain loans, as prescribed; to repeal the original sections, and also section 45-115, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 525.** By J. W. Burbach of Legislative District 14 and William Moulton of Legislative District 10.

A bill for an act to amend section 84-409, Reissue Revised Statutes of Nebraska, 1943, relating to state surveyor; to increase the amount the state surveyor shall be paid per day for his services; and to repeal the original section.

**LEGISLATIVE BILL 526.** By William Moulton of Legislative District 10.

A bill for an act relating to public corporations; to authorize public corporations or political subdivisions engaged in a business

in a proprietary capacity to make contributions for charitable or eleemosynary purposes; to define terms; and to prescribe conditions under which such contributions may be made.

**LEGISLATIVE BILL 527.** By George Syas of Legislative District 4 and Terry Carpenter of Legislative District 42.

A bill for an act for submission to the electors of amendments to Article V of the Constitution of Nebraska by amending section 1 and repealing section 18, relating to the judiciary; to abolish justices of the peace; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 528.** By David D. Tews of Legislative District 15, Fern Hubbard Orme of Legislative District 20, and Norman A. Otto of Legislative District 34.

A bill for an act to amend section 79-311, Reissue Revised Statutes of Nebraska, 1943, and section 23-1114, Revised Statutes Supplement, 1957, relating to county superintendents; to change the qualifications for county superintendents; to provide salaries for county superintendents; and the repeal the original sections.

**LEGISLATIVE BILL 529.** By George Syas of Legislative District 4 and Edwin T. McHugh of Legislative District 3.

A bill for an act to amend section 21-1714, Reissue Revised Statutes of Nebraska, 1943, relating to credit unions; to provide for investments in shares of or loans of other credit unions or under Federal Credit Union Act, as prescribed; and to repeal the original section.

#### Bills Referred to Standing Committees

LB	Committee
401.....	Government
402.....	Public Works
403.....	Agriculture
404.....	Salaries and Claims
405.....	Banking, Commerce and Insurance
406.....	Agriculture
407.....	Salaries and Claims
408.....	Revenue

409	Miscellaneous Subjects
410	Miscellaneous Subjects
411	Public Works
412	Government
413	Miscellaneous Subjects
414	Government
415	Agriculture
416	Labor and Public Welfare
417	Miscellaneous Subjects
418	Government
419	Banking, Commerce and Insurance
420	Miscellaneous Subjects
421	Miscellaneous Subjects
422	Miscellaneous Subjects
423	Labor and Public Welfare
424	Miscellaneous Subjects
425	Education
426	Government
427	Government
428	Agriculture
429	Banking, Commerce and Insurance
430	Agriculture
431	Agriculture
432	Salaries and Claims
433	Public Works
434	Government
435	Public Health
436	Public Works
437	Salaries and Claims
438	Salaries and Claims
439	Public Works
440	Government
441	Banking, Commerce and Insurance
442	Education
443	Labor and Public Welfare
444	Agriculture
445	Agriculture
446	Agriculture
447	Agriculture
448	Public Works
449	Judiciary
450	Judiciary
451	Judiciary
452	Judiciary
453	Judiciary
454	Judiciary
455	Judiciary

456.....	Judiciary
457.....	Judiciary
458.....	Judiciary
459.....	Judiciary
460.....	Judiciary
461.....	Judiciary
462.....	Judiciary
463.....	Public Works
464.....	Labor and Public Welfare
465.....	Labor and Public Welfare
466.....	Banking, Commerce and Insurance
467.....	Judiciary
468.....	Judiciary
469.....	Judiciary
470.....	Public Works
471.....	Public Health
472.....	Labor and Public Welfare
473.....	Miscellaneous Subjects
474.....	Banking, Commerce and Insurance
475.....	Banking, Commerce and Insurance
476.....	Labor and Public Welfare
477.....	Judiciary
478.....	Agriculture
479.....	Banking, Commerce and Insurance
480.....	Government
481.....	Government
482.....	Government
483.....	Education
484.....	Education
485.....	Education
486.....	Public Works
487.....	Banking, Commerce and Insurance

(Signed) Dwight W. Burney  
Lieutenant Governor

Speaker Pizer Presiding

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 66.** Placed on Select File as amended.

E and R amendments to LB 66:

1. In section 1, line 17, strike the period after "lage".

2. Add a new section, to be known as section 3, to read as follows:

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

3. In the title, strike lines 4 to 7 and insert, in place thereof: "the Department of Roads, when requested by any city or village, to make traffic engineering studies to determine reasonable and proper speed limits and passing zones on highways within such city or village; to provide that such department shall erect prescribed signs when its recommendations have been accepted, in ordinance form, by such city or village; to".

4. In the title, line 8, after "section", insert: "; and to declare an emergency".

(Signed) Joe T. Vosoba, Chairman

#### **Labor and Public Welfare**

**LEGISLATIVE BILL 132.** Placed on General File.

**LEGISLATIVE BILL 123.** Indefinitely postponed.

(Signed) Peter H. Claussen, Chairman

### **NOTICE OF COMMITTEE HEARINGS**

#### **Miscellaneous Subjects**

LB 275	Thursday, February 5, 1959	2:00 p.m.
LB 276	Thursday, February 5, 1959	2:00 p.m.
LB 310	Thursday, February 5, 1959	2:00 p.m.
LB 314	Thursday, February 5, 1959	2:00 p.m.

### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 39.** With emergency.

A bill for an act to amend section 39-713, Revised Statutes Supplement, 1957, relating to highways; to include the Department of Roads among the agencies authorized to designate places for the deposit of rubbish and similar material; to change the penalty for throwing trash or litter on the highways; to require the placing of signs to give notice of the law and to inform of the penalty for

violation thereof; 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, 38:

Aufenkamp	Fulton	Nelson	Skarda
Bowen	Hollenbeck	Olinger	Stryker
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Otto	Syas
Carpenter	Lautenschlager	Peck	Tews
Claussen	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Simmons	Williams
Fenske	Munnelly		

Voting in the negative, 0.

Not voting, 5:

Adams	Gerdes	Romans	Russillo
Cooper			

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

## NOTICE OF COMMITTEE HEARINGS

### Labor and Public Welfare

LB 129	Wednesday, February 4, 1959	2:00 p.m.
LB 130	Wednesday, February 4, 1959	2:00 p.m.
LB 140	Wednesday, February 4, 1959	2:00 p.m.

### Agriculture

LB 100	Tuesday, February 10, 1959	2:00 p.m.
LB 101	Tuesday, February 10, 1959	2:00 p.m.
LB 106	Tuesday, February 10, 1959	2:00 p.m.
LB 107	Tuesday, February 10, 1959	2:00 p.m.

## UNANIMOUS CONSENT—Hearing Room

Mr. Otto, Chairman of the Revenue Committee, requested unanimous consent for permission to use the east part of the West

Chamber this afternoon for the Revenue Committee hearing if necessary. No objections. So ordered.

#### Members Excused

Messrs. McHugh and Klaver were excused at 11:10 a.m. for the remainder of the day.

### NOTICE OF COMMITTEE HEARINGS

#### Education

LB 244	Tuesday, February 10, 1959	2:00 p.m.
LB 245	Tuesday, February 10, 1959	2:00 p.m.

#### President Burney Presiding

#### Revenue

LB 142	Monday, February 16, 1959	2:00 p.m.
LB 144	Monday, February 16, 1959	2:00 p.m.
LB 148	Monday, February 16, 1959	2:00 p.m.
LB 300	Monday, February 16, 1959	2:00 p.m.
LB 155	Wednesday, February 25, 1959	2:00 p.m.

### SELECT FILE

**LEGISLATIVE BILL 3.** E and R amendment found in the Legislative Journal for the Eighteenth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 21.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 34.** E and R amendments found in the Legislative Journal for the Eighteenth Day were adopted.

Advanced to E and R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 110.** Laid over at the request of Mr. Fenske.

**LEGISLATIVE BILL 30.** Laid over at the request of Mr. Pizer.



**LEGISLATIVE BILL 32.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 78.** Read and considered.

Mr. Vosoba offered the following amendment which was adopted:

Amend LB 78 by adding the following after line 56 of Section 1:

"Sec. 2. That original section 25-1601, Reissue Revised Statutes of Nebraska, 1943, is repealed."

Advanced to E and R for review.

**LEGISLATIVE BILL 105.** Read and considered.

Mr. Syas offered the following amendment which was adopted:

Amend LB 105, line 3 of the title by striking "Accounty" and inserting in lieu thereof the word "Account".

Advanced to E and R for review.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 530.** By Stanley L. Portsche of Legislative District 19 and David D. Tews of Legislative District 15.

A bill for an act to amend section 84-509, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to remove the maximum amount that may be paid to the deputy secretary of state; to provide when a change in such salary may be made; and to repeal the original section.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Marvel requested unanimous consent to add the names of Jack Romans, J. W. Burbach, and Marvin Lautenschlager to LB 531 as co-introducers. No objections. So ordered.

**LEGISLATIVE BILL 531.** By Richard D. Marvel of Legislative District 31, Hal Bridenbaugh of Legislative District 13, Hans O. Jensen of Legislative District 25, Jack Romans of Leg-

islative District 29, J. W. Burbach of Legislative District 14, and Marvin Lautenschlager of Legislative District 30.

A bill for an act for submission to the electors of an amendment to the Constitution of Nebraska, relating to miscellaneous provisions; to provide for the adoption of a new section of the Constitution of Nebraska to appear as Article XV, section 10; to provide that the net proceeds from highway use taxes, including motor vehicle license fees and motor vehicle fuel taxes, shall be used only for the purpose of construction, reconstruction, repair and maintenance of highways, streets, roads and bridges; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 532.** By Joe T. Vosoba of Legislative District 23, Kenneth L. Bowen of Legislative District 32, and Don Thompson of Legislative District 33.

A bill for an act to amend sections 2-910 and 81-2,136.01, Reissue Revised Statutes of Nebraska, 1943, relating to agriculture; to classify Johnson grass as a noxious weed; and to repeal the original sections.

**LEGISLATIVE BILL 533.** By Joe T. Vosoba of Legislative District 23 and Edwin T. McHugh of Legislative District 3.

A bill for an act to amend sections 25-501, 25-503, 25-821, 42-305, 42-305.01, 42-305.02, 42-307, 42-309, and 42-340, Reissue Revised Statutes of Nebraska, 1943, relating to procedure in cases for divorce or the annulment of a marriage; to provide for the commencement of such actions by the filing of a praecipe for summons; to provide for the service of summons; to provide that the petition may not be filed until sixty days after the service of summons; to provide when defendant shall be required to appear and answer; to provide for temporary relief; to reduce from six to four months the time for which a decree of divorce shall not become final or operative; to provide that the procedures established by this act shall not apply to cases commenced prior to the effective date of this act; and to repeal the original sections.

**LEGISLATIVE BILL 534.** By John P. Munnelly of Legislative District 8.

A bill for an act to amend section 53-183, Reissue Revised Statutes of Nebraska, 1943, relating to liquor; to authorize restaurants to permit checks or statements for liquor to be signed by regular guests and charged to the accounts of such guests; and to repeal the original section.

**LEGISLATIVE BILL 535.** By Jack Romans of Legislative District 29 and J. O. Peck of Legislative District 26.

A bill for an act to amend section 75-104, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to increase the annual salary of members of the State Railway Commission; to provide when such increase shall be effective; and to repeal the original section.

**LEGISLATIVE BILL 536.** By Jack Romans of Legislative District 29 and J. O. Peck of Legislative District 26.

A bill for an act to amend section 75-105, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to increase the annual salary payable to the secretary of the State Railway Commission; to provide when such increase shall be effective; and to repeal the original section.

#### **UNANIMOUS CONSENT—Add Co-introducer**

Mr. Liebers requested unanimous consent to add the name of Fern Hubbard Orme of Legislative District 20 as co-introducer of LB 537. No objections. So ordered.

**LEGISLATIVE BILL 537.** By Otto H. Liebers of Legislative District 18, Harold B. Stryker of Legislative District 17, Stanley L. Portsche of Legislative District 19, and Fern Hubbard Orme of Legislative District 20.

A bill for an act to amend sections 31-803, 31-804, 31-807, 31-808, 31-809, 31-810, 31-811, 31-812, 31-815, 31-816, 31-821, 31-822, 31-823, 31-827, 31-829, and 31-830, Revised Statutes Supplement, 1957, relating to watershed districts; to provide that voters shall be electors instead of landowners; to provide that the county board must secure the advice of soil conservation districts; to provide the area from which a director shall be elected; to provide in which counties notices shall be published; to provide when elections shall be had; to provide the manner of conducting election; to provide which county clerk shall approve surety or sureties;

to provide additional powers for the district; to eliminate the provisions for apportionment of benefits; to provide additional powers for the directors; to change the limit and manner of collection of taxes; to provide for such a levy; to provide for distribution of funds when a district is dissolved; to change the procedure for enlargement of the district; to change time for appeals; and to repeal the original sections, and also sections 31-817, 31-818, 31-819, and 31-820, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 538.** By Norman A. Otto of Legislative District 34 and Fern Hubbard Orme of Legislative District 20.

A bill for an act relating to education; to provide for payment of an amount sufficient to pay one hundred dollars for each pupil in average daily attendance during the preceding school term to each school district maintaining school when appropriated by the Legislature; to provide for the payment of such amount; and to provide duties for certain public officers.

**LEGISLATIVE BILL 539.** By Norman A. Otto of Legislative District 34 and Dale Erlewine of Legislative District 37.

A bill for an act for submission to the electors of an amendment of Article VIII, section 1, of the Constitution of Nebraska, relating to revenue; to authorize the Legislature to provide a different method of taxing household goods; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 540.** By John Adams, Sr. of Legislative District 5 and William Moulton of Legislative District 10.

A bill for an act to amend sections 18-404 and 18-405, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, all; to provide that cities, villages, or metropolitan utility district may extend or enlarge water mains, gas mains, or other utility services with their own forces; to provide that when such enlargement or extension is made the average cost per foot of such main extensions during the prior calendar year shall be the cost assessed against the property benefited thereby, instead of the actual cost of each such main extension, and to repeal the original sections.

## NOTICE OF COMMITTEE HEARINGS

### Banking, Commerce and Insurance

LB 277	Thursday, February 5, 1959	2:00 p.m.
LB 278	Thursday, February 5, 1959	2:00 p.m.
LB 284	Thursday, February 5, 1959	2:00 p.m.

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 3.** Replaced on Select File as amended.

E and R amendment to LB 3:

1. Add a new section, to be known as section 5, and to read as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

(Signed) Joe T. Vosoba, Chairman

### Member Excused

Mr. Bowen was excused at 11:45 a.m. for the remainder of the day.

## BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 541.** By Joe T. Vosoba of Legislative District 23 and William Moulton of Legislative District 10.

A bill for an act to amend section 74-608, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to provide that the fenced right-of-way shall not be mowed, burned, or otherwise destroyed; to provide that the county board may, by written notice, direct the spraying of specified portions of such right-of-way to kill noxious weeds; and to repeal the original section and also section 74-609, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 542.** By J. W. Burbach of Legislative District 14, Oliver Olinger of Legislative District 12, and Kenneth L. Bowen of Legislative District 32.

A bill for an act to amend section 68-105, Reissue Revised Statutes of Nebraska, 1943, relating to public assistance; to provide that a claim against any person for support, maintenance, care, or burial shall have a lien on real estate owned by the recipient; to provide for notice, recording, release, and foreclosure of such lien; and to repeal the original section.

#### **Adjournment**

At 11:57 a.m. on a motion by Mr. Carpenter, the Legislature adjourned until 10:00 a.m. Monday, February 2, 1959.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**TWENTIETH DAY**

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Legislative Chamber, Lincoln, Nebraska

Monday, February 2, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

**Guests**

The committee appointed to wait upon the Honorable Fred A. Seaton, Secretary of the Interior, escorted Mr. Seaton to the rostrum where he was introduced to the Legislature by President Burney.

Mr. Seaton addressed the Legislature.

The committee escorted Mr. Seaton to the rear of the Chamber.

Mr. Marvel escorted United States Senator Carl T. Curtis to the rostrum.

Senator Curtis addressed the Legislature.

Mr. Marvel escorted Senator Curtis to the rear of the Chamber.

**Visitors**

Mr. Pizer introduced Sonja Polman and Mary McKnight from the University of Nebraska.

**Corrections for the Journal**

Page 287, line 8, delete "had" and insert "has".

Page 297, line 12, insert a semicolon after "inspection".

The Journal for the Nineteenth Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

January 30, 1959

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

Dear Sir:

Pursuant to Section 83-101 and 83-102, R.R.S. 1943, directing that this office shall nominate an elector of the State to be a member of the Board of Control prior to the twentieth day of each session of the legislature, I do hereby nominate Mrs. Ethel M. Kirwin to be a member of the Board of Control for a term of six years, commencing on July 1, 1959.

Respectfully,

(Signed) Ralph G. Brooks  
RALPH G. BROOKS  
Governor

RGB:sg

Referred to the Committee on Committees.

**Communications**

Note from Mabel Guild of Oakdale, opposing LB 62.

Postal card from Edward Cole in behalf of the Kearney County Rifle and Pistol Club, favoring LB 62.

Letter from Mrs. L. W. Hochmeister of Danbury, opposing LB 62.

**Invitation**

Invitation from Ernest Zschau, Omaha Chamber of Commerce, for Tuesday, March 3, 1959. Individual invitations will be sent.

**NOTICE OF COMMITTEE HEARINGS****Government**

LB 262	Friday, February 27, 1959	2:00 p.m.
LB 299	Monday, March 2, 1959	2:00 p.m.
LB 308	Monday, March 2, 1959	2:00 p.m.



LB 296	Wednesday, March 4, 1959	2:00 p.m.
LB 334	Wednesday, March 4, 1959	2:00 p.m.
LB 338	Monday, March 9, 1959	2:00 p.m.
LB 341	Wednesday, March 11, 1959	2:00 p.m.
LB 342	Wednesday, March 11, 1959	2:00 p.m.
LB 343	Wednesday, March 11, 1959	2:00 p.m.
LB 317	Monday, March 16, 1959	2:00 p.m.
LB 318	Monday, March 16, 1959	2:00 p.m.
LB 319	Monday, March 16, 1959	2:00 p.m.
LB 320	Monday, March 16, 1959	2:00 p.m.
LB 321	Monday, March 16, 1959	2:00 p.m.
LB 345	Wednesday, March 18, 1959	2:00 p.m.

#### Education

LB 248	Tuesday, February 10, 1959	2:00 p.m.
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### STANDING COMMITTEE REPORTS

#### Agriculture

#### LEGISLATIVE BILL 96. Placed on General File as amended.

Standing Committee amendments to LB 96:

1. Strike sections 1 and 2 of the bill, inserting in lieu thereof the following:

*"Section 1. It shall be unlawful for any person engaged in the spraying, dusting, or otherwise applying of pesticides, except farmers or ranchers or home owners applying pesticides on land owned or operated by them, to apply such pesticides in amounts or manners so as to result in the unnecessary killing and loss of protected wildlife species or domestic animals.*

*Sec. 2. Proof must be made beyond a reasonable doubt of such unnecessary killing or loss of protected wildlife species or domestic animals, using the accepted rules of evidence. Such evidence shall include the use of chemical analysis of the carcasses of affected wildlife species or domestic animals.*

*Sec. 3. Any person violating the provisions of Section 1 of this act shall be guilty of a misdemeanor, and shall upon conviction thereof, be fined not less than one hundred dollars or more than five hundred dollars or be imprisoned in the county jail for not more than thirty days, or both such fine and imprisonment."*

2. Amend the title of the bill to conform.

**LEGISLATIVE BILL 97.** Placed on General File as amended.

Standing Committee amendments to LB 97:

1. In section 1, line 5 strike the words "game and fish," and insert in lieu thereof the word "*trout*,".

2. Strike the period at the end of line 7, section 2, and insert in lieu thereof a comma, and add "*or to the State Park Cash Revolving Fund, should such fund be created.*"

(Signed) Hans O. Jensen, Chairman

#### Miscellaneous Subjects

**LEGISLATIVE BILL 134.** Placed on General File.

**LEGISLATIVE BILL 77.** Placed on General File as amended.

Standing Committee amendments to LB 77:

1. Add the Emergency Clause.

2. Amend the title to conform.

**LEGISLATIVE BILL 5.** Placed on General File.

**LEGISLATIVE BILL 61.** Placed on General File.

(Signed) J. W. Burbach, Chairman

#### Banking, Commerce and Insurance

**LEGISLATIVE BILL 136.** Placed on General File.

**LEGISLATIVE BILL 141.** Placed on General File as amended.

Standing Committee amendment to LB 141:

1. In line 4 of the title, strike the word "banking" and insert in lieu thereof the word "securities".

**LEGISLATIVE BILL 143.** Placed on General File.

**LEGISLATIVE BILL 152.** Placed on General File.

(Signed) John P. Munnely, Chairman

#### Education

**LEGISLATIVE BILL 115.** Placed on General File.

(Signed) Fern Hubbard Orme, Vice Chairman

**Enrollment and Review**

**LEGISLATIVE BILL 105.** Placed on Select File.

**LEGISLATIVE BILL 78.** Placed on Select File.

**LEGISLATIVE BILL 38.** Replaced on Select File as amended.

E and R amendments to LB 38:

1. Add a new section, to be known as section 4, and to read as follows:

“Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”

2. In the title, line 10, after the semi-colon, insert: “to provide for the placing of signs to give notice of the speed limit on county roads;”.

**LEGISLATIVE BILL 32.** Placed on Select File.

**LEGISLATIVE BILL 39.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**MOTION—Legislative Resolution 2**

Mr. President: I move that the minority report on Legislative Resolution 2 be substituted for that of the majority, and that LR 2, as amended in committee, be approved. (Signed) Joe T. Vosoba

Mr. Vosoba requested a record vote.

Laid over by unanimous consent until Thursday, February 5, 1959, at the request of Mr. Vosoba.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 543.** By Fern Hubbard Orme of Legislative District 20 and Otto H. Liebers of Legislative District 18.

A bill for an act to amend section 77-2032, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to permit the expenditure of inheritance tax funds for the relief of incapacitated or indigent persons through the construction of convalescent or geriatric units; and to repeal the original section.

**LEGISLATIVE BILL 544.** By Fern Hubbard Orme of Legislative District 20 and Otto H. Liebers of Legislative District 18.

A bill for an act to amend section 23-120, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to allow the expenditure of inheritance tax funds for county buildings without first submitting the proposition to a vote of the people of the county; and to repeal the original section.

**LEGISLATIVE BILL 545.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act to amend sections 79-1208, 79-1209, 79-1211, 79-1243, 79-1247.01, and 79-1267, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the requirements for the conversion of an expired or lapsed teachers' certificate; to change the authority of the Commissioner of Education to issue prescribed certificates; to change the time during which prescribed permits shall be valid; to redesignate temporary certificates as emergency and provisional permits; and to repeal the original sections, and also section 79-1210, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 546.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 60-329, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide that the registration fee for motor vehicles equipped to carry more than seven passengers engaged entirely in the transportation of passengers for hire within municipalities or within a radius of five miles thereof shall be ten dollars; and to repeal the original section.

**LEGISLATIVE BILL 547.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend sections 39-719 and 39-721, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide that passenger buses designed to carry more than seven passengers and to be used solely within the confines of a municipality shall not be subject to the prescribed width and length limitations; to provide for regulation, by ordinance, of width and length of such vehicles; and to repeal the original sections.

**LEGISLATIVE BILL 548.** By George Syas of Legislative District 4.

A bill for an act to amend section 37-214.02, Reissue Revised Statutes of Nebraska, 1943, and section 37-214.03, Revised Statutes

Supplement, 1957, relating to game and fish; to limit the free fishing privileges of old age assistance recipients and disabled veterans to sport fishing; to limit the free hunting and fishing privilege of disabled veterans to sport fishing; to authorize special permits to hunt for game birds from a vehicle to disabled veterans unable to hunt in the normal manner; to provide that such special permits shall not waive any other regulation or requirement of law; and to repeal the original sections.

**LEGISLATIVE BILL 549.** By Harold B. Stryker of Legislative District 17.

A bill for an act to amend sections 2-2311 and 2-2313, Revised Statutes Supplement, 1957, relating to agriculture; to change the method and collection procedures for the wheat development tax; to repeal the original sections and also sections 2-2312 and 2-2315, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 550.** By Michael P. Russillo of Legislative District 9.

A bill for an act to repeal sections 77-1225, 77-1226, and 77-1227, Reissue Revised Statutes of Nebraska, 1943, relating to taxation.

**LEGISLATIVE BILL 551.** By Michael P. Russillo of Legislative District 9.

A bill for an act to amend sections 77-1201 and 77-1229, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to provide that no consignee or commercial storage warehouse shall be required to list for taxation property consigned to or deposited with him for the sole purpose of being stored or forwarded if he has no interest in such property and derives no profit from its sale; and to repeal the original sections.

**LEGISLATIVE BILL 552.** By Michael P. Russillo of Legislative District 9.

A bill for an act providing that certain property shall, while in storage in commercial storage warehouses, be considered in transit and not subject to taxation.

**LEGISLATIVE BILL 553.** By Hal Bridenbaugh of Legislative District 13.

A bill for an act relating to revenue and taxation; to provide a limitation of action for inheritances.

**LEGISLATIVE BILL 554.** By Don Thompson of Legislative District 33, Hans O. Jensen of Legislative District 25, and Harold B. Stryker of Legislative District 17.

A bill for an act relating to groundwater conservation; to provide for groundwater conservation districts; to provide for approval of the boundaries thereof by the Director of Water Resources and the Director of the Conservation and Survey Division of the University of Nebraska; to provide for a hearing before the county board and the giving of notice thereof; to provide for review of the action of the county board; to provide for an election and the giving of notice thereof; to provide for the organization of such districts; to provide the procedures, powers, and duties thereof; to provide for the dissolution thereof; to provide for the jurisdiction of the courts as prescribed; to provide that such districts shall have the power to tax; and to provide how this act shall be cited.

**LEGISLATIVE BILL 555.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend sections 45-137, 45-138, and 45-158, Revised Statutes Supplement, 1957, relating to installment loans; to remove maximum limitation on installment loans; to remove provisions rendered obsolete by such change; to clarify and harmonize the provisions; and to repeal the original sections.

**LEGISLATIVE BILL 556.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 8-806, Reissue Revised Statutes of Nebraska, 1943, and section 8-801, Revised Statutes Supplement, 1957, relating to personal loans by banks and trust companies; to redefine personal loan; to remove the maximum limitation on personal loans; to provide the interest rate on that part of a personal loan in excess of three thousand dollars; to provide how interest on a personal loan shall be computed; and to repeal the original sections.

**LEGISLATIVE BILL 557.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 45-120, Reissue Revised Statutes of Nebraska, 1943, relating to installment loans; to eliminate the requirement that an applicant for an installment loan license furnish bond; to eliminate the requirement that allowing such applicant to engage in business will promote the convenience and ad-

vantage of the community; and to repeal the original section and also section 45-119, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 558.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend sections 2-1202 and 2-1211, Reissue Revised Statutes of Nebraska, 1943, relating to the State Racing Commission; to provide that the secretary of the State Racing Commission shall have no other official duties; to increase the maximum compensation of such secretary; to provide when such change shall become operative; to prohibit any members of the State Racing Commission, the secretary or any employee thereof from owning, directly or otherwise any interest in any race horse; to provide penalties; to require reports as prescribed from the representative of the State Racing Commission at each race meet; and to repeal the original sections.

**LEGISLATIVE BILL 559.** By George C. Gerdes of Legislative District 41, Dale Erlewine of Legislative District 37, and Hal Bridenbaugh of Legislative District 13.

A bill for an act to amend sections 79-1209 and 79-1211, Reissue Revised Statutes of Nebraska, 1943, relating to education; to extend to September 15, 1960, the time during which prescribed teachers' certificates shall be issued; to extend to such date the time when prescribed changes in the issuance and renewal of certain certificates shall occur; and to repeal the original sections.

**LEGISLATIVE BILL 560.** By Ray C. Simmons of Legislative District 11, Hal Bridenbaugh of Legislative District 13, and Marvin Lautenschlager of Legislative District 30.

A bill for an act relating to labor organizations; to define terms; to make unlawful the practice of economic pressure, commonly known as secondary boycott, by any labor organization, its agents or representatives; to create civil liabilities and remedies with reference to such unlawful acts and prescribe procedure for the enforcement thereof; to provide penalties; and to declare an emergency.

#### **UNANIMOUS CONSENT—Add Co-introducer**

Mr. Simmons requested unanimous consent to add the name of John G. Donner of Legislative District 27 as co-introducer of LB 560. No objections. So ordered.

**SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of an Attorney General's bill. (Signed) Ray C. Simmons

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

**LEGISLATIVE BILL 561.** By Ray C. Simmons of Legislative District 11.

A bill for an act to amend section 29-2412, Reissue Revised Statutes of Nebraska, 1943, and section 18-206, Revised Statutes Supplement, 1957, relating to crimes and punishments; to increase the rate per day a prisoner shall be credited on his fine and costs when imprisoned until such fine and costs are paid; and to repeal the original sections.

**LEGISLATIVE BILL 562.** By Dale Erlewine of Legislative District 37.

A bill for an act relating to schools; to provide for the payment of a transportation allowance to the family of a high school pupil living more than five miles from the school house when no other means of free transportation is provided.

**SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of an Attorney General's bill. (Signed) Norman A. Otto

The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

**LEGISLATIVE BILL 563.** By Norman A. Otto of Legislative District 34 and David D. Tews of Legislative District 15.

A bill for an act to amend sections 55-141 and 55-144, Reissue Revised Statutes of Nebraska, 1943, relating to the militia; to increase the salary of the Adjutant General and assistant adjutant; to provide when a change in such salaries shall become operative; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 564.** By Fern Hubbard Orme of Legislative District 20 and Otto H. Liebers of Legislative District 18.



A bill for an act relating to highways; to authorize county boards to grade, pave, curb, gutter or hard surface a highway lying within the corporate limits of a city or village having a population of not more than fifteen hundred inhabitants, as prescribed; and to provide for paying for such paving or hard surfacing of such highway by such cities and villages.

**LEGISLATIVE BILL 565.** By Don Thompson of Legislative District 33.

A bill for an act to amend sections 2-1063, 2-1064, 2-1065, 23-220, 32-315, 39-703, 39-706, 39-707, 39-809, 46-264, 46-266, 54-312, 54-313, 54-314, 73-101, 74-609, 77-1611, and 86-334, Reissue Revised Statutes of Nebraska, 1943, and sections 39-1519 and 39-1520, Revised Statutes Supplement, 1957, relating to county roads, road districts and road overseers; to clarify the provisions of such sections and harmonize them with other legislation; to reassign duties formerly imposed upon road overseers in areas where such office no longer exists; to establish road districts in township counties not operating under a county road unit system; to eliminate an erroneous internal reference; to remove references to the county highway commission, an office which has been abolished; and to repeal the original sections.

**SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of a department bill at the request of the Auditor of Public Accounts. (Signed) Don Thompson

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

**LEGISLATIVE BILL 566.** By Don Thompson of Legislative District 33.

A bill for an act to amend section 84-314, Reissue Revised Statutes of Nebraska, 1943, relating to state departments; to remove the maximum amount that may be paid to the deputy auditor of public accounts; to provide when a change in such salary may become operative; and to repeal the original section.

**LEGISLATIVE BILL 567.** By Frank Nelson of Legislative District 28.

A bill for an act to amend section 79-332, Reissue Revised Statutes of Nebraska, 1943, relating to education; to remove the provision that the Commissioner of Education shall decide dis-

puted points of school law, which decision shall have the force of law until changed by the courts; and to repeal the original section and also section 79-306, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 568.** By Frank Nelson of Legislative District 28.

A bill for an act to amend section 54-110, Revised Statutes Supplement, 1957, relating to livestock; to change the price of the brand book to ten dollars; and to repeal the original section.

**LEGISLATIVE BILL 569.** By Frank Nelson of Legislative District 28.

A bill for an act to amend section 71-204, Reissue Revised Statutes of Nebraska, 1943, relating to barbers; to reduce the length of apprenticeship of barbers; to provide that apprentice barbers must practice under the sponsorship of a registered barber; and to repeal the original section.

#### **SUSPEND RULES—Introduce Bill**

Mr. President: I move that the rules be suspended to permit the introduction of a Department of Insurance bill. (Signed) John P. Munnelly

The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

**LEGISLATIVE BILL 570.** By John P. Munnelly of Legislative District 8.

A bill for an act to amend sections 44-407.02, 44-407.04, 44-407.05, and 44-407.06, Reissue Revised Statutes of Nebraska, 1943, relating to Standard Nonforfeiture Law; to redefine present value of adjusted premiums; to provide the basis of calculation of adjusted premium, as provided; and to repeal the original sections.

**LEGISLATIVE BILL 571.** By Harold B. Stryker of Legislative District 17, J. W. Burbach of Legislative District 14, and Richard D. Marvel of Legislative District 31.

A bill for an act to amend section 39-719, Revised Statutes Supplement, 1957, relating to highways; to permit the moving of farm equipment in excess of eight feet by farm equipment dealers, as prescribed; and to repeal the original section.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Stryker requested unanimous consent to add the names of Dale Erlewine of Legislative District 37 and Hans O. Jensen of Legislative District 25 as co-introducers of LB 571. No objections. So ordered.

**LEGISLATIVE BILL 572.** By Harold B. Stryker of Legislative District 17 and Kenneth L. Bowen of Legislative District 32.

A bill for an act relating to cities and villages, all; to authorize cities and villages to pay the expenses of all firemen periodically designated to attend the fire department training school at the state fire school, Grand Island, Nebraska; to train designated firemen and to pay the cost of such training and the expenses of such firemen while they are attending such school; and to authorize the attendance of such persons under the same conditions at any other fire department training school that shall be approved by the department of fire prevention and civil defense.

**LEGISLATIVE BILL 573.** By Harold B. Stryker of Legislative District 17 and Kenneth L. Bowen of Legislative District 32.

A bill for an act to amend section 35-101, Revised Statutes Supplement, 1957, relating to volunteer firemen; to provide that retired voluntary firemen may claim exemption from serving upon all grand and petit juries and juries in justice of peace courts; to provide that persons who received certificates of exemption for five years service prior to September 20, 1957, shall be entitled to all exemptions theretofore enjoyed by holders of such certificates; and to repeal the original section.

**LEGISLATIVE BILL 574.** By Hans O. Jensen of Legislative District 25.

A bill for an act to amend sections 66-447, 66-452, 66-461, and 66-462, Reissue Revised Statutes of Nebraska, 1943, relating to refund tax gasoline; to provide for refund of the motor vehicle fuel tax for such fuel used in school buses while used for official business; and to repeal the original sections.

**LEGISLATIVE BILL 575.** By John Aufenkamp of Legislative District 2 and William Moulton of Legislative District 10.

A bill for an act relating to motor vehicle fuels; to provide a method of computing the road tax for motor carriers which operates

on highways any passenger vehicle that has seats for more than nine persons in addition to the driver, or any road tractor or truck-tractor, or any truck having more than two axles; to define terms; to provide for violations; to provide penalties; to provide additional duties for the Director of the Department of Agriculture and Inspection; to provide for disposition of the tax; to amend sections 66-504 and 66-606.01, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

**LEGISLATIVE BILL 576.** By John Aufenkamp of Legislative District 2 and William Moulton of Legislative District 10.

A bill for an act to amend section 60-305.03, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide that common carriers of passengers operated interstate, or jointly intrastate and interstate commerce, in Nebraska may register the vehicles of his fleet, as prescribed, on an annual proportional basis, as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 577.** By Arthur W. Swanson of Legislative District 36, Edwin T. McHugh of Legislative District 3, and H. K. Diers of Legislative District 24.

A bill for an act relating to banks and banking; to authorize a commercial bank to conduct a trust business, as prescribed; to provide powers and duties for the Director of Banking; to provide powers, duties and obligations of the trust department of a commercial bank; to amend section 8-205, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

**LEGISLATIVE BILL 578.** By Jack Romans of Legislative District 29.

A bill for an act relating to the State Railway Commission; to validate certain certificates of public convenience and necessity issued without a finding of public convenience and necessity; and to declare an emergency.

**LEGISLATIVE BILL 579.** By Joe T. Vosoba of Legislative District 23.

A bill for an act relating to county officers; to require that the name or names of each signer of an instrument presented for filing or recording in the office of the county clerk or register of deeds, including the name of any notary or official taking the ac-

knowledge, shall be typewritten or legibly printed beneath such signature, and the county clerk or register of deeds may refuse to accept and file any instrument failing to meet the requirements of this section.

**LEGISLATIVE BILL 580.** By Joe T. Vosoba of Legislative District 23.

A bill for an act to amend sections 2-927, 2-928, 2-940, and 2-943, Reissue Revised Statutes of Nebraska, 1943, relating to weed eradication districts; to provide for financing the operations of such districts by a tax of not to exceed one-fourth mill on the assessed valuation of all taxable rural property, except intangible property within such district; to provide for the determination of the amount of such tax and the collection thereof; to repeal the original sections and also sections 2-929, 2-930, 2-931, 2-932, 2-933, 2-934, 2-935, 2-937, 2-938, and 2-939, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 581.** By Harold B. Stryker of Legislative District 17.

A bill for an act to amend section 79-478, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for transfer of elementary pupils to another district, as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 582.** By Kenneth L. Bowen of Legislative District 32.

A bill for an act to amend section 79-4,102, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase the free high school tuition fee; and to repeal the original section.

**LEGISLATIVE BILL 583.** By Don Thompson of Legislative District 33, David D. Tews of Legislative District 15, and Arnold Ruhnke of Legislative District 22.

A bill for an act to amend sections 72-1005 and 72-1007, Reissue Revised Statutes of Nebraska, 1943, relating to the State Institutional and Military Department Building Fund; to increase the State Institutional and Military Department Building Fund to eighty-five hundredths of a mill; to change the proportions in which such fund is distributed; to provide for the inclusion of junior colleges within such distribution; and to repeal the original sections.

**LEGISLATIVE BILL 584.** By David D. Tews of Legislative District 15, Stanley L. Portsche of Legislative District 19, and John P. Munnelly of Legislative District 8.

A bill for an act to amend section 60-407, Revised Statutes Supplement, 1957, relating to motor vehicle operators' permits; to eliminate an erroneous internal reference; to provide for the issuance of permits to minors who have attained the age of fourteen years but who have not yet attained the age of sixteen years to operate motor scooters and motorcycles as prescribed; to require an examination; to provide fees; to provide that a person having another permit shall not be required to procure an additional permit; and to repeal the original section.

**LEGISLATIVE BILL 585.** By Stanley L. Portsche of Legislative District 19.

A bill for an act relating to dairy products; to define terms; to prohibit unfair trade practices in the dealing in dairy products; to provide for injunctive relief; to provide duties for the Attorney General; to provide for violations; to provide penalties; to provide a construction clause; and to declare an emergency.

**LEGISLATIVE BILL 586.** By Arnold Ruhnke of Legislative District 22.

A bill for an act to amend section 81-263.06, Reissue Revised Statutes of Nebraska, 1943, relating to Grade A milk; to provide that provisions of the Grade A milk law and regulations, except such provisions or regulations respecting product quality, plant inspection, and the payment of inspection fees shall not apply to anyone processing, distributing, or both processing and distributing dairy products for sale solely within a radius of twenty miles of such person's place of business; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 587.** By Marvin Lautenschlager of Legislative District 30, J. O. Peck of Legislative District 26, and David D. Tews of Legislative District 15.

A bill for an act to amend section 72-702, Reissue Revised Statutes of Nebraska, 1943, relating to the University of Nebraska; to remove any restriction on The Board of Regents of the University of Nebraska for holding classes at various localities throughout the state; to empower The Board of Regents to furnish in-

struction on a contract basis at duly constituted junior colleges in the state; and to repeal the original section.

**LEGISLATIVE BILL 588.** By Fern Hubbard Orme of Legislative District 20 and Hal Bridenbaugh of Legislative District 13.

A bill for an act to amend sections 83-222, 83-227, and 83-324, Reissue Revised Statutes of Nebraska, 1943, relating to mental health; to provide that the initial commitment of persons under the age of twelve years shall be to the Nebraska Psychiatric Institute rather than to the Beatrice State Home; to provide for such commitment by order of the juvenile court or the county court; to provide when such order shall become a final order of commitment; to provide for the care and release of such patient; to provide for the transfer of patients from the Beatrice State Home to the Nebraska Psychiatric Institute; to provide how the cost of maintaining patients transferred from the Beatrice State Home to any other institution shall be handled; to provide that the application for commitment to, or request for discharge from a state hospital for the mentally ill of a person under the age of fifteen years shall be made by such person's parent, legal guardian, or next of kin; and to repeal the original sections.

**LEGISLATIVE BILL 589.** By Sam Klaver of Legislative District 6, John Aufenkamp of Legislative District 2, and George Syas of Legislative District 4.

A bill for an act to amend section 68-801, Reissue Revised Statutes of Nebraska, 1943, relating to aid for the disabled; to include mental impairment in the provisions of Chapter 68, article 8, Reissue Revised Statutes of Nebraska, 1943, as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 590.** By David D. Tews of Legislative District 15.

A bill for an act relating to liquors; to provide for the licensing of persons who sell or dispense alcoholic liquors or who represent manufacturers, brewers, or distributors as employees of liquor licensees; to make certain acts unlawful; to provide for the renewal of licenses; to provide penalties; and to provide for the suspension or revocation of licenses.

**Mr. Thompson Presiding**

**SUSPEND RULES—Introduce Bills**

Mr. President: I move that the rules be suspended to permit the introduction of seven departmental bills. (Signed) John P. Munnelly

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

**LEGISLATIVE BILL 591.** By John P. Munnelly of Legislative District 8.

A bill for an act to amend section 44-404, Reissue Revised Statutes of Nebraska, 1943, relating to Standard Nonforfeiture Law; to provide for valuation of policy contracts, as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 592.** By John P. Munnelly of Legislative District 8.

A bill for an act to amend sections 44-137.08, 44-140, 44-141, 44-142, 44-143, 44-144, 44-145, 44-146, and 44-147, Reissue Revised Statutes of Nebraska, 1943, and section 44-139, Revised Statutes Supplement, 1957, relating to insurance; to provide for the licensing of surplus lines agents by the Director of Insurance; to provide for the placing, procuring, or effecting of insurance in insurers not possessing a certificate of authority to transact the business of insurance in Nebraska; to provide penalties; and to repeal the original sections.

**LEGISLATIVE BILL 593.** By John P. Munnelly of Legislative District 8.

A bill for an act to amend section 44-401, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change the valuation and reserve requirements for fire and automobile insurance companies as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 594.** By John P. Munnelly of Legislative District 8.

A bill for an act relating to insurance; to provide for the regulation of life insurance sold in connection with loans or other credit transactions; to prescribe the form, amount and term of such insurance; to prescribe the regulatory duties of the Department of Insurance regarding life insurance sold in connection with loans or other credit transactions; and to provide penalties.



**LEGISLATIVE BILL 595.** By John P. Munnelly of Legislative District 8.

A bill for an act to amend section 44-710, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to extend the time that must elapse after filing form of policy, endorsement, rider, or application before a policy of sickness and accident insurance may be issued; and to repeal the original section.

**LEGISLATIVE BILL 596.** By John P. Munnelly of Legislative District 8.

A bill for an act to amend section 44-349, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide all insurance corporations shall have on the face of every policy or certificate issued whether the corporation is a stock, mutual, assessment, or fraternal; and to repeal the original section.

**LEGISLATIVE BILL 597.** By John P. Munnelly of Legislative District 8.

A bill for an act to amend section 44-309, Revised Statutes Supplement, 1957, relating to insurance; to provide that legally issued bonds secured by first mortgage on real estate in any territory of the United States and mortgage bonds, debentures, or other interest-bearing evidences of indebtedness of any corporation or corporations, other than a railroad or public utility corporation, incorporated under the laws of any territory of the United States shall be authorized investments for domestic insurance companies; and to repeal the original section.

**LEGISLATIVE BILL 598.** By William Moulton of Legislative District 10 and Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 3-148, Reissue Revised Statutes of Nebraska, 1943, relating to aeronautics; to authorize the Civil Defense Agency of the Military Department to contract, as prescribed, with the Civil Air Patrol; to authorize an appropriation out of the Aircraft Fuel Tax Fund; to repeal the original section and also sections 81-829.33 and 81-829.34, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 599.** By Peter H. Claussen of Legislative District 16 and Frank Nelson of Legislative District 28.

A bill for an act to amend section 79-426.15, Reissue Revised Statutes of Nebraska, 1943, relating to education; to change the

method of holding the election on the question of adoption or rejection of a proposed plan of school district reorganization; to provide that each district shall vote as a unit; to require a majority vote of all electors of each school district for approval of such plan; and to repeal the original section.

**LEGISLATIVE BILL 600.** By Marvin Lautenschlager of Legislative District 30 and Edwin T. McHugh of Legislative District 3.

A bill for an act to amend section 25-314, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide the procedure for service of process when a company, firm, or unincorporated organization does not have a usual place of doing business or activity within the state, nor a clerk or general agent within the state; and to repeal the original section.

**LEGISLATIVE BILL 601.** By Otto H. Liebers of Legislative District 18.

A bill for an act to amend section 85-106, Reissue Revised Statutes of Nebraska, 1943, relating to the University of Nebraska; to authorize the Board of Regents to re-employ former university employees and to make them eligible for current retirement benefits; and to repeal the original section.

**LEGISLATIVE BILL 602.** By Norman A. Otto of Legislative District 34, Dwain Williams of Legislative District 35, and George C. Gerdes of Legislative District 41.

A bill for an act to amend sections 77-913 and 77-914, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change the manner of allocation of the Insurance Tax Fund; and to repeal the original sections.

**LEGISLATIVE BILL 603.** By J. W. Burbach of Legislative District 14 and Frank Nelson of Legislative District 28.

A bill for an act to amend section 79-486, Reissue Revised Statutes of Nebraska, 1943, relating to education; to change the number of pupils required for the reopening of the schoolhouse within its district by a district that has contracted for instruction for two or more consecutive years; and to repeal the original section.

**SELECT FILE**

**LEGISLATIVE BILL 3.** E and R amendment found in the Legislative Journal for the Nineteenth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 66.** E and R amendments found in the Legislative Journal for the Nineteenth Day were adopted.

Advanced to E and R for engrossment.

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 604.** By Hans O. Jensen of Legislative District 25, Arnold Ruhnke of Legislative District 22, and Norman A. Otto of Legislative District 34.

A bill for an act to amend sections 2-1207 and 2-1208, Reissue Revised Statutes of Nebraska, 1943, relating to agriculture; to reduce the percentage entitled to be retained out of the total sum wagered by the pari-mutuel method on each horse race; to impose a tax of four per cent on the gross amount wagered at each race meeting held within this state; to require reports; to provide for the collection of such tax; to provide for the payment of administrative expenses; to establish the Pari-Mutuel Tax Fund; to provide how such fund shall be disbursed; to provide duties for certain officers; and to repeal the original sections.

**UNANIMOUS CONSENT—Add Co-introducer**

Mr. Jensen requested unanimous consent to add the name of Oliver Olinger of Legislative District 12 as co-introducer of LB 604. No objections. So ordered.

**LEGISLATIVE BILL 605.** By Fern Hubbard Orme of Legislative District 20.

A bill for an act relating to initiative or referendum petitions; to prohibit the coercion, intimidation, or threatening of employees with respect to the signing of or withdrawal of signatures from initiative or referendum petitions; to provide exceptions; and to provide penalties.

**LEGISLATIVE BILL 606.** By Fern Hubbard Orme of Legislative District 20.

A bill for an act to provide for the submission to the electors of Nebraska the question of the calling of a constitutional convention.

**LEGISLATIVE BILL 607.** By John P. Munnelly of Legislative District 8, John Adams, Sr. of Legislative District 5, and Michael P. Russillo of Legislative District 9.

A bill for an act to amend section 23-1206.01, Revised Statutes Supplement, 1957, relating to county attorneys; to provide that the provisions of this section shall not apply to deputy county attorneys appointed by the county attorney who serve without pay; to eliminate the restriction of referring any legal matter or civil or criminal litigation to any lawyer by the county attorney, deputy county attorney or employee of the county attorney in such counties; and to repeal the original section.

**LEGISLATIVE BILL 608.** By John P. Munnelly of Legislative District 8 and Michael P. Russillo of Legislative District 9.

A bill for an act to amend section 37-214.03, Revised Statutes Supplement, 1957, relating to game and fish; to provide that prescribed veterans rated as disabled to any extent by the Veterans Administration of the United States shall be exempt from the payment of any fees to hunt or fish in this state; and to repeal the original section.

**LEGISLATIVE BILL 609.** By Richard D. Marvel of Legislative District 31.

A bill for an act to authorize the Governor to sell, at public auction, the east half of section sixteen, township seven North, range ten West, less that portion on the north side which lies north of Juniata road, containing approximately ten acres and a strip along the east side containing our sewer line and sewage disposal plant, and outlet to the creek, approximately two hundred feet wide and twenty-six hundred forty feet long, approximately twelve acres, a total of twenty-two acres, and the northwest quarter of section fifteen, township seven, range ten West, less existing rights-of-way belonging to the C. B. Q. Railroad and the Department of Roads, located in Adams County, Nebraska, and deliver a deed on behalf of the State of Nebraska for such purpose; and to provide that the proceeds of such sale shall be placed to the credit of the Board of Control.

**LEGISLATIVE BILL 610.** By Edwin T. McHugh of Legislative District 3 and Richard D. Marvel of Legislative District 31.

A bill for an act to amend section 35-502, Revised Statutes Supplement, 1957, relating to fire protection districts; to provide a procedure for conversion of a rural fire protection district to a suburban fire protection district; and to repeal the original section.

**LEGISLATIVE BILL 611.** By Stanley L. Portsche of Legislative District 19, William Moulton of Legislative District 10, and Oliver Olinger of Legislative District 12.

A bill for an act for submission to the electors of an amendment to Article III, section 24, of the Constitution of Nebraska, relating to legislative powers; to permit the Legislature to authorize lottery or gift enterprise where the consideration of chance to participate does not involve the payment of money for the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; to provide the effective date of such proposed amendment if adopted; and to provide that the Governor, if such amendment is adopted shall make a proclamation thereof as prescribed.

**LEGISLATIVE BILL 612.** By Stanley L. Portsche of Legislative District 19.

A bill for an act to amend sections 60-311.03 and 60-330, Revised Statutes Supplement, 1957, relating to motor vehicles; to redefine commercial trucks and commercial trailers; and to repeal the original sections.

**LEGISLATIVE BILL 613.** By Stanley L. Portsche of Legislative District 19.

A bill for an act to amend section 1-136, Revised Statutes Supplement, 1957, relating to Public Accounting Act of 1957; to provide that certified public accountants and public accountants not actively engaged in public accounting shall be required to pay an annual renewal fee of not to exceed five dollars and shall not be required to furnish a corporate bond or other liability insurance; and to repeal the original section.

**LEGISLATIVE BILL 614.** By Stanley L. Portsche of Legislative District 19.

A bill for an act relating to petroleum products; to make it unlawful to sell petroleum products under deception as to quality of identity, to make unlawful use of marked containers or distributing equipment, to use imitation trade-marks, to sell under false mark or name, to wrongfully mix or blend, or to aid in violation of the provisions of this act; and to provide penalties.

**LEGISLATIVE BILL 615.** By Lewis Webb of Legislative District 39.

A bill for an act to amend section 81-801, Reissue Revised Statutes of Nebraska, 1943, relating to the Game, Forestation and Parks Commission; to provide the members of the commission shall be elected, as prescribed; to provide for the terms, and qualifications of the members; to provide for vacancies; and to repeal the original section.

**LEGISLATIVE BILL 616.** By J. W. Burbach of Legislative District 14, H. K. Diers of Legislative District 24, and Richard D. Marvel of Legislative District 31.

A bill for an act relating to the State Railway Commission; to provide for the testing and sealing of grain moisture measuring devices under regulations to be adopted as prescribed; to prescribe duties for certain public officials; to make certain acts unlawful; and to provide penalties.

**UNANIMOUS CONSENT—Add Co-introducer**

Mr. Burbach asked unanimous consent to add the name of Hans O. Jensen of Legislative District 25 as co-introducer to LB 616. No objections. So ordered.

**LEGISLATIVE BILL 617.** By Michael P. Russillo of Legislative District 9, William Moulton of Legislative District 10, and J. O. Peck of Legislative District 26.

A bill for an act relating to detective associations; to provide for revision, adoption, and establishment of a code of laws for the State of Nebraska relating to licensing and regulation of private detective business and schools; to define terms; to create a Private Detective Licensing Board; to provide for members of such board, their appointment, duties and compensation; to set out license procedure; to authorize hearings and investigations; to establish a Private Detective Licensing Board Fund; to specify duties; to prescribe violations; to provide penalties; to amend sections 21-904,

21-907, and 21-912, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections; and to declare an emergency.

### **MOTION—Recess**

Mr. President: I move that when we recess at noon today, we recess until 4:00 p.m. this afternoon. (Signed) Sam Klaver

The motion prevailed.

**LEGISLATIVE BILL 618.** By John R. Cooper of Legislative District 1, J. W. Burbach of Legislative District 14, and Jack Romans of Legislative District 29.

A bill for an act to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to increase the rate that may be paid for publishing proceedings of the county board; and to repeal the original section.

**LEGISLATIVE BILL 619.** By George Syas of Legislative District 4.

A bill for an act to amend section 83-426, Reissue Revised Statutes of Nebraska, 1943, relating to penal and correctional institutions; to increase the amount paid to prisoners on their release from a state penal institution; to harmonize the provisions thereof with previous legislation; and to repeal the original section, and also section 29-2627, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 620.** By George Syas of Legislative District 4 and George F. Fulton of Legislative District 21.

A bill for an act relating to the Game, Forestation and Parks Commission; to authorize the Game, Forestation and Parks Commission to provide retirement benefits for employees as prescribed.

**LEGISLATIVE BILL 621.** By George Syas of Legislative District 4.

A bill for an act to amend section 37-502, Revised Statutes Supplement, 1957, relating to game and fish; to permit the taking of any fish by spearing or by bow and arrow; and to repeal the original section.

**LEGISLATIVE BILL 622.** By George Syas of Legislative District 4.

A bill for an act to amend section 81-805, Reissue Revised Statutes of Nebraska, 1943, relating to the Game, Forestation and Parks Commission; to authorize the Game, Forestation and Parks Commission to enter into contracts, leases, or lease purchase agreements for prescribed purposes; to authorize such commission to publish informational material and to charge fees therefor; and to repeal the original section.

**LEGISLATIVE BILL 623.** By George Syas of Legislative District 4.

A bill for an act to amend section 37-501, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to provide that it shall be unlawful to hunt with the aid of an artificial light attached to or used from a motor vehicle; to authorize the use of a handlight for the hunting of prescribed animals; and to repeal the original section.

**LEGISLATIVE BILL 624.** By George Syas of Legislative District 4.

A bill for an act for submission to the electors of an amendment to Article III, sections 5 and 6, of the Constitution of Nebraska, relating to the Legislature; to increase the maximum number of members of the Legislature, and for apportionment and election of the members; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; and to provide the effective date thereof.

**LEGISLATIVE BILL 625.** By Hans O. Jensen of Legislative District 25 and Kenneth L. Bowen of Legislative District 32.

A bill for an act relating to real estate; to provide that when any plat of city or village lots has been filed of record on or before January 1, 1937, it shall be conclusively presumed that the person filing such plat was the owner, in fee simple, of the real estate described therein, free and clear of any lien or encumbrance of any kind unless an action on any claimed lien or encumbrance is brought within one year from the effective date of this act; and to provide a statute of limitations with respect to plats filed after the effective date of this act.

**LEGISLATIVE BILL 626.** By John P. Munnely of Legislative District 8.

A bill for an act to amend section 44-310.02, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide that



securities described in subsections (9), (10), and (11) of section 44-309, Reissue Revised Statutes of Nebraska, 1943, shall be valued at cost in applying the limitation on investment of assets in such securities; to provide that the limitation percentage apply to admitted assets; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 627.** By Terry Carpenter of Legislative District 42.

A bill for an act creating a merit system in counties having a population of two hundred thousand inhabitants or more when approved by a majority of the voters of the county; to define terms; to provide for the creation of a county personnel board; to provide for the appointment of a county personnel director; to prescribe what employees are or will be subject to this act; to authorize the board to make rules and regulations to classify position, study and prepare compensation schedules, conduct examinations, prepare original entrance and promotional lists and make certifications therefrom, hold hearings, and make reinstatements; and to provide for a levy to administer this act.

**LEGISLATIVE BILL 628.** By Terry Carpenter of Legislative District 42 and John P. Munnelly of Legislative District 8.

A bill for an act to amend section 60-509, Reissue Revised Statutes of Nebraska, 1943, relating to the Motor Vehicle Safety Responsibility Act; to increase the limits of liability policies and corporate surety bonds, as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 629.** By George F. Fulton of Legislative District 21 and Arthur W. Swanson of Legislative District 36.

A bill for an act to amend section 16-622, Revised Statutes Supplement, 1957, relating to cities of the first class; to provide for the payment of graveling assessments in three equal payments; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 630.** By Oliver Olinger of Legislative District 12, and Stanley L. Portsche of Legislative District 19, and J. W. Burbach of Legislative District 14.

A bill for an act relating to mobile homes and mobile home courts; to provide for the regulation thereof by the Department

of Agriculture and Inspection; to provide for license fees and permits for such mobile home courts; to require certain reports to the specified county assessor about a mobile home court; to require annual permits from specified county clerks and to provide for the display and for the cost thereof; to require current Nebraska plates under certain conditions; to provide exceptions; to provide for disbursement of fees; to provide into which fund the prescribed fees shall be placed; to make certain acts unlawful; to provide penalties; and to repeal sections 81-2,198, 81-2,199, 81-2,200, 81-2,201, 81-2,202, 81-2,203, 81-2,204, 81-2,205, 81-2,206, 81-2,207, 81-2,208, 81-2,209, and 81-2,210, Reissue Revised Statutes of Nebraska, 1943.

**LEGISLATIVE BILL 631.** By Richard D. Marvel of Legislative District 31 and H. K. Diers of Legislative District 24.

A bill for an act relating to motor vehicles; to require the driver of any motor vehicle upon meeting or overtaking any school bus to reduce speed under prescribed conditions or to come to a complete stop under prescribed conditions; to provide when such driver shall proceed; to provide an exception; to provide for the posting of signs, as prescribed; to authorize the Department of Roads to furnish signs at cost to school districts; and to provide a penalty.

#### **President Burney Presiding**

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 39

#### **GENERAL FILE**

**LEGISLATIVE BILL 110.** Laid over until Thursday, February 5, 1959, at the request of Mr. Fenske.

**LEGISLATIVE BILL 30.** Considered.

Mr. Klaver offered the following amendment:

1. Amend the bill, section 1, line 43, by inserting, after "state", the following: "*except in cities of the metropolitan class*".

Mr. Carpenter requested a record vote.

Voting in the affirmative, 12:

Aufenkamp	Carpenter	Munnelly	Russillo
Bowen	Klaver	Nelson	Syas
Bridenbaugh	Moulton	Ruhnke	Webb

Voting in the negative, 19:

Adams	Hollenbeck	Orme	Stryker
Donner	Lautenschlager	Otto	Swanson
Fenske	Liebers	Pizer	Thompson
Fulton	Marvel	Romans	Vosoba
Gerdes	McHugh	Simmons	

Not voting, 12:

Burbach	Diers	Olinger	Skarda
Claussen	Erlewine	Peck	Tews
Cooper	Jensen	Portsche	Williams

The Klaver amendment lost.

Section 2 and the title read and considered.

Mrs. Orme offered the following amendments which were adopted:

Amend LB 30 as follows:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

### Recess

At 12:05 p.m. on a motion by Mr. Pizer, the Legislature recessed until 4:00 p.m.

### After Recess

The Legislature reconvened at 4:01 p.m., President Burney presiding.

The roll was called and all members were present.

**Presented to the Governor**

Presented to the Governor for approval on February 2, 1959,  
at 11:50 a.m.: LB 39

(Signed) Jo Fisher, Enrolling Clerk

**BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 632.** By George F. Fulton of Legislative District 21 and Lewis Webb of Legislative District 39.

A bill for an act to amend section 74-915, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to include other employees to which the Department of Labor may promulgate reasonable rules and regulations affecting their welfare and health; to provide who may file claims with the Department of Labor; and to repeal the original section.

**LEGISLATIVE BILL 633.** By J. W. Burbach of Legislative District 14 and Terry Carpenter of Legislative District 42.

A bill for an act relating to weather; to provide for weather control districts; to provide for their organization; to provide the procedures, powers, and duties thereof; to provide for the dissolution thereof; to provide for jurisdiction of the courts as prescribed; to provide that such districts shall have power to tax as prescribed; to provide how this act may be cited; to provide a saving clause for districts organized under a prior law; and to repeal sections 2-2410, 2-2411, 2-2412, 2-2413, 2-2414, 2-2415, 2-2416, 2-2417, 2-2418, 2-2419, 2-2420, 2-2421, 2-2422, 2-2423, 2-2424, 2-2425, 2-2426, and 2-2427, Revised Statutes Supplement, 1957; and to declare an emergency.

**LEGISLATIVE BILL 634.** By Edwin T. McHugh of Legislative District 3, John R. Cooper of Legislative District 1, and J. O. Peck of Legislative District 26.

A bill for an act to amend section 69-601, Reissue Revised Statutes of Nebraska, 1943, relating to assignment of accounts re-

ceivable; to redefine the term account or accounts receivable; and to repeal the original section.

**LEGISLATIVE BILL 635.** By J. O. Peck of Legislative District 26, Fern Hubbard Orme of Legislative District 20, and Edwin T. McHugh of Legislative District 3.

A bill for an act relating to state trust companies; to permit state trust companies to merge or consolidate with national banking associations and the procedure to be followed; to provide the rights, powers, and duties of the resulting national bank and trust company; to provide for payment of the value of their shares to state trust company stockholders who dissent from such merger; and to provide how such value shall be determined.

**LEGISLATIVE BILL 636.** By David D. Tews of Legislative District 15.

A bill for an act to amend section 83-243, Reissue Revised Statutes of Nebraska, 1943, relating to care of dependent children; to increase the amount that may be paid per month for maintenance of children placed by the Board of Control in private families, board homes, or incorporated institutions; and to repeal the original section.

### **SUSPEND RULES—Introduce Bill**

Mr. President: I move that we suspend rules in order to introduce a bill at the request of the State Treasurer. (Signed) Terry Carpenter.

The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

**LEGISLATIVE BILL 637.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend section 84-608, Reissue Revised Statutes of Nebraska, 1943, relating to the State Treasurer; to remove the limitation on the maximum salary to be paid the deputy state treasurer; to provide when such change shall become effective; and to repeal the original section.

**LEGISLATIVE BILL 638.** By George Syas of Legislative District 4.

A bill for an act to amend section 14-1026, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan

class; to provide that a metropolitan water district or metropolitan utilities district shall not have the power to tax; and to repeal the original section.

**LEGISLATIVE BILL 639.** By David D. Tews of Legislative District 15.

A bill for an act to provide the salary of the Lieutenant Governor, a constitutional state officer mentioned in Article XVII, section 3, of the Constitution of Nebraska; to provide when the same shall become operative; and to declare an emergency.

**LEGISLATIVE BILL 640.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to liquor; to provide that distributors and wholesalers shall offer the same terms to all retail licensees, and shall not refuse to sell to any retail licensee except after revocation of such retailer's license or while such retailer is delinquent in payments as prescribed.

**LEGISLATIVE BILL 641.** By Terry Carpenter of Legislative District 42.

A bill for an act relating to Liquor Control Act; to prohibit any member of the Legislature who holds a license under the provisions of Chapter 53, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, except as prescribed from introducing or authorizing either directly or indirectly, any act to repeal, revise or amend, any part of the Liquor Control Act; and to declare an emergency.

#### **SUSPEND RULES—Introduce Bill**

Mr. President: I move that we suspend rules to introduce a bill requested by the Department of Health. (Signed) Richard D. Marvel

The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

**LEGISLATIVE BILL 642.** By Richard D. Marvel of Legislative District 31, William Moulton of Legislative District 10, and Peter H. Claussen of Legislative District 16.

A bill for an act to amend sections 71-301, 71-302, 71-303, 71-304, 71-305, 71-306, 71-307, 71-308, 71-309, 71-310, and 71-311, Reissue Revised Statutes of Nebraska, 1943, relating to cosmetology; to

regulate the practice of cosmetology and the operation of schools of cosmetology; to define terms; to provide for issuance of certificates of registration as a registered cosmetology instructor or beauty shop; to provide fees and to increase certain fees; to provide standards for the licensing and operation of a school of cosmetology and the licensing of cosmetology instructors; to require additional training of an applicant for a certificate of registration to practice cosmetology who fails to pass the prescribed examination; to provide for the transfer or change of ownership of a cosmetology shop or school of instructors; to provide how the Board of Cosmetologist Examiners may be composed and to change the compensation of the members there; to provide for rules and regulations; to provide that gross malpractice rather than malpractice shall be a basis for suspension, revocation, or refusal to issue or renew any certificate of registration; and to repeal the original sections.

#### **SUSPEND RULES—Introduce Bills**

Mr. President: I move that we suspend rules in order to introduce two departmental bills. (Signed) J. O. Peck

The motion prevailed with 30 ayes, 0 nays, and 13 not voting.

**LEGISLATIVE BILL 643.** By J. O. Peck of Legislative District 26, Peter H. Claussen of Legislative District 16, and Richard D. Marvel of Legislative District 31.

A bill for an act to amend section 44-107.03, Revised Statutes Supplement, 1957, relating to insurance; to eliminate the maximum amount that may be paid examiners making examinations of insurance companies; and to repeal the original section.

**LEGISLATIVE BILL 644.** By J. O. Peck of Legislative District 26, Peter H. Claussen of Legislative District 16, and Richard D. Marvel of Legislative District 31.

A bill for an act to amend section 44-119.01, Revised Statutes Supplement, 1957, relating to insurance; to increase the salaries of actuaries and examiners, as prescribed; to provide when such increases shall become operative; and to repeal the original section.

**LEGISLATIVE BILL 645.** By William Moulton of Legislative District 10.

A bill for an act to amend section 77-202, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide

that where any cemetery association or organization is engaged in any commercial or other activity in competition with any other type of private business, all of the property of such association or organization shall be subject to taxation; and to repeal the original section.

**LEGISLATIVE BILL 646.** By J. O. Peck of Legislative District 26, Peter H. Claussen of Legislative District 16, and Arthur W. Swanson of Legislative District 36.

A bill for an act to amend section 81-103, Reissue Revised Statutes of Nebraska, 1943, relating to salaries of state administrative officers; to increase the salary of the Director of Insurance; to provide when such increase shall be effective; and to repeal the original section.

**LEGISLATIVE BILL 647.** By Edwin T. McHugh of Legislative District 3 and Joe T. Vosoba of Legislative District 23.

A bill for an act to amend section 12-505, Reissue Revised Statutes of Nebraska, 1943, relating to cemetery associations; to provide that such association may purchase cemetery lots sold at public sale as prescribed; to provide that such association may reclaim the unused portion of any lot or subdivision in which there has been no burial and no payment of annual assessment for a period of twenty years; to provide how such reclamation shall be effected; and to repeal the original section.

**LEGISLATIVE BILL 648.** By Joe T. Vosoba of Legislative District 23.

A bill for an act to amend sections 39-764, 60-505, and 60-507, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide that reports of motor vehicle accidents shall be made to the Department of Motor Vehicles rather than the Department of Roads; to provide for the form of such report; to provide that the Department of Motor Vehicles shall furnish a portion of such report to the Department of Roads; to increase to two years the time after which certain records may be destroyed; to provide that a portion of such report shall contain information respecting liability insurance, which portion shall be forwarded to the company, if any, named as furnishing liability insurance; to provide a presumption and the effect of such presumption; and to repeal the original sections and also section 60-505.01, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 649.** By Joe T. Vosoba of Legislative District 23.



A bill for an act to amend section 38-101, Reissue Revised Statutes of Nebraska, 1943, relating to minors; to provide that the minority of any person marrying under the age of twenty-one years shall terminate; and to repeal the original section.

**LEGISLATIVE BILL 650.** By Stanley L. Portsche of Legislative District 19 and John P. Munnely of Legislative District 8.

A bill for an act relating to state officers and employees; to provide that expense money may be advanced to state officers or employees about to incur expenses for which they would otherwise be entitled to reimbursement; to provide how the amount of such advance shall be determined; to provide procedures; and to provide for refunds.

**LEGISLATIVE BILL 651.** By Edwin T. McHugh of Legislative District 3, John R. Cooper of Legislative District 1, and John Aufenkamp of Legislative District 2.

A bill for an act to amend sections 66-452 and 66-462, Reissue Revised Statutes of Nebraska, 1943, relating to refund tax gasoline; to provide that refund tax motor vehicle fuel may be used in machinery used solely for quarrying purposes; to provide that vehicles or machines which cannot lawfully be licensed for highway use shall not be subject to the provision that no claim for refund shall be allowed for any motor vehicle which, if operated on the public highways would require registration and licensing; and to repeal the original sections.

**LEGISLATIVE BILL 652.** By J. O. Peck of Legislative District 26, Edwin T. McHugh of Legislative District 3, and John R. Cooper of Legislative District 1.

A bill for an act relating to and regulating the retail installment selling of goods, including motor vehicles; to define terms; to prescribe and regulate the form and content of contracts covering the retail installment sale of goods; to regulate the inclusion of insurance in a retail installment sale; to limit the time price differential; to regulate subsequent purchases and catalogue installment sales; to regulate delinquency charges; to require a partial refund of such time price differential on prepayment; to provide penalties for violations; to require licensing of purchasers of retail installment contracts; to provide how this act may be cited; and to provide severability.

**LEGISLATIVE BILL 653.** By Stanley L. Portsche of Legislative District 19, Kenneth L. Bowen of Legislative District 32, and Norman A. Otto of Legislative District 34.

A bill for an act to amend section 25-1506, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide that if the original maturity of the indebtedness secured by the foreclosed mortgage is more than twenty years from and after the date of the filing of the petition to foreclose said mortgage and said mortgage covered a lot or lots, or any part thereof, in a regularly platted subdivision, or a parcel of urban residential property not exceeding three acres in area, the stay period shall be three months instead of nine months; and to repeal the original section.

**LEGISLATIVE BILL 654.** By J. W. Burbach of Legislative District 14 and John R. Cooper of Legislative District 1.

A bill for an act relating to the State Railway Commission; to authorize the State Railway Commission to impose fees and charges upon persons, partnerships, associations, and corporations subject to or invoking its jurisdiction; to provide for the levy of assessments upon all common carriers and public utilities over which the State Railway Commission exercises jurisdiction both as to service and rate; to provide for payment of filing fees in an amount to be determined by the State Railway Commission by all other persons, partnerships, associations, or corporations, subject to or invoking its jurisdiction; and to provide for a continuing appropriation of the assessments and filing fees imposed by this act for the use of the State Railway Commission.

**LEGISLATIVE BILL 655.** By Hal Bridenbaugh of Legislative District 13.

A bill for an act relating to the annexation of territory of sanitary and improvement or road districts; to provide for the respective rights, powers, and duties of the district and city or village annexing a part or all of the territory within a sanitary and improvement district or a road improvement district; to provide for an adjustment of the property rights of the district and assumption of obligations by the city or village; to provide for the liquidation of the affairs of the district and dissolution of the district and release of the officers and discharge of their bonds; and to repeal sections 31-716, 31-760, Reissue Revised Statutes of Nebraska, 1943, and 39-1635, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 656.** By John R. Cooper of Legislative District 1 and Kenneth L. Bowen of Legislative District 32.

A bill for an act to amend sections 15-603, 16-502 and 17-611, Revised Statutes Supplement, 1957, relating to cities of the primary, first, and second class and villages; to eliminate the provisions that officers of cities of the primary, first and second class villages shall not be interested in contracts to which such city or village is a party or to the selling or furnishing of materials to such cities or village, and the effect of such contracts; and to repeal the original sections and also sections 14-1405, 18-301, 18-302, 23-146, 23-147, Reissue Revised Statutes of Nebraska, 1943, and sections 14-1816 and 79-442, Revised Statutes Supplement, 1957.

**LEGISLATIVE BILL 657.** By Michael P. Russillo of Legislative District 9.

A bill for an act relating to banking; to define terms; to relieve a bank from any duty of inquiry arising by mere lapse of time regarding a check or other demand instrument presented within six months from its date; to give a bank the option to refuse payment of a check or other demand instrument presented six months after its date; and to provide that no liability shall result from such refusal.

**LEGISLATIVE BILL 658.** By Terry Carpenter of Legislative District 42.

A bill for an act to amend sections 2-1207, and 2-1208, Reissue Revised Statutes of Nebraska, 1943, relating to pari-mutuel wagering; to increase the percentage entitled to be retained by the licensee out of the total sum wagered by the pari-mutuel method on each horse race; to impose a graduated tax on the gross amount wagered at each race meeting held within this state; to provide an exemption; to provide when such tax shall be paid; to establish the Pari-Mutuel Tax Fund; to provide how such fund shall be disbursed; to provide duties for certain officers; and to repeal the original sections.

**LEGISLATIVE BILL 659.** By Dale Erlewine of Legislative District 37.

A bill for an act for submission to the electors of amendments to Article XII, sections 5 and 6, of the Constitution of Nebraska, relating to corporations; to provide that preferred stockholders may not have a vote and that preferred stock may not be of equal value of all stock of the corporation; to provide for the

submission of the proposed amendments to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; to provide the effective date of such proposed amendment if adopted; and to provide that the Governor, if such amendment is adopted, shall make a proclamation thereof as prescribed.

**LEGISLATIVE BILL 660.** By John R. Cooper of Legislative District 1 and Peter H. Claussen of Legislative District 16.

A bill for an act to amend section 44-211, Revised Statutes Supplement, 1957, relating to insurance; to provide for a reduction in the number of members of the board of directors who must be citizens of the State of Nebraska; and to repeal the original section.

**LEGISLATIVE BILL 661.** By William R. Skarda, Jr. of Legislative District 7.

A bill for an act relating to cities of the first class; to require the payment of a pension to policemen in cities of the first class; to require the establishment of a pension fund and the levy of a tax therefor; and to provide effective dates.

**LEGISLATIVE BILL 662.** By John R. Cooper of Legislative District 1 and Lewis Webb of Legislative District 39.

A bill for an act to amend section 21-1301, Reissue Revised Statutes of Nebraska, 1943, relating to cooperative companies; to provide that consumers' cooperative associations shall be organized in the same manner as corporations for profit; to provide for the government of such associations; to provide for the distribution of the earnings thereof in cash or by certificate; to provide an option; to provide for the issuance of the share of such associations; to provide for the suspension or revocation of the charter of such an association for violation of the provisions of this act; and to repeal the original section.

**LEGISLATIVE BILL 663.** By George F. Fulton of Legislative District 21.

A bill for an act to amend section 16-312, Revised Statutes Supplement, 1957, relating to cities of the first class; to provide for limiting the right of the mayor to vote except in where the council is equally divided and as provided otherwise in the statutes; to repeal the original section; and to declare an emergency.

**Bills Referred to Standing Committees**

LB	Committee
488.....	Agriculture
489.....	Government
490.....	Education
491.....	Public Works
492.....	Education
493.....	Education
494.....	Education
495.....	Education
496.....	Education
497.....	Education
498.....	Education
499.....	Education
500.....	Education
501.....	Education
502.....	Education
503.....	Education
504.....	Education
505.....	Education
506.....	Miscellaneous Subjects
507.....	Public Health
508.....	Revenue
509.....	Public Works
510.....	Public Works
511.....	Agriculture
512.....	Revenue
513.....	Public Health
514.....	Miscellaneous Subjects
515.....	Public Works
516.....	Salaries and Claims
517.....	Government
518.....	Miscellaneous Subjects
519.....	Public Works
520.....	Public Works
521.....	Judiciary
522.....	Banking, Commerce and Insurance
523.....	Judiciary
524.....	Banking, Commerce and Insurance
525.....	Salaries and Claims
526.....	Banking, Commerce and Insurance
527.....	Judiciary
528.....	Education
529.....	Banking, Commerce and Insurance
530.....	Salaries and Claims
531.....	Judiciary

532.....	Agriculture
533.....	Judiciary
534.....	Banking, Commerce and Insurance
535.....	Salaries and Claims
536.....	Salaries and Claims
537.....	Public Works
538.....	Education
539.....	Judiciary
540.....	Public Works
541.....	Public Works
542.....	Labor and Public Welfare

(Signed) Dwight W. Burney  
Lieutenant Governor

### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 664.** By Stanley L. Portsche of Legislative District 19.

A bill for an act to amend sections 41-101, 41-109, 41-110, 41-112, 41-113, 41-114, 41-117, 41-118, 41-119, 41-122, 41-123, 41-123.01, 41-123.02, 41-123.03, 41-123.04, 41-124, 41-125, 41-126, 41-127, and 41-129, Reissue Revised Statutes of Nebraska, 1943, relating to hotels and inns; to define motel; to include motels within the hotels and inns law; and to repeal the original sections.

**LEGISLATIVE BILL 665.** By J. W. Burbach of Legislative District 14, Hans O. Jensen of Legislative District 25, and Harold B. Stryker of Legislative District 17.

A bill for an act to amend sections 81-2,162.02 and 81-2,162.04, Reissue Revised Statutes of Nebraska, 1943, relating to commercial fertilizer; to redefine specialty fertilizer; to provide that persons buying fertilizer at wholesale shall obtain a permit to sell in this state; to provide for a bond as a condition for a permit to sell and the conditions thereof; and to repeal the original sections.

### Ease

The Legislature was at ease from 4:43 until 4:53 p.m.

**LEGISLATIVE BILL 666.** By John G. Donner of Legislative District 27, H. K. Diers of Legislative District 24, and Hal Bridenbaugh of Legislative District 13.

A bill for an act to amend section 77-1717, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide for collection of tax on property whenever a sale or removal of such property is attempted, or a levy of attachment is made on personal property; and to repeal the original section.

**LEGISLATIVE BILL 667.** By John R. Cooper of Legislative District 1 and John Aufenkamp of Legislative District 2.

A bill for an act relating to cities and villages, particular class; to provide a municipal election code for cities of the first class, cities of the second class, and villages; to amend sections 16-307, 17-211, 17-527, 17-603, 32-101, and 32-524, Reissue Revised Statutes of Nebraska, 1943, and section 32-519, Revised Statutes Supplement, 1957; to repeal the original sections, and also section 32-902, Revised Statutes Supplement, 1957; and to declare an emergency.

**LEGISLATIVE BILL 668.** By John R. Cooper of Legislative District 1 and Lewis Webb of Legislative District 39.

A bill for an act relating to revenue and taxation; to redefine intangible personal property; to define terms; to provide that intangible personal property shall be subject to a tax based on yield; to provide the rate of tax; to provide for the apportionment of the liability for the tax; to provide for the taxable situs of intangible personal property and how determined when the title is divided; to amend sections 77-701, 77-702, 77-703, and 77-704, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 669.** By John R. Cooper of Legislative District 1 and Lewis Webb of Legislative District 39.

A bill for an act to amend section 77-706, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that neither the county assessor nor the tax commissioner shall require as part of any tax return of a corporation organized or domesticated under the laws of this state a statement of assets and liabilities; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 670.** By John R. Cooper of Legislative District 1 and Lewis Webb of Legislative District 39.

A bill for an act to repeal section 77-1231.01, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; and to declare an emergency.

**LEGISLATIVE BILL 671.** By Hal Bridenbaugh of Legislative District 13.

A bill for an act to amend sections 43-601, 43-602, 43-603, 83-107.01, 83-108, 83-201, 83-202, 83-203, 83-205, 83-206, 83-208, 83-209, 83-210, 83-210.01, 83-210.02, 83-211, 83-211.01, and 83-212, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to transfer the oversight and general control of the Nebraska School for the Blind from the Board of Control to the Board of Education for the Blind; to create the Board of Education for the Blind; to provide for its members, their appointment, terms of office and compensation; to transfer the care and education of children between the ages of five and twenty-one years who are both deaf and blind to the Board of Education for the Blind; to provide for duties for the Board of Education for the Blind; to provide that the proceeds of the Deaf and Blind Educational and Maintenance Fund may be expended upon vouchers of the Board of Education for the Blind; to eliminate obsolete provisions therein; to provide the operative date of this act; and to repeal the original sections.

**LEGISLATIVE BILL 672.** By Jack Romans of Legislative District 29.

A bill for an act to amend section 77-112, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to eliminate the definition of actual value of property for taxation; to provide that in determining the value of property for assessment purposes there shall not be included the levy thereon of any state excise or any other type of state excise tax imposed thereon; and to repeal the original section.

**LEGISLATIVE BILL 673.** By John P. Munnelly of Legislative District 8.

A bill for an act to amend section 79-1002, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that an election shall be called on the proposition of merging an independent school district, a part of whose area has been annexed by a metropolitan city, upon presentation of a petition signed by ten per cent of the electors in such independent district; to pro-



vide the machinery for calling such election; to provide that in the event of a vote of a majority of the electors of such district favorable to such merger it shall become effective upon a favorable vote of a majority of the members of the board of education of the metropolitan school district; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 674.** By John P. Munnelly of Legislative District 8.

A bill for an act relating to firearms; to define terms; to make it unlawful to possess, sell, lease, carry, or otherwise transfer a firearm as prescribed; to provide for arrests; and to provide penalties.

#### **Adjournment**

At 5:00 p.m. on a motion by Mr. Klaver, the Legislature adjourned until 10:00 a.m. Tuesday, February 3, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska

Tuesday, February 3, 1959

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Burney presiding.

The prayer was offered by the Chaplain.

The roll was called and all members were present.

**Corrections for the Journal**

Page 317, line 23, insert "by unanimous consent" after "Laid over".

Page 333, line 10, delete "review" and insert "engrossment".

Page 339, line 37, delete "F." and insert "L".

Page 353, line 31, delete the comma and insert a semicolon after "1943".

The Journal for the Twentieth Day was approved as corrected.

**Communications**

Resolution to Mr. Claussen from the Commissioners of Colfax County opposing LB 273.

Letter to Mr. Klaver from Misses Rae and Evelynne Dietrich, Omaha, opposing LB 62.

Letter from Mrs. L. Ehrlich from Lincoln in regard to Legislation for the handicapped.

**Invitation**

Letter in regard to Open House at the Nebraska State Historical Society. Separate Invitations will follow.

**NOTICE OF COMMITTEE HEARINGS**

**Public Health**

LB 173	Monday, February 9, 1959	2:00 p.m.
LB 184	Monday, February 9, 1959	2:00 p.m.

**Education**

LB 249	Thursday, February 12, 1959	2:00 p.m.
LB 250	Thursday, February 12, 1959	2:00 p.m.
LB 251	Thursday, February 12, 1959	2:00 p.m.
LB 252	Thursday, February 12, 1959	2:00 p.m.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 30.** Placed on Select File as amended.

E and R amendments to LB 30:

1. Add a new section to be known as section 3 and to read as follows:

“Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”

2. In the title, line 7, strike “and” and in line 8, before the period, insert “; and to declare an emergency”.

(Signed) Joe T. Vosoba, Chairman

**Public Health**

**LEGISLATIVE BILL 164.** Placed on General File.

(Signed) Sam Klaver, Chairman

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 111.** Placed on General File as amended.

Standing Committee amendment to LB 111:

1. In line 4, page 2, Section 1, after the word “therein” insert “*subject to the approval of the Director of Insurance.*”

**LEGISLATIVE BILL 112.** Placed on General File as amended.

Standing Committee amendments to LB 112:

1. Strike Section 1, page 2, of the printed bill and substitute the following:

*"That Section 44-501, Reissue Revised Statutes of Nebraska, 1943, be amended to add to subsection (6) thereof the following:*

*"The Director of Insurance may approve a form of policy which includes, either on an unspecified basis as to coverage or for an indivisible premium, coverage against the peril of fire and substantial coverage against other perils, without complying with the provision of this section, provided such policy with respect to the peril of fire includes provisions which are the substantial equivalent of the minimum provisions of the standard policy herein provided for; and provided further, the policy is complete as to all its terms without reference to any other document."*

2. Section 2. Cause the title to conform to this amendment.

**LEGISLATIVE BILL 113.** Placed on General File as amended.

Standing Committee amendment to LB 113:

Amend the printed bill page 3, line 52, by inserting after the word "assessments" the word "heretofore".

(Signed) John P. Munnely, Chairman

**UNANIMOUS CONSENT—Re-refer LB 323**

Mr. Liebers requested unanimous consent that LB 323 be re-referred from the Committee on Salaries and Claims to the Budget Committee. No objections. So ordered.

**Visitors**

Mr. Ruhnke introduced his son and daughter-in-law, Robert and Loretta Ruhnke, and Lee Heideman.

**MOTION—Consider Report**

Mr. President: I move that the report of the Committee on Committees, found on page 290 of the Legislative Journal, be considered at this time. (Signed) Arnold Ruhnke

The motion prevailed.

**UNANIMOUS CONSENT—Print Report**

Mr. Vosoba requested unanimous consent that the following report of the Committee on Committees, relating to the contest on the Governor recount, be read by the Clerk of the Legislature and be included in the daily Journal. No objections. So ordered.

## COMMITTEE ON COMMITTEES

### Contest on Governor Recount

#### SUMMARY OF EVIDENCE PRESENTED

1. The Committee on Committees met in the West Senate Lounge on January 12, 1959 to consider the matter of the contest in election of Governor.

A. Senator Stryker presented each member of the Committee with a copy of an opinion prepared for Senator Lautenschlager by Walter Raecke containing various arguments against a recount.

B. Committee decided upon rules to be followed in conducting further meetings. It was decided to invite attorneys for the opposing sides to meet with the Committee on January 14 (Republican) and January 15 (Democratic) to give a summary of the evidence from their respective points of view. The Chairman appointed Senator Munnely to contact the Democratic attorneys and Senator Thompson to contact the Republican attorneys.

C. The Committee decided to examine, in a body, the ballots sent in by the county clerks in order to ascertain the condition of these ballots. This was done at the close of the same Legislative day.

D. The Committee decided that the press would be allowed at all meetings, but that news releases must come from the Chairman of the Committee, and be concurred in by all members of the Committee.

E. The Committee decided that Executive Meetings would be restricted to the members of the press and the members of the Committee.

F. The Committee decided to have copies made for each member of the Committee of the opinion of the Attorney General which contains the following conclusion:

"Where the grounds of contest are that votes were illegally counted for the contestee or that mistakes in counting were made, sufficient to change the result of the election, and where a showing is made that the ballots presented to the Legislature were properly preserved, it then becomes incumbent on the Legislature to count the ballots and determine the result."

2. The Committee on Committees met at 2: PM on January 14, 1959 in the East Senate Lounge with Republican Attorneys Robert A. Nelson and Jack Devoe.

(A) Attorney Robert Nelson addressed the Committee:

(1) Stated he would present the Committee with a summary of the evidence obtained at the recount hearings in December. A summary was subsequently furnished by Mr. Nelson and has been included in the Committee records.

(2) Stated notice in this case was based upon errors and irregularities in counting and certification of the votes.

(3) Stated no allegations of fraud or collusion were made. To prove fraud in a matter of this kind is almost impossible.

(4) Stated the real issue in this case is manner in which counting of ballots was done and the methods used by the canvassing boards in tabulating and certifying the results. Definite errors were revealed which could affect thousands of votes.

(5) Stated that methods used by some counting boards not in accordance with statutes. Safeguards provided by the statutes were disregarded.

(6) Stated an unlimited bond set by Mr. Wishart. The \$20,000.00 was just a payment in good faith. They will pay all costs if they lose on the recount. They have paid all bills to date. Security of \$20,000.00 was the amount set by the Secretary of State, but liability of Mr. Wishart is unlimited and not within the \$20,000.00 bond, although that amount is more than adequate.

(7) Only further expense will be the expense involved in the actual recount.

(8) Stated recount should be completed within a matter of days. Twenty-five votes a minute can be counted without difficulty.

(9) Right to vote is one of the most fundamental rights that citizens have. People are entitled to know who was elected and the only way that can be ascertained is by a recount of the ballots.

(10) Stated a recount is necessary to prevent apathy on the part of voters in future elections.

B. Mr. Devoe then briefly addressed the Committee:

(1) Stated that the course of United States history has been changed in numerous instances by one vote.

(2) Stated the Legislature should do everything in its power to see that the people of Nebraska have the right to have their votes checked.

C. During the question and answer period following the talks, the following points were brought out:

(1) It is the holding of our courts that it is mandatory for the Legislature to have a recount.

(2) Those ballots which have not been properly preserved cannot be counted, but they would be thrown out and the count as certified by the canvassing board for that precinct would be taken.

(3) Since the provisions of the statutes have been complied with in requesting a contest, it is mandatory to have a recount. The Legislature has no choice.

(4) Proper preservation of ballots does not mean that because the seal has been broken or because they haven't been kept as provided by law they have not been properly preserved so as to be counted.

(5) You can't defeat the will of the voters because of a human element entering into it.

(6) You can't determine how many ballots have been improperly preserved without opening the ballot boxes and examining them.

(7) If a public official does not comply with the law, the voters should not be penalized.

(8) Spoiled ballots would not enter into a recount. A spoiled ballot is taken up and the voter given another ballot.

(9) Obvious errors in a recount might indicate fraud, but it would be hard to prove.

(10) Election boards have been becoming more lax through the years. Condition has been getting worse.

(11) No attorney fees in this case. Attorney fees cannot be taxed as costs or expenses in any case unless shown by statute. Only cost would be hiring people to do the recounting.

(12) Suggest hiring ten counting boards, or forty people.

3. The Committee met at 2: PM on January 15, 1959 in the East Senate Chamber with Democratic Attorneys Joseph Ginsburg, Lincoln, and Bernard Boyle, Omaha.

A. Attorney Joseph Ginsburg addressed the Committee:

(1) Stated there are some fundamental things to be considered, such as sanctity of the ballot box and stability of state government.

(2) Said he would furnish the Committee with a synopsis of his remarks. This synopsis has been received and is included in the Committee records.

(3) Stated that the statutes of Nebraska provide for an election contest but not a recount. There is no procedure for a recount.

(4) Stated that an election contest is based on stated, definite, specified irregularities of illegal voting or fraud. A recount is simply a retabulation of the vote.

(5) Referred the Committee to Sections 32-1001 to 32-1010 of Revised Statutes of Nebraska with regard to rules, etc.

(6) Stated contestor must show possibility that the recount will show in his favor.

(7) Stated Republican Party has no right to demand a recount simply as a fishing expedition.

(8) The deviations from exact, strict procedure on election boards would indicate no dishonesty on part of election board officials.

(9) Stated that testimony at election hearings in December nullified or negated the Republican assertions.

(10) Stated that ballots which have been charged as illegal cannot be determined and counted at the rate of twenty-four per minute. Each ballot in every precinct must be examined.

(11) Stated it would probably take a year to recount all these ballots under the conditions which would prevail.

(12) Only irregularity evidenced in this entire record is one that is favorable to the contestee's side, according to Mr. Ginsburg.

(13) Two methods were used in issuing absentee ballots. When the voter personally appeared before the Election Commissioner, they gave him an oath to sign, but left out other questions on the blank. When the request came in by mail they filled out the questionnaire in its entirety. The law does not provide for any such distinction. About 200 mail votes made in this way.

(14) Stated that contestor based his request upon suspicion only and a thought that a recount might develop errors. Burden of proof on contestor to prove that illegalities and irregularities did exist to such an extent as would have affected the result of the election.

(15) Stated that evidence as to specific irregularities is very meager and resolves itself down to an overage of four votes in Lancaster County and an overage of eleven votes in Douglas County. All other errors caught by the canvassing board and corrected.



(16) Stated that the Opinion of the Attorney General makes no reference to the fundamental distinction between a recount and an election contest.

(17) Stated that the Opinion of the Attorney General fails to observe that the Constitution of Nebraska is specific that election contests for executive offices of the state shall be determined by the Legislature. (Art. IV, Sec. IV, Constitution of Nebr.)

(18) Stated that the opinion of the Attorney General is not designed to compel the Legislature to make a recount, but is to instruct the Legislature as to the state of the law.

(19) Stated that the Opinion of the Attorney General does not stand up under any sort of critical analysis because it does not distinguish between a contest and a recount.

B. Mr. Bernard Boyle then briefly addressed the Committee:

(1) Stated he hoped the Legislature would decide this matter in a non-partisan manner and not along party lines.

(2) Stated that only those who have read the evidence can know anything about the facts. This should not be decided on hearsay evidence.

C. The following points were brought out during the question and answer period which followed:

(1) All witnesses were called in by contesters except those testifying as to condition of the ballots.

(2) None of the witnesses appearing at the depositions admitted that the count was in error.

(3) If this matter is held in abeyance by the Legislature and not decided, it is possible the Democratic Party might go to the Supreme Court.

(4) If the Legislature decides against a recount, the Republicans might resort to a mandamus, which is a judicial proceeding.

(5) Containers in which ballots are kept must be intact or the courts can't admit them into evidence.

(6) Mr. Ginsburg knows of no statute which gives the con-tester the right to go into a ballot. The Legislature can go into the ballot if it wishes, but no law gives any contester that right.

4. The Committee met at 1: PM on January 26, 1959 in the West Senate Lounge. Attorney General Beck and his Assistant, Mr. Homer Hamilton were present to speak to the Committee

and answer any questions which might be asked. Mr. Beck turned the meeting over to Mr. Hamilton who, he stated, had done the research in compiling the Attorney General opinion holding that it is mandatory for the Legislature to have a recount.

A. Mr. Hamilton addressed the Committee as follows:

(1) Stated the Attorney General's office is not on any side in this matter. Their position is advisory only. The matter has been treated as an attorney and client proposition.

(2) Stated their opinion is based upon what the law says.

(3) Stated that this particular matter is governed by the Constitution of Nebraska.

(4) Stated a contest over a seat in the Legislature would be held under a different Constitutional provision than would enter into this matter.

(5) Determining membership in the Legislature is an exclusive right of that body.

(6) The original act governing contests in elections of state officers was passed in 1879 and has not been amended much since that time.

(7) Mr. Hamilton referred to Sections 32-1001 to 32-1010, Revised Statutes of Nebraska and read passages to the Committee from those Sections.

(8) Stated an election contest could be resolved simply from the depositions. If either party asks to have the ballots brought in, they shall be brought in. They are then put with other evidence.

(9) Said we have to take the position that all parts of the statute mean something. If the law says that you can get the ballots and bring them in and have them opened and inspected and then determine the result, the only way you could determine the result would be to count them. You couldn't have determined by earlier testimony what the official count was without going to the ballots. If the words "Bring them in, open them, and inspect them" mean anything we are unable to see how you could do this in any other way than by counting them.

(10) Statute provides that the bond is to be forfeited if the contest fails. You would not know if the contest fails unless you count the ballots.

(11) Mr. Hamilton mentioned a case where a contest was had for the office of county attorney. The District Court took

the position it was not forced to count ballots unless there was some preliminary evidence showing there were enough mistakes to change the result. The Supreme Court disagreed with this finding on the basis that when those things are alleged the best and only evidence is the ballots themselves, and directed the District Court to recount the ballots without additional proof.

(12) Stated that ballots should not be counted if they haven't been properly preserved or in substantially the same condition as they were when marked. If it appears unauthorized persons have had access to them they should not be considered.

(13) Stated that while the word "recount" does not appear in the statutes, if the words of the statute mean anything, it just means that somebody must recount the ballots.

B. During the question and answer period which followed Mr. Hamilton's talk, the following points were brought out:

(1) There are two forms of evidence; the depositions and the ballots. There is no rule that would allow you to consider part of the evidence and disregard the other part. You have to consider the ballots as evidence and there is no way to determine the correctness of the count by not counting them.

(2) "Contest" does not necessarily mean "recount." You can have a contest without a recount. Contest is an overall proceeding. As a part of it you might have a recount. Why open and inspect the ballots if you don't recount them?

(3) The presumption is that the duly elected officials perform their duty according to law and that the ballots brought in are the original ballots. When they are delivered by the proper official to the proper place they may be presumed to be the original ballots cast in the various precincts.

(4) Stated the Legislature will have to decide whether somebody tampered with the ballots where some of the seals are broken. Presumption is that our county officials do their duty and do it properly.

(5) If the Legislature decides not to recount, the only recourse would be an action by the contester for a writ of mandamus.

5. The Committee met at 1:15 PM on January 28 in the West Senate Lounge for the purpose of asking further questions of C. S. Beck, Attorney General, and Homer Hamilton, Assistant Attorney General.

A. The following points were brought out during the question and answer period.

(1) From a legal standpoint, according to Mr. Beck, there must be a recount.

(2) The Legislature must decide whether the ballots have been preserved so they can be counted.

(3) It would be up to the Legislature to decide whether to take the results as shown by the official canvassing board if ballots from certain precincts are not counted.

(4) The Legislature will vote on the question no matter which way the Committee advises.

(5) If the Legislature decided not to recount, it is possible that a writ of mandamus may be issued by the court ordering the recount. The Legislature is sitting as a canvassing board in this instance.

(6) There is a presumption that the county officials have properly performed their duty. In that case, the proof would have to be made that the boxes of ballots have been tampered with; however, you must start with the presumption that they were properly cared for and delivered.

(7) The ballots and depositions are all part of the evidence.

(8) The difference in number of votes between the two candidates has nothing to do with whether a recount must be held.

(9) There is no recourse with regard to one-signature ballots, that is, ballots signed by only one election judge. That voter is automatically disfranchised.

(10) Nebraska courts have held it isn't necessary to take depositions in a matter of this kind.

(11) The contester called for the depositions in this case. They would not necessarily have had to be taken, but since they were they are a part of the evidence. They could not prove the allegation of mistakes or errors by the use of depositions. You would have to count the votes.

(12) Corpus Juris Secundum gives both sides of a question. Courts in some other states have said that you don't have the right to recount, but our court took the opposite view. They have stated you don't need this prior evidence (depositions).

(13) If the Legislature decides to recount the ballots, it isn't likely that any court would issue a restraining order.

(14) If there was a recount and the contester won, there would be no recourse open to the contestee. That would be the end of it.

(15) No one on the Attorney General's staff made the statement that this matter could be prolonged for two years.

(16) If you could get directly before the Supreme Court in this matter, you should have an answer in six weeks to two months. If the case went to District Court, however, there is no telling how long it might drag along.

### **MOTION—Governor Recount**

Mr. President: I move that the Legislature direct that a recount be held in the 1958 Governor race. (Signed) Ray C. Simmons

### **Recess**

On a motion by Mr. Carpenter, the Legislature recessed from 10:52 until 11:08 a.m., to permit those members who had not viewed the ballots, the opportunity to do so.

### **Visitors**

Mr. Williams introduced Miss Yvonne Young from Sargent, Mr. and Mrs. Harold Knight from Anselmo, and Mrs. Malvern Daly, Chauncey Biggerstaff, John Brainard, and Blaine Ernst from Broken Bow.

### **UNANIMOUS CONSENT—Division of Question**

Mr. Vosoba requested unanimous consent for a division of the question as follows:

1. Are the ballots properly preserved.
2. If the first question is in the affirmative, should there be a recount.

The Chair ruled that the question is not divisible.

Mr. Vosoba moved that the motion be amended to call for two questions as follows:

1. Are the ballots properly preserved.
2. If the ballots are properly preserved, should there be a recount.

Mr. Munnelly requested unanimous consent that the Secretary of State be requested to appear and bring the receipts as they were

issued when the ballots were brought in, and that he be requested to explain the changes referred to by him in his previous report to the Legislature. No objections. So ordered.

The Chair appointed Mr. Munnelly to contact the Secretary of State.

Mr. Carpenter raised a point of order regarding rules under which the committee would operate if the Legislature should decide to recount the ballots for Governor.

The Chair ruled that a motion to that effect would be in order after the motion has been voted on for the recount.

The Secretary of State, Frank Marsh, appeared and brought with him the receipts signed by those bringing the ballots, and he read and explained the course followed by himself and the Clerk of the Legislature when the ballots were received.

Mr. Carpenter requested a record vote on the Vosoba amendment.

Voting in the affirmative, 16:

Burbach	Fenske	Munnelly	Skarda
Carpenter	Jensen	Olinger	Stryker
Diers	Klaver	Otto	Vosoba
Erlewine	Marvel	Ruhnke	Webb

Voting in the negative, 26:

Adams	Gerdes	Orme	Simmons
Aufenkamp	Hollenbeck	Peck	Swanson
Bowen	Lautenschlager	Pizer	Syas
Bridenbaugh	Liebers	Portsche	Tews
Claussen	McHugh	Romans	Thompson
Cooper	Moulton	Russillo	Williams
Donner	Nelson		

Not voting, 1:

Fulton

The Vosoba amendment lost.

Mr. Portsche moved the previous question. The motion prevailed with 33 ayes and 10 nays.

Mr. Carpenter requested a record vote on the Simmons motion.

Voting in the affirmative, 26:

Aufenkamp	Gerdes	Orme	Simmons
Bowen	Klaver	Peck	Swanson
Bridenbaugh	Lautenschlager	Portsche	Syas
Claussen	Liebers	Romans	Tews
Cooper	McHugh	Ruhnke	Thompson
Erlewine	Moulton	Russillo	Williams
Fenske	Nelson		

Voting in the negative, 16:

Adams	Donner	Munnelly	Skarda
Burbach	Hollenbeck	Olinger	Stryker
Carpenter	Jensen	Otto	Vosoba
Diers	Marvel	Pizer	Webb

Not voting, 1:

Fulton

The Simmons motion prevailed.

### MOTION—Appoint Committee

Mr. President: I move that the Chair appoint a committee of five Senators who shall conduct a recount of the ballots for Governor in the November 4, 1958 election, and the committee be directed to recount the ballots of Douglas, Lancaster, and Scotts Bluff Counties first and file an interim report thereof. At the conclusion of the recount, the committee shall file a complete report to the Legislature. (Signed) Hal Bridenbaugh

Mr. Carpenter moved that the motion be amended by adding thereto the following paragraph:

"In view of legal questions that may arise, the committee is directed to obtain private legal counsel and to report arrangements made for such counsel for approval by the legislature. Fees of such committee counsel shall be considered as part of the costs of the contest."

Mr. Carpenter requested a record vote on the amendment.

Voting in the affirmative, 11:

Carpenter	Marvel	Otto	Vosoba
Diers	Munnelly	Pizer	Webb
Jensen	Olinger	Skarda	

Voting in the negative, 32:

Adams	Erlewine	McHugh	Russillo
Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Stryker
Bridenbaugh	Gerdes	Orme	Swanson
Burbach	Hollenbeck	Peck	Syas
Claussen	Klaver	Portsche	Tews
Cooper	Lautenschlager	Romans	Thompson
Donner	Liebers	Ruhnke	Williams

Not voting, 0.

The Carpenter amendment lost.

Mr. Vosoba offered the following amendment to the Bridenbaugh motion which was adopted with 26 ayes, 15 nays, and 2 not voting:

"The committee, before proceeding to recount any ballots, shall formulate rules and regulations to govern said recount, and shall report such rules and regulations to this body for its approval."

The Bridenbaugh motion was adopted as amended with 42 ayes, 0 nays, and 1 not voting.

The President appointed the following to serve on said committee: Fenske, chairman; Stryker, Marvel, Peck, Olinger.

## NOTICE OF COMMITTEE HEARINGS

### Agriculture

LB 149	Thursday, February 12, 1959	2:00 p.m.
LB 150	Thursday, February 12, 1959	2:00 p.m.
LB 151	Thursday, February 12, 1959	2:00 p.m.

### Government

LB 427	Friday, February 20, 1959	2:00 p.m.
LB 440	Monday, March 2, 1959	2:00 p.m.
LB 401	Friday, March 6, 1959	2:00 p.m.
LB 434	Friday, March 6, 1959	2:00 p.m.
LB 481	Friday, March 13, 1959	2:00 p.m.
LB 482	Friday, March 13, 1959	2:00 p.m.
LB 309	Wednesday, March 18, 1959	2:00 p.m.
LB 414	Monday, March 23, 1959	2:00 p.m.
LB 412	Wednesday, March 25, 1959	2:00 p.m.
LB 418	Wednesday, March 25, 1959	2:00 p.m.
LB 426	Wednesday, March 25, 1959	2:00 p.m.
LB 480	Wednesday, April 1, 1959	2:00 p.m.



## STANDING COMMITTEE REPORTS

### Government

#### LEGISLATIVE BILL 49. Placed on General File as amended.

Standing Committee amendments to LB 49:

1. Amend the bill by inserting two new sections after section 1 to be known as section 2 and section 3 and reading as follows:

*"Sec. 2. In all counties where the office of county assessor has been abolished or does not exist and the duties of such office are performed by the county clerk, there is hereby created, as of the effective date of this act, the office of county assessor. The vacancy in the office thus created is to be filled forthwith in the manner otherwise provided by law, and at the same time the county board shall fix the salary to be received by such officer for the remainder of the term. The county assessor thus appointed to fill the vacancy shall devote such time to his office as the proper performance of the duties thereof may require.*

"Sec. 3. That section 23-1114, Revised Statutes Supplement, 1957, be amended to read as follows:

23-1114. (1) The salaries of all elected officers of the county, excepting the members of the county board and the county judge, shall be fixed by the county board at least sixty days prior to the closing of filings of certificates of nomination to place names on the primary ballot for the respective offices, *except as provided in section 2 of this act*; Provided, that the salaries of the probation officers judicially appointed in counties having a population of more than sixty thousand inhabitants shall be fixed by the judges of the district court.

(2) The salaries of all deputies in the offices of the elected officers of the county shall be fixed by the county board at such times as necessity may require."

2. Amend section 2 by renumbering as section 4, and further amend said section to read as follows:

"Sec. 4. That original sections 23-1114, and 32-310, Revised Statutes Supplement, 1957, are repealed."

3. Amend the bill by inserting after renumbered section 4 a new section to be known as section 5 and reading as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

4. Amend the title to read as follows:

"A bill for an act to amend sections 23-1114 and 32-310, Revised Statutes Supplement, 1957, relating to elections; to provide that in the year 1962 and every four years thereafter, each county of the state shall elect a county assessor; to provide for creating the office of county assessor on the effective date of this act in counties where such office does not now exist; to provide for filling the vacancy caused by creation of such office and to fix the salary thereof; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 9.** Indefinitely postponed.

**LEGISLATIVE BILL 59.** Indefinitely postponed.

**LEGISLATIVE BILL 20.** Indefinitely postponed.

(Signed) Dwain Williams, Chairman

**Revenue**

**LEGISLATIVE BILL 10.** Indefinitely postponed.

**LEGISLATIVE BILL 48.** Placed on General File.

**LEGISLATIVE BILL 29.** Placed on General File as amended.

Standing Committee amendments to LB 29:

1. Amend the bill by inserting immediately after section 2 a new section to be known as section 3 and to read as follows:

Sec. 3. That section 77-1254, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1254. (1) The first dealer shall at all times maintain accurate records of all grain or seed purchased by him from any producer; they shall show the name and address of each producer from which each purchase was made and the number of bushels and kind or kinds of grain or seed so purchased, which records shall be kept at the place of business where the purchase was made.

(2) Each first dealer and any subsequent dealer to the first dealer, on or before March 1 of each year, shall make a sworn report in writing on forms, furnished by the Tax Commissioner, to the Tax Commissioner setting forth the number of bushels of each kind of grain or seed received, handled, processed, or transported for sale during the preceding year.

(3) Before engaging in business as a dealer, every person, *except any elevator operator, grain dealer, or seed dealer hav-*

*ing an established place of business in this state*, shall procure a license from the Tax Commissioner permitting him to transact such business within this state. The Tax Commissioner, upon the application of any person and payment of a fee of one dollar, may issue such license; Provided, the applicant, *except any elevator operator, grain dealer, or seed dealer having an established place of business in this state*, shall have made a cash deposit or have furnished a good and sufficient bond, running to the State of Nebraska, conditioned for the payment of all taxes and penalties which may be assessed against him under the provisions of this act. The amount of the cash deposit or bond shall be fixed by the Tax Commissioner in approximately one and one half times the estimated tax liability of the applicant, and for applicants whose estimated tax liability is twenty-five dollars or less, no cash deposit or bond shall be required.

(4) The Tax Commissioner, or his agents, may audit the records of each dealer at least once each year for the purpose of verifying the accuracy of the reports submitted under the provisions of section 77-1254, and each dealer shall keep his books and records available for such audit at reasonable times during the regular business day.

2. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

3. Amend renumbered section 3, Line 1 by inserting a comma immediately after "77-1252", by striking "and", and by adding at the end of the line "and 77-1254,".

4. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

#### Visitor

Mr. Otto introduced Mrs. Mabel Rice, former register of deeds of Buffalo County.

#### Adjournment

At 12:14 p.m. on a motion by Mr. Jensen, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## TWENTY-SECOND DAY

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 4, 1959

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present.

**Corrections for the Journal**

Page 358, line 11, delete "file" and insert "fire".

Page 373, line 35, insert a period after "journed" and delete "until 10:00 a.m., Wednesday, February 4, 1959."

The Journal for the Twenty-first Day was approved as corrected.

**Communication**

Letter from Wilton B. Persons, Assistant to the President, acknowledging receipt of Legislative Resolution 11.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 3.** Correctly engrossed.

**LEGISLATIVE BILL 21.** Correctly engrossed.

**LEGISLATIVE BILL 34.** Correctly engrossed.

**LEGISLATIVE BILL 66.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 13.** Re: Property Possession by Old Age and Blind Assistance Recipients.

Introduced by Sam Klaver, 6th District.

WHEREAS, a person receiving old age and blind assistance is now permitted to own property not in excess of five hundred dollars, and

WHEREAS, when the Board of Control adopted the regulations fixing the amount an old age and blind recipient could possess, the value of the dollar greatly exceeded the value it is today, and

WHEREAS, such old age recipients are now deprived of maintaining a savings or owning insurance for the purpose of providing a decent burial for themselves upon their decease, and

WHEREAS, unless the amount of property an old age recipient can possess is increased, their stability will be greatly affected.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Board of Control adopt such rules and regulations as may be necessary to provide that a recipient of old age and blind assistance may possess property not to exceed seven hundred and fifty dollars.

**LEGISLATIVE RESOLUTION 14.** Re: Legislative Council Study of Advertising Devices along Highways.

Introduced by H. K. Diers, 24th District; Hal Bridenbaugh, 13th District; and John R. Cooper, 1st District.

WHEREAS, there are questions as to the proper use of advertising devices near or adjacent to certain highways, and

WHEREAS, reasonable and sound legislation should be enacted to regulate advertising near or adjacent to highways.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to make a study of the use of advertising devices along, near, or adjacent to highways, the effects of the use of such advertising devices, the effect of the restriction of highway advertising on businesses adjacent to highways which are dependent on highway traffic, and any and all other problems relating to the use of advertising devices, near or adjacent to such highways for the purpose of future regu-

lation and legislation, and report its findings to the next regular session of the Nebraska State Legislature.

Referred to the Legislative Council Executive Board.

#### **Bills Referred to Standing Committees**

LB	Committee
543.....	Labor and Public Welfare
544.....	Labor and Public Welfare
545.....	Education
546.....	Public Works
547.....	Public Works
548.....	Agriculture
549.....	Agriculture
550.....	Revenue
551.....	Revenue
552.....	Revenue
553.....	Judiciary
554.....	Public Works
555.....	Banking, Commerce and Insurance
556.....	Banking, Commerce and Insurance
557.....	Banking, Commerce and Insurance
558.....	Miscellaneous Subjects
559.....	Education
560.....	Labor and Public Welfare
561.....	Judiciary
562.....	Education
563.....	Salaries and Claims
564.....	Public Works
565.....	Public Works
566.....	Salaries and Claims
567.....	Education
568.....	Agriculture
569.....	Public Health
570.....	Banking, Commerce and Insurance
571.....	Public Works
572.....	Government
573.....	Judiciary
574.....	Agriculture
575.....	Public Works
576.....	Public Works
577.....	Banking, Commerce and Insurance
578.....	Public Works
579.....	Government
580.....	Agriculture

581.....	Education
582.....	Education
583.....	Judiciary
584.....	Miscellaneous Subjects
585.....	Public Health
586.....	Public Health
587.....	Education
588.....	Public Health
589.....	Labor and Public Welfare
590.....	Banking, Commerce and Insurance
591.....	Banking, Commerce and Insurance
592.....	Banking, Commerce and Insurance
593.....	Banking, Commerce and Insurance
594.....	Banking, Commerce and Insurance
595.....	Banking, Commerce and Insurance
596.....	Banking, Commerce and Insurance
597.....	Banking, Commerce and Insurance
598.....	Miscellaneous Subjects
599.....	Education
600.....	Judiciary

(Signed) Dwight W. Burney  
Lieutenant Governor

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 63. With emergency.

A bill for an act to amend sections 79-1007.01 and 79-1007.02, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that the aggregate school tax in fifth class school districts, exclusive of the special levies to pay accrued liabilities of the retirement fund and a levy of not to exceed four mills for the site and building fund, shall be such number of mills as may be determined by the board of education to be necessary for the general operation of the schools, and for the payment of interest on and retiring, funding or servicing bonded indebtedness of the district; to repeal the provision that the number of mills levied for the site and building fund shall be reduced by the number of mills levied for the bond fund; 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	Fenske	Moulton	Ruhnke
Aufenkamp	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Stryker
Bridenbaugh	Hollenbeck	Olinger	Swanson
Burbach	Jensen	Orme	Syas
Carpenter	Klaver	Otto	Tews
Claussen	Lautenschlager	Peck	Thompson
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Portsche	Webb
Donner	McHugh	Romans	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Simmons              Skarda

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

### LEGISLATIVE BILL 33. With emergency.

A bill for an act to amend section 81-263.06, Reissue Revised Statutes of Nebraska, 1943, relating to Grade A milk; to eliminate the provisions requiring the date the milk was bottled to be shown on the container; to clarify the provisions thereof; 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, 37:

Adams	Gerdes	Munnelly	Skarda
Aufenkamp	Hollenbeck	Olinger	Stryker
Bowen	Jensen	Orme	Swanson
Bridenbaugh	Klaver	Otto	Syas
Burbach	Lautenschlager	Peck	Tews
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Fenske	Moulton	Russillo	Williams
Fulton			



Voting in the negative, 5:

Carpenter	Erlewine	Nelson	Ruhnke
Diers			

Not voting, 1:

Simmons

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

#### Visitors

Speaker Pizer introduced Mrs. Paul Oiger from Wallace and Mr. Wesley Hansen from North Platte.

#### Guests

Mr. Swanson moved that Mr. Oldenberg, Swedish Consul General, be permitted to make a few remarks Friday, February 6, at 10:00 a.m. The motion prevailed.

Mr. Portsche requested unanimous consent that Mr. Bob Cox, National President of the Junior Chamber of Commerce, be permitted to make a few remarks on Thursday, February 5, at 11:30 a.m. No objections. So ordered.

#### UNANIMOUS CONSENTS—Add Co-introducers

Mr. Bridenbaugh requested unanimous consent that the name of Richard D. Marvel of Legislative District 31 be added as co-introducer of LB 655. No objections. So ordered.

Mr. Erlewine requested unanimous consent that the name of John R. Cooper of Legislative District 1 be added as co-introducer of LB 659. No objections. So ordered.

#### SELECT FILE

**LEGISLATIVE BILL 38.** E and R amendments found in the Legislative Journal for the Twentieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 105.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 78.**

Mr. Vosoba offered the following amendment which was adopted by unanimous consent:

Amend LB 78, Section 1, line 44, by adding after the word "disability;" the following: "*(o) members of the legislature during the term for which elected;*", and by striking "*(o)*" in line 44 and inserting in lieu thereof "*(p)*".

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 32.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 30.** E and R amendments found in the Legislative Journal for the Twenty-first Day were adopted.

Advanced to E and R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 28.** Considered.

Mr. Syas withdrew his pending motion found in the Legislative Journal for the Eighteenth Day to indefinitely postpone LB 28.

Advanced to E and R for review.

**LEGISLATIVE BILL 132.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 96.** Section 1 read and considered.

Mr. Jensen moved that Standing Committee amendment 1 found in the Legislative Journal for the Twentieth Day be adopted. Motion pending.

Mr. Romans moved that LB 96 be indefinitely postponed. Motion pending.

Laid over until Monday, February 9, 1959, at the request of Mr. Marvel.

**UNANIMOUS CONSENT—Washington's Day Program**

Speaker Pizer requested unanimous consent that the Washington's Day program be held February 23, 1959 at 11:30 a.m. No objections. So ordered.

**Visitor**

Mr. Bowen introduced County Judge William Retson from Red Cloud.

**GENERAL FILE**

**LEGISLATIVE BILL 97.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twentieth Day were adopted.

Mr. Syas moved that LB 97 be advanced to E and R for review.

Motion pending.

Laid over.

**Member Excused**

Mr. Jensen was excused at 10:15 a.m. for the remainder of the morning.

**Mr. Moulton Presiding**

**LEGISLATIVE BILL 134.** Read and considered.

Laid over.

**LEGISLATIVE BILL 77.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twentieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 5.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 61.** Read and considered.

Mr. Klaver offered the following amendment which was adopted:

Amend LB 61, Sec. 2, line 2, by striking the first word "to" and inserting in lieu thereof, the word "be".

Advanced to E and R for review.

**LEGISLATIVE BILL 136.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 141.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Twentieth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 143.** Read and considered.

Advanced to E and R for review.

**President Burney Presiding****LEGISLATIVE BILL 152.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 115.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 164.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 111.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Twenty-first Day was adopted.

Mr. Claussen moved that LB 111 be advanced to E and R for review.

Motion pending.

Laid over.

**LEGISLATIVE BILL 112.** Laid over.**LEGISLATIVE BILL 113.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Twenty-first Day was adopted.

Advanced to E and R for review.

**Visitor**

Mr. Munnely introduced Mr. John Rosenblatt, Mayor of Omaha.

Mr. Rosenblatt addressed the Legislature briefly.

**LEGISLATIVE BILL 49.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-first Day were adopted.

Advanced to E and R for review.

**MOTION—Reconsider Action**

Mr. President: I move that we reconsider our action on advancing LB 164, and that it be returned to General File. (Signed) John Adams, Sr.

Motion pending.

Laid over.

**Visitors**

Mr. Marvel introduced Dr. Juul Nielsen and Vern Evans from Hastings.

President Burney introduced thirty-two students attending the Nebraska Farm Bureau Federation Legislative School from Lancaster, York, Otoe, Hamilton, Clay, Butler, and Gage Counties.

**GENERAL FILE**

**LEGISLATIVE BILL 48.** Read and considered.

Mr. Carpenter moved that LB 48 be advanced to E and R for review.

Motion pending.

Laid over.

**Member Excused**

Mr. Gerdes was excused for Thursday, February 5, and Friday, February 6, 1959.

**Bills Referred to Standing Committees**

LB	Committee
601.....	Education
602.....	Revenue
603.....	Education
604.....	Revenue
605.....	Judiciary

606.....	Judiciary
607.....	Judiciary
608.....	Agriculture
609.....	Miscellaneous Subjects
610.....	Public Works
611.....	Judiciary
612.....	Public Works
613.....	Miscellaneous Subjects
614.....	Miscellaneous Subjects
615.....	Government
616.....	Miscellaneous Subjects
617.....	Judiciary
618.....	Government
619.....	Judiciary
620.....	Government
621.....	Agriculture
622.....	Government
623.....	Agriculture
624.....	Judiciary
625.....	Government
626.....	Banking, Commerce and Insurance
627.....	Government
628.....	Banking, Commerce and Insurance
629.....	Government
630.....	Government
631.....	Miscellaneous Subjects
632.....	Labor and Public Welfare
633.....	Miscellaneous Subjects
634.....	Banking, Commerce and Insurance
635.....	Banking, Commerce and Insurance
636.....	Public Health
637.....	Salaries and Claims
638.....	Government
639.....	Salaries and Claims
640.....	Banking, Commerce and Insurance
641.....	Banking, Commerce and Insurance
642.....	Public Health
643.....	Salaries and Claims
644.....	Salaries and Claims
645.....	Revenue
646.....	Salaries and Claims
647.....	Miscellaneous Subjects
648.....	Banking, Commerce and Insurance
649.....	Judiciary
650.....	Salaries and Claims
651.....	Banking, Commerce and Insurance

652.....	Banking, Commerce and Insurance
653.....	Judiciary
654.....	Public Works
655.....	Government
656.....	Government
657.....	Banking, Commerce and Insurance
658.....	Revenue

(Signed) Dwight W. Burney  
Lieutenant Governor

## STANDING COMMITTEE REPORTS

### Public Works

**LEGISLATIVE BILL 118.** Placed on General File.

**LEGISLATIVE BILL 124.** Placed on General File.

**LEGISLATIVE BILL 145.** Indefinitely postponed.

(Signed) Arnold Ruhnke, Chairman

### Agriculture

**LEGISLATIVE BILL 37.** Indefinitely postponed.

**LEGISLATIVE BILL 40.** Placed on General File.

**LEGISLATIVE BILL 98.** Placed on General File as amended.

Standing Committee amendments to LB 98:

1. Amend page 3 of the bill, section 1, line 67 by inserting after the word "works" the following: "*, real and personal property*".

2. Amend page 7 of the bill, section 1, line 188 by inserting after the word "with" the following: "*agencies of the federal government or*".

3. Amend page 7 of the bill, section 1, line 190 by striking the words "to the commission".

4. Amend the title to conform.

(Signed) Frank Nelson, Vice Chairman

### Education

**LEGISLATIVE BILL 117.** Placed on General File.

(Signed) Fern Hubbard Orme, Vice Chairman

**Judiciary**

**LEGISLATIVE BILL 65.** Placed on General File.

**LEGISLATIVE BILL 83.** Placed on General File.

**LEGISLATIVE BILL 84.** Placed on General File.

**LEGISLATIVE BILL 85.** Placed on General File.

**LEGISLATIVE BILL 87.** Placed on General File as amended.

Standing Committee amendments to LB 87:

1. Amend the bill, page 2, Section 1, line 4, by striking "Pardons" and re-inserting the stricken matter.

2. Amend the bill, page 2, Section 1, line 13, by striking "Pardons" and inserting "Control".

3. Amend the bill by the addition of the emergency clause.

4. Amend the title to conform.

**LEGISLATIVE BILL 285.** Placed on General File as amended.

Standing Committee amendment to LB 285:

1. Amend the bill, page 2, Section 1, lines 11 and 12, by re-inserting the stricken matter.

**LEGISLATIVE BILL 305.** Placed on General File as amended.

Standing Committee amendments to LB 305:

1. Amend the bill by adding a new section following Section 1 to be known as Section 2:

*"Section 2. Any person heretofore or hereafter sentenced to be punished for any felony, where sentence is other than confinement in the penitentiary or reformatory, shall be restored to civil rights upon receipt from the Board of Pardons of a warrant of discharge, which shall be issued by such Board upon receiving from the sentencing court a certificate showing satisfaction of the judgment and sentence entered against such person."*

2. Amend the title to conform.

(Signed) Ray C. Simmons, Chairman

**Adjournment**

At 12:00 o'clock noon on a motion by Mr. Moulton, the Legislature adjourned until 10:00 a.m., Thursday, February 5, 1959.

Hugo F. Srb  
Clerk of the Legislature



LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**TWENTY-THIRD DAY**

---

Legislative Chamber, Lincoln, Nebraska

Thursday, February 5, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

**Corrections for the Journal**

Page 386, line 25, delete "ro" and insert "or".

The Journal for the Twenty-second Day was approved as corrected.

**UNANIMOUS CONSENT—Washington's Day Program**

Mr. Pizer asked unanimous consent to change the time from 11:30 a.m. to 11:00 a.m. for the Washington's Day program, which has been scheduled for February 23, 1959. No objections. So ordered.

**Visitors**

Mrs. Orme introduced Dr. Everett Dick and eight students from Union College.

Mr. Otto introduced Mr. Dale Christensen from Kearney.

Mr. Marvel introduced Mr. Howard Koepke from Hastings.

**Communications**

Letter from United States Representative Donald F. McGinley, acknowledging receipt of LR 5.

Copy of a letter to United States Representative Lawrence Brock, from Raymond Blattenberger, Public Printer, Washington, D. C., regarding printing of "Statehood for Hawaii" material.

Letter from Harry F. Byrd, Chairman, United States Senate Committee on Finance, acknowledging receipt of LR 11.

Letter from Mrs. Walter Maas, Hoskins, opposing LB 62, and opposing shooting from country roads.

Telegram from W. T. Gremmer, President, Lincoln County Wildlife Club, opposing LB 97.

Letter from International Roll-Call Corporation, Richmond, Virginia, with regard to a demonstration of their roll call machine.

Letter from Omaha Association of the Blind, requesting legislation for the handicapped.

Copy of the Congressional Record containing LR 6 from United States Representative Lawrence Brock; also, House Concurrent Resolution 43 and H.R. 2970.

#### **Invitation**

Invitation from the Lincoln Advertising Club, to a social hour at 5:30 p.m. and dinner at 6:30 p.m. on February 11, 1959, at the Cornhusker Hotel.

Invitation from the State Association of Mutual Insurance Companies to a banquet at 7:00 p.m., March 9, 1959, at the Cornhusker Hotel.

#### **Visitors**

Mr. Hollenbeck introduced Dwight Dam from Valentine, and Robert Y. Ross from Gordon.

#### **UNANIMOUS CONSENT—Re-refer Bills**

Mr. Russillo requested unanimous consent that LB 295, LB 297, and LB 298 be re-referred from the Committee on Public Works to the Committee on Government. No objections. So ordered.

#### **UNANIMOUS CONSENT—Re-refer LB 601**

Mr. Claussen asked unanimous consent to re-refer LB 601 from the Committee on Education to the Committee on Labor and Public Welfare. No objections. So ordered.

**NOTICE OF COMMITTEE HEARINGS**

**Education**

LB 237	Tuesday, March 3, 1959	2:00 p.m.
LB 389	Tuesday, March 3, 1959	2:00 p.m.
LB 390	Tuesday, March 3, 1959	2:00 p.m.

**STANDING COMMITTEE REPORTS**

**Government**

**LEGISLATIVE BILL 89.** Placed on General File.

**LEGISLATIVE BILL 120.** Placed on General File.

(Signed) Dwain Williams, Chairman

**Education**

**LEGISLATIVE BILL 81.** Placed on General File.

**LEGISLATIVE BILL 243.** Indefinitely postponed.

(Signed) George Syas, Chairman

**Enrollment and Review**

**LEGISLATIVE BILL 33.** Correctly enrolled.

**LEGISLATIVE BILL 63.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 33 LB 63

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 2.**

The pending Vosoba motion found in the Legislative Journal for the Twentieth Day was considered.

Mr. Romans moved the previous question. The motion prevailed with 29 ayes, 7 nays, and 7 not voting.

A record vote had been requested by Mr. Vosoba.

Voting in the affirmative, 14:

Burbach	Jensen	Orme	Ruhnke
Carpenter	Lautenschlager	Otto	Skarda
Donner	Munnely	Portsche	Vosoba
Fulton	Olinger		

Voting in the negative, 28:

Adams	Erlewine	Moulton	Stryker
Aufenkamp	Fenske	Nelson	Swanson
Bowen	Hollenbeck	Peck	Syas
Bridenbaugh	Klaver	Pizer	Tews
Claussen	Liebers	Romans	Thompson
Cooper	Marvel	Russillo	Webb
Diers	McHugh	Simmons	Williams

Not voting, 1:

Gerdes

The Vosoba motion lost.

### Visitors

Mr. Portsche introduced the President of the Junior Chamber of Commerce from Lincoln, Mr. Gay Blanc; the State President, Mr. By Elwonger from Auburn; and the National President, Mr. Bob Cox from Chapel Hill, North Carolina.

Mr. Portsche escorted Mr. Cox to the rostrum and Mr. Cox addressed the Legislature briefly.

### Speaker Pizer Presiding

### Members Excused

Messrs. McHugh, Tews, and Syas were excused for Friday, February 6, 1959.

### Explanation of Vote

Mr. President: In my opinion, the general public would be best served if a court action were taken in order to determine whether or not horse racing properties are nonprofit in this state; however, I voted against the minority report because other nonprofit organizations could be involved. (Signed) George Syas

# RESOLUTIONS

## LEGISLATIVE RESOLUTION 15. Re: Sale of Hastings Naval Depot.

Introduced by Hans O. Jensen, 25th District and Richard D. Marvel, 31st District.

WHEREAS, the Hastings Naval Depot has been declared surplus by the United States Navy and its sale by the General Services Administration is expected; and

WHEREAS, the tract of land of which such depot is composed was assembled through the purchase or condemnation of numerous farm units; and

WHEREAS, such land is better suited to agricultural uses than to any other purpose; and

WHEREAS, the family-sized farm remains the backbone of American agriculture.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. This Legislature respectfully requests that the General Services Administration offer the Hastings Naval Depot for sale in separate tracts of such size as to be economically feasible family-size farm units.

2. That a copy of this resolution, suitably engrossed, be sent to the General Services Administration and to each member from Nebraska in the United States Senate and House of Representatives.

## NOTICE OF COMMITTEE HEARINGS

### Banking, Commerce and Insurance

LB 169	Tuesday, February 24, 1959	2:00 p.m.
LB 289	Tuesday, February 24, 1959	2:00 p.m.
LB 292	Tuesday, February 24, 1959	2:00 p.m.
LB 388	Thursday, February 26, 1959	2:00 p.m.
LB 392	Thursday, February 26, 1959	2:00 p.m.
LB 393	Thursday, February 26, 1959	2:00 p.m.
LB 376	Tuesday, February 10, 1959	2:00 p.m.
LB 398	Tuesday, February 10, 1959	2:00 p.m.
LB 534	Tuesday, February 10, 1959	2:00 p.m.
LB 487	Tuesday, February 10, 1959	2:00 p.m.

**Public Works**

LB 171	Monday, February 16, 1959	2:00 p.m.
LB 273	Wednesday, February 18, 1959	2:00 p.m.
LB 52	Friday, February 20, 1959	2:00 p.m.
LB 264	Friday, February 20, 1959	2:00 p.m.

**Presented to the Governor**

Presented to the Governor for approval on February 5, 1959, at 10:45 a.m.: LB 33 LB 63

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Miscellaneous Subjects**

**LEGISLATIVE BILL 133.** Placed on General File as amended.

Standing Committee amendments to LB 133:

1. Section 1, Sub-section 2, Line 19, after the word "or", the word "*agricultural*" be inserted.
2. Section 1, Sub-section 2, Line 16, after the word "to", the words "*or from*" be inserted.
3. Section 1, Sub-section 2, Line 18, after the word "products", the words "*livestock and produce*" be inserted.
4. Section 1, Sub-section 2, Line 20, after the word "products", insert the words "*livestock and produce*".
5. Amend the title to conform.

**LEGISLATIVE BILL 161.** Placed on General File as amended.

Standing Committee amendments to LB 161:

1. Section 4, Line 27, Page 6, be amended as follows: Strike the words "*thirty cents*" and insert in lieu thereof, the words "*ten percent*".
2. Section 4, Line 43, Page 6, be amended as follows: Strike the "." after the word "direct" and insert a ",", and add this clause, "*and shall be credited to the applicant if he passes the engineer-in-training examination and later applies for registration as a professional engineer under this section.*"
3. Amend the title to conform.

**LEGISLATIVE BILL 270.** Placed on General File as amended.

Standing Committee amendment to LB 270:

1. Strike the “.” following the word “projects” and insert the following, *“and only when privately-owned equipment is not available. The county board shall cause to be incorporated in the minutes of its proceedings a statement showing for whom any such services were performed and the amount received by the county therefor.”*.

**LEGISLATIVE BILL 302.** Placed on General File.

**LEGISLATIVE BILL 241.** Placed on General File.

(Signed) J. W. Burbach, Chairman

#### Revenue

**LEGISLATIVE BILL 43.** Placed on General File.

(Signed) Norman A. Otto, Chairman

#### Visitors

Mr. Stryker introduced his wife and sister, Mrs. E. O. Treadway.

#### Bills Referred to Standing Committees

LB	Committee
659.....	Judiciary
660.....	Banking, Commerce and Insurance
661.....	Labor and Public Welfare
662.....	Judiciary
663.....	Government
664.....	Public Health
665.....	Agriculture
666.....	Revenue
667.....	Government
668.....	Revenue
669.....	Revenue
670.....	Revenue
671.....	Judiciary
672.....	Revenue
673.....	Education
674.....	Judiciary

(Signed) Dwight W. Burney  
Lieutenant Governor

**GENERAL FILE****LEGISLATIVE BILL 48.** Considered.**President Burney Presiding**

Mr. Carpenter offered the following amendment which was adopted:

Amend LB 48, section 25, line 6, by striking "*thirty*" and inserting in lieu thereof "*sixty*"; line 8 by striking "*and on April 30. Complaints*" and insert in lieu thereof "*and ending on May 30. Protests*"; and line 10 by striking "*April 15*" and inserting in lieu thereof "*May 10*".

Laid over.

**Adjournment**

Mr. President: I move we adjourn. (Signed) Sam Klaver

The motion prevailed with 22 ayes, 11 nays, and 10 not voting, and at 12:00 o'clock noon the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature



LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**TWENTY-FOURTH DAY**

---

Legislative Chamber, Lincoln, Nebraska

Friday, February 6, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Gerdes, McHugh, Syas, and Tews who were excused.

**Corrections for the Journal**

Page 392, line 30, show the stricken comma as underscored rather than stricken.

The Journal for the Twenty-third Day was approved as corrected.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 78.** Replaced on Select File as amended.

E and R amendment to LB 78:

1. In the title add the following at the end of line 3: "members of the Legislature during the term for which elected and".

**LEGISLATIVE BILL 28.** Placed on Select File.

**LEGISLATIVE BILL 132.** Placed on Select File as amended.

E and R amendment to LB 132:

1. In the title, line 5, insert the following after "system": "by any patrolman".

**LEGISLATIVE BILL 77.** Placed on Select File as amended.

E and R amendments to LB 77:

1. Add a new section to be known as section 3 and to read as follows:

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

2. In the title, line 6, strike "and" and insert in place thereof: "to remove provisions for the furnishing of duplicate containers;" and in line 7, before the period, insert: "; and to declare an emergency".

**LEGISLATIVE BILL 5.** Placed on Select File.

**LEGISLATIVE BILL 61.** Placed on Select File.

**LEGISLATIVE BILL 136.** Placed on Select File.

**LEGISLATIVE BILL 141.** Placed on Select File as amended.

E and R amendment to LB 141:

1. In the title, at the end of line 7, insert: "the statute of limitations for prosecutions for".

**LEGISLATIVE BILL 143.** Placed on Select File.

**LEGISLATIVE BILL 152.** Placed on Select File.

**LEGISLATIVE BILL 115.** Placed on Select File as amended.

E and R amendments to LB 115:

1. In the title, line 4, insert "the" before "amount" and before "annual".

2. In the title, line 6, strike the comma.

**LEGISLATIVE BILL 113.** Placed on Select File as amended.

E and R amendments to LB 113:

1. In section 1, line 3, strike the comma after "44-150" and insert a period.

2. In section 1, line 23, strike "and".

3. In section 1, line 24, strike "and" and insert in place thereof "or".

4. In the title, line 4, strike "of" and insert "against", and in line 11, after the semi-colon, insert: "to provide exceptions; to provide for determination of the domicile of alien insurers;"

**LEGISLATIVE BILL 49.** Placed on Select File as amended.

E and R amendments to LB 49:

1. Renumber sections 2 and 3, added by Standing Committee Amendment 1, as sections 1 and 2 respectively and insert such re-numbered sections immediately before original section 1.

2. Renumber original section 1 as section 3.

3. In Standing Committee Amendment 2, line 3, strike the comma after "23-1114".

(Signed) Joe T. Vosoba, Chairman

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 13.**

Mr. Klaver moved that LR 13 be adopted.

Mr. Klaver requested a record vote.

Voting in the affirmative, 33:

Adams	Fulton	Nelson	Russillo
Aufenkamp	Jensen	Olinger	Simmons
Bowen	Klaver	Orme	Skarda
Carpenter	Lautenschlager	Otto	Swanson
Claussen	Liebers	Peck	Thompson
Cooper	Marvel	Pizer	Vosoba
Diers	Moulton	Portsche	Webb
Erlewine	Munnelly	Ruhnke	Williams
Fenske			

Voting in the negative, 0.

Not voting, 10:

Bridenbaugh	Gerdas	Romans	Syas
Burbach	Hollenbeck	Stryker	Tews
Donner	McHugh		

The motion prevailed and LR 13 was adopted.

**LEGISLATIVE RESOLUTION 15.**

LR 15 was adopted with 38 ayes, 0 nays, and 5 not voting.

**UNANIMOUS CONSENT—Return LB 38 to Select File**

Mr. Ruhnke requested unanimous consent to return LB 38 from E and R for engrossment to Select File for the following specific amendment. No objections. So ordered.

1. Amend Standing Committee Amendments 2 and 4 by striking the word "now" in line 4 of each.

**SELECT FILE**

**LEGISLATIVE BILL 38.** The pending Ruhnke specific amendment found in this Day's Journal was adopted by unanimous consent.

Advanced to E and R for engrossment.

**Visitor**

Mr. Williams introduced Mr. K. W. Peterson, a former member of the Legislature, from Sargent.

**UNANIMOUS CONSENT—Substitute Introducer**

Mr. Bridenbaugh requested unanimous consent to have his name withdrawn and the name of Lewis Webb of Legislative District 39 added as introducer of LB 671. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 48.** Considered.

Mr. Nelson moved that LB 48 be indefinitely postponed.

Mr. Nelson requested a record vote.

Voting in the affirmative, 9:

Bridenbaugh	Jensen	Orme	Romans
Fenske	Nelson	Pizer	Russillo
Hollenbeck			

Voting in the negative, 28:

Adams	Donner	Munnelly	Skarda
Aufenkamp	Erlewine	Olinger	Stryker
Bowen	Fulton	Otto	Swanson
Burbach	Lautenschlager	Peck	Thompson
Carpenter	Liebers	Portsche	Vosoba
Claussen	Marvel	Ruhnke	Webb
Diers	Moulton	Simmons	Williams

Not voting, 6:

Cooper	Klaver	Syas	Tews
Gerdes	McHugh		

The Nelson motion lost.

Advanced to E and R for review.

#### Visitors

Mr. Claussen introduced Miss Anna May Meyer, Teacher, and seven pupils from District 38, Stanton County, and six sponsors.

Mr. Fenske introduced Mr. Mauris Christensen from Sidney.

#### Guest

Mr. Swanson escorted Mr. Oldenberg, Swedish Consul General, to the rostrum and introduced him to the Legislature.

Mr. Oldenberg addressed the Legislature.

#### GENERAL FILE

**LEGISLATIVE BILL 110.** Laid over.

#### UNANIMOUS CONSENT— Consider LB 29

Mr. Aufenkamp requested unanimous consent that LB 29 be placed at the head of General File and considered at this time. No objections. So ordered.

#### Speaker Pizer Presiding

#### GENERAL FILE

**LEGISLATIVE BILL 29.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-first Day were adopted.

Advanced to E and R for review.

#### Visitors

Mr. Nelson introduced Mr. Sipes from Lincoln, and Mr. Robert Tomlinson from O'Neill.

Mr. Diers introduced Darrel Menike, Principal, and thirty-five students from Concordia Teachers College High School, Seward.

Mr. Ruhnke introduced Miss Elaine Hummel, one of the foregoing students from Seward.

**MOTION—Place LB 37 on General File**

Mr. President: I move that LB 37 be placed on General File.  
(Signed) Marvin Lautenschlager

Laid over until Monday, February 9, at the request of Mr. Moulton.

**Visitors**

Mr. Donner introduced Messrs. Ray Medlin, Sr., Sam Testhammer, Bernard Holms, and Bill Cook from Albion.

Mr. Marvel introduced Mr. R. J. Van Lengen from Hastings.

**GENERAL FILE**

**LEGISLATIVE BILL 97.** Laid over.

**LEGISLATIVE BILL 134.** Laid over.

**LEGISLATIVE BILL 111.** Considered.

Advanced to E and R for review.

**Visitors**

Speaker Pizer introduced Mr. and Mrs. Ray Ball from North Platte.

**LEGISLATIVE BILL 112.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-first Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 118.** Laid over.

**LEGISLATIVE BILL 124.** Laid over.

**Point of Order**

Mr. Carpenter raised a point of order as to who would be the introducers of bills bearing the name of Willard H. Waldo as introducer.

The Chair ruled that the co-introducers would take the responsibility.

**President Burney Presiding**

**LEGISLATIVE BILL 40.** Read and considered.

Mr. Carpenter moved that LB 40 be amended by striking the name of Willard H. Waldo as introducer. The motion prevailed.

Advanced to E and R for review.

**LEGISLATIVE BILL 98.** Laid over.

**Member Excused**

Mr. Webb was excused at 11:05 a.m. for the remainder of the day.

**LEGISLATIVE BILL 117.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 65.** Read and considered.

Mr. Donner moved that LB 65 be indefinitely postponed.

The motion lost with 3 ayes, 28 nays, and 12 not voting.

Laid over.

**UNANIMOUS CONSENT—Hearing Room**

Mr. Otto, Chairman of the Committee on Revenue, requested unanimous consent for permission to use the East Senate Chamber for the Revenue Committee hearing this afternoon. No objections. So ordered.

**Visitors**

Mr. Lautenschlager introduced his wife, Violet, and his son and daughter, Kenny and Joanne.

**GENERAL FILE**

**LEGISLATIVE BILL 83.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 84.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 85.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 87.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-second Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 285.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Twenty-second Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 305.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-second Day were adopted.

Mr. Simmons offered the following amendment which was adopted:

Amend LB 305, by renumbering section 2 as section 3.

Advanced to E and R for review.

**UNANIMOUS CONSENT—Executive Session**

Mr. Williams, Chairman of the Government Committee, requested unanimous consent to hold an executive session of the Government Committee at 1:30 p.m. today. No objections. So ordered.

**GENERAL FILE****LEGISLATIVE BILL 89.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 120.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 81.** Read and considered.

Advanced to E and R for review.



**STANDING COMMITTEE REPORTS**

**Education**

**LEGISLATIVE BILL 246.** Placed on General File.

(Signed) Fern Hubbard Orme, Vice Chairman

**Labor and Public Welfare**

**LEGISLATIVE BILL 129.** Placed on General File.

**LEGISLATIVE BILL 130.** Placed on General File.

**LEGISLATIVE BILL 140.** Placed on General File as amended.

Standing Committee amendment to LB 140:

In Section 1, line 46 reinsert the stricken words "and also including minors".

(Signed) Peter H. Claussen, Chairman

**NOTICE OF COMMITTEE HEARINGS**

**Budget**

LB 323      Tuesday, February 17, 1959      2:00 p.m.

**Public Works**

LB 541      Friday, February 20, 1959      2:00 p.m.

**Government**

LB 295      Wednesday, April 1, 1959      2:00 p.m.

LB 297      Wednesday, April 1, 1959      2:00 p.m.

LB 298      Wednesday, April 1, 1959      2:00 p.m.

**Labor and Public Welfare**

LB 172      Wednesday, February 11, 1959      2:00 p.m.

LB 268      Wednesday, February 11, 1959      2:00 p.m.

LB 269      Wednesday, February 11, 1959      2:00 p.m.

**Banking, Commerce and Insurance**

LB 287      Thursday, February 12, 1959      2:00 p.m.

LB 304      Thursday, February 12, 1959      2:00 p.m.

LB 394      Thursday, February 12, 1959      2:00 p.m.

LB 395      Thursday, February 12, 1959      2:00 p.m.

**Miscellaneous Subjects**

LB 346	Thursday, February 12, 1959	2:00 p.m.
LB 373	Thursday, February 12, 1959	2:00 p.m.
LB 409	Thursday, February 12, 1959	2:00 p.m.
LB 331	Tuesday, February 17, 1959	2:00 p.m.
LB 417	Tuesday, February 17, 1959	2:00 p.m.
LB 473	Tuesday, February 17, 1959	2:00 p.m.
LB 379	Thursday, February 19, 1959	2:00 p.m.
LB 410	Thursday, February 19, 1959	2:00 p.m.
LB 413	Thursday, February 19, 1959	2:00 p.m.
LB 326	Tuesday, February 24, 1959	2:00 p.m.
LB 327	Tuesday, February 24, 1959	2:00 p.m.
LB 328	Tuesday, February 24, 1959	2:00 p.m.
LB 377	Tuesday, February 24, 1959	2:00 p.m.

**Adjournment**

Mr. President: I move we adjourn until 10:00 a.m. Monday, February 9, 1959. (Signed) William Moulton

Mr. Carpenter moved that the motion be amended to 9:00 a.m.

The Carpenter amendment prevailed with 26 ayes, 5 nays, and 12 not voting, and at 12:08 p.m. the Legislature adjourned until 9:00 a.m. Monday, February 9, 1959.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**TWENTY-FIFTH DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Monday, February 9, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Adams who was excused until 10:15 a.m., and Mr. Otto who was excused until 10:20 a.m.

The Journal for the Twenty-fourth Day was approved.

**MESSAGE FROM THE GOVERNOR**

February 6, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on February 5, 1959, he approved LB 39.

Respectfully submitted,

(Signed) Robert B. Conrad  
ADMINISTRATIVE ASSISTANT

**Communications**

Letters from U. S. Senators Roman Hruska and Carl T. Curtis, Paul F. Royster, Assistant to the Federal Highway Administrator, and U. S. Representative Glenn Cunningham acknowledging receipt of LR 11, and a copy of the Congressional Record from Mr. Hruska.

Letter from Rabbi Sidney H. Brooks, Omaha, favoring LB 279.

Postal card from Mr. and Mrs. Adolph Moravek, Blue Springs, opposing LB 62.

Letter from Mrs. Edson L. Madden, Sidney, opposing Aksarben legislation.

Letter from Leo P. Hickey, San Gabriel, California, favoring a sales tax.

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 105.** Correctly engrossed.

**LEGISLATIVE BILL 32.** Correctly engrossed.

**LEGISLATIVE BILL 30.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### President Signs

While the Legislature was in session and capable of transacting business, the President signed: LR 13 LR 15

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 3.** Laid over.

**LEGISLATIVE BILL 21.**

A bill for an act to amend section 81-147, Reissue Revised Statutes of Nebraska, 1943, relating to the Purchasing Agent; to remove the condition that the Governor may remove the Purchasing Agent only for cause; and to repeal the original section.

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

Voting in the affirmative, 33:

Aufenkamp	Fenske	Lautenschlager	Orme
Bowen	Fulton	Liebers	Peck
Bridenbaugh	Gerdes	Marvel	Pizer
Carpenter	Hollenbeck	McHugh	Portsche
Claussen	Jensen	Moulton	Romans
Diers	Klaver	Olinger	Ruhnke

Russillo	Swanson	Thompson	Webb
Simmons	Tews	Vosoba	Williams
Skarda			

Voting in the negative, 4:

Donner	Erlewine	Nelson	Syas
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Not voting, 6:

Adams	Cooper	Otto	Stryker
Burbach	Munnelly		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 34.

Mr. Moulton requested unanimous consent that LB 34 be returned to Select File for a specific amendment. No objections. So ordered.

#### LEGISLATIVE BILL 66. With emergency.

A bill for an act to amend section 39-714.03, Revised Statutes Supplement, 1957, relating to highways; to require the Department of Roads, when requested by any city or village, to make traffic engineering studies to determine reasonable and proper speed limits and passing zones on highways within such city or village; to provide that such department shall erect prescribed signs when its recommendations have been accepted, in ordinance form, by such city or village; 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:

Aufenkamp	Fulton	Munnelly	Simmons
Bowen	Gerdas	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Carpenter	Jensen	Orme	Swanson
Claussen	Klaver	Peck	Syas
Cooper	Lautenschlager	Pizer	Tews
Diers	Liebers	Portsche	Thompson
Donner	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Adams                      Burbach                      Otto

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

#### **Member Excused**

Mr. Erlewine was excused for the remainder of the week.

#### **SELECT FILE**

**LEGISLATIVE BILL 78.** E and R amendment found in the Legislative Journal for the Twenty-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 28.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 132.** E and R amendment found in the Legislative Journal for the Twenty-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 77.** E and R amendments found in the Legislative Journal for the Twenty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 5.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 61.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 136.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 141.** E and R amendment found in the Legislative Journal for the Twenty-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 143.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 152.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 115.** E and R amendments found in the Legislative Journal for the Twenty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 113.** E and R amendments found in the Legislative Journal for the Twenty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 49.** E and R amendments found in the Legislative Journal for the Twenty-fourth Day were adopted.

Advanced to E and R for engrossment.

**UNANIMOUS CONSENT—Re-refer LB 648**

Mr. Vosoba requested unanimous consent to re-refer LB 648 from the Committee on Banking, Commerce and Insurance to the Committee on Judiciary. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 34.**

Mr. Moulton offered the following specific amendments:

1. Amend Section 2 of the bill, page 3, line 19, following the word "thereto" by inserting the following sentence. "For the purposes of this act, upland game birds shall mean all species and subspecies of quail, dove, partridge, pheasant, wild turkeys, and grouse including prairie chickens, on which an open season is in effect."
2. Amend Section 4 of the bill, page 3, line 9, by striking the words "and Park".
3. Amend Section 5 of the bill, page 4, line 9, by striking the words "and Park".
4. Amend the title accordingly.

Mr. Nelson offered the following amendment which was adopted by unanimous consent:

1. Amend the Moulton specific amendment 1 by striking the word "dove,".

Moulton amendments pending.

Laid over.

#### **MOTION—Recommit LB 3**

Mr. President: I move to recommit LB 3 to Enrollment and Review to correct an error and for re-engrossment. (Signed) Harold B. Stryker

The motion prevailed.

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Agriculture**

LB 147	Tuesday, February 17, 1959	2:00 p.m.
LB 239	Tuesday, February 17, 1959	2:00 p.m.
LB 157	Thursday, February 19, 1959	2:00 p.m.
LB 444	Thursday, February 19, 1959	2:00 p.m.
LB 445	Thursday, February 19, 1959	2:00 p.m.
LB 446	Thursday, February 19, 1959	2:00 p.m.
LB 447	Thursday, February 19, 1959	2:00 p.m.

#### **GENERAL FILE**

##### **LEGISLATIVE BILL 96. Considered.**

Mr. Williams moved that LB 96 be indefinitely postponed.

The motion prevailed.

##### **LEGISLATIVE BILL 110. Considered.**

Mr. Fenske moved that LB 110 be indefinitely postponed.

The motion prevailed with 24 ayes, 15 nays, and 4 not voting.

##### **LEGISLATIVE BILL 97. Considered.**

Mr. Syas withdrew his pending motion found in the Legislative Journal for the Twenty-second Day to advance LB 97 to E and R for review.

Mr. Syas moved to reconsider action on adoption of Standing Committee Amendment 2. The motion prevailed with 38 ayes, 0 nays, and 5 not voting.



Mr. Syas offered the following amendment which was adopted:

1. Amend the bill by striking Standing Committee Amendment 2.

Mr. Ruhnke offered the following amendments:

1. Amend the bill, section 1, line 7, by inserting the following immediately before the period:

“except that no such fees may be imposed within ten miles of any privately-owned and stocked trout fishing area which is open to the general public and for which a charge is made for fishing, whether such privately-owned area was established before or after the establishment of such area by the commission.”.

2. Amend the title to conform.

Mr. Romans moved that LB 97 be indefinitely postponed. The motion lost with 17 ayes, 24 nays, and 2 not voting.

The Ruhnke amendments were adopted.

Mr. Tews offered the following amendment which was adopted:

1. Amend the bill, section 1, page 2, by striking the word “hunting,” in line 3, and the words “or other recreation” in line 4, and inserting in line 4 “on state-owned land.”

Laid over.

#### **MOTION—Place LB 37 on General File**

Mr. Lautenschlager renewed his pending motion found in the Legislative Journal for the Twenty-fourth Day that LB 37 be placed on General File.

#### **Speaker Pizer Presiding**

The motion lost with 16 ayes, 22 nays, and 5 not voting.

#### **MESSAGE FROM THE GOVERNOR**

February 9, 1959

Mr. Hugo Srb  
Clerk of the Legislature  
State Capitol  
Lincoln 9, Nebraska

Dear Sir:

I herewith respectfully submit the name of LeRoy Bahensky, of Palmer, Nebraska, to serve as a member of the Game, Forestation, and Parks Commission from District Three to complete the term of Robert F. Kennedy expiring January 15, 1963, the vacancy resulting from the resignation of Mr. Kennedy and for which position Mr. Lee Nauemburg, of Columbus, was nominated on January 7, 1959 while the Legislature was in session.

The appointment of Mr. Bahensky is in compliance with Section 81-801 R.R.S. requiring that at least one member of the Commission be actually engaged in agricultural pursuits and residing on a farm or ranch.

In addition, I respectfully submit the name of Wade Ellis, of Alliance, to serve as a member of the Game, Forestation and Parks Commission from District Seven for the term expiring January 15, 1964.

Respectfully submitted,

(Signed) Ralph G. Brooks  
RALPH G. BROOKS  
Governor

RGB:RBC/2

Referred to the Committee on Committees.

## STANDING COMMITTEE REPORTS

### Revenue

**LEGISLATIVE BILL 42.** Placed on General File as amended.

Standing Committee amendments to LB 42:

1. Amend the bill by striking sections 1 to 4 and inserting in lieu thereof a new section 1 to read as follows:

"Section 1. That section 77-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-303. (1) The Tax Commissioner shall have jurisdiction over the administration of all of the revenue laws of the state, subject to review by the State Board of Equalization and Assessment, and all. Such jurisdiction shall include requiring the tax officials of

*the state and its political subdivisions to act in absolute compliance with all the revenue laws of the state. All final orders entered by the Tax Commissioner and like orders entered by the State Board of Equalization and Assessment shall be considered judicial acts from which appeals may be taken as provided by law.*

(2) The Tax Commissioner shall formulate and promulgate rules and regulations pertaining to the valuation and assessment of classes of property which shall have the force of law and be binding on all taxpayers and taxing officials unless and until changed by the Legislature, declared invalid by a court of competent jurisdiction, or set aside by the provisions of sections 84-901 to 84-908. *The Tax Commissioner shall have authority to adopt rules and regulations, not inconsistent with law, pertaining to the administration of the revenue laws of the state.*

(3) He shall employ such assistants as may be necessary to assist in the administration of the property tax laws within the counties.”.

2. Renumber sections 5 to 7 as sections 2 to 4, respectively.

3. Amend renumbered section 4, line 9 by striking “three” and inserting “three five”.

4. Amend renumbered section 4 of the bill, lines 22 to 29 by striking the period and by striking the old matter, and showing the same as stricken and inserting in place thereof the following:

*“; and to the tangible tax shall be added interest at the rate of seven per cent per annum from the date the tax would have been due if the property had been returned for taxation, plus a penalty of fifty percent on the amount so found due; and the intangible property so omitted shall be taxed at the rate for tangible property as fixed at the time of the last preceding levy.”.*

5. Renumber section 8 as section 5.

6. Amend renumbered section 5, lines 1 and 2 by striking “77-304, 77-305,”.

7. Renumber section 9 as section 6.

8. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

## NOTICE OF COMMITTEE HEARINGS

## Public Health

LB 316	Monday, February 16, 1959	2:00 p.m.
LB 383	Monday, February 16, 1959	2:00 p.m.

## MOTION—Introduce Bill

Mr. President: I move that the Committee on Revenue be permitted to introduce a bill. (Signed) Norman A. Otto, Chairman

## STATEMENT—Introduce Bill

The Revenue Committee requests permission to introduce a bill which will eliminate the exemption now enjoyed by the interstate carriers. It should increase the revenue to the state \$50,000.00 and up.

LB 46 was introduced to eliminate the tax on interstate carriers because as the law presently reads it was not worth collecting. The committee decided to hold LB 46 until after action on the new bill was known.

(Signed) Norman A. Otto, Chairman

Permission to introduce the bill granted with 38 ayes, 0 nays, and 5 not voting.

## BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 675.** By Committee on Revenue, Norman A. Otto, 34th District, Chairman.

A bill for an act to amend section 77-1001, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that the provisions of Chapter 77, article 10, Reissue Revised Statutes of Nebraska, 1943, shall not apply to common carriers for hire not domiciled in Nebraska or being locally taxed in Nebraska; and to repeal the original section.

## Member Excused

Mr. Stryker was excused for Friday afternoon, February 13.

**GENERAL FILE**

**LEGISLATIVE BILL 134.** Laid over until Wednesday, February 11, 1959, at the request of Mr. Tews.

**President Burney Presiding**

**LEGISLATIVE BILL 118.** Laid over until Thursday, February 12, 1959, at the request of Mr. Donner.

**LEGISLATIVE BILL 124.** Laid over until Thursday, February 12, 1959, at the request of Mr. Donner.

**LEGISLATIVE BILL 98.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-second Day were adopted.

Mr. Thompson offered the following amendment which was adopted:

Amend subsection 14 of section 1 to read as follows:

*“Enter into agreements for water service with agencies of the federal government of the Game, Forestation and Parks Commission through which water will be made available, at rates determined as provided in subdivision (7) of this section, for hunting, fishing, and recreational development. ; Provided, however, that such water service shall not exceed the amount of water which may be appropriated for such purposes by order of the Department of Water Resources and such amounts shall be included in the total appropriative right of the district or districts involved.”*

Mr. Thompson offered the following amendment which was adopted:

Amend the title of LB 98 to conform to the Thompson amendment.

Mr. Syas requested unanimous consent that the name of Marvin Lautenschlager of Legislative District 30 be added as co-introducer of LB 98. No objections. So ordered.

Advanced to E and R for review.

**LEGISLATIVE BILL 65.** Considered.

Mr. Donner offered the following amendments which were adopted:

1. Amend the bill, section 1, lines 2 and 3, by striking "pursuant to any law of this state" and inserting, in place thereof: "as a result of a conviction for operating a motor vehicle while under the influence of intoxicating liquor".

2. Amend the title to conform.

Mr. Ruhnke moved that LB 65 be advanced to E and R for review.

Motion pending.

Laid over.

**LEGISLATIVE BILL 133.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-third Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 161.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-third Day were adopted.

Advanced to E and R for review.

**NOTICE OF COMMITTEE HEARINGS**

**Public Health**

LB 347	Monday, February 23, 1959	2:00 p.m.
LB 387	Monday, February 23, 1959	2:00 p.m.

**Invitation**

Letter to Mr. Fulton from the Beatrice Chamber of Commerce, inviting the members and their wives to visit the Beatrice State Home, and to a dinner following the tour. Transportation will be furnished.

Mr. Carpenter suggested March 10 as a suitable date.

Mr. Ruhnke moved that on March 10, the members prepare to leave at 3:30 p.m. for visiting the Beatrice State Home. The motion prevailed.

**UNANIMOUS CONSENT—Read and Print Letters**

Mr. Carpenter requested unanimous consent to have the Clerk read two letters, one to the Attorney General and the other a

reply from the Attorney General, and that they be printed in the daily Journal.

The Chair ruled that each request would be considered separately.

No objections to the first request to have the letters read. So ordered.

The Clerk read the two letters.

Mr. Peck objected to having the letters printed in the daily Journal.

Mr. Carpenter moved that the letters be printed in the daily Journal.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 32:

Adams	Erlewine	Liebers	Ruhnke
Aufenkamp	Fenske	Marvel	Skarda
Bowen	Fulton	Moulton	Stryker
Burbach	Gerdes	Munnelly	Swanson
Carpenter	Hollenbeck	Olinger	Syas
Claussen	Jensen	Orme	Thompson
Diers	Klaver	Otto	Vosoba
Donner	Lautenschlager	Portsche	Webb

Voting in the negative, 7:

Cooper	Nelson	Romans	Simmons
McHugh	Peck	Russillo	

Not voting, 4:

Bridenbaugh	Pizer	Tews	Williams
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The Carpenter motion prevailed.

February 4, 1959

Mr. Clarence Beck  
Attorney General  
State House  
Lincoln, Nebraska

Dear Sir:

I am enclosing herewith a copy of a bond furnished by Mr. Wishart, together with a copy of a certified check made payable to the State of Nebraska.

I would like to have your opinion as to the following questions: You will note that the bond is specific in that it recites as follows: "I shall pay to the proper authorities all costs which are charged or assessed against me as provided by law."

This provision is, of course, contrary to the direction of the statutes and I presume there is a reason for its being written in the form that is expressed in the bond.

Will you advise the mechanics necessary in the event that the result of the election of the Governor of the State of Nebraska is not reversed as to who and how and by what statute authority could anyone proceed to collect under the bond for the expenses incurred in the recount to meet the qualifications (as provided by law).

The check in the amount of \$20,000 is made out to the State of Nebraska which I presume is a pertinent part of the bond itself and the amount could not be expended unless someone complied with the provision as provided by law. Under what procedure could this certified check be made available to pay the expenses of a recount and by whom?

As time is of some importance, I would appreciate as prompt a reply as possible.

Sincerely,

TERRY CARPENTER

TC:dnk  
Enclosures (2)

February 9, 1959

Senator Terry Carpenter  
Nebraska State Legislature  
State Capitol  
Lincoln, Nebraska

Dear Senator Carpenter:

You have inquired as to the procedure to be followed for collection of costs in the event the pending election contest for Governor fails.



Section 32-1009 provides in part:

"\* \* \*. The contestant must also, within three days after giving the required notice of the contest of any election, file a bond in the office of the Secretary of State, with security to be approved by that officer, conditioned to pay all costs in case the contest fails."

The bond submitted is conditioned to pay "to the proper authorities all costs which are charged or assessed against me, as provided by law, \* \* \*."

It is true that the condition of the bond is not in the exact wording of the statute, but inasmuch as we are informed that a three judge district court has ruled the bond sufficient we must presume for purposes of this opinion that the bond is sufficient and imposes liability on the contestant in the event the contest fails.

There appears in the Legislative Journal for the twenty-first day covering proceedings on Tuesday, February 3, 1959, on page 360, a statement by the attorney for the contestant that all bills have been paid to date and in subsection (7) that the only further expense will be the expense involved in the actual recount. Therefore, at this time we must assume that only the costs incidental to the recounting of the ballots are involved.

Section 32-1015 authorizes the opening and inspection of the ballots in the presence of the presiding officer of the Legislature unless they have been committed to the chairman of a committee. We are informed that a committee has been appointed to make the recount, subject to submission to the Legislature and approval thereof, of a method of procedure. It is assumed that either the committee or some other proper official will engage the services of judges and clerks to do the actual recounting under the supervision and control of the committee. This will involve certain expenditures by the Legislature for which an appropriation will be necessary unless funds are now available. This expense is certainly a part of the costs for which the State is entitled to be reimbursed in the event the contest fails.

In the event there is no change in the election, and after all the costs of recounting have been determined, the Clerk of the Legislature, under the direction of that body, should submit a statement of these costs to the contestant. In the event these costs are not paid within a reasonable time the Legislature would be authorized under the provisions of Section 84-205, subsection (9), to direct the Attorney General to institute proceedings against the contestee and on his bond. The twenty thousand dollar security posted by the contestant in the form of a certified check and made payable to the State of Nebraska could be turned over to the State Treasurer under direc-

tion of the Legislature for that purpose where the costs do not exceed twenty thousand dollars, and thus any action on the bond could be avoided. The fact that the certified check is made to the State of Nebraska rather than to the Legislature or to some designated state official is immaterial.

As previously mentioned it has been stated by the attorney for the contestant that all other costs have been paid. In the event that this is not correct any county clerk who incurred expenses in bringing the ballots to Lincoln or any witness who desires and is entitled to collect for witness fees and any shorthand reporter could properly present their claims to the Clerk of the Legislature to be approved by that body and included in the recount costs. This could also be done by any notary public before whom previous depositions may have been taken and the fees in such cases are governed by Section 33-133. However, any such reporter or notary public would also have recourse against the person or persons for whom the depositions were taken, the same as in any other civil proceeding.

It should also be noted that when the recount is finished, and if there is no change in the result, the contestant could pay directly for the services performed by those doing the actual recounting. If this is done the Legislature will not be involved in any payments or in collecting the costs from the contestant, if the contest fails.

Respectfully submitted,

CLARENCE S. BECK  
Attorney General

(Signed) H. G. Hamilton  
H. G. Hamilton  
Assistant Attorney General

HGH:mkk

#### Adjournment

At 12:08 p.m. on a motion by Mr. Claussen, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**TWENTY-SIXTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Tuesday, February 10, 1959

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Fulton who was excused until 9:30 a.m. and Mr. Adams who was excused until 10:15 a.m.

The Journal for the Twenty-fifth Day was approved.

**Communications**

Resolution to Mr. Claussen from the Wayne County Board of Commissioners relative to distribution of gas tax.

**NOTICE OF COMMITTEE HEARINGS**

**Banking, Commerce and Insurance**

LB 92	Tuesday, February 17, 1959	2:00 p.m.
LB 301	Tuesday, February 17, 1959	2:00 p.m.
LB 652	Tuesday, February 17, 1959	2:00 p.m.
LB 25	Thursday, February 19, 1959	2:00 p.m.
LB 162	Thursday, February 19, 1959	2:00 p.m.
LB 555	Tuesday, March 17, 1959	2:00 p.m.
LB 556	Tuesday, March 17, 1959	2:00 p.m.
LB 557	Tuesday, March 17, 1959	2:00 p.m.
LB 628	Thursday, March 19, 1959	2:00 p.m.
LB 640	Thursday, March 19, 1959	2:00 p.m.
LB 641	Thursday, March 19, 1959	2:00 p.m.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 49.** Replaced on Select File as amended.

E and R amendment to LB 49:

1. In renumbered section 2, line 9, strike "2" and insert "1".

**LEGISLATIVE BILL 48.** Placed on Select File as amended.

E and R amendments to LB 48:

1. In section 12, page 9, line 10, insert "he" after "where" as it now appears in the statutes.
2. In section 12, page 10, line 22, insert a comma after "clerk" as it now appears in the statutes.
3. In section 17, page 14, line 60, strike "January 1 at" and insert "*January 1 at*".
4. In section 17, page 15, insert a period at the end of line 71 as it now appears in the statutes.
5. In section 25, page 20, line 7, strike "the" and show the same as stricken.
6. In the Carpenter amendment to section 25, lines 2 and 3, strike "line 8" and insert "lines 8 and 9".

**LEGISLATIVE BILL 29.** Placed on Select File as amended.

E and R amendments to LB 29:

1. In section 1, line 8, insert an old comma after "corn".
2. In Standing Committee Amendment 3, line 1, strike "3" and insert "4".
3. In the title, line 9, after the semi-colon, insert: "to except any elevator operator, grain dealer, or seed dealer having an established place of business in this state from the requirements of procuring a license or of making a cash deposit or furnishing bond;".

**LEGISLATIVE BILL 111.** Placed on Select File as amended.

E and R amendments to LB 111:

1. In section 1, line 4, insert a comma after "therein".
2. In the Standing Committee Amendment, line 3, strike "surance." and insert "surance,".

3. In the title, line 2, strike the colon and insert a semicolon.
4. In the title, line 3, after "authorized", insert ", subject to the approval of the Director of Insurance,".

**LEGISLATIVE BILL 112.** Placed on Select File as amended.

E and R amendments to LB 112:

1. Strike Standing Committee Amendment 1 and insert, in place thereof:

"Section 1. That section 44-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-501. No policy or contract of fire and lightning insurance, including a renewal thereof, shall be made, issued, used or delivered by any insurer or by any agent or representative thereof, on property within this state other than such as shall conform in all particulars as to blanks, size of type, context, provisions, agreements and conditions with the 1943 Standard Fire Insurance Policy of the State of New York, a copy of which shall be filed in the office of the Director of Insurance as standard policy for this state, and no other or different provision, agreement, condition or clause shall in any manner be made a part of such contract or policy or be endorsed thereon or delivered therewith except as provided in subsections (1) to (9) of this section.

(1) The name of the company, its location and place of business, the date of its incorporation or organization, and the state or county under which the same is organized, the amount of paid up capital stock, whether it is a stock, mutual, reciprocal, or assessment company, the names of its officers, the number and the date of the policy, and appropriate company emblems may be printed on policies issued on property in this state; *Provided*, that any insurer organized under special charter provisions may so indicate upon its policy, and may add a statement of the plan under which it operates in this state.

In lieu of the facsimile signatures of the president and secretary of the insurer on such policy, there may appear the signature or signatures of such persons as are duly authorized by the insurer to execute the contract. No such policy shall be void if the facsimile signature or signatures of any officer of the company shall not correspond with the actual persons who are such officers at the inception of the contract if such policy is countersigned by a duly authorized agent of the insurer.

(2) Printed or written forms of description and specifications or schedules of the property covered by any particular policy and any other matter necessary to express clearly all the facts and conditions of insurance on any particular risk, which facts or conditions shall in no case be inconsistent with or a waiver of any of the provisions or conditions of the standard policy herein provided for, may be written upon or attached or appended to any policy issued on property in this state. Appropriate forms of supplemental contracts, contracts or endorsements, whereby the interest in the property described in such policy shall be insured against one or more of the perils which insurer is empowered to assume, may be used in connection with the standard policy. Such forms of contracts, supplemental contracts, or endorsement attached or printed thereon may contain provisions and stipulations inconsistent with the standard policy if applicable only to such other perils. The pages of the standard policy may be renumbered and rearranged for convenience in the preparation of individual contracts and to provide space for the listing of rates and premiums for coverages insured thereunder or under endorsements attached or printed thereon, and such other data as may be included for duplication on daily reports for office records.

(3) A company, corporation, or association organized or incorporated under and in pursuance of the laws of this state or elsewhere, if entitled to do business in this state, may with the approval of the Director of Insurance, if the same is not already included in the standard form as filed in the office of the Department of Insurance, print on its policies, any provision which it is required by law to insert therein, if said provision is not in conflict with the laws of this state or the United States, or of the provisions of the standard form provided for herein, but such provision shall be printed apart from the other provisions, agreements, or conditions of the policy and in type not smaller than the body of the policy and a separate title, as follows: "Provisions required by law to be stated in this policy," and be a part of the policy.

(4) There may be endorsed on the outside of any policy provided for in this section for the name, with the word "Agent or Agents" and place of business, of any insurance agent or agents, either by writing, printing, stamping or otherwise. There may also be added, with the approval of the Director of Insurance, a statement of the group of companies with which the company is financially affiliated, and the usual company medallion.

(5) When two or more companies, each having previously complied with the laws of this state, unite to issue a joint policy, there

may be expressed in the headline of each policy the fact of the severalty of the contract; and also the proportion of premiums to be paid to each company and the proportion of liability which each company agrees to assume. In the printed conditions of such policy the necessary change may be made from the singular to plural number, when reference is had to the companies issuing such policy.

(6) This section shall not apply to motor vehicle, inland marine nor ocean marine insurance; nor shall it apply to reinsurance contracts between insurance companies. *The Director of Insurance may approve a form of policy which includes, either on an unspecified basis as to coverage or for an indivisible premium, coverage against the peril of fire and substantial coverage against other perils, without complying with the provision of this section; Provided, such policy with respect to the peril of fire includes provisions which are the substantial equivalent of the minimum provisions of the standard policy herein provided for; and provided further, the policy is complete as to all its terms without reference to any other document.*

(7) If the policy be made by a mutual assessment or other company having special regulations lawfully applicable to its organization, membership, policies or contracts of insurance, such regulations shall apply to and form a part of the policy as the same may be written or printed upon, attached or appended thereto.

(8) Policies of assessment associations may be issued with such modifications as shall be approved in writing by the Department of Insurance.

(9) Any other coverage which a company is authorized to write under the laws of this state may be written in combination with a fire insurance policy."

2. Add a new section to be known as section 2 and to read as follows:

"Sec. 2. That original section 44-501, Reissue Revised Statutes of Nebraska, 1943, is repealed."

3. Strike lines 2 and 4 of the title and insert:

"FOR AN ACT to amend section 44-501, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide for the issuance of a policy varying from the standard fire insurance policy in case of multiple-peril policies; to provide the conditions under which such policy may be issued; and to repeal the original section."

**LEGISLATIVE BILL 40.** Placed on Select File.

**LEGISLATIVE BILL 117.** Placed on Select File.

**LEGISLATIVE BILL 21.** Correctly enrolled.

**LEGISLATIVE BILL 66.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 21 LB 66

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 16.** Re: In Memory of Karl E. Vogel.

Introduced by Harry L. Pizer, 38th District; Hans O. Jensen, 25th District; Frank Nelson, 28th District; John P. Munnelly, 8th District; John Adams, Sr., 5th District; Arthur W. Swanson, 36th District; H. K. Diers, 24th District; William Moulton, 10th District; Michael P. Russillo, 9th District; George Syas, 4th District; Sam Klaver, 6th District; William R. Skarda, Jr., 7th District; Hal Bridenbaugh, 13th District; and Terry Carpenter, 42nd District.

Karl Eugen Vogel, a member of the Nebraska State Legislature for the years 1947, 1949, 1951, 1953, 1955, and 1957, and special sessions in the years 1952 and 1954, died in Omaha, Nebraska, on February 9, 1959. He was born in Chelsea, Michigan in 1884 where he attended high school. After graduating from the College of Engineering of the University of Michigan, he came to Nebraska. He was an executive official of the Omaha Steel Works for thirty-five years. He was a member of the Lutheran Church and many masonic organizations. He served as Potentate of Tangier Temple, Ancient Arabic Order of Nobles of the Mystic Shrine. He leaves a wife and three children to mourn his death.

WHEREAS, it is the desire of this body to pay tribute to the memory of our beloved colleague.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:



1. That we pause for a moment in our deliberations and stand in humility and reverence in honor of our departed member, Karl Eugen Vogel, who served so loyally and ably as a member of the Nebraska State Legislature.

2. That the Clerk of the Legislature be directed to spread at large on the Legislative Journal this resolution, and that a copy of said resolution, properly authenticated and suitably engrossed, be sent by the Clerk to the bereaved family of our departed colleague, as an expression of our respect for the deceased, and our sympathy for the bereaved.

### **SUSPEND RULES—Adopt Resolution**

Mr. President: I move that the rules be suspended and LR 16 be adopted. (Signed) William Moulton

The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

The members stood for a moment in silent tribute.

### **Committee to Represent Legislature**

Mr. Diers requested that a committee be appointed to attend and represent the Legislature at the funeral of former Senator Karl E. Vogel.

The President appointed the following to serve on said committee: Russillo, Diers, Moulton, Syas, Bridenbaugh, Swanson, Adams, and Nelson.

### **NOTICE OF COMMITTEE HEARINGS**

#### **Education**

LB 253	Tuesday, February 17, 1959	2:00 p.m.
LB 490	Tuesday, February 17, 1959	2:00 p.m.
LB 493	Tuesday, February 17, 1959	2:00 p.m.
LB 492	Thursday, February 19, 1959	2:00 p.m.
LB 494	Thursday, February 19, 1959	2:00 p.m.
LB 495	Thursday, February 19, 1959	2:00 p.m.

#### **Judiciary**

LB 279	Wednesday, March 4, 1959	2:00 p.m.
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**MOTION—Attorney for Recount Committee**

Mr. President: I move that the office of the Attorney General be requested to represent the gubernatorial recount committee.  
(Signed) Harold B. Stryker

The motion prevailed.

**Bills Referred to Standing Committees**

LB                      Committee

675.....Revenue

(Signed) Dwight W. Burney  
Lieutenant Governor

**SELECT FILE****LEGISLATIVE BILL 34.**

Mr. Moulton withdrew his pending specific amendments 2 and 3 found in the Legislative Journal for the Twenty-fifth Day.

Pending Moulton specific amendments 1 and 4, found in the Legislative Journal for the Twenty-fifth Day, were adopted by unanimous consent.

Advanced to E and R for re-engrossment.

**STANDING COMMITTEE REPORTS****Public Health**

**LEGISLATIVE BILL 173.** Placed on General File.

(Signed) Sam Klaver, Chairman

**GENERAL FILE**

**LEGISLATIVE BILL 97.** Laid over temporarily.

**LEGISLATIVE BILL 65.** Laid over.

**LEGISLATIVE BILL 270.** Section 1 read and considered.

Mr. Burbach moved that the Standing Committee amendment found in the Legislative Journal for the Twenty-third Day be adopted.

Motion pending.

Laid over until Monday, February 16, 1959, at the request of Mr. Fenske.

**LEGISLATIVE BILL 302.** Read and considered.

Mr. Burbach moved that LB 302 be advanced to E and R for review.

Motion pending.

Laid over temporarily.

**LEGISLATIVE BILL 241.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 97.** Considered.

Mr. Tews offered the following amendment which was adopted:

Strike subsection (1) of Section 1, and insert in lieu thereof: *"(1) establish, by regulation, special public use areas for put and take trout fishing, on state-owned land,"*; strike the words "the use" in line 5 of Section 1 and the word "of" in line 6, and insert after the word "for" in line 5, the words *"trout fishing on"*; strike the word "actual" in line 6 of Section 1; line 4, Sec. 2, strike the words "and Parks".

Mr. Pizer offered the following amendment which was adopted:

Amend LB 97 by inserting the following after the word "land" in line 4 of the Tews amendment of this date to Section 1: *"east of Highway 81"* and amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 43.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 246.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 129.** Laid over until Friday, February 13, at the request of Mr. Vosoba.

**LEGISLATIVE BILL 130.** Laid over until Friday, February 13, at the request of Mr. Jensen.

**LEGISLATIVE BILL 140.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Twenty-fourth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 42.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-fifth Day were adopted.

Mr. Vosoba offered the following amendment which was adopted:

Amend renumbered section 4, page 3, line 6, by striking the word "three" and showing the same as stricken, and inserting in lieu thereof "*five prior*".

Advanced to E and R for review.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Budget be permitted to introduce a bill, the purpose of which is to provide a deficiency appropriation for the State Railway Commission for the biennium ending June 30, 1959. (Signed) Otto H. Liebers, Chairman

Permission to introduce the bill granted with 36 ayes, 0 nays, and 7 not voting.

#### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 676.** By Committee on Budget, Otto H. Liebers, 18th District, Chairman.

A bill for an act to appropriate the sum of forty-nine thousand five hundred seven dollars and fifty cents to aid in defraying the salaries, wages, maintenance, and expense, including the salary of secretary, and including grain warehouses, public warehouses, and grain storage administration and enforcement for the biennium ending June 30, 1959; and to declare an emergency.

**UNANIMOUS CONSENT—Re-refer Bills**

Mr. Otto requested unanimous consent that LB 485, LB 583, LB 283, and LB 315 be re-referred to the Committee on Revenue.

Mr. Adams objected.

Mr. Otto moved that LB 485, LB 583, LB 283, and LB 315 be re-referred to the Committee on Revenue.

The motion prevailed.

**Visitor**

Mr. Webb introduced Mr. Chester Paxton from Thedford.

**MOTION—Introduce Bill**

Mr. President: I move that the Judiciary Committee be permitted to introduce a bill, the purpose of which is set forth in the attached statement. (Signed) Ray C. Simmons, Chairman

**STATEMENT—Introduce Bill**

Nebraska has an excellent public record law as to rights of persons to examine public records but it nowhere defines what a public record is nor does it permit copying by persons not a veteran, nor does it provide for getting certified copies, nor the making of abstracts nor the use of information from public records as privileged, nor remedies if examination is denied.

Based on a study of 49 state laws on this subject, an amendment to these laws is hereby presented which retains the existing Nebraska law and phraseology but adds to it what is a public record, the right to copy and make abstracts except where statutes bar, the right to buy certified copies upon payment of costs, a remedy for denial of examination, etc., and the privileged status of public records, certified copies, and accurate abstracts and communications and publications when correctly describing the original record.

(Signed) Ray C. Simmons, Chairman

Permission to introduce the bill granted with 35 ayes, 0 nays, and 8 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 677.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 84-712, Reissue Revised Statutes of Nebraska, 1943, relating to public records; to define public records; to clarify the provisions relating to inspection of public records; to provide the right to copy, reproduce, or make memoranda of such records as prescribed; to provide for the furnishing of certified copies of such records; to provide for fees; to provide a remedy; to provide when such records, any certified reproduction, accurate copying, memoranda, or abstract therefrom, or communication or publication based thereon shall be privileged; to provide how this act shall be construed; and to repeal the original section.

### Speaker Pizer Presiding

### NOTICE OF COMMITTEE HEARINGS

#### Government

LB 627	Friday, March 13, 1959	2:00 p.m.
LB 517	Friday, March 20, 1959	2:00 p.m.
LB 629	Friday, April 3, 1959	2:00 p.m.
LB 663	Friday, April 3, 1959	2:00 p.m.
LB 572	Monday, April 6, 1959	2:00 p.m.
LB 579	Monday, April 6, 1959	2:00 p.m.
LB 489	Wednesday, April 8, 1959	2:00 p.m.
LB 630	Friday, April 10, 1959	2:00 p.m.
LB 620	Monday, April 13, 1959	2:00 p.m.
LB 622	Monday, April 13, 1959	2:00 p.m.
LB 638	Monday, April 13, 1959	2:00 p.m.
LB 618	Wednesday, April 15, 1959	2:00 p.m.
LB 625	Wednesday, April 15, 1959	2:00 p.m.
LB 615	Monday, April 20, 1959	2:00 p.m.
LB 655	Wednesday, April 22, 1959	2:00 p.m.
LB 656	Monday, April 27, 1959	2:00 p.m.
LB 667	Monday, April 27, 1959	2:00 p.m.

#### GENERAL FILE

#### LEGISLATIVE BILL 302. Considered.

Mr. Vosoba offered the following amendment which was adopted:

Amend section 1, page 2, line 24, by inserting after the word "service." the following new matter: *"Hearing shall be held and decision rendered thereon within thirty days after date of service."*

Advanced to E and R for review,

**UNANIMOUS CONSENT—Hold Meeting**

Mr. Aufenkamp requested unanimous consent that a meeting be held Thursday, February 12, at 1:30 p.m. in the West Senate Lounge, on possible legislation concerning election and recount. No objections. So ordered.

**Adjournment**

At 11:00 a.m., on a motion by Mr. Moulton, the Legislature adjourned until 10:00 a.m. Wednesday, February 11, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**TWENTY-SEVENTH DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 11, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m.,  
Speaker Pizer presiding.

Prayer was offered by the Chaplain.

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

The Journal for the Twenty-sixth Day was approved.

**Communications**

Letter from Mrs. Janet Lyons, Omaha, favoring LB 279.

Letter from Edw. J. Lenger, Knox County Clerk, enclosing a  
resolution from the Knox County Board of Supervisors, opposing  
LB 273.

Letter from W. Wesley Lubberstedt, Grand Island, in behalf of  
Class One of the Life Underwriters Training Council, favoring LB 162.

**MESSAGE FROM THE GOVERNOR**

February 10, 1959

The President, The Speaker  
and the Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your honorable body  
that on February 10, 1959, he approved LB 63 and LB 33.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
Administrative Assistant

RBC/4



### Visitors

Mr. Nelson introduced Bruce and Gary Bowen and their parents, Mr. and Mrs. Roger Bowen from Page, and their honored dog, Nip.

### Members Excused

Messrs. Skarda, McHugh, Klaver, Tews, and Syas were excused for Friday, February 13, 1959.

Mr. Diers was excused for Wednesday afternoon, February 11, and Friday afternoon, February 13, 1959.

Mr. Romans was excused for Friday afternoon, February 13, 1959.

Mr. Moulton requested that he and the other members attending the funeral of former Senator Karl E. Vogel this afternoon, be excused early. No objections. So ordered.

### Member's Birthday

Mr. Moulton announced that today is Mr. Syas' birthday, and the members sang Happy Birthday to him.

## NOTICE OF COMMITTEE HEARINGS

### Labor and Public Welfare

LB 138	Wednesday, February 18, 1959	2:00 p.m.
LB 382	Wednesday, February 18, 1959	2:00 p.m.
LB 386	Wednesday, February 18, 1959	2:00 p.m.

## STANDING COMMITTEE REPORTS

### Government

**LEGISLATIVE BILL 122.** Placed on General File.

**LEGISLATIVE BILL 119.** Placed on General File.

**LEGISLATIVE BILL 82.** Placed on General File.

(Signed) Dwain Williams, Chairman

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 277.** Placed on General File.

**LEGISLATIVE BILL 278.** Placed on General File.

(Signed) John P. Munnelly, Chairman

**Public Works**

**LEGISLATIVE BILL 125.** Placed on General File as amended.

Standing Committee amendments to LB 125:

1. Amend section 1 of the bill, lines 9 and 10 by reinstating the stricken matter, by striking the new matter in lines 10 to 15 and inserting after the reinstated word "parties" in line 10 the following:

*"who shall have deposited with the commission such amount of money as determined by the commission to defray the cost of mailing the notices. The commission shall trans-"*

2. Amend section 2 of the bill by reinstating the stricken matter in line 9, by striking the new matter in lines 9 to 15, and inserting after the reinstated word "parties" in line 9 the following:

*"who shall have deposited with the commission such amount of money as determined by the commission to defray the cost of mailing the notices. The commission shall transmit such"*

3. Amend section 3 of the bill, lines 32 to 37 by striking the new matter and inserting in lieu thereof the following:

*"application the commission shall give notice by mail to all interested parties who shall have deposited with the commission such amount of money as determined by the commission to defray the cost of mailing the notices. The"*

4. Amend the title to conform.

**LEGISLATIVE BILL 168.** Indefinitely postponed.

**LEGISLATIVE BILL 170.** Placed on General File as amended.

Standing Committee amendments to LB 170:

1. Amend the bill, page 2, section 1, line 2, by inserting after the word "company" the words "operating an exchange".

2. Amend the bill, page 2, section 1, line 5, by striking the words "that they are serving" and insert in lieu thereof the following: *"in which they are offering local exchange telephone service"*.

(Signed) Arnold Ruhnke, Chairman

### **Agriculture**

**LEGISLATIVE BILL 62.** Indefinitely postponed.

**LEGISLATIVE BILL 99.** Placed on General File.

**LEGISLATIVE BILL 100.** Placed on General File as amended.

Standing Committee amendment to LB 100:

Amend the bill on page 2, section 1, lines 16 through 19, strike the following sentence: "No private ponds shall be stocked without the consent of the owner thereof and his agreement to permit the public generally to have access to such ponds across his lands and to fish in such pond."

**LEGISLATIVE BILL 101.** Placed on General File.

(Signed) Hans O. Jensen, Chairman

### **Presented to the Governor**

Presented to the Governor for approval on February 10, 1959,  
at 3:05 p. m.: LB 21 LB 66

(Signed) Jo Fisher, Enrolling Clerk

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 34.** Replaced on Select File as amended.

E and R amendments to LB 34:

1. In the Moulton specific amendment, line 2, strike "thereto" insert "thereto."

2. In the title, line 8, after the first semi-colon, insert: "to define upland game birds;"

3. In the title, as amended by E & R amendment 2, strike "and Park".

**LEGISLATIVE BILL 83.** Placed on Select File.

**LEGISLATIVE BILL 84.** Placed on Select File.

**LEGISLATIVE BILL 85.** Placed on Select File as amended.

E and R amendment to LB 85:

1. In the title, line 5, after the semi-colon, insert: "to permit extra good time allowance for prisoners who have volunteered their persons for medical or scientific benefit or research and whose persons were so used;"

**LEGISLATIVE BILL 87.** Placed on Select File as amended.

E and R amendments to LB 87:

1. Add a new section to be known as section 3 and to read as follows:

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

2. Strike lines 5 to 8 of the title, and insert: "ers by order of the Board of Control from the State Reformatory to the State Penitentiary for prescribed reasons; to provide that the loss of good time allowance at the time of such transfer shall be discretionary with the Board of Control; to repeal the original section; and to declare an emergency."

**LEGISLATIVE BILL 285.** Placed on Select File as amended.

E and R amendments to LB 285:

1. In section 1, line 7, insert an underscored comma after "another".

2. In the title, strike lines 4 to 6 and insert: "Reformatory; to provide when a person convicted of a felony for the first time shall not be sentenced to the State Reformatory; and to repeal the original section."

**LEGISLATIVE BILL 305.** Placed on Select File as amended.

E and R amendments to LB 305:

1. In Standing Committee Amendment 1, line 3, strike "Section" and insert "Sec."

2. In the title, line 7, after the semi-colon, insert: "to provide for the issuance of a warrant of discharge and the restoration to civil rights when the sentence imposed for a felony is other than confinement in the penitentiary or reformatory;"

**LEGISLATIVE BILL 89.** Placed on Select File.

**LEGISLATIVE BILL 120.** Placed on Select File as amended.

E and R amendment to LB 120:

1. In the title, line 7, after the semi-colon, insert: "to provide for the giving of notice of the date, time, and place of such meeting;"

**LEGISLATIVE BILL 81.** Placed on Select File.

**LEGISLATIVE BILL 98.** Placed on Select File as amended.

E and R amendments to LB 98:

1. In section 1, page 5, line 127, strike "six" and insert "fix" as in the statutes.

2. In section 1, page 5, line 133, insert a semi-colon after "board" as in the statutes.

3. In section 1, page 6, line 152, delete "of" as in the statutes.

4. In section 1, page 7, line 180, strike "the" and insert "and" as in the statutes.

5. In section 1, page 7, line 187, insert a stricken period after "district".

6. In the Thompson amendment, line 2, strike the second "of" and insert "or".

7. In the title strike lines 5 and 6 and insert in place thereof: "to purchase, sell, lease, encumber, alien, or otherwise dispose of real and personal property; to authorize such board to enter into water service agreements, as prescribed, to make water available for hunting,".

8. In the title, line 8, after the semi-colon, insert:

"to provide a limit on the water that may be furnished pursuant to such agreements;"

**LEGISLATIVE BILL 133.** Placed on Select File as amended.

E and R amendments to LB 133:

1. In Standing Committee Amendment 3, insert an underscored comma before and after "livestock".

2. In Standing Committee Amendment 4, insert an underscored comma after "*livestock*".

3. In the title, strike lines 4 to 9 and insert in place thereof: "to provide when trucks of farmers or ranchers shall not be classified as commercial trucks; to clarify the provisions;".

**LEGISLATIVE BILL 161.** Placed on Select File as amended.

E and R amendment to LB 161:

1. In the title, line 9, before the semi-colon, insert: "and when such fee shall be credited to the applicant".

**LEGISLATIVE BILL 38.** Correctly engrossed.

**LEGISLATIVE BILL 3.** Correctly re-engrossed.

**LEGISLATIVE BILL 78.** Correctly engrossed.

**LEGISLATIVE BILL 28.** Correctly engrossed.

**LEGISLATIVE BILL 77.** Correctly engrossed.

**LEGISLATIVE BILL 136.** Correctly engrossed.

**LEGISLATIVE BILL 141.** Correctly engrossed.

**LEGISLATIVE BILL 143.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

### **Speaker Signs**

While the Legislature was in session and capable of transacting business, the Speaker signed: LR 16

### **Visitor**

Mr. Ruhnke introduced Mr. J. E. Conklin, a former member of the Legislature.

### **UNANIMOUS CONSENT—Re-refer Bills**

Mr. Simmons requested unanimous consent that LB 509 and LB 510 be re-referred from the Public Works Committee to the Committee on Labor and Public Welfare. No objections. So ordered.

### **Visitors**

Mr. Lautenschlager introduced Misses Koontz, Allen, Schroeder, and Wagner from the Lincoln General Hospital School of Nursing.

Mr. Simmons introduced a Farm Bureau Legislative School delegation of fourteen from Washington, Madison, Dodge, and Platte Counties.

**Bills Referred to Standing Committees**

LB	Committee
676.....	Budget
677.....	Judiciary
(Signed) Harry L. Pizer	
Speaker	

**NOTICE OF COMMITTEE HEARINGS**

**Revenue**

LB 272	Wednesday, February 18, 1959	2:00 p.m.
LB 512	Friday, February 27, 1959	2:00 p.m.
LB 263	Wednesday, March 4, 1959	2:00 p.m.
LB 19	Monday, March 16, 1959	2:00 p.m.
LB 604	Monday, March 16, 1959	2:00 p.m.
LB 658	Monday, March 16, 1959	2:00 p.m.

**MOTION—Return LB 105 to Select File**

Mr. President: I move to return LB 105 to Select File for the following specific amendment. (Signed) George Syas

1. Amend section 1 of the bill, line 76 by striking "transferred" and inserting "appropriated".

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

**UNANIMOUS CONSENT—Withdraw Name**

Mr. Moulton requested unanimous consent to withdraw his name from LB 325. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 105.** The pending Syas specific amendment found in this Day's Journal was adopted by unanimous consent.

Advanced to E and R for re-engrossment.

**Mr. Syas Presiding**

**LEGISLATIVE BILL 49.** E and R amendment found in the Legislative Journal for the Twenty-sixth Day was adopted.

Laid over.

**LEGISLATIVE BILL 48.** Laid over until Monday, February 16, 1959, at the request of Mr. Bridenbaugh.

**LEGISLATIVE BILL 29.** E and R amendments found in the Legislative Journal for the Twenty-sixth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 111.** E and R amendments found in the Legislative Journal for the Twenty-sixth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 112.** E and R amendments found in the Legislative Journal for the Twenty-sixth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 40.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 117.** Advanced to E and R for engrossment.

#### **UNANIMOUS CONSENT—Consider LB 48**

Mr. Carpenter requested unanimous consent to revert to LB 48 on Select File for consideration of amendments. No objections. So ordered.

#### **SELECT FILE**

**LEGISLATIVE BILL 48.** E and R amendments found in the Legislative Journal for the Twenty-sixth Day were adopted.

Mr. Carpenter offered the following amendments which were adopted by unanimous consent:

1. Page 12, section 16, substitute a semicolon for the period at the end of line 18 and then add the following language: "Pro-



*vided, on an application made prior to February fifteen showing hardship, or impossibility of meeting such date for reasons beyond the control of the applicant, the Tax Commissioner may extend the time for compliance, but not beyond the first day of the regular meeting of the county board of equalization."*

2. Insert same amendment on page 6, section 7, line 11, after the word "preceding".

Laid over until Monday, February 16, 1959, at the request of Mr. Bridenbaugh.

**Member Excused**

Mr. Russillo was excused at 10:40 a.m. for the remainder of the day.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Salaries and Claims be permitted to introduce a bill relating to the Sundry Claims Board and tort claims not in excess of \$250.00. (Signed) John Aufenkamp, Chairman

Permission to introduce the bill granted with 39 ayes, 0 nays, and 4 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 678.** By Committee on Salaries and Claims, John Aufenkamp, 2nd District, Chairman.

A bill for an act to amend section 81-861, Reissue Revised Statutes of Nebraska, 1943, relating to Sundry Claims Board; to provide for payment of claims against the state for negligence or tort not in excess of two hundred fifty dollars as prescribed; and to repeal the original section.

**UNANIMOUS CONSENT—Add Co-introducer**

Mr. Carpenter requested unanimous consent to add his name as co-introducer of LB 325. No objections. So ordered.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Salaries and Claims be permitted to introduce a bill relating to the salaries of county officers. (Signed) John Aufenkamp, Chairman

**Speaker Pizer Presiding**

Permission to introduce the bill granted with 22 ayes, 15 nays, and 6 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 679.** By Committee on Salaries and Claims, John Aufenkamp, 2nd District, Chairman.

A bill for an act to amend sections 23-1112 and 23-1112.01, Revised Statutes Supplement, 1957, relating to county officers; to establish a classification of counties for the purpose of fixing salaries of certain county officers and their deputies; to prescribe salaries for officers in certain classes of counties; to provide that the county board shall fix salaries of officers in certain classes of counties; to provide for fixing of salaries of deputies; to provide for fixing the salary of probation officers in certain counties; to increase the mileage allowance of county officers, deputies, or assistants; to provide for publication of salaries; to provide for payment of such salaries without the necessity of filing claim therefor; to provide the effective date of salaries changed by this act; and to repeal the original sections and also sections 23-1116 and 23-1117, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1114, 23-1115, 23-1115.01, and 23-1115.02, Revised Statutes Supplement, 1957.

**Visitors**

Mr. Peck introduced Mr. and Mrs. Gilbert Loseke, Mr. and Mrs. Darwin Lewis, Mr. and Mrs. Merle Stone, Mr. and Mrs. Mervin Loseke, and William Cone from Platte County.

**STANDING COMMITTEE REPORTS****Revenue**

**LEGISLATIVE BILL 68.** Placed on General File as amended.

Standing Committee amendments to LB 68:

1. Amend the bill, page 3, section 77-1201 sub-section (2) Line 30, immediately following the word "state," add the following:

*provided, however, that this section shall not apply to goods, wares and merchandise moving in interstate commerce through this state or consigned from a point outside this state to a warehouse*

or storage facilities in this state for storage or assembly in transit to a final destination outside the state.

2. Amend the bill, page 7, section 77-1226, sub-section (1) Line 8, immediately following the word "goods," add the following:

*and goods, wares and merchandise moving in interstate commerce through this state or consigned from a point outside this state to a warehouse or storage facilities in this state for storage or assembly in transit to final destination outside the state,*

3. Amend the bill, page 13 and 14, by striking Section 17 and Sec. 18 in their entirety.

(Signed) Norman A. Otto, Chairman

### GENERAL FILE

**LEGISLATIVE BILL 134.** Laid over until Monday, February 16, 1959, at the request of Mr. Tews.

**LEGISLATIVE BILL 65.** Laid over.

**LEGISLATIVE BILL 173.** Read and considered.

Mr. Claussen offered the following amendment which was adopted:

Amend LB 173, line 6 of the title, by striking the first word "to" and show the same as stricken, and insert in lieu thereof the word "of".

Advanced to E and R for review.

### NOTICE OF COMMITTEE HEARINGS

#### Judiciary

LB 324	Wednesday, February 18, 1959	2:00 p.m.
LB 469	Wednesday, February 18, 1959	2:00 p.m.
LB 521	Wednesday, February 18, 1959	2:00 p.m.
LB 165	Monday, March 9, 1959	2:00 p.m.
LB 539	Monday, March 9, 1959	2:00 p.m.
LB 523	Wednesday, March 11, 1959	2:00 p.m.
LB 527	Wednesday, March 11, 1959	2:00 p.m.
LB 127	Monday, March 16, 1959	2:00 p.m.
LB 391	Wednesday, March 18, 1959	2:00 p.m.
LB 467	Wednesday, March 25, 1959	2:00 p.m.

LB 468	Wednesday, April 1, 1959	2:00 p.m.
LB 281	Monday, April 6, 1959	2:00 p.m.
LB 606	Monday, April 6, 1959	2:00 p.m.
LB 653	Monday, April 6, 1959	2:00 p.m.
LB 531	Wednesday, April 8, 1959	2:00 p.m.
LB 605	Wednesday, April 8, 1959	2:00 p.m.
LB 611	Wednesday, April 15, 1959	2:00 p.m.

#### **Adjournment**

At 11:23 a.m. on a motion by Mr. Carpenter, the Legislature adjourned until 9:00 a.m. Thursday, February 12, 1959.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

TWENTY-EIGHTH DAY

---

Legislative Chamber, Lincoln, Nebraska

Thursday, February 12, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Erlewine and Portsche who were excused.

The Journal for the Twenty-seventh Day was approved.

**Communications**

Letter from Mr. and Mrs. Lewis Hutchens, Omaha, favoring LB 279.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 29.** Replaced on Select File as amended.

E and R amendment to LB 29:

1. In the title, line 2, strike "and 77-1253" and insert: ", 77-1253, and 77-1254".

**LEGISLATIVE BILL 241.** Placed on Select File.

**LEGISLATIVE BILL 97.** Placed on Select File as amended.

E and R amendments to LB 97:

1. In Standing Committee Amendment 1, line 2, strike the first "and" and insert "or".

2. In the Ruhnke amendment, line 7, strike the period immediately following "commission".

3. In the Tews amendment of February 10, 1959, line 1, strike "subsection" and insert "subdivision".

4. In the title, line 4, after "areas" insert "for put and take trout fishing", and at the end of line 5 insert "to provide where such areas may be established; to prohibit the operation of such state areas in competition with privately-owned and operated areas as prescribed;".

**LEGISLATIVE BILL 43.** Placed on Select File as amended.

E and R amendments to LB 43:

1. In section 1, line 1, strike "original".
2. In section 1, line 9, insert a comma after the second "and" as in the statutes.

**LEGISLATIVE BILL 246.** Placed on Select File.

**LEGISLATIVE BILL 140.** Placed on Select File as amended.

E and R amendment to LB 140:

1. In the title, line 3, strike "workmens" and insert "workmen's".

**LEGISLATIVE BILL 302.** Placed on Select File as amended.

E and R amendment to LB 302:

1. In the Vosoba amendment, line 1, strike "24" and insert "25".

**LEGISLATIVE BILL 173.** Placed on Select File as amended.

E and R amendment to LB 173:

1. In the title, strike lines 5 and 6, as amended by the Claussen amendment, and insert, in place thereof: "fee to practice optometry; to provide that a portion of the renewal fees of optometrists shall be allocated to".

**LEGISLATIVE BILL 132.** Correctly engrossed.

**LEGISLATIVE BILL 5.** Correctly engrossed.

**LEGISLATIVE BILL 61.** Correctly engrossed.

**LEGISLATIVE BILL 152.** Correctly engrossed.

**LEGISLATIVE BILL 115.** Correctly engrossed.

**LEGISLATIVE BILL 113.** Correctly engrossed.

**LEGISLATIVE BILL 111.** Correctly engrossed.

**LEGISLATIVE BILL 117.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**Government**

**LEGISLATIVE BILL 146.** Placed on General File as amended.

Standing Committee amendments to LB 146:

1. Amend section 1 of the bill, line 4 by striking "council" and the comma and show the same as stricken matter, line 10 by striking "made" and inserting "paid", line 11 by striking "or", and line 15 by striking "such ordinance" and inserting "~~such ordinance~~ the city

2. Amend the title to conform.

**LEGISLATIVE BILL 121.** Placed on General File as amended.

Standing Committee amendments to LB 121:

1. Amend section 1 of the bill by striking line 5 and inserting "improving the streets , ~~and~~ alleys , ~~sewers and sidewalks~~ within any improve—"

2. Amend the title to conform.

**LEGISLATIVE BILL 108.** Placed on General File as amended.

Standing Committee amendments to LB 108:

1. Amend section 3 of the bill by adding the following new paragraph after line 11:

*"In numbering motor boats for the year 1960 the commissioner shall neither receive nor accept such application or number fee nor issue any number certificate for any motor boat, unless the owner shall first exhibit proof by tax receipt, issued by the county treasurer of the county in which the owner resides, or otherwise (1) that he has paid all personal taxes upon such motor boat based on the assessment thereof made in the year preceding the year for which such application for number certificate is made, (2) that he was the owner of another motor boat, or other motor boats, on which he paid the personal taxes during such year, or (3) that he owned no such motor boat upon which personal taxes might have been levied during such year."*

2. Amend page 3 of the bill by inserting a new section immediately after section 3 to be known as section 4 and to read as follows:

"Sec. 4. A person engaged in the manufacture or sale of motorboats of a type otherwise required to be numbered hereunder, upon application to the commissioner, upon forms prescribed by it, may obtain certificates of number for use in the testing or demonstrating of such motorboat upon payment of three dollars for each registration. Certificates of number so issued may be used by the applicant in the testing or demonstrating of motorboats by temporary placement of the numbers assigned by such certificate on the motorboat so tested or demonstrated. Such temporary placement of numbers shall otherwise be as prescribed by this act."

3. Renumber sections 4 to 21 as sections 5 to 22 respectively.

4. Amend renumbered section 5 by adding at the end of line 58 the following:

"Every certificate of number shall contain the following information: name and address of the owner, classification number or letter as classified by the commission, length, type of construction, material used in the boat, whether inboard or outboard motor power, make, and the horsepower rating of motor."

5. Amend renumbered section 13 by striking lines 1 to 23 and inserting in lieu thereof the following:

"Sec. 13. (1) No motorboat which shall have in tow or shall be otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated or propelled in or upon any waterway, unless such motorboat shall be occupied by at least two competent persons: Provided, that this subsection shall not apply to any motorboat equipped with a wide angle, rear view mirror.

(2) No motorboat shall have in tow or shall otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period of one hour after sunset to one hour prior to sunrise: Provided, that this subsection shall not apply to motorboats used in duly authorized water ski tournaments, competitions, exhibitions or trials therefor where adequate lighting is provided.

(3) All motorboats having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(4) No person shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or



*any persons thereon to collide with or strike against any person or object, except ski jumps, buoys and like objects normally used in competitive or recreational skiing."*

6. Amend the title to conform.

(Signed) Dwain Williams, Chairman

**Bills Referred to Standing Committee**

LB Committee  
678.....Salaries and Claims  
679.....Salaries and Claims

(Signed) Dwight W. Burney  
Lieutenant Governor

**UNANIMOUS CONSENT—Select File**

Mr. Nelson requested unanimous consent to consider bills on Select File at this time. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 49.**

Mr. Gerdes requested unanimous consent that the following amendments be adopted:

1. Amend the bill, section 1, by reinstating the stricken matter in lines 5 to 38, lines 6 and 10, strike the reinstated word "sixty-five" and insert "sixty-five thirty-five", and in lines 7 and 10 by inserting after the reinstated word "inhabitants" the words "and not more than twelve hundred tax returns in the year 1957".

2. Amend the title to conform.

Amendments pending.

Laid over.

**LEGISLATIVE BILL 34.** E and R amendments found in the Legislative Journal for the Twenty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 83.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 84.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 85.** E and R amendment found in the Legislative Journal for the Twenty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 87.** E and R amendments found in the Legislative Journal for the Twenty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 285.** E and R amendments found in the Legislative Journal for the Twenty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 305.** E and R amendments found in the Legislative Journal for the Twenty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 89.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 120.** E and R amendment found in the Legislative Journal for the Twenty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 81.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 98.** E and R amendments found in the Legislative Journal for the Twenty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 133.** E and R amendments found in the Legislative Journal for the Twenty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 161.** E and R amendment found in the Legislative Journal for the Twenty-seventh Day was adopted.

Advanced to E and R for engrossment.

### FINAL READING

**LEGISLATIVE BILL 32.** Bracketed at the request of Mr. Moulton.

**LEGISLATIVE BILL 30.** Laid over until Monday, February 16, 1959, at the request of Mr. Lautenschlager.

### GENERAL FILE

**LEGISLATIVE BILL 118.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 124.** Laid over until Monday, February 16, 1959, at the request of Mr. Tews.

**LEGISLATIVE BILL 65.** Laid over temporarily.

**LEGISLATIVE BILL 122.** Read and considered.

Mr. Moulton moved that LB 122 be advanced to E and R for review.

Motion pending.

Laid over.

### Speaker Pizer Presiding

**LEGISLATIVE BILL 119.** Read and considered.

Mr. Diers offered the following amendment which was adopted:

Amend the bill, section 1, line 1, by striking the word "be" and showing the same as stricken, and inserting in lieu thereof: "by".

Advanced to E and R for review.

**LEGISLATIVE BILL 82.** Read and considered.

Mr. Vosoba offered the following amendment:

Amend section 1, line 19, by striking the words "Attorney General" and show the same as stricken, and insert in lieu thereof the word "court".

Amendment pending.

Laid over.

**LEGISLATIVE BILL 277.** Read and considered.

Advanced to E and R for review.

**UNANIMOUS CONSENT—Consider LB 129**

Mr. Jensen requested unanimous consent to consider LB 129 on General File at this time. No objections. So ordered.

**GENERAL FILE****LEGISLATIVE BILL 129.** Read and considered.

Mr. Tews offered the following amendments which were adopted:

1. On page 4, Section 1, Sub-section 12, Line 75, strike the word "five", and show as stricken, and insert the word "four".

2. On page 4, Section 1, Sub-section 12, Line 76, strike the word "five", and show as stricken, and insert the word "four".

3. At the end of sec. (12), line 78, strike the period and add: "*provided however, that final average salary of any judge who has retired or who will retire during or at the end of the presently current judicial term shall mean the average monthly salary for his last year of service before retirement.*"

Laid over until Tuesday, February 17, 1959, at the request of Mr. Otto.

**President Burney Presiding****Visitors**

President Burney introduced Assistant Postmaster General E. George Siedle.

Mr. Siedle addressed the Legislature briefly.

President Burney introduced a gentleman impersonating Abe Lincoln, who distributed souvenir first day issue of the new Lincoln penny.

**Speaker Pizer Presiding****GENERAL FILE****LEGISLATIVE BILL 65.** Considered.

Mr. Ruhnke offered the following amendment which was adopted:

1. Amend section 1 of the bill by striking lines 7 and 8 and inserting in lieu thereof the following:

“this section shall, upon conviction thereof, be punished by imprisonment in the county jail for thirty days, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date of his final discharge from the county jail.”

Advanced to E and R for review.

**LEGISLATIVE BILL 278.** Read and considered.

Advanced to E and R for review.

#### **UNANIMOUS CONSENT—Trip to Beatrice**

Mr. Fulton requested unanimous consent that the date for the trip to Beatrice for the visitation of the Beatrice State Home and the dinner as guests of the Beatrice Chamber of Commerce, previously scheduled for March 10, be changed to March 24, and the time of departure from Lincoln be changed to 2:00 p.m. No objections. So ordered.

#### **Visitor**

Mr. Munnelly introduced Mrs. G. K. Muehling from Omaha.

#### **STANDING COMMITTEE REPORTS**

##### **Education**

**LEGISLATIVE BILL 242.** Placed on General File as amended.

Standing Committee amendment to LB 242:

1. Amend the bill Page 2, Section 1, Lines 22, 23 and 24: In lieu of the stricken matter, substitute therefore the following:

*“A majority of the elective members of the county committee of counties in which the majority of districts are rural elementary school districts shall be chosen from rural elementary school districts.”*

(Signed) Fern Hubbard Orme, Vice Chairman

## NOTICE OF COMMITTEE HEARINGS

## Miscellaneous Subjects

LB 518	Tuesday, March 3, 1959	2:00 p.m.
LB 613	Tuesday, March 3, 1959	2:00 p.m.
LB 614	Tuesday, March 3, 1959	2:00 p.m.
LB 616	Tuesday, March 3, 1959	2:00 p.m.
LB 514	Thursday, March 5, 1959	2:00 p.m.
LB 598	Thursday, March 5, 1959	2:00 p.m.
LB 647	Thursday, March 5, 1959	2:00 p.m.
LB 506	Tuesday, March 10, 1959	2:00 p.m.
LB 558	Tuesday, March 10, 1959	2:00 p.m.
LB 633	Tuesday, March 10, 1959	2:00 p.m.
LB 584	Thursday, March 12, 1959	2:00 p.m.
LB 609	Thursday, March 12, 1959	2:00 p.m.
LB 631	Thursday, March 12, 1959	2:00 p.m.

At 11:00 a.m. the following program was rendered:

## Lincoln Day Program

Chaplain: Martin Schroeder, Presiding

Choir Director: Mrs. Velma Snook

1. "The Nation's Prayer" Lincoln Northeast High School Choir
2. "Give me your Tired, Your Poor"  
Lincoln Northeast High School Choir  
Narrator—John Abrahamzon
3. "We Hold These Truths" Lincoln Northeast High School Choir
4. Reading "Gettysburg Address" George Boykin
5. "Challenge" Lincoln Northeast High School Choir
6. Address "The Shadow of Greatness" Dr. Carl Davidson,  
First Methodist Church, Lincoln
7. Benediction Rev. G. L. Collins

## Adjournment

At 11:50 a.m. on a motion by Mr. Moulton, the Legislature adjourned until 9:00 a.m. Friday, February 13, 1959.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**TWENTY-NINTH DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Friday, February 13, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Erlewine, Klaver, McHugh, Portsche, Skarda, Syas, and Tews who were excused.

The Journal for the Twenty-eighth Day was approved.

**Communications**

Letter from Lyle Marotz, President, Nebraska Rural Electric Association, enclosing Resolution 13, Taxing of Power District; Resolution 15, Opposing LB 17; Resolution 17, Survival Plans and Preparation for Civil Defense; Resolution 18, Opposition to LB 156; Resolution 19, Opposition to LB 325; Resolution 20, Opposition to LB 15; Resolution 21, Opposition to LB 16; and Resolution 22, Taxation of Revenues, LB 272; which were adopted at their Association's 23rd Annual Meeting.

**Invitation**

Invitation from the Nebraska Press Association to the members and their ladies to attend their Annual Banquet at the Lincoln Hotel, Friday, April 17, social hour at 6:00 p.m. and banquet at 7:00 p.m.

**STANDING COMMITTEE REPORTS**

**Education**

**LEGISLATIVE BILL 245.** Indefinitely postponed.

(Signed) George Syas, Chairman

**Miscellaneous Subjects**

**LEGISLATIVE BILL 276.** Indefinitely postponed.

(Signed) J. W. Burbach, Chairman

**Enrollment and Review**

**LEGISLATIVE BILL 112.** Replaced on Select File as amended.

E and R amendment to LB 112:

1. In E & R amendment 1, insert, after "1": ", strike section 1 of the bill,".

**LEGISLATIVE BILL 34.** Replaced on Select File as amended.

E and R amendment to LB 34:

1. Strike E & R 3.

**LEGISLATIVE BILL 118.** Placed on Select File as amended.

E and R amendments to LB 118:

1. In section 1, line 10 insert an underscored comma after "rule" and after "regulation".

2. In the title strike lines 5 to 8 and insert in place thereof:

"carriers to file with the State Railway Commission a schedule of tariffs covering intrastate transportation together with the rules, regulations, and practices applicable thereto; to require such carriers to keep such schedule available for public inspection as prescribed; to provide an exception; to make cer-".

**LEGISLATIVE BILL 119.** Placed on Select File as amended.

E and R amendments to LB 119:

1. In the Diers amendment, line 2, strike "and showing the same as stricken" and line 3 by removing the underscoring.

2. In the title, line 7, strike "and" and in line 10, after "pality", insert "; and to provide that any municipality may contract with any other municipality for the purchase of fire protection and the use of prescribed equipment".



**LEGISLATIVE BILL 277.** Placed on Select File as amended.

E and R amendment to LB 277:

1. In the title, line 6, strike "include" and insert in place thereof: "permit the inclusion of".

**LEGISLATIVE BILL 65.** Placed on Select File as amended.

E and R amendment to LB 65:

1. In the title, line 4, after "revoked", insert: "as a result of a conviction for operating a motor vehicle while under the influence of intoxicating liquor".

**LEGISLATIVE BILL 278.** Placed on Select File as amended.

E and R amendment to LB 278:

1. In section 1, line 33, insert a comma after "policyholder" as in the statutes.

**LEGISLATIVE BILL 105.** Correctly re-engrossed.

**LEGISLATIVE BILL 40.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### Judiciary

**LEGISLATIVE BILL 186.** Placed on General File.

**LEGISLATIVE BILL 188.** Placed on General File.

**LEGISLATIVE BILL 189.** Placed on General File.

**LEGISLATIVE BILL 190.** Placed on General File.

**LEGISLATIVE BILL 192.** Placed on General File.

**LEGISLATIVE BILL 193.** Placed on General File.

**LEGISLATIVE BILL 194.** Placed on General File.

**LEGISLATIVE BILL 195.** Placed on General File.

**LEGISLATIVE BILL 196.** Placed on General File.

**LEGISLATIVE BILL 197.** Placed on General File.

**LEGISLATIVE BILL 198.** Placed on General File.

**LEGISLATIVE BILL 199.** Placed on General File.

**LEGISLATIVE BILL 200.** Placed on General File.

**LEGISLATIVE BILL 201.** Placed on General File.

**LEGISLATIVE BILL 202.** Placed on General File.

**LEGISLATIVE BILL 203.** Placed on General File.

**LEGISLATIVE BILL 205.** Placed on General File.

**LEGISLATIVE BILL 208.** Placed on General File.

**LEGISLATIVE BILL 233.** Placed on General File.

**LEGISLATIVE BILL 260.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

#### **UNANIMOUS CONSENT—Lay Over Bills**

Mr. Syas requested unanimous consent that during his absence LB 97 be laid over on Select File until Monday, February 16, and that LB 99, LB 100, and LB 101 be laid over on General File until Monday, February 16, 1959. No objections. So ordered.

Mr. Simmons requested unanimous consent that LB 129 and LB 130 be laid over on General File until Thursday, February 19, 1959. No objections. So ordered.

Mr. Romans requested unanimous consent that LB 125 be laid over on General File until Thursday, February 19, 1959. No objections. So ordered.

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Public Works**

LB 271	Monday, February 23, 1959	2:00 p.m.
LB 274	Monday, February 23, 1959	2:00 p.m.
LB 375	Wednesday, February 25, 1959	2:00 p.m.
LB 385	Wednesday, February 25, 1959	2:00 p.m.
LB 439	Wednesday, February 25, 1959	2:00 p.m.
LB 291	Friday, February 27, 1959	2:00 p.m.
LB 329	Friday, February 27, 1959	2:00 p.m.

**STANDING COMMITTEE REPORTS**

**Public Works**

**LEGISLATIVE BILL 69.** Placed on General File as amended.

Standing Committee amendments to LB 69:

1. Amend section 1 by striking lines 2 to 5 and inserting:  
*"shall be permitted to increase the tonnage for which such vehicle is registered except at the office of the county treasurer in the county where such vehicle is currently registered unless the need for such increase occurs when such vehicle is more than one hundred miles from the county seat of such county,".*

2. Amend section 1 of the bill by striking lines 14, 15, and 16.

(Signed) Arnold Ruhnke, Chairman

**SELECT FILE**

**LEGISLATIVE BILL 49.** The pending Gerdes amendments found in the Legislative Journal for the Twenty-eighth Day were adopted by unanimous consent.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 29.** E and R amendment found in the Legislative Journal for the Twenty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 241.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 97.** Laid over.

**LEGISLATIVE BILL 43.** E and R amendments found in the Legislative Journal for the Twenty-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 246.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 140.** E and R amendment found in the Legislative Journal for the Twenty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 302.** E and R amendment found in the Legislative Journal for the Twenty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 173.** E and R amendment found in the Legislative Journal for the Twenty-eighth Day was adopted.

Mr. Claussen requested unanimous consent that the following amendments be adopted:

1. Amend section 2 of the bill, line 21 by inserting "*and pharmacy*" after "*barbering*".

2. Amend the title to conform.

No objections. So ordered.

Advanced to E and R for engrossment.

#### GENERAL FILE

**LEGISLATIVE BILL 122.** Considered.

Mr. Vosoba offered the following amendments which were adopted:

1. Amend the bill, section 1, line 1, after the word "*village*" by inserting "*in providing fire, police, or emergency service*".

2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 82.** Laid over until Tuesday, February 17, 1959, at the request of Mr. Vosoba.

**LEGISLATIVE BILL 170.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-seventh Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 68.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-seventh Day were adopted.

Mr. Nelson offered the following amendment which was adopted:

1. Amend the bill, section 1, by striking "*household goods and personal effects,*" in lines 6 and 7, and also in lines 17 and 18.

Mr. Otto offered the following amendments which were adopted:

1. Amend the bill, Section 5, page 6, Line 11, insert the word "personal" between the words "any" and "tax", and strike the word "levied" in the same line.

2. Amend the bill, section 5, page 6, line 12, add the following new matter immediately following the word collectible "*, including all personal property then assessed upon which the tax shall be computed on the basis of the last preceding levy,*"

3. Amend the bill, section 15, page 12, by striking all new matter following the period in line 16, and insert in lieu thereof the following: *For the purpose of this section the tax situs of each motor vehicle shall be determined as for other tangible personal property.*

Mr. Vosoba offered the following amendment which was adopted:

1. Amend the bill, page 12, Section 15, line 13, by striking the word "November" and substituting in lieu thereof the word "January".

Mr. Nelson offered the following amendment which was adopted:

1. Amend the bill by renumbering sections 19 and 20 as sections 17 and 18, respectively.

Mr. Carpenter offered the following amendment which was adopted:

1. Amend the title to conform with the amendments.

Advanced to E and R for review.

#### **UNANIMOUS CONSENT—Withdraw Motion**

Mr. Adams requested unanimous consent to withdraw his pending motion found in the Legislative Journal for the Twenty-second Day, to reconsider action on advancing LB 164. No objections. So ordered.

#### **GENERAL FILE**

**LEGISLATIVE BILL 146.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-eighth Day were adopted.

Advanced to E and R for review.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Salaries and Claims be permitted to introduce a bill relating to liquors and concerning the payment and procedure for the collection of the tax thereon. (Signed) John Aufenkamp, Chairman

Mr. Carpenter requested that action on the motion be laid over until Monday, February 16, 1959.

Mr. Donner objected.

Permission to introduce the bill granted with 32 ayes, 1 nay, and 10 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 680.** By Committee on Salaries and Claims, John Aufenkamp, 2nd District, Chairman.

A bill for an act to amend section 53-164.01, Revised Statutes Supplement, 1957, relating to liquors; to provide for the payment of the tax on alcoholic liquors on or before the fifteenth day of the calendar month following the month in which shipments are made and for the filing of reports therefor; to provide for penalties for failure to pay such tax or file such reports; to provide that no tax shall be levied or collected on alcoholic liquors manufactured within this state and shipped outside this state for sale and consumption outside this state; to provide for the filing of a surety bond in order to insure the payment of such taxes; to provide for the issuance of permits to out-of-state shippers which shall permit shipment of alcoholic liquors to only licensed distributors within this state and a fee therefor and conditions of such permit; to provide for violations of such permit and penalties; to provide for credit for tax paid on beer only sold and delivered to any instrumentality of the Armed Forces of the United States engaged in resale as provided in section 53-160.01, and the deduction therefor from the tax due in the following monthly report; to repeal the original section; and to declare an emergency.

**GENERAL FILE**

**LEGISLATIVE BILL 121.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-eighth Day were adopted.

Advanced to E and R for review.

**Mr. Diers Presiding**

**LEGISLATIVE BILL 108.** Read and considered.

Standing Committee amendment 1 found in the Legislative Journal for the Twenty-eighth Day was adopted.

Mr. Thompson suggested an absence of a quorum.

The roll was called and 26 members were present.

**President Burney Presiding**

Standing Committee amendments 2, 3, 4, 5, and 6, found in the Legislative Journal for the Twenty-eighth Day were adopted.

Laid over.

**STANDING COMMITTEE REPORTS**

**Judiciary**

**LEGISLATIVE BILL 187.** Placed on General File as amended.

Standing Committee amendment to LB 187:

1. Amend the bill, section 1, line 18, by inserting after the word "clerk" the words "*or election commissioner*".

**LEGISLATIVE BILL 206.** Placed on General File as amended.

Standing Committee amendments to LB 206:

1. Amend the bill by striking Sec. 2 in its entirety.
2. Amend the bill by renumbering Sec. 3 through Sec. 10 as Sec. 2 through Sec. 9 respectively.
3. Amend the title, line 1, by striking "sections" and showing the same as stricken and inserting "*section*" in lieu thereof.
4. Amend the title, line 1, by striking "39-7,108 and" and showing same as stricken.

(Signed) Ray C. Simmons, Chairman

**Education**

**LEGISLATIVE BILL 250.** Placed on General File.

**LEGISLATIVE BILL 251.** Placed on General File.

**LEGISLATIVE BILL 249.** Placed on General File.

**LEGISLATIVE BILL 252.** Placed on General File as amended.

Standing Committee amendment to LB 252:

1. Amend the bill, Page 2, Section 1, Line 26 as follows: After the word, "above," add *"The surety on any bond mentioned herein may relieve itself of liability thereafter and withdraw from the bond upon giving 30 days' notice in writing to the State Board of Education."*

**LEGISLATIVE BILL 248.** Placed on General File.

(Signed) Fern Hubbard Orme, Vice Chairman

#### **Adjournment**

At 11:58 a.m. on a motion by Mr. Moulton, the Legislature adjourned until 9:00 a.m. Monday, February 16, 1959.

Hugo F. Srb  
Clerk of the Legislature



LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

THIRTIETH DAY

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Legislative Chamber, Lincoln, Nebraska  
Monday, February 16, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m.,  
President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except  
Messrs. Adams and Portsche who were excused.

The Journal for the Twenty-ninth Day was approved.

**Communications**

Letter from Frank Smothers, Director of Publications, The  
Council of State Governments, Chicago, stating that various publica-  
tions are being sent to the members.

Letter from Ellis Schrunck, Bartlett, regarding distribution of  
gas tax.

**Invitation**

Invitation to the members and their wives to the 13th Annual  
Banquet of the Nebraska Cooperative Council on Wednesday, March  
4, 1959, at the Lincoln Hotel Ballroom, at 6:30 p.m.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 173.** Replaced on Select File as amended.

E and R amendments to LB 173:

1. In the Claussen unanimous consent amendment 1, strike "21"  
and insert "20".

2. In the title, line 4, strike "optometry" and insert "public  
health", and in line 7, after the semi-colon, insert: "to harmonize  
the provisions respecting a license to pharmacy".

**LEGISLATIVE BILL 49.** Replaced on Select File as amended.

E and R amendments to LB 49:

1. In the Gerdes unanimous consent amendment 1, line 1, strike "1" and insert "3".
2. In section 1, added by Standing Committee Amendment 1 and renumbered as section 1 by E & R amendment 1, line 1, strike "In" and insert: "*Except as provided in section 32-310,*".
3. Strike the title, as amended by Standing Committee Amendment 4, and insert, in place thereof:

**"A BILL**

FOR AN ACT to amend sections 23-1114 and 32-310, Revised Statutes Supplement, 1957, relating to county officers; to provide that in 1962 and each four years thereafter a county assessor shall be elected in each county of this state except counties having a population of not more than thirty-five hundred inhabitants and not more than twelve hundred tax returns in the year 1957; to provide for creating the office of county assessor in certain counties on the effective date of this act; to provide for filling the vacancy caused by creation of such office and to provide for fixing the salary thereof; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 83.** Correctly engrossed.

**LEGISLATIVE BILL 87.** Correctly engrossed.

**LEGISLATIVE BILL 81.** Correctly engrossed.

**LEGISLATIVE BILL 133.** Correctly engrossed.

**LEGISLATIVE BILL 161.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**LEGISLATIVE EXPENSES, January 1959****Account 1 Incidental Expenses Previous to Next Session**

Latsch Brothers, Inc., office supplies .....	\$ 22.38
Hardy Furniture Co., installing Kirsch track .....	160.00
Sanitary Towel and Laundry Co., linen service .....	5.30
Rosewell Floral Co., flowers .....	36.05
Purchasing Dept Revolving Fund, voucher forms.....	2.00
Nebraska Typewriter Co., typewriter rental, January .....	75.00

**Total**

**\$300.73**

## Account E-2 Members' Salaries

Gross Amount .....	\$8,600.00
Members' net payments .....	\$7,971.40
Withholding tax .....	413.60
Deferred payment O.A.S.I. ....	215.00
Total .....	\$8,600.00

## Account E-3 Members' Mileage

11,080 miles @ 6c per mile .....	\$664.20
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## Account E-4 Officers' and Employees' Salaries

	Days Worked	Monthly Rate	Gross Wages
George L. Santo, Sergeant-at-arms .....	19	200.	172.71
Max Baskins, Asst. Sergeant-at-arms .....	17	195.	150.62
Ruby B. Nelson, Postmaster .....	19	220.	190.00
Martin Schroeder, Chaplain .....	19	170.	146.87
Donna Jean Nelson, Secy., Lieutenant Governor .....	16½	300.	224.40
Theba Lubken, Journal Clerk .....	22	375.	375.00
Elaine Johnson, Asst. Journal Clerk .....	16	285.	207.20
Jo Fisher, Engrossing Clerk .....	15	375.	255.75
L. Larsen, Bookkeeper .....	9½	200.	86.36
Donna Cleavenger, Office Asst. and Secy. ....	19	300.	258.40
Elsye Firestone, Docket Clerk .....	18	275.	225.00
Dorothy Hubertus, Stencil Cutter and Mimeo. Operator .....	19	275.	237.50
Gertrude Tyler, Telephone Operator .....	20	200.	181.80
Eunice V. Bradley, Supervisor, Steno. Pool ....	19	325.	280.63
Eloise Galloway, Supervisor, Steno. Pool .....	19	325.	280.63
Sherill Burgess, Secretary .....	22	300.	300.00
Jo Ann Hansen, Public Works Com. Clerk .....	19	300.	258.40
Bonnie J. Drohman, Stenographer .....	19	260.	224.58
Arline Kottas, Stenographer .....	19	260.	224.58
Shirley Sicner, Stenographer .....	19	260.	224.58
Phyllis A. Camp, Stenographer .....	18	260.	212.76
De Ann Shippis, Stenographer .....	13	260.	153.66
Donna Lynch, Education Com. Clerk .....	16	300.	217.60
Ella Belle Steenson, Misc. Subjects Com. Clerk .....	19	300.	258.40
Delores Knudsen, Government Com. Clerk ....	19	300.	258.40
Miriam Gabelman, Revenue Com. Clerk .....	19	300.	258.40
Dorothy Kelly, Agriculture Com. Clerk .....	15	300.	204.00

Sally G. Bloom, Public Health Com. Clerk .....	14	300.	190.40
Virginia Trook, Salaries & Claims Com. Clerk .....	13	300.	176.80
Genevieve O'Connor, Banking, Commerce & Ins. Com. Clerk .....	14	300.	190.40
Betty Minder, Judiciary Com. Clerk .....	10	300.	136.00
Verda Samuelson, Labor & Public Welfare Com. Clerk .....	9	300.	122.40
Dorothea Fuchs, Budget Com. Clerk .....	19	300.	258.40
Jeanne P. Allen, Clerk Typist .....	14	235.	149.52
Phyllis Daniels, Page .....	19	180.	155.42
Mary Jane Hall, Page .....	19	180.	155.42
Marjorie Lowell, Page .....	19	180.	155.42
Mary Jo Peters, Page .....	19	180.	155.42
Beverly Sternberg, Page .....	10	180.	81.80
Sharon Zade, Page .....	9	180.	73.62
C. A. Mohrman, Chief Clerk, Bill Room .....	21½	300.	292.40
Charles Keefer, Bill Room Clerk .....	5	235.	53.40
John D. Curtis, Bill Room Clerk .....	21½	235.	229.62
C. W. Touzalin, Bill Room Clerk .....	21½	235.	229.62
F. R. Miller, Bill Room Clerk .....	21½	235.	229.62
J. N. Schneider, Bill Room Clerk .....	21½	235.	229.62
James A. Rivers, Bill Room Clerk .....	21½	235.	229.62
William Hansen, Bill Room Clerk .....	16	235.	170.88
Oril Barber, Bill Room Clerk .....	12½	235.	133.50
Leon R. Hill, Bill Room Clerk .....	13	235.	138.84
Ural Sterns, Asst. Bill Room Clerk .....	13	225.	132.99
Blanche Cole, Asst. Bill Room Clerk .....	10	225.	102.30
Corbett Krumtum, Custodian .....	22	235.	235.00
Joseph Eickmeier, Custodian .....	22	200.	200.00
Everett Pinkney Hall, Custodian .....	19	200.	172.71
Francis V. Robinson, Asst. Clerk of the Legislature .....	22	650.	650.00
Total Gross Wages			\$11,499.37

## Account E-5 Incidental Expense

State Purchasing Dept., Postage Meter Fund .....	\$ 250.00
The World Herald, morning subscription 1 year .....	15.60
Purchasing Dept. Revolving Fund, multilithing .....	1,925.00

Total	\$2,190.60
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## Account 5 Intergovernmental Cooperation Commission

Peter H. Claussen, expenses to Chicago .....	\$163.65
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## Account 7 Salary of Lieutenant Governor

Lieutenant Governor Salary, net .....	\$ 135.40
Withholding Tax .....	6.30
Deferred payment O.A.S.I. ....	3.63
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Total Salary .....	\$145.33

## Account 8 Clerk's Salary, Other Wages, Maintenance &amp; Supplies

R. & H. Hoover Service, recondition vacuum cleaner \$	11.85
The Hoover Co., blower plate .....	.80
Hugo F. Srb, net salary for January .....	571.27
Continental National Bank, Withholding Tax .....	78.80
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Total .....	\$662.72

## NOTICE OF COMMITTEE HEARINGS

## Labor and Public Welfare

LB 174	Wednesday, March 11, 1959	2:00 p.m.
LB 175	Wednesday, March 11, 1959	2:00 p.m.
LB 589	Wednesday, March 11, 1959	2:00 p.m.
LB 560	Wednesday, March 4, 1959	2:00 p.m.
LB 509	Wednesday, March 4, 1959	2:00 p.m.
LB 510	Wednesday, March 4, 1959	2:00 p.m.

## Bills Referred to Standing Committees

LB	Committee
680.....	Banking, Commerce and Insurance

(Signed) Dwight W. Burney  
Lieutenant Governor

## SELECT FILE

**LEGISLATIVE BILL 48.** Laid over temporarily.

**LEGISLATIVE BILL 97.** E and R amendments found in the Legislative Journal for the Twenty-eighth Day were adopted.

Mr. Pizer moved that LB 97 be indefinitely postponed.

Motion pending.

Laid over temporarily.

**LEGISLATIVE BILL 112.** E and R amendment found in the Legislative Journal for the Twenty-ninth Day was adopted.

Mr. Munnely offered the following amendments which were adopted by unanimous consent:

1. Amend the bill, section 1, line 114, E & R Committee Amendment 1, by striking "a" and inserting "any".

2. Amend the title, as amended, line 5, E & R Committee Amendment 3, by striking "a policy" and inserting "policies".

Advanced to E and R for engrossment.

#### Visitors

Mr. Vosoba introduced Dr. Carl Spencer, Physics teacher, and twenty-four pupils from Wilbur High School, who were accompanied by Mr. Don Shaw, Mr. Robert Kunc, and Mrs. Frances Sheatah.

Mr. Otto introduced Mr. H. Duane Bert of Kearney.

#### SELECT FILE

**LEGISLATIVE BILL 34.** E and R amendment found in the Legislative Journal for the Twenty-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 118.** E and R amendments found in the Legislative Journal for the Twenty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 119.** E and R amendments found in the Legislative Journal for the Twenty-ninth Day were adopted.

Mr. Williams offered the following amendments which were adopted by unanimous consent:

1. Amend the bill by striking section 2 and inserting in place thereof the following:

"Sec. 2. Any city or village shall have authority to contract with other municipalities, fire protection districts, private persons

or groups for compensation for services rendered in fighting fires or in the use of other municipal emergency vehicles and equipment. The compensation agreed upon shall be a legal charge and collectable by the municipality rendering such services in any court of competent jurisdiction. Any city or village shall also have authority to enter into agreements with other political or governmental subdivisions, agencies, or public corporations whether federal, state, or local, for the performance of said services."

2. Amend the bill by striking section 4 and inserting in place thereof the following:

"Sec. 4. Each and every municipality of this state is hereby authorized and empowered to make arrangements and contracts with any other municipality for the purpose of fire protection and for the use of fire apparatus and emergency vehicles and equipment."

3. Amend the title to conform.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 277.** E and R amendment found in the Legislative Journal for the Twenty-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 65.** E and R amendment found in the Legislative Journal for the Twenty-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 278.** E and R amendment found in the Legislative Journal for the Twenty-ninth Day was adopted.

Advanced to E and R for engrossment.

#### **UNANIMOUS CONSENT—Exchange Hearing Rooms**

Mr. Ruhnke, Chairman of the Public Works Committee, requested unanimous consent for the Public Works Committee and the Public Health Committee to exchange hearing rooms this afternoon, February 16, to permit the Public Works Committee to hold their hearing in the East Chamber and the Public Health to hold their hearing in the West Lounge. No objections. So ordered.

Mr. Munnelly, Chairman of the Banking, Commerce and Insurance Committee, requested unanimous consent for the Banking, Commerce and Insurance Committee to exchange hearing rooms with the Agriculture Committee tomorrow afternoon, February 17, to permit the Banking Committee to hold their hearing in the East Chamber and the Agriculture Committee to hold their hearing in the East Lounge. No objections. So ordered.

#### GENERAL FILE

**LEGISLATIVE BILL 270.** Laid over.

**LEGISLATIVE BILL 134.** Laid over until Wednesday, February 18, 1959, at the request of Mr. Tews.

**LEGISLATIVE BILL 124.** Laid over until Wednesday, February 18, 1959, at the request of Mr. Romans.

**LEGISLATIVE BILL 99.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 100.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Twenty-seventh Day was adopted.

Mr. Syas offered the following amendment which was adopted:

Amend the title of LB 100 to conform to the Standing Committee amendment.

Advanced to E and R for review.

#### MESSAGE FROM THE GOVERNOR

February 16, 1959

The President, The Speaker  
and the Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your honorable body that on February 16, 1959, he approved LB 21 and LB 66.

Respectfully submitted,

(Signed) Robert B. Conrad  
ADMINISTRATIVE ASSISTANT

e



**GENERAL FILE****LEGISLATIVE BILL 101.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 108.** Considered.

Mr. Lautenschlager offered the following amendment which was adopted:

1. Amend section 4 of the bill by striking lines 53 and 54 and inserting the following:

*"dollar, the commission shall issue a duplicate certificate of number or new number plates."*

Mr. Simmons offered the following amendment:

1. Amend the bill, section 2, line 7, by inserting, before the comma: *"of more than five horse power"*.

Amendment pending.

Laid over.

**Visitors**

Mr. Marvel introduced his wife, and his son and daughter, Douglas and Anne, from Hastings.

**FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 30.**

Mr. Russillo requested unanimous consent that LB 30 be returned to Select File for the following specific amendment:

Amend page 3 of the bill, section 1, line 43, by inserting after the word "state": *"avoiding unnecessary duplication of courses offered by other educational institutions in such localities"*.

No objections. So ordered.

**LEGISLATIVE BILL 38.** With emergency.

A bill for an act to amend section 39-7,108, Reissue Revised Statutes of Nebraska, 1943, and section 39-723, Revised Statutes

Supplement, 1957, relating to highways; to provide that no person shall operate a motor vehicle at a rate of speed in excess of fifty miles per hour on any highway or road that is not hard-surfaced, except upon any highway that is a part of the state highway system; to provide that such speed shall be prima facie lawful on such highway or road; to harmonize provisions with previous legislation; to provide for the placing of signs to give notice of the speed limit on county roads; 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, 35:

Aufenkamp	Gerdes	Olinger	Stryker
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Otto	Syas
Carpenter	Lautenschlager	Peck	Tews
Claussen	Liebers	Pizer	Thompson
Diers	McHugh	Ruhnke	Vosoba
Donner	Moulton	Russillo	Webb
Erlewine	Munnelly	Simmons	Williams
Fulton	Nelson	Skarda	

Voting in the negative, 6:

Bowen	Fenske	Marvel	Romans
Cooper	Hollenbeck		

Not voting, 2:

Adams	Portsche
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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.

### LEGISLATIVE BILL 3. With emergency.

A bill for an act to amend sections 66-449, 66-451, and 66-461, Reissue Revised Statutes of Nebraska, 1943, relating to refund tax gasoline; to eliminate the requirement that the application for a permit to purchase refund tax gasoline be made under oath; to provide that claims for refund shall be made by statement rather than affidavit; to eliminate the requirement that the statement in the

claim of all types of motor vehicle fuels other than refund tax gasoline purchased or required during the period covered by the claim be sworn; to change from six to seven months the time after which no claim shall be allowed; 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, 40:

Aufenkamp	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Carpenter	Portsche
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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.

## LEGISLATIVE BILL 78.

A bill for an act to amend section 25-1601, Reissue Revised Statutes of Nebraska, 1943, relating to jurors; to add members of the Legislature during the term for which elected and public and parochial school teachers during the term of school to the list of those who shall, upon request to the court, be exempt from jury service; and to repeal the original section.

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

Voting in the affirmative, 41:

Aufenkamp	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Adams                      Portsche

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 28.

Mr. Stryker moved that LB 28 be returned to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 4 ayes, 36 nays, and 3 not voting.

#### LEGISLATIVE BILL 28. With emergency.

A bill for an act relating to chiropractic; to require continual annual training of licensed chiropractors as prescribed; to provide for standards; to provide for the revocation and restoration of licenses; to provide a fee and the allocation thereof; to provide exceptions; 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, 37:

Aufenkamp	Carpenter	Erlewine	Hollenbeck
Bowen	Claussen	Fenske	Jensen
Bridenbaugh	Cooper	Fulton	Klaver
Burbach	Diers	Gerdes	Lautenschlager

Liebers	Olinger	Ruhnke	Tews
Marvel	Orme	Russillo	Thompson
McHugh	Otto	Simmons	Vosoba
Moulton	Peck	Skarda	Webb
Munnelly	Pizer	Swanson	Williams
Nelson			

Voting in the negative, 4:

Donner	Romans	Stryker	Syas
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Not voting, 2:

Adams	Portsche
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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.

#### **LEGISLATIVE BILL 77. With emergency.**

A bill for an act to amend section 60-324, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide for the issuance of new rather than duplicate license plates when motor vehicle license plates shall be lost, mutilated, or illegible; to remove provisions for the furnishing of duplicate containers; 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:

Aufenkamp	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Adams                      Portsche

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

**LEGISLATIVE BILL 136.** With emergency.

A bill for an act specifically to appropriate the sum of ten thousand nine hundred fifty-seven dollars and seventy-five cents, or so much thereof as may be necessary, out of the General Fund of the State of Nebraska to pay the premiums on the official bonds of the State Treasurer and deputy state treasurer for the term commencing January 8, 1959; to pay the premiums for policy of insurance on money and securities in connection with the office of the State Treasurer, for the period ending January 6, 1961; 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:

Bowen	Fulton	Munnelly	Simmons
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Hollenbeck	Olinger	Stryker
Carpenter	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Williams
Fenske	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 4:

Adams                      Aufenkamp                      Portsche                      Webb

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

**LEGISLATIVE BILL 141.** With emergency.

A bill for an act to amend sections 81-348 and 81-349, Reissue Revised Statutes of Nebraska, 1943, relating to securities; to increase the time for commencing an action to enforce the liability as provided in section 81-347, Reissue Revised Statutes of Nebraska, 1943; to eliminate the provision that the statute of limitations for prosecutions for violations of Chapter 81, article 3, Reissue Revised Statutes of Nebraska, 1943, shall not apply to violations which occurred prior to January 30, 1957; 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, 39:

Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Munnelly	Skarda
Bridenbaugh	Gerdes	Nelson	Stryker
Burbach	Hollenbeck	Olinger	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Otto	Tews
Cooper	Lautenschlager	Peck	Thompson
Diers	Liebers	Pizer	Vosoba
Donner	Marvel	Ruhnke	Williams
Erlewine	McHugh	Russillo	

Voting in the negative, 1:

Romans

Not voting, 3:

Adams	Portsche	Webb
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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.

**LEGISLATIVE BILL 143.** With emergency.

A bill for an act to amend sections 45-163, 45-165, 45-168, and 45-169, Revised Statutes Supplement, 1957, relating to the purchase of installment paper; to transfer administration of the provisions of sections 45-163 to 45-171, Revised Statutes Supplement, 1957, from the Department of Banking to the Tax Commissioner; 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, 40:

Aufenkamp	Fenske	Moulton	Russillo
Bowen	Fulton	Munnelly	Simmons
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Hollenbeck	Olinger	Stryker
Carpenter	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Portsche	Webb
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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.

### Visitors

Mr. Aufenkamp introduced Miss Marian Hartsook, teacher, Mr. Jerry Regler, Superintendent, and seven students from the Nebraska City School for the Blind.

Mr. Swanson introduced Winiford Bossung from Elwood.

## NOTICE OF COMMITTEE HEARINGS

### Judiciary

LB 648	Wednesday, March 4, 1959	2:00 p.m.
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## STANDING COMMITTEE REPORTS

### Public Works

**LEGISLATIVE BILL 185.** Placed on General File.

(Signed) Michael P. Russillo, Vice Chairman



**Labor and Public Welfare****LEGISLATIVE BILL 172.** Placed on General File as amended.

Standing Committee amendments to LB 172:

1. Amend the bill by renumbering Sec. 2 as Sec. 4.
2. Amend the bill by the insertion of the following to be known as Sec. 2 and Sec. 3.

"Sec. 2. That section 68-215.09. Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-215.09. Whenever a recipient of old age assistance owns joint title to real estate, the ~~application for~~ and acceptance of such old age assistance, when the lien is properly recorded, shall result in the severance of the joint tenancy and the creation of a tenancy in common giving the county and the State of Nebraska an enforceable old age assistance lien against an undivided interest equal to the undivided interest owned by the other joint title holders; *Provided*, such old age assistance lien cannot be enforced as long as the title holders, or either of them, continue to reside on the real estate."

Sec. 3. *All homestead rights and exemptions provided for by sections 40-101 to 40-118, Reissue Revised Statutes of Nebraska, 1943, shall be subject and inferior to the old age assistance lien provided for by sections 68-215 to 68-215.11, Reissue Revised Statutes of Nebraska, 1943, and such homestead rights and exemptions shall in no instance be a defense or bar to the satisfaction and foreclosure of such old age assistance lien.*

**LEGISLATIVE BILL 269.** Placed on General File.**LEGISLATIVE BILL 268.** Placed on General File as amended.

Standing Committee amendments to LB 268:

1. In section 1 strike new material on line 109, line 110, line 111 and show as stricken.
2. Section 1, line 114 strike the word "and" and show as stricken.
3. Section 1, line 118, following the word "made" strike the ",'" and show as stricken.
4. Section 1, line 118 insert the following new material after the word "made" "*and (1) vacation pay earned or accumulated at the time of layoff or separation from employment,*"

5. Amend title of the bill by striking the word "for" in line 3 and show as stricken matter and substituting the word "that".

6. Amend title of the bill by inserting in line 5, after the word "employment" and before the punctuation ":", "shall be excluded in determining wages".

(Signed) Peter H. Claussen, Chairman

### Education

**LEGISLATIVE BILL 244.** Placed on General File as amended.

Standing Committee amendment to LB 244:

1. Amend the bill, Page 3, Section 1, Lines 40 - 48, inclusive: In lieu of the stricken matter, substitute therefor the following:

*"; and provided further, that school boards or boards of education shall sign such petitions, transferring not to exceed 160 acres, when requested to do so by persons desiring to transfer their land from a Class II or III district to another Class II or III district when such persons have personally paid tuition for their children to attend school in the other district over a period of two or more years or reside nearer the schoolhouse than the schoolhouse in their own district, and have children attending school in the other district."*

(Signed) Fern Hubbard Orme, Vice Chairman

### Judiciary

**LEGISLATIVE BILL 64.** Placed on General File as amended.

Standing Committee amendments to LB 64:

1. Amend the bill, section 1, by reinstating the stricken matter in and eliminating the new matter in subsection (3), pages 3 and 4.

2. Amend the bill, section 1, page 4, by adding, at the end of line 82, the following:

*"Any such minor desiring such limited permit may first obtain a learner's permit from an examiner, which permit shall be valid for a period of two months. While holding such a permit, the minor may operate a motor vehicle on the highways of this state if he has seated next to him and supervising his operation of the vehicle, a person who is a licensed operator and who is also either a parent or guardian of the minor or a person over*

*the age of twenty one years who is authorized in writing by the minor's parent or guardian to supervise the actions of the minor in operating the vehicle. Prior to issuance of such learner's permit it shall not be required that such minor demonstrate that he is capable of successfully operating a motor vehicle."*

3. Amend the bill by adding a new section to be known as section 3 and to read as follows:

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

4. Amend the title to conform.

**LEGISLATIVE BILL 80.** Placed on General File as amended.

Standing Committee amendments to LB 80:

1. Amend the bill by striking lines 1 through 11 and inserting the following in lieu thereof:

Section 1. Any person who shall import livestock into the State of Nebraska for sale or resale in violation of an embargo issued by the State Veterinarian of Nebraska shall be guilty of a felony and shall upon conviction thereof be fined not more than five thousand dollars or be imprisoned in the penitentiary for not more than five years, or both such fine and imprisonment.

2. Add a new section to be known as section 2 and to read as follows:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

3. Amend the title to conform.

**LEGISLATIVE BILL 214.** Placed on General File as amended.

Standing Committee amendments to LB 214:

1. Amend the bill, section 1, line 17, by reinserting the stricken matter and by striking "*Temporary*" and showing same as stricken.

2. Amend the bill, section 1, line 18, by striking "4" and showing same as stricken and by inserting "3" in lieu thereof.

3. Amend the title, line 4, by striking "*Temporary*" and showing same as stricken and by inserting "*Permanent*" in lieu thereof.

4. Amend the title, line 5, by striking "4" and showing same as stricken, and by inserting "3" in lieu thereof.

**LEGISLATIVE BILL 235.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

**Speaker Pizer Presiding**

**UNANIMOUS CONSENT—Exchange Hearing Rooms**

Mr. Ruhnke, Chairman of the Public Works Committee, requested unanimous consent for permission for the Public Works Committee and the Labor and Public Welfare Committee to exchange hearing rooms Wednesday afternoon, February 18, 1959, to permit the Public Works Committee to hold their hearing in the East Chamber and the Labor and Public Welfare Committee to hold their hearing in the West Lounge. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 30.** The pending Russillo specific amendment found in this Day's Journal was adopted by unanimous consent.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 48.**

Mr. Bridenbaugh moved that LB 48 be indefinitely postponed.

Mr. Carpenter requested a record vote.

Motion pending.

Laid over.

**Mr. Marvel Presiding**

**LEGISLATIVE BILL 97.** The pending Pizer motion found in this Day's Journal to indefinitely postpone LB 97, lost with 13 ayes, 25 nays, and 5 not voting.

**President Burney Presiding**

Mr. Gerdes requested unanimous consent that the following amendment be adopted:

Amend the Pizer amendment adopted February 10, 1959, by adding after the figure "81" the following: "*and in the 41st Legislative District*".

Amendment pending.

**Visitors**

Mr. Ruhnke introduced Mr. Norris Schoen from Gladstone.

Mr. Marvel introduced Lemoine Olsen and Jack L. Benson from Minden.

**UNANIMOUS CONSENT—Withdraw LB 642**

Mr. Marvel requested unanimous consent to withdraw LB 642. No objections. So ordered.

**MOTION—Place LB 168 on General File**

Mr. President: I move that LB 168 be placed on General File. (Signed) George Syas

Motion pending.

**STANDING COMMITTEE REPORTS**

**Miscellaneous Subjects**

**LEGISLATIVE BILL 314.** Placed on General File.

(Signed) J. W. Burbach, Chairman

**Adjournment**

At 12:01 p.m. on a motion by Mr. Klaver, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## THIRTY-FIRST DAY

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Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 17, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Aufenkamp, Munnely, and Portsche who were excused.

**Corrections for the Journal**

Page 469, line 39, correct the spelling of the name "Lynch".

Page 470, line 4, correct the spelling of the name "O'Connor".

Page 478, line 28, delete the colon and insert a semicolon after "ceptions".

Page 483, line 38, correct the spelling of "layoff".

The Journal for the Thirtieth Day was approved as corrected.

**Communications**

Letter from U. S. Representative Glenn Cunningham acknowledging receipt of Legislative Resolution 15.

Letter from Mr. and Mrs. Morey Landman, Omaha, favoring LB 279.

**NOTICE OF COMMITTEE HEARINGS****Education**

LB 247	Tuesday, February 24, 1959	2:00 p.m.
LB 497	Tuesday, February 24, 1959	2:00 p.m.
LB 496	Thursday, February 26, 1959	2:00 p.m.
LB 498	Thursday, February 26, 1959	2:00 p.m.
LB 499	Thursday, February 26, 1959	2:00 p.m.

**Agriculture**

LB 167	Tuesday, February 24, 1959	2:00 p.m.
LB 254	Tuesday, February 24, 1959	2:00 p.m.
LB 307	Tuesday, February 24, 1959	2:00 p.m.

**Revenue**

LB 332	Monday, March 23, 1959	2:00 p.m.
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**STANDING COMMITTEE REPORTS****Miscellaneous Subjects**

**LEGISLATIVE BILL 240.** Placed on General File as amended.

Standing Committee amendments to LB 240:

1. Amend Section 1, Page 2, Lines 15, 16, 17, 18 and 19 by striking "If surviving relatives of the deceased shall desire to conduct the funeral, and are unable to pay the charges therefor, they shall be permitted to do so and the expenses shall be paid as herein provided," and show as stricken, and insert in lieu thereof the following: "*If surviving relatives of the deceased shall desire to conduct the funeral, they shall be permitted to do so.*"

2. Add the Emergency Clause.

(Signed) J. W. Burbach, Chairman

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 154.** Placed on General File as amended.

Standing Committee amendments to LB 154:

1. On page 2, Section 1, line 1, strike "and 12".
2. On page 2, Section 1, line 2, strike "are" and insert "is".
3. Amend title to conform.

**LEGISLATIVE BILL 159.** Indefinitely postponed.

**LEGISLATIVE BILL 287.** Placed on General File as amended.

Standing Committee amendments to LB 287:

1. On page 2, Section 1, line 7, after the word "provide" insert "*disability, sickness, and accident.*"

2. Amend the title to conform.

**LEGISLATIVE BILL 376.** Placed on General File as amended.

Standing Committee amendments to LB 376:

1. On page 2, Section 1, line 7, after the word "surplus" insert the words "*or unassigned funds*".
2. Amend the title to conform.

**LEGISLATIVE BILL 394.** Indefinitely postponed.

**LEGISLATIVE BILL 395.** Indefinitely postponed.

**LEGISLATIVE BILL 398.** Placed on General File.

(Signed) John P. Munnelly, Chairman

#### Revenue

**LEGISLATIVE BILL 46.** Indefinitely postponed.

**LEGISLATIVE BILL 47.** Placed on General File as amended.

Standing Committee amendments to LB 47:

1. Amend the bill, section 1, page 3, line 36, by inserting immediately before the period: "*or upon any person who is a member of any religious order or society which requires an oath of poverty of its members.* "
2. Amend the bill, section 1, page 2, line 21, strike the word "five" and insert in lieu thereof the words "*three and one-half*".
3. Amend the bill, section 1, page 2, line 24, strike the word "fifty" and inserting in lieu thereof the word "*sixty*".

(Signed) Norman A. Otto, Chairman

#### Enrollment and Review

**LEGISLATIVE BILL 119.** Replaced on Select File as amended.

E and R amendment to LB 119:

1. In the title, line 7, after the semi-colon, insert: "to authorize any city or village to contract to receive such services;"

**LEGISLATIVE BILL 305.** Replaced on Select File as amended.

E and R amendments to LB 305:



1. In Standing Committee Amendment 1, line 6, strike "*penitentiary or reformatory*" and insert "*State Penitentiary or State Reformatory*".

2. In E & R amendment 2, line 5, strike "penitentiary or reformatory" and insert "State Penitentiary or State Reformatory".

**LEGISLATIVE BILL 164.** Placed on Select File as amended.

E and R amendment to LB 164:

1. In the title, line 10, after "continuing" insert "open".

**LEGISLATIVE BILL 122.** Placed on Select File as amended.

E and R amendment to LB 122:

1. In the title, line 3, strike the comma and in line 4, after "occurring", insert: "in providing fire, police, or emergency service".

**LEGISLATIVE BILL 170.** Placed on Select File.

**LEGISLATIVE BILL 146.** Placed on Select File as amended.

E and R amendment to LB 146:

1. In the title, line 5, strike the comma and insert a semi-colon and in line 6 strike "but" and insert "to provide that such cities".

**LEGISLATIVE BILL 121.** Placed on Select File as amended.

E and R amendment to LB 121:

1. In the title, line 4, after the semi-colon, insert: "to include improvements of sewers and sidewalks;" and in line 6, strike "less" and insert "more".

**LEGISLATIVE BILL 84.** Correctly engrossed.

**LEGISLATIVE BILL 85.** Correctly engrossed.

**LEGISLATIVE BILL 285.** Correctly engrossed.

**LEGISLATIVE BILL 89.** Correctly engrossed.

**LEGISLATIVE BILL 120.** Correctly engrossed.

**LEGISLATIVE BILL 29.** Correctly engrossed.

**LEGISLATIVE BILL 143.** Correctly enrolled.

**LEGISLATIVE BILL 141.** Correctly enrolled.

**LEGISLATIVE BILL 136.** Correctly enrolled.

**LEGISLATIVE BILL 77.** Correctly enrolled.

**LEGISLATIVE BILL 78.** Correctly enrolled.

**LEGISLATIVE BILL 3.** Correctly enrolled.

**LEGISLATIVE BILL 38.** Correctly enrolled.

**LEGISLATIVE BILL 28.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 143 LB 141 LB 136 LB 77 LB 78 LB 3 LB 38 LB 28

#### **MOTION—Public Hearings on Bills**

Mr. President: I move that the chairman of each standing committee report to the Reference Committee, no later than Thursday, February 19, the approximate date by which such committee will complete the holding of public hearings on bills which have been referred to it and that if, from such report, it appears that any committee will be appreciably later than other committees in the completion of such hearings, any such committee that is not now doing so be directed to schedule and hold public hearings on each regular meeting date of such committee as provided by the rules. (Signed) Arnold Ruhnke

The motion prevailed.

#### **Members Excused**

Mr. Diers was excused for this afternoon, February 17.

Messrs. Vosoba and Donner were excused for Wednesday, February 18.

**UNANIMOUS CONSENT—Change Hearing Dates**

Mr. Russillo requested unanimous consent to have the hearing date changed on LB 299 from March 2 to April 1 and on LB 440 changed from March 2 to March 18. No objections. So ordered.

**UNANIMOUS CONSENT—Re-refer LB 380**

Mr. Otto requested unanimous consent to have LB 380 re-referred from the Education Committee to the Miscellaneous Subjects Committee. No objections. So ordered.

**Announcement**

Speaker Pizer announced that at noon today the Retail Hardware Association is having a luncheon at the Pershing Auditorium and that the members are invited.

**Presentation of Badges**

Mr. Stryker announced that while the Nebraska Legislative delegation was in Texas recently, they were made honorary members of the Texas Rangers, and he and Mr. Romans presented badges to President Burney and Speaker Pizer as honorary members of the Nebraska Branch of the Texas Rangers.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 17. Re: Federal Grant in Aid Programs.**

Introduced by Ray C. Simmons, 11th District.

WHEREAS, through federal grant in aid programs the federal government by extravagant and unnecessary spending is forcing Nebraska and its communities also to spend extravagantly to match and thus obtain back part of their own money; and

WHEREAS, the city of Fremont, Nebraska has found on several occasions that it has cost the city less to pay the entire cost of construction and other projects than to take part in federal matching-fund programs and that it would have been highly wasteful to accept such federal "aid;" and

WHEREAS, the city of Fremont, Nebraska has further found restrictions in the federal programs to be highly undesirable; and

WHEREAS, the Chamber of Commerce of Fremont, Nebraska has endorsed "A Declaration of Independence from Federal Dependence," declaring that it steadfastly resists further encroachment by the federal government on local, county, and state government and further declares its desire to limit the use of federal grant in aid funds with a corresponding reduction in federal tax levies and governmental controls; and

WHEREAS, the Fremont Chamber of Commerce calls on all citizens throughout the forty-nine states to back this Declaration of Independence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Nebraska Legislature endorses and supports the above described Declaration;
2. That copies of this resolution together with the described Declaration be transmitted to the Vice President of the United States as President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to each member from Nebraska in the Senate of the United States and in the House of Representatives of the United States.
3. That copies of this resolution be transmitted to the presiding officers of the Legislatures of the other forty-eight states for their information and consideration.

#### **MOTION—Place LB 168 on General File**

Mr. Syas renewed his pending motion found in the Legislative Journal for the Thirtieth Day to place LB 168 on General File.

The motion lost with 4 ayes, 32 nays, and 7 not voting.

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Public Health**

LB 513	Monday, March 2, 1959	2:00 p.m.
LB 569	Monday, March 2, 1959	2:00 p.m.
LB 586	Monday, March 2, 1959	2:00 p.m.
LB 588	Monday, March 9, 1959	2:00 p.m.
LB 384	Monday, March 9, 1959	2:00 p.m.
LB 507	Monday, March 16, 1959	2:00 p.m.
LB 471	Monday, March 16, 1959	2:00 p.m.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 132.**

A bill for an act to amend section 60-458, Reissue Revised Statutes of Nebraska, 1943, relating to the safety patrolmen's retirement system; to provide that no amounts paid into the system by any patrolman shall be paid to his survivors in the event of his death before retirement when he leaves one or more survivors entitled to receive survivor's benefits; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Romans	Vosoba
Donner	Marvel	Ruhnke	Webb
Erlewine	McHugh	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp	Munnelly	Portsche
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 5.**

A bill for an act to amend section 21-608, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to include the Eastern Orthodox Church among the organizations made and declared to be corporations; and to repeal the original section.

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

Voting in the affirmative, 37:

Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 6:

Adams	Claussen	Portsche	Stryker
Aufenkamp	Munnely		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 61.

A bill for an act to amend section 21-846, Reissue Revised Statutes of Nebraska, 1943, and section 21-838, Revised Statutes Supplement, 1957, relating to religious associations; to provide that directors of any religious associations, as defined in subdivision (2), (4), or (5) of section 21-834, Reissue Revised Statutes of Nebraska, 1943, may make a deed of conveyance or encumbrance; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Romans	Vosoba
Donner	Marvel	Ruhnke	Webb
Erlewine	McHugh	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp      Munnelly      Portsche

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 152. With emergency.**

A bill for an act to amend section 8-416, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to provide a method of liquidating industrial loan and investment companies; to provide for priority of claims; 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, 38:

Adams	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Romans	Thompson
Cooper	Liebers	Ruhnke	Vosoba
Diers	Marvel	Russillo	Webb
Donner	McHugh	Simmons	Williams
Fenske	Nelson		

Voting in the negative, 0.

Not voting, 5:

Aufenkamp      Moulton      Munnelly      Portsche  
Erlewine

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

**LEGISLATIVE BILL 115. With emergency.**

A bill for an act to amend section 79-904, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to remove restrictions upon the amount of the annual levy for school districts of

the fourth class for the building and equipment fund and for general school purposes; 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	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Romans	Vosoba
Donner	Marvel	Ruhnke	Webb
Erlewine	McHugh	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp	Munnelly	Portsche
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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.

### LEGISLATIVE BILL 113.

A bill for an act to amend section 44-150, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide for retaliation against any taxes, licenses, and other fees, in the aggregate, and any fines, penalties, deposit requirements, or other material obligations, prohibition, or restrictions imposed by the laws of any other state or foreign country upon Nebraska insurers, or upon the agents or representatives of such insurers, as prescribed; to provide exceptions; to provide for determination of the domicile of alien insurers; and to repeal the original section.

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

Voting in the affirmative, 40:



Adams	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Romans	Vosoba
Donner	Marvel	Ruhnke	Webb
Erlewine	McHugh	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp	Munnelly	Portsche
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 111.

A bill for an act relating to insurance; to provide that insurers are authorized, subject to the approval of the Director of Insurance, to affix to or include a written statement that the policy does not cover loss or damage caused by nuclear reaction, nuclear radiation, or nuclear contamination under the policy.

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

Voting in the affirmative, 34:

Adams	Fenske	McHugh	Simmons
Bowen	Fulton	Moulton	Skarda
Bridenbaugh	Gerdes	Nelson	Swanson
Burbach	Hollenbeck	Orme	Tews
Carpenter	Jensen	Otto	Thompson
Claussen	Klaver	Peck	Vosoba
Cooper	Lautenschlager	Romans	Webb
Diers	Liebers	Ruhnke	Williams
Donner	Marvel		

Voting in the negative, 4:

Olinger	Pizer	Stryker	Syas
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Not voting, 5:

Aufenkamp  
Erlewine

Munnelly

Portsche

Russillo

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 117.**

A bill for an act to amend section 79-102, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase the maximum population specified for school districts of the fourth class; to increase the minimum population specified for school districts of the fifth class; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Romans	Vosoba
Donner	Marvel	Ruhnke	Webb
Erlewine	McHugh	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp      Munnelly      Portsche

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**STANDING COMMITTEE REPORTS**

**Government**

**LEGISLATIVE BILL 156.** Placed on General File.

**LEGISLATIVE BILL 12.** Indefinitely postponed.

**LEGISLATIVE BILL 15.** Indefinitely postponed.

**LEGISLATIVE BILL 16.** Indefinitely postponed.

**LEGISLATIVE BILL 17.** Indefinitely postponed.

**LEGISLATIVE BILL 139.** Indefinitely postponed.

**LEGISLATIVE BILL 153.** Placed on General File.

(Signed) Dwain Williams, Chairman

**President Burney Presiding**

### **SELECT FILE**

**LEGISLATIVE BILL 48.** The pending Bridenbaugh motion to indefinitely postpone found in the Legislative Journal for the Thirtieth Day was considered.

Mr. Carpenter had requested a record vote.

Voting in the affirmative, 21:

Adams	Fulton	McHugh	Ruhnke
Bridenbaugh	Gerdes	Nelson	Russillo
Claussen	Hollenbeck	Peck	Thompson
Cooper	Jensen	Pizer	Webb
Erlewine	Klaver	Romans	Williams
Fenske			

Voting in the negative, 19:

Bowen	Lautenschlager	Orme	Swanson
Burbach	Liebers	Otto	Syas
Carpenter	Marvel	Simmons	Tews
Diers	Moulton	Skarda	Vosoba
Donner	Olinger	Stryker	

Not voting, 3:

Aufenkamp	Munnelly	Portsche
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The Bridenbaugh motion prevailed and LB 48 was indefinitely postponed.

### **Visitors**

Mr. Pizer introduced Mr. and Mrs. H. W. Frankenfeld and Mr. and Mrs. William Curron who are with the University of South Dakota at Vermillion.

Mr. Swanson introduced D. C. Montgomery and Calvin Montgomery from Farnam.

**LEGISLATIVE BILL 97.** Mr. Gerdes withdrew his pending amendment found in the Legislative Journal for the Thirtieth Day.

Mr. Moulton requested unanimous consent that the following amendment be adopted:

Amend the Pizer amendment to LB 97 as follows: After the word "Highway" strike "81" and insert in lieu thereof the following: "183 from Kansas line North to Ansley, west along Highway #2 to the Sheridan County line, then west along the south boundary of Sheridan, Box Butte and Sioux County lines."

Mr. Vosoba objected.

Mr. Moulton moved that LB 97 be returned to General File for the foregoing specific amendment.

The motion prevailed with 28 ayes, 9 nays, and 6 not voting.

#### Visitors

Mr. Cooper introduced Mr. and Mrs. Raymond V. Fertig from Fargo, North Dakota.

**LEGISLATIVE BILL 173.** E and R amendments found in the Legislative Journal for the Thirtieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 49.** E and R amendments found in the Legislative Journal for the Thirtieth Day were adopted.

Advanced to E and R for engrossment.

#### GENERAL FILE

**LEGISLATIVE BILL 97.** Considered.

The pending Moulton specific amendment found in this Day's Journal was adopted.

Mr. Diers offered a substitute motion to the Moulton amendment to LB 97 to include the entire state.

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

Laid over temporarily.

**LEGISLATIVE BILL 82.** Considered.

Mr. Vosoba withdrew his pending amendment found in the Legislative Journal for the Twenty-eighth Day.

Mr. Vosoba offered the following amendments which were adopted:

1. Amend the bill page 2, line 14 through 20, strike the new matter, and inserting, in place thereof, the following:

*"Provided, he may be directed by the Attorney General to represent the state in any action or matter in which the state is interested or a party. When such services require the performance of duties which are in addition to the ordinary duties of the county attorney, he shall receive such fee for his services, in addition to his salary as county attorney, as (1) the court shall order in any action involving court appearance, or (2) the Attorney General shall authorize in other matters, with the amount of such additional fee to be paid by the state."*

2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 97.** Considered.

Mr. Moulton offered the following amendment which was adopted:

Amend the Tews General File amendment adopted February 10, by reinserting the word "actual" in line 6, Section 1 of the bill.

Mr. Moulton offered the following amendment which was adopted:

Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 270.** Considered.

Mr. Carpenter moved that LB 270 be indefinitely postponed.

**Mr. Klaver Presiding**

Mr. Carpenter requested a record vote.

Voting in the affirmative, 20:

Adams	Fenske	McHugh	Skarda
Bowen	Fulton	Orme	Swanson
Carpenter	Klaver	Peck	Vosoba
Diers	Liebers	Pizer	Webb
Donner	Marvel	Russillo	Williams

Voting in the negative, 17:

Bridenbaugh	Gerdas	Nelson	Simmons
Burbach	Hollenbeck	Olinger	Stryker
Claussen	Jensen	Otto	Syas
Cooper	Lautenschlager	Ruhnke	Thompson
Erlewine			

Not voting, 6:

Aufenkamp	Munnely	Romans	Tews
Moulton	Portsche		

The Carpenter motion prevailed and LB 270 was indefinitely postponed.

### Visitors

Mr. Donner introduced Mr. and Mrs. Donald Fouquet from Albion.

Mr. Otto introduced a Farm Bureau group from Shelton and the surrounding area.

### MOTION—Introduce Bill

Mr. President: I move that the Committee on Judiciary be permitted to introduce a bill. (Signed) Ray C. Simmons, Chairman

Permission to introduce the bill granted with 35 ayes, 0 nays, and 8 not voting.

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 681.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 23-1203, Reissue Revised Statutes of Nebraska, 1943, relating to county officers; to eliminate the provisions that before the county board may employ additional counsel in civil matters, there shall be a petition of ten freeholders of the county requesting such employment; and to repeal the original section.

**UNANIMOUS CONSENT—Return LB 65 to Select File**

Mr. Ruhnke requested unanimous consent that LB 65 be returned to Select File for the following specific amendments. No objections. So ordered.

1. Amend section 1 of the bill, lines 2 and 5 by striking "permit" and inserting "license", and line 3 by inserting "personal" after "for".

2. Amend the title, lines 2, 3, and 7 by striking "permit" and inserting "license", and in line 4 by inserting "personal" before "trans-".

**SELECT FILE**

**LEGISLATIVE BILL 65.** The pending Ruhnke specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

**Visitors**

Mr. Lautenschlager introduced Orval Nicolas from Palmer, Wendel Gangwish from Wood River, and Robert Engel and Art Flanning from Doniphan.

**Presented to the Governor**

Presented to the Governor for approval on February 17, 1959, at 11:10 a.m.: LB 38

(Signed) Jo Fisher, Enrolling Clerk

**NOTICE OF COMMITTEE HEARINGS****Public Health**

LB 435	Monday, March 23, 1959	2:00 p.m.
LB 636	Monday, March 23, 1959	2:00 p.m.
LB 664	Monday, March 23, 1959	2:00 p.m.

**Adjournment**

At 11:53 a.m. on a motion by Mr. Cooper, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature



LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

THIRTY-SECOND DAY

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Legislative Chamber, Lincoln, Nebraska

Wednesday, February 18, 1959

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Burney presiding.

Prayer was offered by Senator John Adams, Sr.

The roll was called and all members were present except Messrs. Aufenkamp, Donner, and Portsche who were excused.

The Journal for the Thirty-first Day was approved.

MESSAGE FROM THE GOVERNOR

February 17, 1959

The President, the Speaker  
and the Members of the  
Legislature

Gentlemen:

Governor Brooks has requested me to inform your honorable body that on February 17, 1959, he approved LB 38.

Respectfully submitted

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
Administrative Assistant

RBC/sg

Communications

Letter from Bill Morton, Manager of the Lincoln Sports and Vacation Show, enclosing opening night passes to the members.

Petitions to Mr. Jensen with 1261 signatures opposing LB 104 and 1215 signatures opposing LB 97.

**Presented to the Governor**

Presented to the Governor for approval on February 17, 1959,  
at 4:40 p.m.: LB 28 LB 3 LB 78 LB 77 LB 136 LB 141  
LB 143

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 49.** Replaced on Select File as amended.

E and R amendment to LB 49:

1. In E & R Amendment 2, adopted February 17, 1959, insert "*in*" after "32-310,".

**LEGISLATIVE BILL 173.** Replaced on Select File as amended.

E and R amendment to LB 173:

1. Strike line 4 of E & R Amendment 2, adopted February 17, 1959, and insert "respecting a license to practice pharmacy;".

**LEGISLATIVE BILL 42.** Placed on Select File as amended.

E and R amendments to LB 42:

1. Strike Standing Committee Amendment 6.

2. In the title, strike lines 4 to 15 and insert:

"1943, relating to revenue and taxation; to provide that the jurisdiction of the Tax Commissioner shall include requiring tax officials to act in absolute compliance with all revenue laws of this state; to authorize the Tax Commissioner to make rules and regulations as prescribed; to eliminate the dates when the Tax Commissioner shall approve and furnish forms as prescribed; to extend from three to five years the time for which taxes on omitted personal property may be collected from the estate of a decedent; to provide that personal property not listed for taxation in 1959 and subsequent years, when owned by a deceased person, may be added to the tax rolls without limitation as to the years which have elapsed; to provide the rate at which such property shall be taxed; to provide a penalty; to repeal the original sections;".

**LEGISLATIVE BILL 99.** Placed on Select File.

**LEGISLATIVE BILL 100.** Placed on Select File as amended.

E and R amendment to LB 100:

1. In the title, strike the semi-colon at the end of line 6, strike line 7, and in line 8 strike "stocked" and insert: "whenever it is in the best interests of the public to do so".

**LEGISLATIVE BILL 101.** Placed on Select File as amended.

E and R amendment to LB 101:

1. In section 1, line 16, insert a comma after "Nebraska".

**LEGISLATIVE BILL 98.** Correctly engrossed.

**LEGISLATIVE BILL 43.** Correctly engrossed.

**LEGISLATIVE BILL 246.** Correctly engrossed.

**LEGISLATIVE BILL 140.** Correctly engrossed.

**LEGISLATIVE BILL 302.** Correctly engrossed.

**LEGISLATIVE BILL 132.** Correctly enrolled.

**LEGISLATIVE BILL 5.** Correctly enrolled.

**LEGISLATIVE BILL 61.** Correctly enrolled.

**LEGISLATIVE BILL 152.** Correctly enrolled.

**LEGISLATIVE BILL 115.** Correctly enrolled.

**LEGISLATIVE BILL 113.** Correctly enrolled.

**LEGISLATIVE BILL 111.** Correctly enrolled.

**LEGISLATIVE BILL 117.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 132 LB 5 LB 61 LB 152 LB 115 LB 113 LB 111 LB 117

#### **STANDING COMMITTEE REPORTS**

##### **Revenue**

**LEGISLATIVE BILL 54.** Placed on General File.

**LEGISLATIVE BILL 142.** Placed on General File.

**LEGISLATIVE BILL 144.** Placed on General File.

**LEGISLATIVE BILL 148.** Placed on General File as amended.

Standing Committee amendments to LB 148:

1. Amend the bill, Section 2, page 2, line 1, by striking "ad valorem" and adding after the word "taxes," the following: "*and special assessments*"

2. Amend the bill, Section 2, page 2, line 8, by striking "ad valorem" and adding immediately after the word "taxes," the following: "*and special assessments*".

3. Amend the bill, Section 2, page 2, line 15, by striking "the last half of" and adding immediately after the word "or" the word "*special*".

4. Amend the bill, Section 3, page 2, line 3 by adding immediately after the word "taxes" the following: "*or special assessments*"

5. Amend the bill, Section 3, page 2, line 5 by striking the word "section" and inserting in lieu thereof "*sections 1 and*"

6. Amend the title to conform.

**LEGISLATIVE BILL 300.** Placed on General File.

(Signed) Norman A. Otto, Chairman

### Judiciary

**LEGISLATIVE BILL 212.** Placed on General File as amended.

Standing Committee amendments to LB 212:

1. Amend the bill, section 1, line 24, by striking the semi-colon and showing same as stricken and inserting an underscored period in lieu thereof.

2. Amend the bill, section 1, line 25, by striking "three" and showing same as stricken and inserting "*Three*" in lieu thereof.

3. Amend the bill, section 1, line 29, by striking the comma and showing same as stricken and inserting an underscored period in lieu thereof.

4. Further amend section 1, line 29, by striking "all" and showing same as stricken and inserting "*All*" in lieu thereof.

5. Amend the bill, sec. 2, page 3, line 17, by striking "53-123.01" and showing same as stricken and inserting "53-123.02" in lieu thereof.

6. Amend the bill, sec. 2, page 3, line 29, by striking "53-123.01" and showing same as stricken and inserting "53-123.02" in lieu thereof.

(Signed) Ray C. Simmons, Chairman

### UNANIMOUS CONSENT—Read and Print Letter

Mr. Carpenter requested unanimous consent to have the following letter from the State Tax Commissioner read and printed in the Journal. No objections. So ordered.

January 28, 1959

Senator Terry Carpenter  
State Capitol  
Lincoln, Nebraska

Dear Senator Carpenter:

You have asked for information concerning all of the investigations of intangible taxes made by this office during the last six months. Some of the information you have requested is not available to us at the moment. For example, we know that in some instances assessments have been made, but we have no knowledge of whether taxes have been paid. Further explanatory notes will be included in the body of this letter.

During the past six months we have held formal hearings involving twelve individuals who are listed below.

Adams County	Value of Intangible Property not Taxed	Taxes
Robert Burke, Hastings	\$ 7,300.80	\$ 43.80
Eunice and Agnes Chapman, Hastings	40,845.42	245.07
Lothar F. Egan, Hastings	8,700.00	52.20
J. J. Lewis, Hastings	11,000.00	66.00
Homer K. McDill, Hastings	41,000.00	246.00
Ben Sherman, Hastings	288,000.00	1,728.00

**Important note:** During the period between our hearings and the making of an assessment at the tangible rate, all of the above individuals appeared before the Adams County Board and pre-

sented schedules in the above amounts and notified the Board that these amounts represented omitted intangible property. The Board instructed the assessor to make an assessment and to apply the 50% penalty which is required on omitted intangible property at the county level.

Subsequent to the above hearings, we issued "hold orders" to the assessor on nineteen additional individuals in Adams County in anticipation of holding hearings. Seventeen of these people joined the above individuals in appearing before the Board, and made assessments of their omitted property, thus eliminating any cause for holding hearings. It has been reported to us that a total of \$56,000.00 in taxes, including penalties and excluding interest, resulted from the above investigations.

A conference with staff members of the Attorney General's office revealed the fact that the law under which we took action is not superior to the laws allowing county officials to assess omitted property. For this reason we began functioning in a slightly different manner. When intangible property was discovered by this office, we informed the assessor and gave him a chance to make an assessment. When he failed to make an assessment and our records indicated reason to believe intangible property had been omitted, we then sent notices for hearing. Since that time the following formal hearings have been held.

	Value of Intangible Property not Taxed	Taxes
<b>Boyd County</b>		
Anoka-Butte Lumber Co., Anoka	\$194,000.00	\$11,000.00

**Note:** The principals of Anoka-Butte Lumber Co. appeared at the hearing without counsel. The intangible property consisted of accounts receivable, the value of which was determined at the time of the hearing. Therefore this assessment is the one and only assessment in which we have been successful in levying the tangible rate. We have been advised that there is a strong possibility of an appeal in this case.

	Value of Intangible Property not Taxed	Taxes
<b>Custer County</b>		
Credit Bureau, Inc., Broken Bow	\$8,000.00	\$ 48.00

At the hearing for this corporation evidence was introduced which showed that the intangible property had been declared on the Corporation Schedule, but had not been transferred to the Business Personal Property Schedule. This disclosure made it difficult to pinpoint the responsibility for the property not being

taxed, and thus the taxpayer was allowed to make his assessment to the county under a 50% penalty rather than at the tangible rate.

Gage County	Value of Intangible	
	Property not Taxed	Taxes
Jefferson B. Weston, Beatrice	\$2,347,648.00	\$14,085.89
Herbert T. Weston, Jr., Beatrice	3,403,814.00	20,422.88
Collins Weston, Beatrice	2,609,229.00	15,655.37

**Note:** These three people offered supplemental schedules covering the above omitted intangible property to the county assessor immediately prior to the time of our hearing. The assessor accepted the supplemental schedules, but we declined to cancel the hearing. Evidence introduced at the hearing indicated that the above figures were substantially correct, and since there was no longer any omitted intangible property, no assessment at the tangible rate was made by us. The taxes indicated above are at the rate of four mills plus 50% penalty.

We have requested an official Attorney General's opinion on the specific point of whether the assessor may accept a supplemental schedule after a notice of hearing has been sent to a taxpayer from this office.

**Hall County** — It has been reported to us that approximately \$6,000.00 in taxes have resulted from our investigations in Hall County, even though no formal hearings have as yet been held in that county.

In addition to the specific cases outlined above, at least two thousand schedules in more than forty counties have been checked. Also somewhere between four hundred and five hundred federal income tax returns have been examined. The foregoing has been done entirely by the special investigator on our staff. Our staff of fieldmen have assisted assessors and county boards in many hundreds of examinations involving both tangible and intangible property.

At the present time we have about one hundred fifty cases pending on which investigations have not yet been completed.

We have been criticized for our so-called selectivity in these matters. I think it is important that it be made clear to all concerned that for the most part our investigations have been made at the request of local officials or on "tips" received from taxpayers. Our limited staff cannot possibly examine and investigate the more than one-half million schedules on file throughout the

state. We have tried to avoid the possibility of holding a public hearing on innocent taxpayers, for this reason — we have been morally certain in every instance that omitted property did exist before attempting to make an assessment. Therefore the possibility exists that we have passed over omitted property simply because proof was not available to us prior to a hearing.

If additional information is required for your purpose, we will be happy to supply it.

Very truly yours,

(Signed) F. A. Herrington  
F. A. Herrington  
State Tax Commissioner

FAH:AH

#### **MOTION—Reconsider Action**

Mr. President: I move that we reconsider our action of yesterday in indefinitely postponing LB 48. (Signed) John P. Munnelly

Mr. Vosoba requested a Call of the House. A Call of the House was ordered and showed 40 members present.

Mr. Munnelly moved that the Call be raised. The motion prevailed with 35 ayes, 4 nays, and 4 not voting.

Mr. Munnelly requested a record vote.

Voting in the affirmative, 22:

Adams	Lautenschlager	Orme	Swanson
Bowen	Liebers	Otto	Syas
Burbach	Marvel	Simmons	Tews
Carpenter	Moulton	Skarda	Vosoba
Diers	Munnelly	Stryker	Webb
Klaver	Olinger		

Voting in the negative, 16:

Bridenbaugh	Fulton	McHugh	Ruhnke
Cooper	Gerdes	Nelson	Russillo
Erlewine	Hollenbeck	Pizer	Thompson
Fenske	Jensen	Romans	Williams

Not voting, 5:



Aufenkamp	Peck	Claussen	Portsche
Donner			

The Munnelly motion prevailed.

Mr. Vosoba requested a record vote on the Bridenbaugh motion to indefinitely postpone LB 48.

Voting in the affirmative, 14:

Bridenbaugh	Fulton	Pizer	Russillo
Cooper	Hollenbeck	Romans	Thompson
Erlewine	Jensen	Ruhnke	Williams
Fenske	Nelson		

Voting in the negative, 26:

Adams	Klaver	Olinger	Stryker
Bowen	Lautenschlager	Orme	Swanson
Burbach	Liebers	Otto	Syas
Carpenter	Marvel	Peck	Tews
Claussen	McHugh	Simmons	Vosoba
Diers	Moulton	Skarda	Webb
Gerdes	Munnelly		

Not voting, 3:

Aufenkamp	Donner	Portsche
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The Bridenbaugh motion lost.

#### UNANIMOUS CONSENT—Executive Session

Mr. Ruhnke, Chairman of the Committee on Public Works, requested unanimous consent for the Public Works Committee to meet in executive session from 1:00 until 2:00 p.m. today, February 18. No objections. So ordered.

#### Member Excused

Mr. Hollenbeck was excused from noon today for the remainder of the week.

#### STANDING COMMITTEE REPORTS

##### Public Health

**LEGISLATIVE BILL 383.** Placed on General File as amended.

Standing Committee amendments to LB 383:

1. Amend section 1, line 6 following the word "maintained" insert *"for more than a forty-eight hour period"*.
2. Amend section 1, line 6 following the word "quarters" insert *"used for purpose of sleeping or the preparation and the serving of food extending beyond the limits of a family group"*.
3. Amend the title to conform.

(Signed) Sam Klaver, Chairman

#### Judiciary

**LEGISLATIVE BILL 7.** Indefinitely postponed.

**LEGISLATIVE BILL 8.** Indefinitely postponed.

(Signed) Ray C. Simmons, Chairman

#### MOTION—Amend Rules

Mr. President: I move that Rule 12, Section 8 be amended by inserting therein a new paragraph to follow subsection "e" thereof and to read as follows:

"f. Motions made pursuant to subsections c, d and e hereof may be adopted only upon the affirmative vote of a majority of the elected members." (Signed) George Syas

Referred to the Rules Committee.

#### RULES OF PROCEDURE FOR THE RECOUNT OF BALLOTS FOR GOVERNOR CAST AT THE GENERAL ELECTION IN 1958.

##### I. DESIGNATION OF AUTHORITY

The Nebraska Constitution, Art. IV, Sec. 4, provides that the contested election of a state executive officer shall be determined by Legislature in such manner as may be prescribed by law. Section 32-1003, R. R. S. 1943, provides that the Legislature shall hear and determine cases of contested elections of officers of the executive department. The Legislature duly ap-

pointed a committee of five of its members to supervise the recounting of the ballots.

## **II. LEGISLATIVE COMMITTEE AND COUNTING AREA**

The committee consists of five legislative members: Chairman, A. A. Fenske, Harold B. Stryker, Oliver Olinger, J. O. Peck, and Richard D. Marvel. An area will be set up in the basement of the Capital building, as close as possible to the place where the ballots have been stored. Such area will be closed off and admittance granted to only those persons hereinafter described. During the counting of ballots, at least one member of the committee will at all times be present in the area, except in an emergency for a short period. All decisions of any nature pertaining to the counting of ballots shall be made by the members of the committee and may not be delegated to any other person or persons. The committee or any member representing its entire membership at any given time shall be in absolute control of the entire counting area. A secretary shall at all times be present with the committee member for the purpose of recording all rulings on ballots.

## **III. LEGAL COUNSEL**

The official legal advisor to the committee shall be the Attorney General of Nebraska or such one of his assistants as he may designate for the purpose. The legal advisor will at all times be present in the counting area for the purpose of consultation with the committee.

## **IV. RULES OF LAW PERTAINING TO CONSTRUCTION OF BALLOTS**

In order to expedite and to make as uniform as possible all decisions of the committee with respect to contested or challenged ballots, the committee will adopt as its decisions the rulings indicated in a document prepared by the Attorney General at the request of the committee, entitled "Memorandum of Rules of Law Applicable to a Counting of Ballots", whenever a particular challenge is based on a situation covered by the memorandum. Before such memorandum is adopted, attorneys for both parties may examine the same and, at a time set for such purpose, may offer any objection to any point of law contained therein or may offer amendments. The committee then will adopt such amendments, if any, it believes appropriate. On points not covered in the memorandum, the committee or any one or more members, with the advice of the legal advisor if desired, shall rule.

## V. PERSONS ENTITLED TO ADMISSION TO THE COUNTING AREA AND THEIR DUTIES

1. Members of the legislative committee — Membership and duties prescribed in Paragraph II.

2. Secretary or secretaries — As designated by the committee to record all rulings on challenged ballots.

3. Legal advisor to the committee — Duties described in Paragraph III.

4. Sixty-six judges and clerks — The specific procedure of counting is described in Paragraph VI., *infra*. The sixty-six persons will compose eleven teams of six persons each. Each team shall be constituted of three republican members and three democrat members approved by the respective parties, but recommended on the basis of competence by the Lancaster County Election Commissioner. Up to, but not more than, ten teams will be engaged at all times in counting ballots. The eleventh team will serve as fill-in members if needed, and will otherwise carry ballots or perform such duties as may be directed by the committee or one or more of its members. The members of the spare team shall remain in the area during the same periods as the regular team and shall abide by the same rules. The committee, in its discretion, may rotate the spare team so that a regular team may be relieved.

5. Six supervisors of counting — Three republican and three democrat ex-senators of the Nebraska Legislature shall act as supervisors. Their duties shall be to serve as a general go-between from the counting team to the committee. Such supervisor shall not have power to rule on any challenged ballot, but shall attempt to insure that all procedures operate smoothly at the counting tables. They shall perform such other duties as may from time to time be assigned them by the committee.

6. At least two Nebraska Safety Patrolmen — These men, as designated by the committee, shall be instructed in the general security measures to be taken to protect and preserve the integrity of all ballots, both before and after counting. One of the patrolmen shall accompany every messenger who carries ballots to and from the vault in which they are stored. The patrolmen assigned to such duty shall also be in charge of admission of persons to the area. They shall deny access to any and all unauthorized persons. The patrolmen shall, at the direction of the committee or any member, cause to be removed any person who violates any rule herein adopted, and such person may not be readmitted without approval of the committee. The patrolmen assigned to duty as herein provided shall not be paid other than his usual salary, but the por-

tion of his salary which is attributable to such duty shall be repaid the state out of funds available for the recount. The patrolmen shall perform such other duties as may from time to time be assigned by the committee.

7. Two Representatives of Political Parties — One representative representing each political party shall be authorized to be present at all times during the counting as an observer for his party, provided that such representatives shall not be either candidate for Governor or Mr. Joseph Wishart of Lincoln, Nebraska. It is expressly understood that a condition of their continued presence is that they will remain silent as to all matters pertaining to the counting of ballots. The representatives may not challenge ballots nor may they in any manner argue with any committee member in the counting area, the committee legal advisor, the judges and clerks of the counting board, or the supervisors. The representatives may make notations of any rulings they so desire. They may also, without violation of rules, discuss the matters pertaining to the counting with any member of the committee when such member is not on duty in the counting area.

8. Newsmen or women — Such accredited members of the various news media as wish may have access to the counting area at the hours of 10:30 a.m. and 4:30 p.m. daily, the taking of pictures will be only as permitted by the committee and discussions with persons in the area must not be permitted to create a disturbing influence.

9. Advisor to the committee on counting procedures — At the request of the committee, the election commissioner of Lancaster County has agreed to give any assistance on procedural matters of counting.

10. Such other persons as may be specifically authorized to enter the area by a member of the committee.

## VI. COUNTING PROCEDURES

Ten tables, each to be assigned a number, shall be placed in the area, with six chairs to be placed at each table as directed by the committee. The six members of each team, three republicans and three democrats, shall be seated at the table as the committee shall designate. Ballots, poll books and lists of voters shall be brought to one end of the table, to be known as the "receiving end". Receiving members, one from each political party, shall, without opening, count the number of ballots and compare with the total of persons voting as shown by the poll books. See Paragraph IX. as to what to do in the event of an excess of ballots.

See Paragraph X. as to a shortage of ballots. The two members of the receiving team shall then open and examine each ballot to determine that it has been properly signed by two judges of election at the general election. If the ballot reveals a lack of necessary signatures, such ballot shall be placed in a pile at the receiving end of the table for examination by a committee member or members. Such pile shall be known as the "questioned pile". They may also place in the questioned pile any ballot which is obviously mutilated.

If the ballot as received at the first station is proper as to signature and condition, it will then be passed to the next position as designated by the committee where it will be examined for challenge as to marking. The two persons at this station, one democrat and one republican, shall both have the right of challenge of such ballot as to marking or condition and such ballot will be placed in the questioned pile. The supervisors may also direct that a ballot be moved to the questioned pile.

If the ballot is not challenged it shall be read to the members of the tallying team, one republican and one democrat, and shall there be separately tallied in the books to be provided for that purpose by each member of that station. Each ballot shall be tallied by marking a straight line in the square provided. When there are four straight lines in a square the fifth line shall be made at a slant through the four upright lines in the square, and then the process shall begin anew in the next square to the right. The tally clerks, that is, the persons at the third position, shall at intervals of five ballots check with each other to see that totals at all times agree, and as each precinct is completed the total tally for the precinct shall be compared and must agree. The committee shall make such other decisions with respect to procedure of counting as it may from time to time desire.

#### **A. The Questioned Pile**

For each precinct in which there are challenged ballots, three envelopes shall be prepared. One shall state, "For Anderson on recount"; One shall state, "For Brooks on recount"; and one shall state, "Rejected on recount". As a precinct is completed, the committee member present shall be called to rule on questioned ballots. As a ruling is made, the tally clerks shall enter a mark for the person in whose favor the ruling is made. If the ruling is that the ballot should be rejected, no marks shall be made. Ballots marked as "rejected" on the original count shall also be opened, passed on by the committee, returned to their original envelope and resealed. After the rulings have been made, the ballots question on the recount shall be placed in the appropriate

envelope as indicated above, sealed, and placed with the ballots which were counted without question. After each precinct is completely tallied, except for absent and disabled voter ballots, the committee shall make such arrangements for the tabulation of the votes by machine or otherwise as it sees fit so that sub-totals of precincts and totals of the county may be shown. The ballots shall then be collected by the person designated by the committee for that purpose, returned to their package, sealed and placed in a secure manner in the vault.

#### **B. Absent and Disabled Voters' Ballots**

At the completion of the tally and tabulation of each county, the committee shall cause the absent and disabled voters' ballots from such county to be counted and tabulated. Where it is determined that illegal votes were counted on the original count of absent and disabled voters ballots, on the recount the number of illegal ballots shall be so apportioned that each candidate shall have deducted a share of them proportioned according to the whole number of votes received by him.

### **VII. WAGES, HOURS & BREAKS**

The counting process shall commence at eight o'clock a.m. and continue until five o'clock p.m. with one hour off for lunch. There shall be one break of twenty minutes in both the morning and the afternoon for refreshment and rest. Arrangements shall be made to prepare coffee for the break in the area. Counting will continue on consecutive days, Monday through Friday, or starting at such other day as the committee shall declare, until the recount is concluded.

The members of the counting team shall receive as wages the sum of \$1.50 per hour. The supervisors shall receive as compensation the sum of \$15.00 per day, and if from some place other than Lincoln, shall receive \$5.00 per day as expenses.

### **VIII. EVIDENCE OF BALLOT TAMPERING**

If a committee member, supervisor or other person reports that there is an appearance of tampering having occurred with any group of ballots, the ballots shall be left in their exact status quo and a member of the committee notified immediately. The committee shall make an examination of the group of ballots concerned, cause photographs to be made or follow such other procedure as it deems necessary under the circumstances to present a report on the incident. Three members of the committee shall be deemed sufficient for the purpose of making the exam-

ination if it appears that it is not possible to obtain the presence of the entire committee, provided, that at least one member from each political party on the committee shall be present. The counting of that group of ballots involved in the challenge shall be stopped while the committee makes its report to the Legislature. The counting teams not involved with a count of the ballots concerned shall continue counting the precincts assigned to them. As soon as the Legislature instructs the committee with respect to the challenged ballots, the committee shall give the counting team or teams the appropriate instructions.

#### **IX. WHERE THERE ARE MORE BALLOTS THAN THERE ARE VOTERS SHOWN ON THE POLL BOOKS**

Where ballots in excess of the voters shown by the poll books occur during the counting at the election, section 32-481, R. R. S. provides that all ballots shall be returned unopened to the ballot box, the box locked and the ballots therein thoroughly shaken. One of the judges shall then draw out the number of ballots which were shown to be excessive by the poll book. These excess ballots shall be placed, unopened, in a separate envelope, marked "excessive ballots", and sent with other returns to the county clerk or the election commissioner.

Generally, therefore, excessive ballots will have been determined upon the original count and will be included in a separate package with all materials. If it should be determined upon the recount that excessive ballots exist in addition to the ones drawn off at the first counting, the ballots previously counted shall be returned unopened to a container which will hold them and an additional number of ballots shall be withdrawn. These ballots shall be placed unopened in an envelope, marked "additional excessive ballots", and sealed. They shall not be counted, but shall be preserved with the other ballots.

If no excessive ballots were withdrawn at the original count, but appear at the recount, the procedure of section 32-481 should be followed as nearly as possible.

#### **X. WHERE THERE ARE LESS BALLOTS THAN THERE ARE VOTERS SHOWN ON THE POLL BOOKS**

In this situation, the circumstances shall be reported to a member of the committee who shall note the county and precinct, the number of ballots which are indicated to be short by the poll books, and report the circumstances to the full committee, who will in turn prepare a report of the incident, describing the county and precinct, for presentation to the entire Legislature.



## XI. MUTILATED BALLOTS

There are two problems here. An individual ballot may evidence a mutilation through the action of the voter. In this case there is a question of fact as to whether the ballot shall be counted because of the identification or distinguishing factor. If the mutilation is not great and it does not appear that it was purposely made, the ballot should be counted.

A second problem exists if the condition of a group of ballots indicates that damage occurred in storage of the ballots subsequent to the original count. Examples are water damage, rat damage, careless handling. The same procedure should be followed as indicated in Paragraph VIII., supra, with respect to investigating and reporting. If the ballots are ordered counted by the Legislature they should be counted insofar as the actual marking can be determined. In counting these ballots, the committee member should make a separate tally of the total number of damaged ballots, the nature of the damage, the number of ballots counted for each candidate, the number of ballots rejected as not readable or not countable. This information should be preserved as a part of the record of the recount.

(Signed) A. A. Fenske

### MOTION—Adopt Report

Mr. President: I move the adoption of the Rules of Procedure for the Recount of Ballots for Governor, and that the report be printed in the Journal. (Signed) A. A. Fenske

Mr. Vosoba requested unanimous consent that action on the report be laid over.

Mr. Cooper objected.

Mr. Vosoba moved that action on the adoption of the report of the Recount Committee be deferred until tomorrow, February 19.

The motion lost with 14 ayes, 25 nays, and 4 not voting.

Mr. Fenske moved that the report be amended to include that the keys to the vault be turned over to the Chairman, A. A. Fenske, and Vice Chairman, Harold B. Stryker, of the Recount Committee. The motion prevailed.

Mr. Vosoba moved that the rules of procedure proposed by the recount committee be amended to include the following provisions:

The total votes for each candidate as shown on the poll books of the precinct shall be accepted as final and correct, without re-counting of any ballots in such precinct, in all cases when:

1. The ballot container or containers for that precinct are not completely and securely sealed and enclosed; or

2. The ballot container or containers for that precinct have a seal or fastener thereon but the seal thereon is of such a nature or condition that it would be possible to insert or withdraw a ballot or ballots notwithstanding such seal.

Mr. Simmons moved the previous question. The motion prevailed with 34 ayes, 2 nays, and 7 not voting.

Mr. Carpenter requested a record vote on the Vosoba amendment.

Voting in the affirmative, 6:

Carpenter	Munnelly	Skarda	Vosoba
Jensen	Otto		

Voting in the negative, 33:

Adams	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Stryker
Bridenbaugh	Klaver	Orme	Swanson
Burbach	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Romans	Thompson
Diers	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams
Fulton			

Not voting, 4:

Aufenkamp	Donner	Erlewine	Portsche
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The Vosoba amendment lost.

Mr. Carpenter requested a record vote on the adoption of the report.

Voting in the affirmative, 39:

Adams	Diers	Jensen	Moulton
Bowen	Erlewine	Klaver	Munnelly
Bridenbaugh	Fenske	Lautenschlager	Nelson
Burbach	Fulton	Liebers	Olinger
Claussen	Gerdes	Marvel	Orme
Cooper	Hollenbeck	McHugh	Otto

Peck	Russillo	Swanson	Vosoba
Pizer	Simmons	Syas	Webb
Romans	Skarda	Tews	Williams
Ruhnke	Stryker	Thompson	

Voting in the negative, 1:

Carpenter

Not voting, 3:

Aufenkamp	Donner	Portsche
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The report was adopted.

### Visitors

Mr. Marvel introduced a delegation of Farm Bureau Legislative School students from Buffalo, Kearney, Adams, Hall, Merrick, and Antelope counties.

Mr. Ruhnke introduced County Commissioners Adolph Voortman, Deshler; Albert Johnson, Alexandria; Fred Christ, Plymouth; and William Banaham, Fairbury, and Mr. and Mrs. Elmer Fertjen, Plymouth.

Mr. Gerdes introduced Mr. Earl Price from Hemingford, and Mr. Pearl Weed and Mr. Jack Brittian from Alliance.

## NOTICE OF COMMITTEE HEARINGS

### Miscellaneous Subjects

LB 380	Tuesday, March 17, 1959	2:00 p.m.
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## STANDING COMMITTEE REPORTS

### Education

**LEGISLATIVE BILL 253.** Placed on General File as amended.

Standing Committee amendments to LB 253:

1. Amend the bill, Page 2, Section 1, by striking Lines 15, 16, 17 and 18, and substitute therefor the following:

*"(d) Schools primarily offering instruction in the avocational, recreational or entertainment fields, including schools of dancing, schools of charm and schools of photography."*

2. Amend the bill, Page 3, Sec. 3, Line 8, as follows: After the word, "act." insert the following: *"The surety on any bond mentioned herein may relieve itself of liability thereafter and withdraw from the bond upon giving 30 days notice in writing to the State Board of Education."*

**LEGISLATIVE BILL 493.** Placed on General File.

**LEGISLATIVE BILL 490.** Placed on General File.

(Signed) George Syas, Chairman

#### **Bills Referred to Standing Committees**

LB                      Committee  
681..... Judiciary

(Signed) Dwight W. Burney  
Lieutenant Governor

#### **STANDING COMMITTEE REPORTS**

##### **Public Works**

**LEGISLATIVE BILL 171.** Indefinitely postponed.

**LEGISLATIVE BILL 163.** Placed on General File as amended.

Standing Committee amendments to LB 163:

1. Amend section 1 of the bill by striking the new matter and reinstating the stricken matter, and line 15 by inserting after the reinstated matter the following: *"Such motor cars shall be equipped with a windshield of a transparent shatterproof material and sufficient in width and height to afford reasonable protection to the employees transported by it."*

2. Amend the title to conform.

(Signed) Arnold Ruhnke, Chairman

##### **Visitors**

Mr. Jensen introduced a group of Farm Bureau members who are studying legislative procedure.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 105.** With emergency.

A bill for an act to transfer the sum of one hundred sixty-six thousand dollars from Auditor Account No. 310 and to appropriate the same for the purpose of exercising an option to purchase certain real estate as prescribed; and to declare an emergency.

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

Voting in the affirmative, 38:

Adams	Hollenbeck	Olinger	Skarda
Bowen	Jensen	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Carpenter	Liebers	Pizer	Tews
Cooper	Marvel	Romans	Thompson
Diers	McHugh	Ruhnke	Vosoba
Fenske	Moulton	Russillo	Webb
Fulton	Munnelly	Simmons	Williams
Gerdes	Nelson		

Voting in the negative, 0.

Not voting, 5:

Aufenkamp	Donner	Erlewine	Portsche
Claussen			

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

**Visitors**

Mr. Bowen introduced two members of the Farm Bureau, Alfred Schutte and Kenneth Kirchner, and Webster County Commissioner, William Gronewold.

**LEGISLATIVE BILL 40.**

A bill for an act to amend section 54-766.03, Revised Statutes Supplement, 1957, relating to livestock; to provide when the entire state shall be established as a brucellosis area; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Gerdes	Nelson	Skarda
Bowen	Hollenbeck	Olinger	Stryker
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Otto	Syas
Carpenter	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams
Fulton	Munnelly	Simmons	

Voting in the negative, 0.

Not voting, 4:

Aufenkamp	Claussen	Donner	Portsche
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Speaker Pizer Presiding**

### SELECT FILE

#### LEGISLATIVE BILL 48.

Mr. Carpenter offered the following amendments which were adopted by unanimous consent:

1. Amend section 7 of the bill, line 9 by striking "February 15" and inserting "*March 1*".

2. Amend section 16 of the bill, line 18 by striking "February 15" and inserting "*March 1*".

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 119.** E and R amendment found in the Legislative Journal for the Thirty-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 305.** E and R amendments found in the Legislative Journal for the Thirty-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 164.** E and R amendment found in the Legislative Journal for the Thirty-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 122.** E and R amendment found in the Legislative Journal for the Thirty-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 170.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 146.** E and R amendment found in the Legislative Journal for the Thirty-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 121.** E and R amendment found in the Legislative Journal for the Thirty-first Day was adopted.

Advanced to E and R for engrossment.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Agriculture be permitted to introduce a bill proposing the submission of a constitutional amendment providing for a different method of taxing livestock. (Signed) Hans O. Jensen, Chairman

Permission to introduce the bill granted with 32 ayes, 0 nays, and 11 not voting.

#### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 682.** By Committee on Agriculture, Hans O. Jensen, 25th District, Chairman.

A bill for an act for submission to the electors of an amendment to Article VIII, section 1, of the Constitution of Nebraska, relating to revenue; to provide that the Legislature may provide for a different method of taxing livestock; to provide for the submission of the proposed amendment to the electors at the

general election in November, 1960; to provide the manner of submission and form of ballot; and to provide the effective date thereof.

### Visitors

Mr. Munnelly introduced Mrs. Hugh Manning, Promotion Manager, and Misses Diane Gammel, Joyce Weinstein, Marcy Heine, and Judy Gustafson, in behalf of the Nebraska Heart Fund Benefit Show.

### NOTICE OF COMMITTEE HEARINGS

#### Agriculture

LB 400	Thursday, February 26, 1959	2:00 p.m.
LB 428	Thursday, February 26, 1959	2:00 p.m.
LB 430	Thursday, February 26, 1959	2:00 p.m.

### GENERAL FILE

**LEGISLATIVE BILL 134.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 124.** Laid over.

**LEGISLATIVE BILL 108.** Considered.

The pending Simmons amendment found in the Legislative Journal for the Thirtieth Day lost.

Mr. Carpenter offered the following amendment:

1. Amend Standing Committee Amendment 1, line 10, by inserting "*if an inboard, and upon both the hull and motor, if an outboard,*" after "boat".

Amendment pending.

Laid over until Monday, February 23, 1959, at the request of Mr. Moulton.

### UNANIMOUS CONSENT—Hearing Rooms

Mr. Munnelly, Chairman of the Committee on Banking, Commerce and Insurance, requested unanimous consent that the Banking, Commerce and Insurance Committee and the Miscellaneous Subjects Committee be permitted to exchange hearing rooms



Thursday afternoon, February 19, to permit the Banking, Commerce and Insurance Committee to hold their hearing in the Supreme Court Hearing Room and the Miscellaneous Subjects Committee to hold their hearing in the East Lounge. No objections. So ordered.

#### **Visitors**

Mr. Romans introduced Dean Bresley, Eugene Bredthouer, and Lyle Foth, members of the Valley County Farm Bureau.

#### **UNANIMOUS CONSENT—Withdraw LB 478**

Mr. Burbach requested unanimous consent to withdraw LB 478. No objections. So ordered.

#### **MOTION—Recess**

Mr. President: I move we recess until 7:30 p.m. to consider Judiciary Committee bills 186, 188, 189, 190, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 205, 208, and 233. (Signed) Terry Carpenter

The motion lost with 5 ayes, 24 nays, and 14 not voting.

#### **Adjournment**

At 12:05 p.m. on a motion by Mr. Klaver, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## THIRTY-THIRD DAY

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Legislative Chamber, Lincoln, Nebraska  
Thursday, February 19, 1959

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Aufenkamp, Hollenbeck, Otto, Portsche, and Webb who were excused.

**Corrections for the Journal**

Page 514, line 35; page 515, line 10; page 524, line 26; page 525, line 4; page 527, line 19; and page 528, line 11, correct the spelling of the name "Williams".

Page 521, line 21, delete "county" and insert "counting".

The Journal for the Thirty-second Day was approved as corrected.

**Communications**

Letters from U. S. Senators Carl T. Curtis and Roman L. Hruska acknowledging receipt of Legislative Resolution 15.

Copy of Senate Concurrent Resolution No. 5 from Arkansas, relative to a Constitutional amendment reserving exclusive power and control by states over their public schools.

Letter from Representative M. O. Lindner, Phoenix, Arizona, relative to the installation of their sound reinforcement and voting equipment.

**STANDING COMMITTEE REPORTS****Government**

**LEGISLATIVE BILL 177.** Placed on General File.

**LEGISLATIVE BILL 176.** Placed on General File.

(Signed) Dwain Williams, Chairman

**Presented to the Governor**

Presented to the Governor for approval on February 19, 1959,  
at 8:30 a.m.: LB 132 LB 5 LB 61 LB 152 LB 115 LB 113  
LB 111 LB 117

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 82.** Placed on Select File as amended.

E and R amendments to LB 82:

1. In the Vosoba General File Amendment, line 4, insert an underscored semi-colon before "Provided" and strike line 14 and insert "paid by the state".

2. In the title, line 4, strike "authorize" and insert: "provide that the Attorney General may direct"; in lines 6 and 7 strike "when directed by the Attorney General"; and in line 8, after "services" insert "which are in addition to the ordinary duties of the county attorney".

**LEGISLATIVE BILL 97.** Replaced on Select File as amended.

E and R amendments to LB 97:

1. Strike E & R Amendment 4 of February 16.

2. In the title, line 4, insert "for put and take trout fishing" after "areas".

**LEGISLATIVE BILL 134.** Placed on Select File as amended.

E and R amendment to LB 134:

1. In section 1, line 11, insert an underscored comma after "sion".

**LEGISLATIVE BILL 241.** Correctly engrossed.

**LEGISLATIVE BILL 118.** Correctly engrossed.

**LEGISLATIVE BILL 277.** Correctly engrossed.

**LEGISLATIVE BILL 278.** Correctly engrossed.

**LEGISLATIVE BILL 105.** Correctly enrolled.

**LEGISLATIVE BILL 40.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 105 LB 40

### **NOTICE OF COMMITTEE HEARINGS**

#### **Government**

LB 299 (Reset)	Wednesday, April 1, 1959	2:00 p.m.
LB 440 (Reset)	Wednesday, March 18, 1959	2:00 p.m.

### **RESOLUTIONS**

#### **LEGISLATIVE RESOLUTION 17.**

Mr. Simmons offered the following amendment which was adopted:

Amend LR 17 by inserting after the fourth "WHEREAS" paragraph, the following:

"WHEREAS, this declaration does not involve direct federal expenditures of any sort, such as national defense, agriculture, or reclamation, but only involves federal grant in aid programs; and".

Mr. Simmons moved that LR 17 be adopted.

Mr. Simmons requested a Call of the House.

A Call of the House was ordered and showed 34 members present.

Mr. Bridenbaugh moved that the Call be raised. The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 15:

Bridenbaugh	Fulton	Nelson	Simmons
Claussen	Lautenschlager	Peck	Syas
Cooper	McHugh	Romans	Tews
Donner	Moulton	Ruhnke	

Voting in the negative, 21:

Adams	Gerdes	Munnelly	Stryker
Bowen	Jensen	Olinger	Swanson
Burbach	Klaver	Orme	Thompson
Carpenter	Liebers	Pizer	Vosoba
Diers	Marvel	Skarda	Williams
Fenske			

Not voting, 7:

Aufenkamp	Hollenbeck	Portsche	Webb
Erlewine	Otto	Russillo	

The Simmons motion lost.

**LEGISLATIVE RESOLUTION 18.** Re: Legislative Council Study of Laws Governing Brand Inspection Area.

Introduced by Jack Romans, 29th District; John G. Donner, 27th District; and Frank Nelson, 28th District.

WHEREAS, at each session of the Nebraska Legislature, bills are introduced to change the brand inspection area, and

WHEREAS, a question has arisen whether there is proper enforcement of the laws relating to branded livestock.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to make a study of the laws governing branded livestock, to determine (1) what areas of the state should be in a brand inspection area and (2) what changes are necessary in such laws to properly enforce the provisions relating to branded livestock, and the committee to report to the next regular session of the Legislature with its recommendations.

Referred to the Legislative Council Executive Board.

**NOTICE OF COMMITTEE HEARINGS**

**Public Works**

LB 325	Monday, March 2, 1959	2:00 p.m.
LB 565	Monday, March 2, 1959	2:00 p.m.

LB 402	Wednesday, March 4, 1959	2:00 p.m.
LB 411	Wednesday, March 4, 1959	2:00 p.m.
LB 436	Wednesday, March 4, 1959	2:00 p.m.
LB 463	Friday, March 6, 1959	2:00 p.m.
LB 470	Friday, March 6, 1959	2:00 p.m.
LB 486	Friday, March 6, 1959	2:00 p.m.

#### Labor and Public Welfare

LB 443	Wednesday, February 25, 1959	2:00 p.m.
LB 543	Wednesday, February 25, 1959	2:00 p.m.
LB 544	Wednesday, February 25, 1959	2:00 p.m.
LB 18	Wednesday, March 25, 1959	2:00 p.m.
LB 22	Wednesday, March 25, 1959	2:00 p.m.

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 48.** Replaced on Select File as amended.

E and R amendment to LB 48:

In the Carpenter Unanimous Consent Amendment 1 of February 11, line 4, strike "*February fifteen*" and insert: "*March 1*".

(Signed) Joe T. Vosoba, Chairman

#### Public Health

**LEGISLATIVE BILL 316.** Placed on General File as amended.

Standing Committee amendments to LB 316:

1. Amend section 4, page 4, line 8 following the word "between" by inserting "*persons who are principally*".

2. Amend section 4, page 4, line 9 following the word "operators" strike "within the same community" and show the same as stricken matter.

3. Amend section 4, page 4, line 15 following the word "study" insert "*in veterinary medicine*".

4. Amend section 4, page 4, lines 18 and 19 following the word "examiners" strike "in veterinary medicine" and show the same as stricken matter, and insert "*and Department of Health, which apprenticeship shall not exceed six months*".

5. Amend section 4, page 4, line 21 strike "professional".

6. Amend section 4, page 4, lines 29 and 30 following the word "by" strike "the Department of Animal Pathology and Hygiene of" and show the same as stricken matter.

7. Amend section 4, page 4, line 31 following the word "human" insert "and animal".

8. Amend section 4, page 4, line 33 following the word "human" insert "and animal".

9. Amend the title to conform.

(Signed) Sam Klaver, Chairman

### Agriculture

**LEGISLATIVE BILL 104.** Indefinitely postponed.

**LEGISLATIVE BILL 147.** Indefinitely postponed.

**LEGISLATIVE BILL 149.** Placed on General File as amended.

Standing Committee amendments to LB 149:

1. Amend Sec. 2 of this bill by reinstating the stricken matter in lines 8 to 36, by striking the new matter in lines 36 to 54 and showing same as stricken, and line 36 by inserting after the reinstated matter the following: *"The commission shall have authority by rules and regulations to regulate the taking, possessing, transporting, and selling of other species of fish found in the Missouri River."*

2. Amend the bill by striking Sec. 3 and Sec. 4 and showing the same as stricken and inserting a new Sec. 3 to read as follows: *"Sec. 3. That original section 37-505, Reissue 2 Revised Statutes of Nebraska, 1943, is repealed."*

3. Amend the title to conform.

**LEGISLATIVE BILL 150.** Indefinitely postponed.

**LEGISLATIVE BILL 151.** Indefinitely postponed.

(Signed) Hans O. Jensen, Chairman

### Bills Referred to Standing Committees

LB	Committee
682	Judiciary

(Signed) Dwight W. Burney  
Lieutenant Governor

**NOTICE OF COMMITTEE HEARINGS****Judiciary**

LB 452	Wednesday, February 25, 1959	2:00 p.m.
LB 453	Wednesday, February 25, 1959	2:00 p.m.
LB 454	Wednesday, February 25, 1959	2:00 p.m.
LB 460	Wednesday, February 25, 1959	2:00 p.m.
LB 561	Wednesday, February 25, 1959	2:00 p.m.
LB 619	Wednesday, February 25, 1959	2:00 p.m.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Public Works be permitted to introduce a bill relating to express companies and the occupation tax upon the gross earnings thereof. (Signed) Arnold Ruhnke, Chairman

Permission to introduce the bill granted with 36 ayes, 0 nays, and 7 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 683.** By Committee on Public Works, Arnold Ruhnke, 22nd District, Chairman.

A bill for an act to amend sections 86-501 and 86-504, Reissue Revised Statutes of Nebraska, 1943, relating to express companies; to redefine the term express company; to provide that the express company occupation tax shall be paid upon the gross earnings derived from the express business within this state by each express company operating under a permit granted by the State Railway Commission; and to repeal the original sections.

**Visitors**

Mr. Olinger introduced Keith Pollard, Dennis Seilar, and Mrs. Helen Konicek, Teachers, and eighty students from Wisner High School.

**Members Excused**

Messrs. Erlewine and Tews were excused for Friday, February 20.

Mr. Fulton was excused from 11:30 a.m. for the remainder of the day.



**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 83.**

A bill for an act to amend section 29-2628, Reissue Revised Statutes of Nebraska, 1943, relating to pardons and paroles; to provide that restoration of good time forfeited when a prisoner violates the conditions of his parole shall be at the discretion of the Board of Pardons; to clarify the language thereof; and to repeal the original section.

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

Voting in the affirmative, 35:

Adams	Erlewine	Moulton	Simmons
Bowen	Fenske	Munnelly	Skarda
Bridenbaugh	Fulton	Nelson	Stryker
Burbach	Gerdes	Olinger	Swanson
Carpenter	Klaver	Orme	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	

Voting in the negative, 0.

Not voting, 8:

Aufenkamp	Jensen	Portsche	Webb
Hollenbeck	Otto	Russillo	Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Explanation of Vote**

Mr. President: If I had been present, I would have voted "aye" on LB 83. (Signed) Hans O. Jensen

**LEGISLATIVE BILL 87. With emergency.**

A bill for an act to amend section 83-459, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to provide

for transfer of prisoners by order of the Board of Control from the State Reformatory to the State Penitentiary for prescribed reasons; to provide that the loss of good time allowance at the time of such transfer shall be discretionary with the Board of Control; 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, 37:

Adams	Fenske	Moulton	Simmons
Bowen	Fulton	Munnelly	Skarda
Bridenbaugh	Gerdes	Nelson	Stryker
Burbach	Jensen	Olinger	Swanson
Carpenter	Klaver	Orme	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 6:

Aufenkamp	Otto	Russillo	Webb
Hollenbeck	Portsche		

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

## LEGISLATIVE BILL 81.

A bill for an act to amend section 72-902, Reissue Revised Statutes of Nebraska, 1943, relating to school lands; to provide that oil and gas leases of school lands shall provide an annual delay rental of fifty cents per acre; to provide the procedure when two or more persons desire to lease the same land; to provide that leases may be awarded to the party offering to pay the highest cash bonus; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Fenske	Moulton	Simmons
Bowen	Fulton	Munnelly	Skarda
Bridenbaugh	Gerdes	Nelson	Stryker
Burbach	Jensen	Olinger	Swanson
Carpenter	Klaver	Orme	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 6:

Aufenkamp	Otto	Russillo	Webb
Hollenbeck	Portsche		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 133.

A bill for an act to amend section 60-311.03, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide when trucks of farmers or ranchers shall not be classified as commercial trucks; to clarify the provisions; and to repeal the original section.

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

Voting in the affirmative, 36:

Adams	Erlewine	McHugh	Simmons
Bowen	Fenske	Munnelly	Skarda
Bridenbaugh	Fulton	Nelson	Stryker
Burbach	Gerdes	Olinger	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Romans	Vosoba
Donner	Marvel	Ruhnke	Williams

Voting in the negative, 1:

Moulton

Not voting, 6:

Aufenkamp	Otto	Russillo	Webb
Hollenbeck	Portsche		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 161.

A bill for an act to amend sections 81-840, 81-847, 81-848, and 81-849, Reissue Revised Statutes of Nebraska, 1943, relating to engineers and architects; to establish the classification of engineer-in-training and prescribe the qualifications therefor; to change the qualifications required to establish qualification to practice professional engineering or architecture; to prescribe fees for registration as an engineer-in-training and when such fees shall be credited to the applicant; to increase the fee for registration as a professional engineer or architect and for renewal of such registration; and to repeal the original sections.

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

Voting in the affirmative, 37:

Adams	Fenske	Moulton	Simmons
Bowen	Fulton	Munnelly	Skarda
Bridenbaugh	Gerdes	Nelson	Stryker
Burbach	Jensen	Olinger	Swanson
Carpenter	Klaver	Orme	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 6:

Aufenkamp	Otto	Russillo	Webb
Hollenbeck	Portsche		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Explanation of Vote**

Mr. President: Due to a scheduled meeting at 9:30 a.m. with the Governor to introduce an Omaha delegation, I was absent during final reading of LB 83, LB 87, LB 81, LB 133, and LB 161. If I had been present, I would have voted in the affirmative for those bills. (Signed) Michael P. Russillo

**MOTION—Testimony at Hearings**

Mr. President: I move that the Legislature go on record as opposed to allowing any state agency or commission to lobby or give testimony for or against any legislative bill in committee hearings; but that they shall appear at the request of the various committee chairmen, members of the committee, or introducers of the bills, to answer questions and provide factual information for the committee. (Signed) John G. Donner

**Speaker Pizer Presiding**

Mr. Donner requested a record vote.

Voting in the affirmative, 28:

Adams	Diers	Lautenschlager	Ruhnke
Bowen	Donner	Marvel	Skarda
Bridenbaugh	Erlewine	Moulton	Swanson
Burbach	Fenske	Olinger	Tews
Carpenter	Fulton	Orme	Thompson
Claussen	Jensen	Pizer	Vosoba
Cooper	Klaver	Romans	Williams

Voting in the negative, 5:

McHugh	Simmons	Stryker	Syas
Nelson			

Not voting, 10:

Aufenkamp	Liebers	Peck	Russillo
Gerdes	Munnelly	Portsche	Webb
Hollenbeck	Otto		

The Donner motion prevailed.

**Visitors**

Mr. Stryker introduced Max Bernard, Superintendent, Mrs. Orville Baeltner, Teacher, and the Junior and Senior Classes of Cedar Bluffs High School.

Mr. Romans introduced Harold K. Olson, Erwin Minery, Paul Dwyer, John Koirzor, and Kenton Olson from Bartlett; Stan Huffman from Ewing; Howard Ritzer from Ericson; and Art Easterbrook from Arcadia.

### SELECT FILE

**LEGISLATIVE BILL 49.** E and R amendment found in the Legislative Journal for the Thirty-second Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 173.** E and R amendment found in the Legislative Journal for the Thirty-second Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 42.** E and R amendments found in the Legislative Journal for the Thirty-second Day were adopted.

Mr. Carpenter offered the following amendment which was adopted by unanimous consent:

1. Amend the bill, section 7, page 4, by striking the old matter in lines 22 to 29, showing the same as stricken, and by inserting, before the period in line 22:

“; and to the tangible tax shall be added interest at the rate of seven per cent per annum from the date the tax would have been due if the property had been returned for taxation, plus a penalty of fifty per cent on the amount so found due; and to the tax on intangible property there shall be added a penalty in the amount of the rate for tangible property as fixed at the time of the last preceding levy”.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 99.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 100.** E and R amendment found in the Legislative Journal for the Thirty-second Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 101.** E and R amendment found in the Legislative Journal for the Thirty-second Day was adopted.

Advanced to E and R for engrossment.

**Visitor**

Mr. Marvel introduced Hal C. Smith from Hastings.

**GENERAL FILE**

**LEGISLATIVE BILL 129.** Laid over.

**LEGISLATIVE BILL 130.** Laid over until Thursday, March 5, at the request of Mr. Jensen.

**LEGISLATIVE BILL 125.** Laid over.

**LEGISLATIVE BILL 124.** Sections 1 and 2 read and considered.

Mr. Romans offered the following amendment:

Amend LB 124, Section 1, page 2, line 9 after the word "commission" by striking the word "shall" and inserting in lieu thereof the word "*may*".

Amendment pending.

Laid over.

**LEGISLATIVE BILL 242.** Laid over.

**LEGISLATIVE BILL 186.** Read and considered.

Advanced to E and R for review.

**President Burney Presiding**

**LEGISLATIVE BILL 188.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 189.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 190.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 192.** Read and considered.

Advanced to E and R for review.

**Member Excused**

Mr. Klaver requested unanimous consent to be excused Friday, February 20, for the reason that he has a meeting with certain Douglas County officials on LB 93. No objections. So ordered.

**Announcement—Rules Committee Meeting**

Mr. Marvel, Chairman of the Rules Committee, announced that there would be a meeting of the Rules Committee on Friday, February 20, at 8:30 a.m.

**STANDING COMMITTEE REPORTS****Judiciary**

- LEGISLATIVE BILL 207.** Placed on General File.
- LEGISLATIVE BILL 209.** Placed on General File.
- LEGISLATIVE BILL 210.** Placed on General File.
- LEGISLATIVE BILL 211.** Placed on General File.
- LEGISLATIVE BILL 213.** Placed on General File.
- LEGISLATIVE BILL 215.** Placed on General File.
- LEGISLATIVE BILL 216.** Placed on General File.
- LEGISLATIVE BILL 217.** Placed on General File.
- LEGISLATIVE BILL 218.** Placed on General File.
- LEGISLATIVE BILL 219.** Placed on General File as amended.

Standing Committee amendment to LB 219:

1. Amend the bill, section 1, line 5, by striking "undertakers" and showing same as stricken and inserting "*funeral directors*" in lieu thereof.

**LEGISLATIVE BILL 220.** Placed on General File.

**LEGISLATIVE BILL 221.** Placed on General File as amended.

Standing Committee amendment to LB 221:

1. Amend the bill, Sec. 2, line 10, by striking "not" and showing same as stricken and inserting "*no*" in lieu thereof.



**LEGISLATIVE BILL 222.** Placed on General File.

**LEGISLATIVE BILL 223.** Placed on General File.

**LEGISLATIVE BILL 224.** Placed on General File.

**LEGISLATIVE BILL 225.** Placed on General File as amended.

Standing Committee amendments to LB 225:

1. Amend the bill, section 1, page 2, by striking section 1 in its entirety, showing same as stricken.

2. Amend the bill by renumbering Sec. 2 and Sec. 3 as Section 1 and Sec. 2 respectively.

3. Amend the bill, renumbered Section 1, page 3, line 17, by striking "the Legislature is not in", showing same as stricken.

4. Amend the bill, renumbered Section 1, page 3, line 18, by striking "session on April 4, 1947, or if", showing same as stricken.

5. Amend the bill, renumbered Sec. 2, line 1, by striking "sections 80-109 and", showing same as stricken, and by inserting "section" in lieu thereof.

6. Amend the bill, renumbered Sec. 2, line 2, by inserting after "1943," the following: "*and also section 80-109, Reissue Revised Statutes of Nebraska, 1943.*".

7. Amend the title to conform.

**LEGISLATIVE BILL 226.** Placed on General File as amended.

Standing Committee amendments to LB 226:

1. Amend the bill, Sec. 5, page 5 and 6, by striking the section in its entirety, showing same as stricken.

2. Amend the bill by renumbering Sec. 6 and Sec. 7 as Sec. 5 and Sec. 6 respectively.

3. Amend the bill, renumbered Sec. 6, line 2, by striking "81-263.06," showing same as stricken.

4. Amend the title to conform.

**LEGISLATIVE BILL 227.** Placed on General File.

**LEGISLATIVE BILL 228.** Placed on General File as amended.

Standing Committee amendment to LB 228:

1. Amend the bill, page 2, Section 1, line 9, by adding after "Nebraska," the following: *"and the Director of the Nebraska State Historical Society,"*.

**LEGISLATIVE BILL 229.** Placed on General File.

**LEGISLATIVE BILL 230.** Placed on General File.

**LEGISLATIVE BILL 231.** Placed on General File.

**LEGISLATIVE BILL 232.** Placed on General File.

**LEGISLATIVE BILL 234.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

#### **Adjournment**

At 11:54 a.m. on a motion by Mr. Pizer, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

THIRTY-FOURTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Friday, February 20, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Aufenkamp, Erlewine, Hollenbeck, Klaver, Portsche, and Tews who were excused.

The Journal for the Thirty-third Day was approved.

Communications

Letter from Maury L. Schwartz, Director of Education, Temple Israel, Omaha, favoring LB 279.

NOTICE OF COMMITTEE HEARINGS

Budget

LB 676      Monday, March 2, 1959

2:00 p.m.

STANDING COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 68.** Placed on Select File as amended.

E and R amendments to LB 68:

1. For correlation purposes, strike section 1 and insert the following:

"Section 1. That section 77-1201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 9, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

77-1201. A complete list of all personal property held or owned on January 1 at 12:01 a.m. of the year in which the assessment is being made, except motor vehicles, grain, and seed, shall be made as follows:

(1) Every person of full age and sound mind, being a resident of this state, shall list all his money, credits, bonds or stocks, shares of joint stock or other companies, if the capital stock of such company is not assessed in this state, money loaned or invested, annuities, franchises, royalties, and all other personal property, *intangible property as defined in section 77-106, and all his tangible property as defined in section 77-105, except motor vehicles, grain, and seed;*

(2) He shall also list all money and other personal property invested, loaned or otherwise controlled by him as agent or attorney, or on account of any other person or persons, company, or corporation whatsoever and all money deposited subject to his order, check, or draft, and credits due from any person or persons, body corporate or politic, *intangible property as defined in section 77-106, and all tangible property as defined in section 77-105, which property is invested, loaned, or otherwise controlled by him as agent or attorney, or on account of any other person, whether in or out of the county or state; Provided, that this section shall not apply to goods, wares and merchandise moving in interstate commerce through this state or consigned from a point outside this state to a warehouse or storage facilities in this state for storage or assembly in transit to a final destination outside the state;*

(3) The property of a minor child shall be listed by the following: (a) His guardian; (b) if he has no guardian, by his father, if living; (c) if his father is not living, by his mother, if living; and (d) if neither his father nor mother be living, by the person having such property in charge;

(4) The property of any other person under guardianship, by his guardian or, if he has no guardian, by the person having charge of such property;

(5) The property of a wife, by her husband, if he is of sound mind; if not, by herself;

(6) The property of a person for whose benefit it is held in trust, by the trustee; of the estate of a deceased person, by the executor or administrator;

(7) The property of corporations whose assets are in the hands of a receiver or receivers, by such a receiver or receivers;

(8) The property of corporations, by the president or the proper agent or officer thereof;

(9) The property of a firm or company, by a partner or agent thereof; and

(10) The property of manufacturers and others in the hands of an agent, by and in the name of such agent, ~~as merchandise~~ .”.

2. In Standing Committee Amendment 1, line 1, strike “77-1201 sub-section (2)” and insert “1”, in line 4 strike “however,” and in line 9 strike the period and insert an underscored semi-colon.

3. In section 5, line 7, insert “or” after “attachment,” and in line 16 insert “remove” after “to”.

4. In the Otto General File Amendment 1, line 4, insert “and show the same as stricken” before the period.

5. In Standing Committee Amendment 2, lines 1 and 2, strike “77-1226, sub-section (1)” and insert “7”.

6. For correlation purposes, strike section 6 and insert:

“Sec. 6. That section 77-1220, Reissue Revised Statutes of Nebraska, 1943, as amended by section 14, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

77-1220. Every person or company engaged in the business of receiving property in pledge, or as security for money or other thing of value advanced to the pawner or pledger, shall be held to be a pawnbroker, and shall, between January 1 and February 15 of each year, return under oath the value of all property in pledge and held by him as pawnbroker on hand January 1 at 12:01 a. m. Taxes shall be charged upon the true value of such property to the pawnbroker the same as other property. *Every person or company that fails to comply with the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in a sum not to exceed five hundred dollars.*”.

7. In section 7, line 8, strike the comma after “goods” and show the same as stricken.

8. For correlation purposes, strike section 7, and insert:

“Sec. 7. That section 77-1226, Reissue Revised Statutes of Nebraska, 1943, as amended by section 15, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

77-1226. (1) Every owner, keeper, or person in actual charge of any and every storage house, warehouse, or any place where goods, wares, or merchandise of any and all kinds and description, except used household goods, *and goods, wares and merchandise moving in interstate commerce through this state or consigned from a point outside this state to a warehouse or storage facilities in this state for storage or assembly in transit to final destination outside the state*, are stored or kept by him, either for himself or for others and whether for a profit or not shall, on or before February 1 of each year, furnish to the county assessor or county clerk, where he is ex officio county assessor, a list of all such goods, wares, and merchandise held, stored, or kept by him, either for himself or for others either as owner, agent, consignee, or bailee on January 1 at 12:01 a. m. of each year for which the property is required to be listed.

(2) The persons mentioned in subsection (1) of this section, shall give the name and address of every person, firm, or corporation for whom goods, wares, or merchandise are so stored giving the names of every such person and, if any such persons, firms, or corporations be nonresidents of the county, he shall give the names and addresses of the local agents of such nonresidents, if there be any.

(3) In listing and reporting the goods, wares, and merchandise, as subsection (1) or (2) of this section requires, information shall be given as to the name, kind, quantity and grade so far as can be ascertained.

(4) Any person failing to furnish the list required of him, by subsections (1) to (3) of this section or failing to furnish it within the time required, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than five hundred dollars nor more than one thousand dollars.”.

9. In section 8, line 10, strike “State” and show the same as stricken.

10. For correlation purposes, strike section 8, and insert:

“Sec. 8. That section 77-1229, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

77-1229. Every person required to list property shall make out and verify by ~~his oath~~ a statement of all personal property which he is required to list, either as owner, lessee or occupant in control thereof or as parent, guardian, trustee, executor, ad-

ministrator, receiver, accounting officer, partner or agent, upon the blanks prescribed by the State Tax Commissioner. Such blanks shall be delivered furnished to each taxpayer by the county assessor or his assistants for that purpose, and when so made out shall be verified signed by each person or his agent before the county assessor, his assistants, a notary public, or some other person authorized by law to take acknowledgments, and be delivered to the county assessor or county clerk as ex officio county assessor on or before February 15 of each year."

11. In section 14, line 5, strike "State" and show the same as stricken and in line 10, strike "State".

12. In the Vosoba General File Amendment to section 15, line 2 insert "and show the same as stricken" after "November".

13. In section 16, line 14, insert "State" before "Board" and in line 27 strike the comma as in the statutes.

14. For correlation purposes, in renumbered section 17, strike lines 1 to 4 and in line 5 strike "1943," and insert:

"Sec. 17. That original sections 77-1203, 77-1206, 77-1214, 77-1232, 77-1233, 77-1235, 77-1236, 77-1239, 77-1239.02, 77-1240, and 77-1240.01, Reissue Revised Statutes of Nebraska, 1943, section 77-1201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 9, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, section 77-1220, Reissue Revised Statutes of Nebraska, 1943, as amended by section 14, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, section 77-1226, Reissue Revised Statutes of Nebraska, 1943, as amended by section 15, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 77-1229, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959,".

15. In the title, line 15, insert "remove" after "to", in line 33, strike "or scheudle" and insert "on schedule", in line 37, insert "and the tax situs thereof" after "vehicles", and in lines 37 and 38, strike "to provide for the taxation of lessees and users of tax-exempt property;".

16. For correlation purposes, in the title, strike lines 2 to 5 and insert:

"FOR AN ACT to amend sections 77-1203, 77-1206, 77-1214, 77-1232, 77-1233, 77-1235, 77-1236, 77-1239, 77-1239.02, 77-1240, and 77-1240.01, Reissue Revised Statutes of Nebraska, 1943, section 77-1201, Reissue Revised Statutes of Nebraska, 1943, as amended

by section 9, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, section 77-1220, Reissue Revised Statutes of Nebraska, 1943, as amended by section 14, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, section 77-1226, Reissue Revised Statutes of Nebraska, 1943, as amended by section 15, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 77-1229, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, relating”.

**LEGISLATIVE BILL 112.** Correctly engrossed.

**LEGISLATIVE BILL 34.** Correctly re-engrossed.

**LEGISLATIVE BILL 30.** Correctly re-engrossed.

**LEGISLATIVE BILL 65.** Correctly engrossed.

**LEGISLATIVE BILL 83.** Correctly enrolled.

**LEGISLATIVE BILL 87.** Correctly enrolled.

**LEGISLATIVE BILL 81.** Correctly enrolled.

**LEGISLATIVE BILL 133.** Correctly enrolled.

**LEGISLATIVE BILL 161.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 161 LB 83 LB 87 LB 81 LB 133

#### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 19.** Re: In Memory of Fayette H. Wood.

Introduced by H. K. Diers, 24th District.

Fayette H. Wood, a member of the Nebraska State Legislature for the years 1945, 1947, 1949, and 1957, and special session in 1946, died in Seward, Nebraska, on February 19, 1959. He was born in Maryville, Missouri, September 30, 1889. He came to Nebraska in 1905. He attended the public schools in Missouri and high school in Wilber, Nebraska. He was a funeral director at Seward, Ne-



braska, and active in the State Association of Morticians. He served in many civil capacities and was Mayor of Seward. He served as a city councilman and as a member of the board of education. He enjoyed his work with the volunteer firemen and the affiliation with Masonic organizations. He leaves a wife and one child to mourn his death.

WHEREAS, it is the desire of this body to pay tribute to the memory of our beloved colleague.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That we pause for a moment in our deliberations and stand in humility and reverence in honor of our departed member, Fayette H. Wood, who served so loyally and ably as a member of the Nebraska State Legislature.

2. That the Clerk of the Legislature be directed to spread at large on the Legislative Journal this resolution, and that a copy of said resolution, properly authenticated and suitably engrossed, be sent by the Clerk to the bereaved family of our departed colleague, as an expression of our respect for the deceased, and our sympathy for the bereaved.

#### UNANIMOUS CONSENT—Add Co-introducers

Mr. Diers requested unanimous consent that all members who wish to sign LR 19 be added as co-introducers. No objections. So ordered.

#### SUSPEND RULES—Adopt LR 19

Mr. President: I move that the rules be suspended and Legislative Resolution No. 19 be adopted. (Signed) H. K. Diers

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

The members stood for a moment in silent tribute.

#### MOTION—Flowers

Mr. President: I move that the Clerk of the Legislature be instructed to send flowers to the funeral of Fay Wood. (Signed) H. K. Diers

The motion prevailed.

**UNANIMOUS CONSENT—Vault Keys**

Mr. Pizer requested unanimous consent for permission to turn the key to the vault over to A. A. Fenske, Chairman of the Re-count Committee, and for the Clerk of the Legislature to turn his key over to Harold B. Stryker, Vice Chairman. No objections. So ordered.

Pursuant to the foregoing action, at 9:15 a.m. Speaker Pizer presented his key to A. A. Fenske, Chairman, and the Clerk of the Legislature presented his key to Harold B. Stryker, Vice Chairman.

**Bills Referred to Standing Committees**

LB                      Committee  
683.....Public Works

(Signed) Dwight W. Burney  
Lieutenant Governor

**STANDING COMMITTEE REPORTS****Judiciary**

**LEGISLATIVE BILL 191.** Placed on General File as amended.

Standing Committee amendment to LB 191:

1. Amend the bill, page 2, section 1, line 19, by striking "franchise" and showing same as stricken, and by inserting "*contract, lease or rental agreement*" in lieu thereof.

(Signed) Ray C. Simmons, Chairman

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 84.**

A bill for an act to amend section 29-2632, Reissue Revised Statutes of Nebraska, 1943, relating to pardons and paroles; to change the manner of forfeiture of good time of a prisoner who is now or hereafter confined in the Nebraska State Penitentiary; and to repeal the original section.

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

Voting in the affirmative, 34:

Adams	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Lautenschlager	Otto	Syas
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Fenske	Munnelly		

Voting in the negative, 0.

Not voting, 9:

Aufenkamp	Hollenbeck	Peck	Stryker
Carpenter	Klaver	Portsche	Tews
Erlewine			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 85.

A bill for an act to amend section 83-440, Reissue Revised Statutes of Nebraska, 1943, relating to penal and correctional institutions; to change the manner of allowing extra good time to prisoners; to permit extra good time allowance for prisoners who have volunteered their persons for medical or scientific benefit or research and whose persons were so used; and to repeal the original section.

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

Voting in the affirmative, 34:

Adams	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Lautenschlager	Otto	Syas
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Fenske	Munnelly		

Voting in the negative, 0.

Not voting, 9:

Aufenkamp	Hollenbeck	Peck	Stryker
Carpenter	Klaver	Portsche	Tews
Erlewine			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 285.

A bill for an act to amend section 83-455, Reissue Revised Statutes of Nebraska, 1943, relating to the State Reformatory; to provide when a person convicted of a felony for the first time shall not be sentenced to the State Reformatory; and to repeal the original section.

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

Voting in the affirmative, 35:

Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Lautenschlager	Otto	Syas
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Fenske	Munnelly	Simmons	

Voting in the negative, 0.

Not voting, 8:

Adams	Erlewine	Klaver	Portsche
Aufenkamp	Hollenbeck	Peck	Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 89.

A bill for an act to amend section 32-233, Revised Statutes Supplement, 1957, relating to elections; to remove the requirement for a general reregistration every six years; and to repeal the original section.

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

Voting in the affirmative, 36:

Adams	Fenske	Munnelly	Simmons
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Lautenschlager	Otto	Syas
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 7:

Aufenkamp	Hollenbeck	Peck	Tews
Erlewine	Klaver	Portsche	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 120.

A bill for an act to amend section 14-547, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to provide that meetings of the board of equalization in cities of the metropolitan class shall be held at a time and place to be set by the board; to provide for the giving of notice of the date, time, and place of such meeting; to change the manner in which complaints must be submitted to the board; and to repeal the original section.

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

Voting in the affirmative, 36:

Adams	Cooper	Jensen	Munnelly
Bowen	Diers	Lautenschlager	Nelson
Bridenbaugh	Donner	Liebers	Olinger
Burbach	Fenske	Marvel	Orme
Carpenter	Fulton	McHugh	Otto
Claussen	Gerdes	Moulton	Pizer

Romans	Simmons	Swanson	Vosoba
Ruhnke	Skarda	Syas	Webb
Russillo	Stryker	Thompson	Williams

Voting in the negative, 0.

Not voting, 7:

Aufenkamp	Hollenbeck	Peck	Tews
Erlewine	Klaver	Portsche	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 29. With emergency.**

A bill for an act to amend sections 77-1252, 77-1253, and 77-1254, Reissue Revised Statutes of Nebraska, 1943, relating to the taxation of grain and seed; to provide for apportionment of the tax levied on grain or seed produced between landlord and tenant, as prescribed; to provide for reporting of total production, the landlord's share, and the tenant's share by the tenant producer; to except any elevator operator, grain dealer, or seed dealer having an established place of business in this state from the requirements of procuring a license or of making a cash deposit or furnishing bond; 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, 36:

Adams	Fulton	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Lautenschlager	Otto	Swanson
Claussen	Liebers	Peck	Syas
Cooper	Marvel	Pizer	Thompson
Diers	McHugh	Romans	Vosoba
Donner	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams

Voting in the negative, 0.

Not voting, 7:

Aufenkamp	Erlewine	Klaver	Tews
Bowen	Hollenbeck	Portsche	

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

### NOTICE OF COMMITTEE HEARINGS

#### Revenue

LB 160	Monday, March 2, 1959	2:00 p.m.
LB 602	Monday, March 2, 1959	2:00 p.m.
LB 675	Monday, March 2, 1959	2:00 p.m.
LB 645	Wednesday, March 4, 1959	2:00 p.m.
LB 313	Wednesday, March 11, 1959	2:00 p.m.
LB 408	Wednesday, March 11, 1959	2:00 p.m.
LB 668	Friday, March 13, 1959	2:00 p.m.
LB 669	Friday, March 13, 1959	2:00 p.m.
LB 670	Friday, March 13, 1959	2:00 p.m.

#### SELECT FILE

**LEGISLATIVE BILL 48.** E and R amendment found in the Legislative Journal for the Thirty-third Day was adopted.

Mr. Carpenter offered the following amendment which was adopted by unanimous consent:

1. Amend the Carpenter Amendment adopted February 11, 1959, line 6 by inserting "*, the county assessor or county clerk, as the case may be,*" after "Commissioner".

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 82.** E and R amendments found in the Legislative Journal for the Thirty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 97.** E and R amendments found in the Legislative Journal for the Thirty-third Day were adopted.

Mr. Syas moved that LB 97 be advanced to E and R for engrossment.

The motion prevailed with 20 ayes, 14 nays, and 9 not voting.

**LEGISLATIVE BILL 134.** E and R amendment found in the Legislative Journal for the Thirty-third Day was adopted.

Advanced to E and R for engrossment.

**UNANIMOUS CONSENT—Return LB 42 to Select File**

Mr. Carpenter requested unanimous consent that LB 42 be returned to Select File for the following specific amendments. No objections. So ordered.

1. In the Carpenter Unanimous Consent Amendment 1, adopted February 19, strike lines 1 to 3 and insert:

“1. Amend Standing Committee Amendment 4 by striking lines 5 to 12 and inserting, in place thereof:”, and insert an underscored period after “levy” in the last line.

2. Strike renumbered sections 2 and 3, and re-number re-numbered sections 4, 5, and 6 as sections 2, 3, and 4 respectively.

3. In renumbered section 5, lines 1 and 2, strike “, 77-304, 77-305,”.

4. In E & R Amendment 2, line 17, strike “a penalty” and insert “penalties”.

5. In the title, line 2, strike “, 77-304, 77-305,”.

**SELECT FILE**

**LEGISLATIVE BILL 42.** The pending Carpenter specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

**UNANIMOUS CONSENT—Re-refer LB 573**

Mr. Stryker requested unanimous consent to have LB 573 re-referred from the Judiciary Committee to the Government Committee. No objections. So ordered.

**UNANIMOUS CONSENT—Executive Session**

Mr. Ruhnke, Chairman of the Public Works Committee, requested unanimous consent for the Public Works Committee to



meet in executive session at 1:00 p.m. today, February 20. No objections. So ordered.

### STANDING COMMITTEE REPORTS

#### Public Works

**LEGISLATIVE BILL 273.** Indefinitely postponed.

(Signed) Arnold Ruhnke, Chairman

### GENERAL FILE

**LEGISLATIVE BILL 129.** Laid over.

**LEGISLATIVE BILL 125.** Laid over.

**LEGISLATIVE BILL 124.** Laid over.

**LEGISLATIVE BILL 242.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Twenty-eighth Day was adopted.

Mr. Gerdes offered the following amendments:

1. Amend the bill by adding a new section immediately after section 2 to be known as section 3 and to read as follows:

"Sec. 3. That section 79-426.16, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-426.16. Whenever two or more districts are involved in a reorganization plan, the old districts shall continue to be responsible for any indebtedness incurred before the reorganization takes place, unless a different arrangement is included in the plan voted upon by the people ; *Provided, whenever a district or districts of Class I, II, or III districts in which the majority of the qualified voters, are not in favor of consolidation, then the school district, into which the others in whole or in part are merged, shall succeed to all the property, contracts, and obligations of each and all the school districts so merged into it, in whole or in part and shall assume all their valid contracts and obligations."*

2. Amend the bill by renumbering section 3 as section 4.

3. Amend renumbered section 3, line 1 by striking "and" and inserting a comma, and line 2 by inserting "and 79-426.16," before "Reissue".

4. Amend the title to conform.

Amendments pending.

Laid over until Wednesday, February 25, 1959, at the request of Mr. Gerdes.

### **Member's Anniversary**

Mr. Cooper announced that Senator and Mrs. Webb are celebrating their 51st Wedding Anniversary.

### **GENERAL FILE**

**LEGISLATIVE BILL 193.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 194.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 195.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 196.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 197.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 198.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 199.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 200.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 201.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 202.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 203.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 205.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 208.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 233.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 260.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 69.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-ninth Day were adopted.

Mr. Nelson offered the following amendment which was adopted:

Amend the title to conform.

Advanced to E and R for review.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 187.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Twenty-ninth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 206.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Twenty-ninth Day were adopted.

Advanced to E and R for review.

**Visitors**

Mr. Webb introduced Mr. Phillip Soliday, Superintendent; Mrs. Soliday, Teacher; Mr. Don Nelson, Teacher; and twenty-five students from Brewster High School, and six sponsors.

**LEGISLATIVE BILL 250.** Read and considered.

Laid over temporarily.

**LEGISLATIVE BILL 251.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 249.** Read and considered.

Advanced to E and R for review.

**Members Excused**

Mr. Fenske, Chairman of the Recount Committee, requested unanimous consent that the members of the Recount Committee be excused Monday morning, February 23, 1959. No objections. So ordered.

Mr. Williams was excused for Monday, February 23, and Tuesday, February 24, 1959.

**GENERAL FILE**

**LEGISLATIVE BILL 250.** Considered.

Advanced to E and R for review.

**President Burney Presiding****Visitors**

Mr. Cooper introduced Mr. and Mrs. Rex Graham from Pawnee City.

**Presented to the Governor**

Presented to the Governor for approval on February 20, 1959, at 8:15 a.m.: LB 105 LB 40

(Signed) Jo Fisher, Enrolling Clerk.

**MESSAGE FROM THE GOVERNOR**

February 20, 1959

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

My attention has been directed to the proposal of the Legislature to recount the votes cast for the office of Governor at the general election held on November 4, 1958. In order that there may be no mistake as to my position, and in order that certain statements of principle made by my counsel be of record and be known to your entire body, I do submit the following:

1. You have been advised by the Attorney General of the State of Nebraska that proceeding in the determination of the election contest is in the exercise of quasi judicial powers. I must emphasize, however, that the rules for procedure which your honorable body has adopted have not provided the elements essential to a quasi judicial function. The resolution of an election contest involving, as it does, some 430,000 ballots cast in the State of Nebraska, requires patient investigating of the evidence, which is wholly irreconcilable with the theory that such a contest can be completed and all determinations made within a matter of several weeks. I must point out that legal and moral considerations of fairness and propriety would require that in the proceedings had incident to the determination of this election contest, including the recount, the responsible parties, as well as their attorneys, should be permitted to participate. The proposed rules for recount as adopted by your honorable body would place in the hands of employees of the Recount Committee the exclusive right and privilege for the making of challenges to ballots, and the presenting of all questions relating to the validity of ballots. Plainly, such a provision taking away from the parties their fundamental right to question ballots and procedures is a derogation of the Constitution and of fair play.

2. I must observe that before any recount could be of value that it must be demonstrated that the ballots which are sought to be counted are the identical ballots which were cast at the election. Any doubt of any nature upon this point makes of the recount a wholly frivolous procedure. I am not advised that your honorable body has ever undertaken to investigate fully the condition of the ballots and of their containers, or has ever arrived at a conclusion that the ballots are a fair, proper and accurate representation of the vote that was cast. Parenthetically, I would ob-

serve that to arrive at any such conclusion would not only necessitate an examination of containers and their condition, but also an audit of the unused and excess ballots. I do not find in your proposed rules that any such inquiry or investigation is to be made.

3. I desire to further direct your attention to the memoranda of rules of law applicable to the counting of the ballots, which are referred to in the proposed rules of procedure. I am advised by my attorney that he has specifically directed the attention of the Recount Committee to the subject matter under Paragraph III of said memoranda of rules, and has stated that all absentee ballots, that is, mail ballots and ballots cast by the voter previous to the election date, are subject to the same general rule and principle of strict construction. My attorney, Mr. Joseph Ginsburg, of Lincoln, Nebraska, advises that on February 18, 1959, Mr. Richard Williams, Assistant Attorney General of the State of Nebraska, who has been counseling the Recount Committee, stated to him that my attorney's contention in this respect was entirely correct, but that no correction would be made on the memoranda of rules of law applicable. I feel it desirable that this agreement as to statement of legal principles which are applicable be made definitely a part of the record pertaining to these proceedings.

4. It is further my position that your honorable body is proceeding to determine this election contest in a legislative void, and not in conformance with the Constitutional mandate which requires the resolution of such a contest in the manner as prescribed by law. I question most seriously whether your honorable body may proceed under this Constitutional provision without the adoption of statutory provisions. I cannot regard the adoption of rules by the Legislature which have application to one particular election contest to be in conformance with the Constitutional mandate.

5. I must note and observe that your honorable body is not in fact engaged in your Constitutional authority to resolve an election contest in accordance with law, but is actually proceeding to make a recount of the votes had and cast for the office of Governor on the general election held on November 4, 1958. It seems to me axiomatic that there is a fundamental distinction between an election contest and a recount, and that your honorable body is not in conformance with your Constitutional authority in proceeding with this matter purely as an election recount.

6. I must further observe that the rules of procedure adopted by your body on February 18, 1959 place in the hands of one member of the Recount Committee, who may happen to be present at the moment, the important power of making decisions that may be

made with reference to the validity of particular ballots, or any other issues. This I regard as in derogation of the responsibility of your body. I must observe that the Legislature, on February 3, 1959 authorized and appointed a committee of five Senators, who shall conduct the recount, and at the conclusion thereof to file a report to the Legislature. Apparently, such an authority as has been assumed by your body, to-wit: The making of a recount, has now been delegated to a five-man committee. In turn, the five-man committee has delegated its responsibility to any particular member who happens to be present at a particular time. These provisions would appear to be irreconcilable with legal requirements, as well as elemental notions, of justice and fair play.

In summary, therefore, I observe to your body that in the absence of a factual determination made upon proper investigation and inquiry, that the ballots to be recounted are in the same condition as when originally cast, and are a fair, accurate and honest representation of the expression of the voters made on November 4, 1958, any recount would be fruitless and useless, and of no purpose. Neither I, as an interested party, nor the electorate of the State of Nebraska, could attach any significance to the result of a recount which is not preceded by a full and fair and honest determination of this preliminary inquiry. As I have also observed more specifically, I cannot feel that in the authority which your body proposes to exercise in this matter that fair, proper or reasonable provisions have been made for the protection of the rights of the parties. A decent respect for the efforts of the thousands of election officials who served as election workers in the general election of November 4, 1958, and a regard for the presumption of regularity that attends the performance by them of their count, and of the official canvass and abstract of official votes, would seem to require some showing of manifest error or misconduct before going behind these official returns. I feel that the Legislature of the State of Nebraska is, therefore, lending itself to an undertaking to find evidence to substantiate claims of irregularity and misconduct, evidenced only by an unsworn general and sweeping notice of contest filed in the hope that a recount might find the evidence which the contestant concedes is unknown and unavailable.

Respectfully submitted,

(Signed) Ralph G. Brooks  
RALPH G. BROOKS  
Governor

**STANDING COMMITTEE REPORTS****Education****LEGISLATIVE BILL 494.** Placed on General File.**LEGISLATIVE BILL 495.** Placed on General File.**LEGISLATIVE BILL 492.** Placed on General File.

(Signed) George Syas, Chairman

**Enrollment and Review****LEGISLATIVE BILL 48.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**NOTICE OF COMMITTEE HEARINGS****Committee on Committees**

The Committee on Committees will meet at 1:00 P.M. on Monday, March 2, 1959 in the West Senate Lounge to consider the following appointments made by Governor Anderson:

William E. Minier.....	Board of Educational Lands & Funds
Jerome James DeLay.....	Board of Educational Lands & Funds
Keith Kreycik.....	Game, Forestation & Parks Commission
Lee Nauenburg.....	Game, Forestation & Parks Commission
Morris I. Evinger.....	State Board of Health
Carl J. Norden, Jr.....	State Board of Health
Dr. W. W. Webster.....	State Board of Health
Dr. Maurice D. Frazer.....	State Board of Health
C. E. Metzger.....	State Highway Commission
Merle Kingsbury.....	State Highway Commission

(Signed) William Moulton, Chairman

**Salaries and Claims**

LB 432	Thursday, February 26, 1959	2:00 p.m.
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**Government**

LB 573	Monday, April 6, 1959	2:00 p.m.
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**Education**

LB 442	Thursday, March 5, 1959	2:00 p.m.
LB 255	Thursday, March 5, 1959	2:00 p.m.
LB 501	Thursday, March 5, 1959	2:00 p.m.

**Judiciary**

LB 312	Friday, February 27, 1959	2:00 p.m.
LB 336	Friday, February 27, 1959	2:00 p.m.
LB 337	Friday, February 27, 1959	2:00 p.m.
LB 533	Friday, February 27, 1959	2:00 p.m.
LB 617	Friday, February 27, 1959	2:00 p.m.
LB 649	Friday, February 27, 1959	2:00 p.m.
LB 607	Wednesday, February 25, 1959	2:00 p.m.
LB 553	Wednesday, February 25, 1959	2:00 p.m.
LB 681	Wednesday, February 25, 1959	2:00 p.m.

**Miscellaneous Subjects**

LB 420	Thursday, February 26, 1959	2:00 p.m.
LB 421	Thursday, February 26, 1959	2:00 p.m.
LB 422	Thursday, February 26, 1959	2:00 p.m.
LB 424	Thursday, February 26, 1959	2:00 p.m.

**Announcement**

President Burney announced that members of the Legislature are eligible for State House group insurance with Blue Cross and Blue Shield. Additional information can be obtained from their office on the first floor of the State House.

**Adjournment**

At 12:21 p.m. on a motion by Mr. Moulton, the Legislature adjourned until 10:00 a.m. Monday, February 23, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## THIRTY-FIFTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Monday, February 23, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

**Corrections for the Journal**

Page 552, line 5, show the comma after "goods" as stricken.

The Journal for the Thirty-fourth Day was approved as corrected.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 186.** Placed on Select File.

**LEGISLATIVE BILL 188.** Placed on Select File as amended.

E and R amendment to LB 188:

1. In section 1, line 14, strike "clerk", showing the same as stricken, and insert "*treasurer*".

**LEGISLATIVE BILL 189.** Placed on Select File.

**LEGISLATIVE BILL 190.** Placed on Select File.

**LEGISLATIVE BILL 192.** Placed on Select File.

**LEGISLATIVE BILL 119.** Correctly engrossed.

**LEGISLATIVE BILL 305.** Correctly engrossed.

**LEGISLATIVE BILL 164.** Correctly engrossed.

**LEGISLATIVE BILL 122.** Correctly engrossed.

**LEGISLATIVE BILL 42.** Correctly engrossed.

**LEGISLATIVE BILL 29.** Correctly enrolled.

**LEGISLATIVE BILL 120.** Correctly enrolled.

**LEGISLATIVE BILL 89.** Correctly enrolled.

**LEGISLATIVE BILL 285.** Correctly enrolled.

**LEGISLATIVE BILL 85.** Correctly enrolled.

**LEGISLATIVE BILL 84.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 19 LB 29 LB 120  
LB 89 LB 285 LB 85 LB 84

#### **UNANIMOUS CONSENT—Withdraw LB 508**

Mr. Klaver requested unanimous consent to withdraw LB 508.  
No objections. So ordered.

#### **UNANIMOUS CONSENT—Change of Order**

Mr. Cooper requested unanimous consent to consider Select File before Final Reading. No objections. So ordered.

#### **SELECT FILE**

**LEGISLATIVE BILL 68.** E and R amendments found in the Legislative Journal for the Thirty-fourth Day were adopted.

Mr. Cooper requested unanimous consent that the following amendments be adopted:

1. Amend section 13, line 8 by striking "February" and inserting "February September", and line 10 by striking "March" and inserting "March October".

2. Amend section 14, line 7 by striking "August 1" and inserting "August 1 October 15".

3. Amend section 15 of the bill by striking the Vosoba Amendment adopted February 13, 1959, and line 13 by striking "November 1" and inserting "*November 1 December 15*".

4. Immediately after section 16, insert a new section to be known as section 17 and to read as follows:

"Sec. 17. That section 77-1242, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

77-1242. Dealers in motor vehicles shall report their vehicles on hand ~~March~~ *January* 1 at 12:01 a.m. of each year as merchandise, describing each vehicle thus returned for ad valorem tax assessment, in the same manner and at the same proportion of actual value as other merchandise is assessed. *When a motor vehicle which has been reported for taxation is sold to a Nebraska resident, prior to July 1, the dealer shall file a copy of the invoice required by section 60-617 with the county assessor, and such dealer shall then be credited on his ad valorem tax assessment with the proportionate amount of tax for the balance of the registration year.*"

5. Renumber renumbered sections 17 and 18 as 18 and 19, respectively.

6. In E & R amendment 14, line 17, strike "and", and in line 20, after "1959," insert "and section 77-1242, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959,".

7. In E & R Amendment 16, line 19, strike "and" and in line 24, after "1959," insert "and section 77-1242, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959,"; in line 37, after the semicolon, insert "to change the date for reporting of motor vehicles by dealers; to provide tax credit to a motor vehicle dealer when a motor vehicle reported for tax is sold to a Nebraska resident prior to July 1,".

Mr. Ruhnke objected.

Mr. Klaver moved that LB 68 be returned to General File for the foregoing Cooper amendments.

Mr. Klaver requested a record vote.

Voting in the affirmative, 29:

Adams	Fenske	Marvel	Portsche
Aufenkamp	Fulton	McHugh	Romans
Bowen	Gerdes	Moulton	Russillo
Bridenbaugh	Hollenbeck	Munnelly	Simmons
Burbach	Klaver	Nelson	Tews
Cooper	Lautenschlager	Peck	Thompson
Diers	Liebers	Pizer	Webb
Donner			

Voting in the negative, 12:

Carpenter	Olinger	Ruhnke	Swanson
Claussen	Orme	Skarda	Syas
Jensen	Otto	Stryker	Vosoba

Not voting, 2:

Erlewine              Williams

The Klaver motion prevailed.

#### **UNANIMOUS CONSENT—Consider LB 68 on General File**

Mr. Cooper requested unanimous consent to consider LB 68 on General File at this time. No objections. So ordered.

#### **GENERAL FILE**

**LEGISLATIVE BILL 68.** Laid over temporarily.

#### **Visitors**

Mr. Lautenschlager introduced Mr. Tom Lanigan from Grand Island, a former member of the Legislature and former U. S. Associate Attorney General.

President Burney introduced Mr. Frank Sorrell from Syracuse.

Mr. Fulton introduced Mr. Joe Shalla from Beatrice.

#### **MOTIONS—Amend Recount Committee Rules**

Mr. Fenske moved that Section 2, Page 1 of the Rules of Procedure for the Recount of Ballots for Governor, be amended that the committee be increased by 10 members, to have a total number of 15.

The motion prevailed.

Mr. Fenske moved that Section 6, Page 6, Subsection A of the Rules of Procedure, be amended to read that there be at least 3 committee members present at all times to rule on questioned ballots.

The motion prevailed.

Mr. Fenske moved that Section 5, Subsection 5, Page 3 of the Rules of Procedure, be amended to read that not more than 6 supervisors of counting—an even number each of Republican and Democrat ex-Senators of the Nebraska Legislature, but not more than a total of 6, shall act as supervisors.

The motion prevailed.

The President appointed the following ten additional members to serve on the committee to recount the ballots in the contest for Governor: Thompson, Nelson, Skarda, Diers, Gerdes, Erlewine, Vosoba, Romans, Swanson, Lautenschlager.

#### **Presented to the Governor**

Presented to the Governor for approval on February 23, 1959,  
at 10:00 a.m.: LB 161 LB 133 LB 81 LB 87 LB 83

(Signed) Jo Fisher, Enrolling Clerk

### **STANDING COMMITTEE REPORTS**

#### **Government**

**LEGISLATIVE BILL 293.** Placed on General File.

**LEGISLATIVE BILL 427.** Placed on General File as amended.

Standing Committee amendments to LB 427:

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

Section 1. That section 15-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-106. The proprietor of any land within the corporate limits or contiguous thereto may law out such land into lots, blocks, public ways, and other grounds under the name of \_\_\_\_\_ addition to the city of \_\_\_\_\_ and shall cause an accurate plat thereof to be made, designating explicitly the land so laid out, and particularly describing the lots, blocks, public ways, and grounds

belonging to such addition. Such plat shall be acknowledged before some officer authorized to take acknowledgement of deeds, and shall have appended a certificate made by a competent registered land surveyor to the effect that he has accurately surveyed such addition, and that the lots, blocks, public ways, and other grounds are well and accurately staked and surveyed. When such plat is so made, acknowledged and certified, *complies with the requirements of section 15-901*, and is approved by the mayor and city council, the same shall be filed and recorded in the office of the register of deeds of the county. *No such plat shall be recorded in the office of the register of deeds or have any force or effect unless the same be approved by the city council of such city.* It shall ~~thereupon~~ *after being filed with the register of deeds* be equivalent to a deed in fee simple *absolute* to the city, from the proprietor, of all streets, public ways, public squares, parks and commons, and of such portion of the land as is therein set apart for public use, or dedicated to charitable, religious or educational purposes. All additions thus laid out shall remain a part of the city; and all additions now or hereafter laid out adjoining or contiguous to the corporate limits shall be included therein and become thereby a part of the city for all purposes; and the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the city. The mayor and council shall have power by ordinance to compel owners of any such addition to lay out streets and public ways to correspond in width and direction, and to be continuous with the streets and public ways in the city or additions contiguous to or near the proposed addition. No addition shall have any validity, right or privilege as an addition unless the terms and conditions of such ordinance *and of this section* are complied with, the plats thereof submitted to and approved by the ~~mayor~~ city council, and such approval endorsed thereon.

2. Renumber sections 1 to 3 as sections 2 to 4 respectively.
3. Amend renumbered section 4 line 1 by inserting "15-106," after sections and by inserting a comma after "15-901".
4. Amend the title to conform.

(Signed) H. K. Diers, Vice Chairman

#### Revenue

**LEGISLATIVE BILL 51.** Placed on General File as amended.

Standing Committee amendments to LB 51:

1. Amend the bill, section 1, page 2, lines 11 and 14 by striking "three" and inserting "three five";
2. Amend the bill, section 1, page 2, line 20 by inserting immediately after the word "the" the word "tangible".
3. Amend the bill, section 1, page 2, line 23 by striking "ten" and inserting "ten fifty";
4. Amend the bill, section 1, page 2, lines 24 and 25 by striking "due on tangible property and fifty percent of the amount due on intangible property", and show the same as stricken matter and by inserting thereafter "*so found due; and the intangible property so admitted shall be taxed at the rate for tangible property as fixed at the time of the last preceding levy.*".
5. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

#### **UNANIMOUS CONSENT—Cancel Committee Hearing**

Mr. Simmons asked unanimous consent that the Judiciary Committee cancel the committee hearing on LB 607, originally set for Wednesday, February 25, 1959. No objection. So ordered.

#### **GENERAL FILE**

**LEGISLATIVE BILL 68.** Considered.

Mr. Ruhnke offered the following amendment which was adopted with 30 ayes, 8 nays, and 5 not voting:

Amend the Cooper Amendment by striking lines 14, 15, and 16 of amendment 4, and inserting in lieu thereof: "*and no such tax shall be collected from the purchaser for the remainder of the year.*".

The pending Cooper amendments reoffered by Mr. Klaver, found in this Day's Journal, were adopted with 37 ayes, 2 nays, and 4 not voting.

Advanced to E and R for review.

#### **UNANIMOUS CONSENT—Expedite LB 68**

Mr. Carpenter requested unanimous consent for permission to contact the Enrollment and Review Committee to expedite the handling of LB 68. No objections. So ordered.



At 11:10 a.m. the following program was rendered:

### WASHINGTON DAY PROGRAM

**Dr. Martin Schroeder, Chaplain, Presiding**

March "Washington Post" ..... John Philip Sousa  
43rd Army Band, Nebraska Army National Guard  
CWO William B. Splichal, Bandleader

Color Guard ..... Lincoln Garrison,  
Nebraska Army National Guard

Prayer ..... Rev. Thomas Huxtable, Pastor,  
Eastridge Presbyterian Church

National Anthem  
43rd Army Band, Nebraska Army National Guard

Bugler's Holiday ..... LeRoy Anderson  
(Trumpet trio: SP3 Dale Joy, SP3 Jack McKie,  
and PFC James Pont)

Address ..... "Washington as a Statesman"  
Dr. Erwin Goldenstein, Chairman,  
Department of History and Principles of Education,  
Teachers' College, University of Nebraska

Colonel Bogey March ..... Kenneth Alford

Announcements

March "His Honor" ..... Henry Fillmore  
43rd Army Band, Nebraska Army National Guard

Benediction ..... Rev. Thomas Huxtable

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 68.** Replaced on Select File as amended.

E and R amendments to LB 68:

1. In the Cooper amendment 7, line 5, insert a period after the quotation mark and strike the rest of line 5 and all of lines 6 to 9.

2. In the title, line 37, after the semi-colon insert "to change the date for reporting of motor vehicles by dealers; to provide that

when a motor vehicle reported for tax by a dealer is sold to a Nebraska resident prior to July 1 no tax shall be collected from the purchaser for the remainder of the year;”.

(Signed) Joe T. Vosoba, Chairman

### SELECT FILE

**LEGISLATIVE BILL 68.** E and R amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

### STANDING COMMITTEE REPORTS

#### Public Works

**LEGISLATIVE BILL 541.** Placed on General File as amended.

Standing Committee amendments to LB 541:

1. Amend the bill, Section 1, by striking lines 3 to 9 and inserting in lieu thereof the following:

“74-608. The *In order to provide cover for wildlife the vegetation within the fenced right-of-way of all railroads in the state of Nebraska shall not be mowed destroyed, each year between July 15 and August 15 except that such vegetation shall be destroyed from the space between points a distance of seven feet from the outside of each outermost rail each year between July 15 and August 15, or at such places as may be deemed necessary by the railroad company for proper operation or maintenance; Provided, the county board or board of supervisors of any county may, by written notice, direct any railroad to spray or mow specified portions of such fenced right-of-way to kill or destroy vegetation.*”.

2. Amend the bill by adding immediately after section 1, two new sections to be known as sections 2 and 3 and to read as follows:

“Sec. 2. 74-609. If any railroad company or corporation owning or operating a railroad over such right-of-way shall neglect or refuse to cause its right-of-way to be mowed or *sprayed* as provided in section 74-608, it shall be the duty of the overseer of highways through whose district county board or board of supervisors in which county the right-of-way is located, to mow or destroy or cause to be mowed or destroyed *sprayed* the weeds or neglected portions of the on such railroad right-of-way, and he the county

may charge and be paid from the general fund of the county three dollars per day for one man and two dollars per day for a team, and two dollars per day for the use of a mowing machine for the time actually spent in cutting and destroying weeds. *the reasonable cost thereof* In case it is impossible or impracticable to use a mowing machine to mow any part of such right of way, and such mowing is done by hand with a scythe, the road overseer or his assistants shall be paid at the rate of forty-five cents per hour; *Provided*, no overseer *county* shall destroy *mow or spray* the weeds until after the time has passed in which the railroad company is required to destroy *mow or spray* such weeds. A statement of all money due him or paid to assistants for carrying out the provisions of this section, shall be made by the overseer to the county clerk, giving a proper description of such right-of-way whereon weeds were destroyed by the road overseer or his assistants, and the *The* county clerk shall include such amounts in making the county tax list as assessment against such railroad company, and the same shall be collected in the same manner and at the same time as other taxes.

*"Sec. 3. It shall be unlawful for any one to hunt upon the fenced right-of-way of any railroad in Nebraska. Any one violating this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than ten dollars or more than one hundred dollars, or be imprisoned in the county jail not to exceed thirty days."*

3. Renumber original Section 2 as Section 4.

4. In renumbered Section 4, strike lines 1 to 4 and insert in lieu thereof the following:

*"Sec. 4. That original sections 74-608 and 74-609, Reissue Revised Statutes of Nebraska, 1943, are repealed."*

5. Add a new section immediately after renumbered Section 4, to be known as Section 5, and to read as follows:

*"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."*

6. Amend the title to conform.

(Signed) Arnold Ruhnke, Chairman

#### Visitor

Mr. Vosoba introduced his father, Joseph Vosoba, from Milligan.

**STANDING COMMITTEE REPORTS****Judiciary**

**LEGISLATIVE BILL 79.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

**Recess**

At 11:55 a.m. on a motion by Mr. Cooper the Legislature recessed until 5:00 p.m.

**After Recess**

The Legislature reconvened at 5:00 p.m., Speaker Pizer presiding.

The roll was called and all members were present except Messrs. Carpenter, Fenske, Hollenbeck, Jensen, McHugh, Olinger, Otto, Peck, Simmons, Skarda, Stryker, Swanson, and Williams who were excused.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 68.** Replaced on Select File as amended.

E and R amendment to LB 68:

1. In section 12, line 5, strike the second "of" and show the same as stricken.

(Signed) Joe T. Vosoba, Chairman

**SELECT FILE**

**LEGISLATIVE BILL 68.** E and R amendment found in this Day's Journal was adopted by unanimous consent.

Advanced to E and R for engrossment.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 68.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**Recount Committee Meeting**

Mr. Marvel announced that the fifteen members of the Recount Committee will meet at 7:30 a.m. Tuesday, February 24, in the West Senate Lounge.

**Adjournment**

At 5:06 p.m. on a motion by Mr. Cooper, the Legislature adjourned until 8:00 a.m. Tuesday, February 24, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## THIRTY-SIXTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 24, 1959

Pursuant to adjournment, the Legislature met at 8:00 a.m.,  
Speaker Pizer presiding.

Prayer was offered by Senator John Adams, Sr.

The roll was called and all members were present except  
Messrs. Syas and Williams who were excused.

**Corrections for the Journal**

Correct the date at the top of each page of the Journal for  
the Thirty-fifth Day.

The Journal for the Thirty-fifth Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

February 23, 1959

The President, the Speaker  
and the Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your honorable body  
that on February 23, 1959, he approved LB 3, LB 5, LB 28, LB 77,  
LB 78, LB 136, LB 141, and LB 143.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
Administrative Assistant

RBC:sg

**President Burney Presiding**

**SELECT FILE**

**LEGISLATIVE BILL 186.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 188.** E and R amendment found in the Legislative Journal for the Thirty-fifth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 189.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 190.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 192.** Advanced to E and R for engrossment.

#### Visitor

Mr. Ruhnke introduced Rev. Bock from Plymouth.

#### UNANIMOUS CONSENT—Consider Judiciary Bills

Mr. Vosoba requested unanimous consent that the Judiciary Committee revisory bills be considered on General File. No objections. So ordered.

#### STANDING COMMITTEE REPORTS

##### Revenue

**LEGISLATIVE BILL 55.** Placed on General File as amended.

Standing Committee amendments to LB 55:

1. Amend the bill, section 1, page 3, line 6, by striking the word "forty" and inserting "forty sixty",

2. Amend the bill, section 1, page 3, lines 7 and 8 by striking "third Monday of May each year" and inserting "third Monday of May April 1 each year and ending on May 30. Protests may be filed with the board from April 1 to May 10.", and line 30 by striking "that day".

3. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

##### Government

**LEGISLATIVE BILL 179.** Placed on General File as amended.

Standing Committee amendments to LB 179:

1. Amend section 5, line 2 of the bill by striking the comma after "report" and inserting "shall be", by striking the comma after

"accountant" and inserting in lieu thereof a "semi-colon", and by striking line 3, showing the same as stricken, and inserting in lieu thereof *"two copies shall be filed with the clerk of the municipality involved and one copy filed with the Auditor of Public Accounts."*

2. Amend the title to conform.

**LEGISLATIVE BILL 180.** Placed on General File as amended.

Standing Committee amendments to LB 180:

1. Amend section 1, line 6 of the bill by striking "within thirty days of", showing same as stricken, and inserting in lieu thereof *"within sixty days following"*.

2. Amend the title to conform.

**LEGISLATIVE BILL 181.** Placed on General File.

(Signed) H. K. Diers, Vice Chairman

#### Enrollment and Review

**LEGISLATIVE BILL 97.** Replaced on Select File as amended.

E and R amendment to LB 97:

1. To harmonize with previous legislation, in section 2, line 4, reinsert "and Parks" after "Game".

**LEGISLATIVE BILL 193.** Placed on Select File.

**LEGISLATIVE BILL 194.** Placed on Select File.

**LEGISLATIVE BILL 196.** Placed on Select File.

**LEGISLATIVE BILL 197.** Placed on Select File.

**LEGISLATIVE BILL 198.** Placed on Select File.

**LEGISLATIVE BILL 199.** Placed on Select File.

**LEGISLATIVE BILL 200.** Placed on Select File.

**LEGISLATIVE BILL 201.** Placed on Select File.

**LEGISLATIVE BILL 202.** Placed on Select File.

**LEGISLATIVE BILL 203.** Placed on Select File.

**LEGISLATIVE BILL 205.** Placed on Select File.



**LEGISLATIVE BILL 260.** Placed on Select File as amended.

E and R amendment to LB 260:

1. In the title, line 4, strike the comma after "power" and insert a semicolon.

**LEGISLATIVE BILL 170.** Correctly engrossed.

**LEGISLATIVE BILL 146.** Correctly engrossed.

**LEGISLATIVE BILL 121.** Correctly engrossed.

**LEGISLATIVE BILL 173.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **GENERAL FILE**

**LEGISLATIVE BILL 214.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirtieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 235.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 212.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-second Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 207.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 209.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 210.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 211.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 213.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 215.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 216.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 217.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 218.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 219.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Thirty-third Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 220.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 221.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Thirty-third Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 222.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 223.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 224.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 225.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-third Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 226.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-third Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 227.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 228.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Thirty-third Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 229.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 230.** Read and considered.

Laid over.

**LEGISLATIVE BILL 231.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 232.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 234.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 191.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Thirty-fourth Day was adopted.

Advanced to E and R for review.

**UNANIMOUS CONSENT—Read and Print Report**

Mr. Carpenter requested unanimous consent to have the Clerk read a report, and that it be printed in the Journal. No objections. So ordered.

The Clerk read the following report:

NAME	ADDRESS	CATTLE	FEED			Value
			Grain	Value	Hay	
G. E. Anderson Cattle Co.	Hyannis, Nebr.	4224		\$	75T.	\$ 675.
Joy J. Fairhead	Merriman, Nebr.	317				
Krajeski, Paul	Nenzel, Nebr.	94			24T.	215.
Ahrens & Macumber	Ashby, Nebr.	1583			500T.	4500.
J. D. Sears	Kennedy, Nebr.	2029	150Bu.	90.	810T.	7700.
Matt M. Shanley Ranch	Brownlee, Nebr.	1191				
Half Diamond E. Cattle Co.	Gordon, Nebr.	2532			100T.	900.
Wallingford, Horace	Cody, Nebr.	226			50T.	450.
Stansbie & Engel Co.	Hyannis, Nebr.	1106				
Fawn Lake Ranch Co.	Rushville, Nebr.	2446	400Bu.	240.	400T.	3600.
Gertrude Garrett	Omaha, Nebr.	571			125T.	1125.
C. B. Bachelor & Son	Kennedy, Nebr.	1347			125T.	1150.
McGinley, Jess J.	Gordon, Nebr.	971	30Bu.	20.	40T.	360.
Crossfive Cattle Co.	Gordon, Nebr.	1128	150Bu.	90.	600T.	5400.
Pullman Cattle Co.	Kansas City, Mo.	1593			350T.	3150.
Davis & Davis	Hyannis, Nebr.	1925				
Hoefs, Paul	Wood Lake, Nebr.	1219			100T.	900.

NAME	ADDRESS	CATTLE	FEED			
			Grain	Value	Hay	Value
Minor, Harry & Son	Hyannis, Nebr.	1600	50Bu.	450.		
Brandies 3 Bar Ranch	Nenzel, Nebr.	2077	250Bu.	150.	800T.	7200.
Higgins Bros.	Valentine, Nebr.	1251			50T.	450.
Shadbolt Cattle Co.	Merriman, Nebr.	3959				
Double Arrow Cattle Co.	Alliance, Nebr.	1174			200T.	1800.
North Loup Cattle Co.	Alliance, Nebr.	1770			100T.	800.
Beel, H. O.	Johnstown, Nebr.	1137			100T.	90.
Paul Dobson Farms	Exeter, Calif.	1495			250T.	2250.
Hanna, Samuel K.	Brownlee, Nebr.	200				
Hanna, Samuel K.	Brownlee, Nebr.	1196			200T.	1800.
Stockgrowers Co.	Lincoln, Nebr.	610			35T.	350.

**Speaker Pizer Presiding**

Mr. Bridenbaugh raised a point of order.

Mr. Carpenter moved the question that he proceed for ten minutes.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 26:

Adams	Fenske	Moulton	Pizer
Bowen	Fulton	Munnelly	Simmons
Burbach	Jensen	Nelson	Skarda
Carpenter	Klaver	Olinger	Swanson
Claussen	Lautenschlager	Orme	Tews
Diers	Liebers	Otto	Vosoba
Donner	Marvel		

Voting in the negative, 10:

Bridenbaugh	Gerdes	Peck	Russillo
Cooper	Hollenbeck	Ruhnke	Webb
Erlewine	McHugh		

Not voting, 7:

Aufenkamp	Romans	Syas	Williams
Portsche	Stryker	Thompson	

The Carpenter motion prevailed.

**STANDING COMMITTEE REPORTS****Public Works**

**LEGISLATIVE BILL 264.** Indefinitely postponed.

**LEGISLATIVE BILL 271.** Placed on General File.

**LEGISLATIVE BILL 274.** Indefinitely postponed.

(Signed) Arnold Ruhnke, Chairman

**Judiciary**

**LEGISLATIVE BILL 469.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

### Invitations

Invitation from the Nebraska Association of the Future Farmers of America to their State Banquet on April 10. Individual invitations will be sent.

Invitation from Chancellor Clifford M. Hardin, University of Nebraska, to the high school basketball tournament March 12 to 14; members will be admitted by showing identification cards at Gate 7 in the Coliseum.

Invitation to members and ladies, and secretaries of committees, to attend the wrestling match tonight, February 24, at the Pershing Municipal Auditorium, from C. N. Moon, Commissioner of Athletics.

### Visitors

Mr. Erlewine introduced the 1959 State F.F.A. officers, President Arden Uhlir from Verdigre, Vice President Robert Marshall from Cozad, Secretary Archie Holoubeck from Kearney, and Treasurer James Greer from Waverly.

Mr. Otto introduced Mr. C. A. Cromer, Executive Secretary of the Nebraska Association of Future Farmers of America.

### MOTION—Return LB 68 to Select File

Mr. President: I move to return LB 68 to Select File for the following amendment. (Signed) John R. Cooper

1. Strike the Cooper amendment as amended by the Ruhnke amendment, and the Enrollment and Review amendments relative thereto adopted February 23, 1959.

The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

### SELECT FILE

**LEGISLATIVE BILL 68.** The pending Cooper specific amendment found in this Day's Journal was adopted with 32 ayes, 0 nays, and 11 not voting.

Advanced to E and R for re-engrossment.

### Visitors

Mr. Vosoba introduced Arnold H. Soukup, Milo Kottas, and Richard Buzek.

**President Burney Presiding**



**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 98.**

A bill for an act to amend section 46-541, Revised Statutes Supplement, 1957, relating to reclamation districts; to authorize the board of directors of a reclamation district to purchase, sell, lease, encumber, alien, or otherwise dispose of real and personal property; to authorize such board to enter into water service agreements, as prescribed, to make water available for hunting, fishing, and recreational development; to provide for rates for water so furnished; to provide a limit on the water that may be furnished pursuant to such agreements; and to repeal the original section.

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

Voting in the affirmative, 36:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Jensen	Olinger	Stryker
Burbach	Klaver	Orme	Swanson
Claussen	Lautenschlager	Otto	Tews
Cooper	Liebers	Peck	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Ruhnke	Webb

Voting in the negative, 4:

Diers	Hollenbeck	Pizer	Romans
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Not voting, 3:

Carpenter	Syas	Williams
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 43. With emergency.**

A bill for an act to amend section 77-509, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that the State Board of Equalization and Assessment may certify its order of increasing or decreasing valuations of real or personal property of a county to others than the county clerk, as

prescribed; 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	Fenske	Moulton	Ruhnke
Aufenkamp	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Syas                      Williams

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

#### LEGISLATIVE BILL 246.

A bill for an act to amend section 79-459, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that the bond of the treasurer of a school district shall be filed in the office of the county treasurer rather than of the county clerk; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Burbach	Diers	Fulton
Aufenkamp	Carpenter	Donner	Gerdes
Bowen	Claussen	Erlewine	Hollenbeck
Bridenbaugh	Cooper	Fenske	Jensen

Klaver	Nelson	Portsche	Stryker
Lautenschlager	Olinger	Romans	Swanson
Liebers	Orme	Ruhnke	Tews
Marvel	Otto	Russillo	Thompson
McHugh	Peck	Simmons	Vosoba
Moulton	Pizer	Skarda	Webb
Munnelly			

Voting in the negative, 0.

Not voting, 2:

Syas                      Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 140.

A bill for an act to amend section 48-115, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to redefine the terms employee and workman; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Erlewine	Moulton	Ruhnke
Aufenkamp	Fenske	Munnelly	Russillo
Bowen	Fulton	Nelson	Simmons
Bridenbaugh	Gerdas	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb

Voting in the negative, 0.

Not voting, 3:

Hollenbeck              Syas                      Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 302.**

A bill for an act to amend section 88-163, Reissue Revised Statutes of Nebraska, 1943, relating to warehouses; to empower the State Railway Commission to suspend, temporarily or absolutely, licenses issued pursuant to Chapter 88, article 1, Reissue Revised Statutes of Nebraska, 1943; to prescribe the conditions for such suspensions; to provide how such power shall be exercised; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fenske	Moulton	Ruhnke
Aufenkamp	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Syas                      Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Speaker Pizer Presiding****LEGISLATIVE BILL 241. With emergency.**

A bill for an act to amend sections 72-1005, 72-1007, 79-1422, 79-1436, 79-1437, 79-1438, 79-1439, 79-1442, 79-1443, 79-1444, and 79-1445, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Trade School; to change the name of the Nebraska State Trade School to Nebraska Vocational Technical School; to change the name of the Trade School Cash Fund to Vocational Technical School Cash Fund; to eliminate an obsolete internal reference; 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, 39:

Adams	Erlewine	Moulton	Ruhnke
Aufenkamp	Fenske	Munnelly	Russillo
Bowen	Fulton	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Tews
Claussen	Lautenschlager	Peck	Thompson
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Portsche	Webb
Donner	McHugh	Romans	

Voting in the negative, 0.

Not voting, 4:

Klaver	Skarda	Syas	Williams
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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.

#### President Burney Presiding

#### LEGISLATIVE BILL 118.

A bill for an act to amend section 75-244, Reissue Revised Statutes of Nebraska, 1943, relating to motor common carrier tariffs; to require all motor common carriers to file with the State Railway Commission a schedule of tariffs covering intrastate transportation together with the rules, regulations, and practices applicable thereto; to require such carriers to keep such schedule available for public inspection as prescribed; to provide an exception; to make certain acts unlawful; and to repeal the original section.

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

Voting in the affirmative, 36:

Adams	Bridenbaugh	Cooper	Erlewine
Aufenkamp	Burbach	Diers	Fenske
Bowen	Claussen	Donner	Fulton

Gerdes	Marvel	Pizer	Stryker
Hollenbeck	McHugh	Portsche	Swanson
Jensen	Moulton	Romans	Tews
Klaver	Nelson	Ruhnke	Thompson
Lautenschlager	Olinger	Russillo	Vosoba
Liebers	Orme	Simmons	Webb

Voting in the negative, 0.

Not voting, 7:

Carpenter	Otto	Skarda	Williams
Munnelly	Peck	Syas	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 277.

A bill for an act to amend section 44-760, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to reduce from ten to five the minimum number of employees to constitute a group for sickness and accident insurance; to permit the inclusion of retired employees in the term "employees" in group sickness and accident insurance; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Fenske	McHugh	Romans
Aufenkamp	Fulton	Moulton	Russillo
Bowen	Gerdes	Munnelly	Simmons
Bridenbaugh	Hollenbeck	Nelson	Stryker
Burbach	Jensen	Olinger	Swanson
Carpenter	Klaver	Orme	Tews
Claussen	Lautenschlager	Otto	Thompson
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Portsche	Webb
Donner			

Voting in the negative, 0.

Not voting, 6:

Erlewine	Ruhnke	Syas	Williams
Peck	Skarda		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 278.** Laid over.

**NOTICE OF COMMITTEE HEARINGS**

**Labor and Public Welfare**

LB 423	Wednesday, March 18, 1959	2:00 p.m.
LB 397	Wednesday, March 18, 1959	2:00 p.m.
LB 632	Wednesday, March 18, 1959	2:00 p.m.
LB 236	Wednesday, April 1, 1959	2:00 p.m.
LB 416	Wednesday, April 1, 1959	2:00 p.m.
LB 542	Wednesday, April 1, 1959	2:00 p.m.
LB 464	Wednesday, April 8, 1959	2:00 p.m.
LB 465	Wednesday, April 8, 1959	2:00 p.m.
LB 472	Wednesday, April 8, 1959	2:00 p.m.
LB 476	Wednesday, April 15, 1959	2:00 p.m.
LB 661	Wednesday, April 15, 1959	2:00 p.m.

**STANDING COMMITTEE REPORTS**

**Judiciary**

**LEGISLATIVE BILL 521.** Placed on General File as amended.

Standing Committee amendments to LB 521:

1. Amend the bill, section 1, line 4, by striking the words "made by such official".
2. Amend the bill, section 1, line 5, by striking the word "his".
3. Amend the bill, section 1, line 6, by striking the word "adequate".
4. Amend the bill, section 1, line 8, by striking the period and by adding the following: "; Provided, that in cities and counties having established legal departments, a member of such department may be furnished as such counsel and in such cases the city or county shall not pay for other counsel."
5. Amend the title to conform.

**LEGISLATIVE BILL 324.** Placed on General File as amended.

Standing Committee amendments to LB 324:

1. Amend the bill, section 1, line 4, by adding after the word "shall" the word "*fraudulently*".

2. Amend the bill, section 1, line 6, by adding after the word "shall" the word "fraudulently".

3. Amend the title to conform.

**LEGISLATIVE BILL 13.** Indefinitely postponed.

**LEGISLATIVE BILL 135.** Placed on General File.

**LEGISLATIVE BILL 126.** Placed on General File as amended.

Standing Committee amendments to LB 126:

1. Amend the bill, section 1, line 18, by striking " and expense allowance of each" and inserting "of the" in lieu thereof.

2. Amend the bill, section 1, line 19, by striking "member" and inserting "members" in lieu thereof.

3. Amend the bill, section 1, line 20, by striking "and expenses".

(Signed) Ray C. Simmons, Chairman

### **Recess**

At 12:00 noon, on a motion by Mr. Cooper, the Legislature recessed until 5:00 p.m.

### **After Recess**

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

The roll was called and all members were present except Mrs. Orme and Messrs. Adams, Aufenkamp, Bridenbaugh, Diers, Erlewine, Fenske, Olinger, Otto, Portsche, Ruhnke, Simmons, Skarda, Stryker, Swanson, Syas, Vosoba, and Williams who were excused.

## **STANDING COMMITTEE REPORTS**

### **Enrollment and Review**

**LEGISLATIVE BILL 68.** Correctly re-engrossed.

(Signed) Joe T. Vosoba, Chairman

### **UNANIMOUS CONSENT—Withdraw LB 662**

Mr. Cooper requested unanimous consent to withdraw LB 662. No objections. So ordered.



**Adjournment**

At 5:04 p.m. on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## THIRTY-SEVENTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 25, 1959

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

Prayer was offered by the Chaplain.

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

The Journal for the Thirty-sixth Day was approved.

**Communications**

Letter from Dr. John C. Baker, Sutherland, regarding Legislative Resolution 17.

Letter from the Association of Civic Clubs of Omaha and Douglas County relating to bingo.

**STANDING COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 301.** Placed on General File as amended.

Standing Committee amendments to LB 301:

1. On page 2, Section 1, beginning with the word "sold" strike balance of line 14 and line 15 through the word "dollars" and strike the comma following that word; strike the period on page 2, Section 1, line 17, and insert a comma followed by this insertion "*and under the terms of which a service charge as hereinafter provided is to be computed in relation to the buyer's unpaid balance from time to time.*"

2. On page 3, Section 2, line 42, after the word "one" insert "*and one-half*" and on page 3, Section 2, line 46 after the word "on" insert "*not more than*".

(Signed) John P. Munnelly, Chairman

**Revenue****LEGISLATIVE BILL 44.** Placed on General File as amended.

Standing Committee amendments to LB 44:

1. Amend the bill, Sec. 1, line 1, page 2, immediately after the word "all" add the word "operating".

2. Amend the bill, Sec. 1, line 13, page 2, immediately following the word "power", remove the period and insert in lieu thereof a semicolon and add the following new language: *"Provided, that lands and buildings, inventories of parts, equipment, supplies, office furniture and fixtures, and other similar property not then in use in operating the service of facility provided, and intangible property except franchise value if any, shall be listed for taxation by the owners thereof with the assessors where such real or personal property may be situated, in the manner provided by law for the listing and valuation of real and personal property and all of such property shall be assessed by the County Assessors in the same manner as all other local property. In the event there shall be any dispute over the manner or place of listing any property, the same shall be determined by the State Board of Equalization and Assessment."*

3. Amend the bill, Sec. 2, page 3, line 4 immediately following the word "of", add the following new language *"that part of the property of"*.

4. Amend the bill, Sec. 2, page 3, line 5, immediately following the word "act" add the following new language *"which is not assessed by the County Assessors as directed in said Sec. 1."* and strike "for each of the local assessing" and shown the same as stricken.

5. Amend the bill, Sec. 2, page 3, line 6, strike the word "districts" and shown the same as stricken.

6. Amend the bill, Sec. 2, page 3, line 10, immediately following the word "subdivision." add the following new language: *"The value so certified to each county assessor shall be based upon the value of the property assessed within the particular taxing district."*

7. Amend the bill, page 4, by adding a new section as follows:

*Sec. 4. In the event any person, association, partnership, or corporation, or the Attorney General, acting for and on behalf of the state and the subdivisions in the state interested in said taxa-*

tion, shall feel aggrieved by the determination of the Tax Commissioner, then either may file with the Secretary of the State Board of Equalization and Assessment, within ten days, a complaint in writing stating wherein they claim said assessment is unjust or inequitable, and also stating the amount which it is claimed said assessment should be, and ask for an equalization and adjustment of said assessment. The State Board of Equalization and Assessment shall forthwith proceed to hear and determine such complaint, and the procedure, including appeal to the Supreme Court, shall be within the time and in the manner provided for in the case of railroad assessments, as set forth in sections 77-612 to 77-620, Reissue Revised Statutes of Nebraska, 1913."

8. Amend the title to conform.

**LEGISLATIVE BILL 45.** Placed on General File.

(Signed) Norman A. Otto, Chairman

**Presented to the Governor**

Presented to the Governor for approval on February 24, 1959,  
at 1:40 p.m.: LB 29 LB 120 LB 89 LB 285 LB 85 LB 84

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 208.** Placed on Select File.

**LEGISLATIVE BILL 233.** Placed on Select File as amended.

E and R amendments to LB 233:

1. In section 1, line 1, strike "Sections" and insert "That sections"; in line 4, strike "75-104.02" and insert "75-104.02"; in the first line 6, strike "84-260.03" and insert "84-206.03"; renumber the second line 6 as line 7 and renumber original lines 7 to 11 as lines 8 to 12 respectively.

2. In the title, line 7, strike "84-260.03" and insert "84-206.03".

**LEGISLATIVE BILL 69.** Placed on Select File as amended.

E and R amendment to LB 69:

1. In the title, line 2, strike "for in-"; strike line 3; in line 4, strike "prescribed;" and insert "that the tonnage for which a commercial vehicle is registered shall not be increased except as prescribed; to provide an exception;".

**LEGISLATIVE BILL 187.** Placed on Select File.

**LEGISLATIVE BILL 206.** Placed on Select File as amended.

E and R amendments to LB 206:

1. Strike Standing Committee Amendments 3 and 4.
2. In the title, line 2, strike "sections 39-7,108 and" and insert "section".
3. In renumbered section 9, line 1, strike "sections 39-7,108 and" and insert, "section".

**LEGISLATIVE BILL 251.** Placed on Select File.

**LEGISLATIVE BILL 249.** Placed on Select File as amended.

E and R amendments to LB 249:

1. In section 1, line 8, strike the comma after "regular".
2. In section 1, line 20, insert "and" after the semicolon.

**LEGISLATIVE BILL 250.** Placed on Select File as amended.

E and R amendments to LB 250:

1. In section 1, line 21, insert an underscored comma after "source".
2. In line 27, strike "*they*".

**LEGISLATIVE BILL 246.** Correctly enrolled.

**LEGISLATIVE BILL 140.** Correctly enrolled.

**LEGISLATIVE BILL 302.** Correctly enrolled.

**LEGISLATIVE BILL 241.** Correctly enrolled.

**LEGISLATIVE BILL 118.** Correctly enrolled.

**LEGISLATIVE BILL 277.** Correctly enrolled.

**LEGISLATIVE BILL 98.** Correctly enrolled.

**LEGISLATIVE BILL 43.** Correctly enrolled.

**LEGISLATIVE BILL 49.** Correctly engrossed.

**LEGISLATIVE BILL 99.** Correctly engrossed.

**LEGISLATIVE BILL 100.** Correctly engrossed.

**LEGISLATIVE BILL 101.** Correctly engrossed.

**LEGISLATIVE BILL 82.** Correctly engrossed.

**LEGISLATIVE BILL 134.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 246 LB 140 LB 302  
LB 241 LB 118 LB 277 LB 98 LB 43

#### **Recess**

At 9:14 a.m. on a motion by Mr. Marvel, the Legislature recessed until 10:00 a.m.

#### **After Recess**

The Legislature reconvened at 10:05 a.m., President Burney presiding.

The roll was called and all members were present except Messrs. Adams and Aufenkamp who were excused, and Mr. Stryker who was excused until 11:25 a.m.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Revenue be permitted to introduce a bill, the purpose of which is set forth in the statement submitted herewith. (Signed) Norman A. Otto, Chairman

#### **STATEMENT—Introduce Bill**

The Revenue Committee voted unanimously to introduce a bill which would allow the Attorney General to designate an assistant Attorney General or assistant Attorneys General to the Tax Commissioner's office when requested by the Tax Commis-

sioner. The compensation for the assistant attorney general shall be paid by the Tax Commissioner.

(Signed) Norman A. Otto, Chairman

Permission to introduce the bill granted with 33 ayes, 0 nays, and 10 not voting.

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 684.** By Committee on Revenue, Norman A. Otto, 34th District, Chairman.

A bill for an act relating to revenue and taxation; to provide for the appointment of an assistant attorney general or assistant attorneys general for the Tax Commissioner, as prescribed; and to provide the compensation for such assistant or assistants.

### SELECT FILE

**LEGISLATIVE BILL 97.** E and R amendment found in the Legislative Journal for the Thirty-sixth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 193.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 194.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 196.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 197.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 198.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 199.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 200.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 201.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 202.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 203.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 205.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 260.** E and R amendment found in the Legislative Journal for the Thirty-sixth Day was adopted.

Advanced to E and R for engrossment.

**UNANIMOUS CONSENT—LB 156 Special Order**

Mr. Pizer requested unanimous consent that LB 156 be made the special order of business on Tuesday, March 10, 1959. No objections. So ordered.

**UNANIMOUS CONSENT—Withdraw LB 585**

Mr. Portsche requested unanimous consent to withdraw LB 585. No objections. So ordered.

**UNANIMOUS CONSENT—Cancel Hearing Dates**

Mr. Simmons, Chairman of the Committee on Judiciary, requested unanimous consent that the Judiciary Committee cancel the committee hearings on the following bills:

LB 281, originally set for Monday, April 6, 1959;

LB 531, originally set for Wednesday, April 8, 1959;

LB 605, originally set for Wednesday, April 8, 1959;

LB 611, originally set for Wednesday, April 15, 1959.

No objections. So ordered.

**Visitors**

Mr. Erlewine introduced a Farm Bureau legislative group from Hitchcock, Polk, Frontier, and Harlan Counties.

Mr. Hollenbeck introduced his son and daughter-in-law, Mr. and Mrs. Claret Hollenbeck from South Dakota.

Mr. Russillo introduced Miss Carole Ann Swanson, Queen of Quivira, and one hundred new Navy recruits forming the "Nebraska Beef State Company."

**GENERAL FILE**

**LEGISLATIVE BILL 230.** Considered.

Mr. Burbach offered the following amendment which was adopted:



1. Amend the bill, Section 1, in Line 40, Page 3 after the word beans by striking out the word "and" and insert a comma and in Line 41 after the word pellets strike out the period and insert in lieu thereof "*and Safflower Seed.*" and amend the title to conform.

Advanced to E and R for review.

#### UNANIMOUS CONSENT—Consider LB 64

Mr. Ruhnke requested unanimous consent to consider LB 64 on General File at this time. No objections. So ordered.

#### GENERAL FILE

**LEGISLATIVE BILL 64.** Section 1 read and considered.

Standing Committee amendment 2 found in the Legislative Journal for the Thirtieth Day was adopted.

Laid over until Friday, February 27, at the request of Mr. Donner.

#### UNANIMOUS CONSENT—Re-refer Bills

Speaker Pizer requested unanimous consent that the following bills, originally referred to the Judiciary Committee, be re-referred as follows:

LB	Committee
281.....	Education
531.....	Public Works
605.....	Labor and Public Welfare
611.....	Miscellaneous Subjects
624.....	Miscellaneous Subjects
682 .....	Agriculture

No objections. So ordered.

#### Visitors

Mr. Burbach introduced Messrs. Galen Nrericks, Myrin Ravenscroff, Marvin Hartung, and Carl D. Hansen from Coleridge.

Mr. McHugh introduced Dr. Heim, Floyd Bundy, Robert Bundy, Dutch Rikli, Waver Rikli, Ralph Hickey, Leo Hickey, Leo Rikli, and August Ruyl.

**UNANIMOUS CONSENT—Consider LB 108**

Mr. Syas requested unanimous consent to consider LB 108 on General File at this time. No objections. So ordered.

**GENERAL FILE****LEGISLATIVE BILL 108. Considered.**

Mr. Carpenter withdrew his pending amendment found in the Legislative Journal for the Thirty-second Day.

Mr. Syas offered the following amendments which were adopted:

1. Amend section 1 of the bill by striking lines 6 and 7, and in line 8 by striking "source of propulsion" and inserting "(2) Motorboat shall mean any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with detachable motors".

2. Amend section 3 of the bill by striking lines 5 to 7 and inserting "act, or in accordance with the laws of another state if the commission has by regulation approved the numbering system of such state, and unless (1) the certificate of number".

3. Amend renumbered section 5 of the bill by striking lines 39 and 40 and inserting, "the commission, may by rules and regulations adopt such numbering system as the numbering system pursuant to this act."

4. Amend renumbered section 6 of the bill, line 62, by striking "Any" and inserting "The commission may adopt rules and regulations providing that any", and line 105 by striking "is hereby authorized to make" and inserting "may adopt".

5. Amend renumbered section 7 of the bill by striking the comma at end of line 16 and inserting a period and by striking lines 17 to 21.

6. Amend the bill by striking renumbered section 20 and inserting in lieu thereof the following:

"Sec. 20. There is created a fund to be known as the State Boating Fund. All fees as provided by this act shall be remitted to the state treasury and by the State Treasurer placed in the State Boating Fund. Such fund, when appropriated by the Legislature shall be used for administration and enforcement of this act, and for the construction and maintenance of boating and docking facilities, navigation aids and access to boating areas,

*and such other uses which will promote the safety and convenience of the boating public in Nebraska."*

Mr. Lautenschlager offered the following amendments which were adopted:

1. Amend renumbered section 5, line 23, by striking "*record*" and inserting "*register*" and line 26 by striking "*recodation*" and inserting "*registration*".

2. Amend Standing Committee Amendment 4, line 8, by inserting "*or motors*" after "*motor*".

3. Amend renumbered section 13, as amended by Standing Committee Amendment 5, by striking lines 1 to 7 and inserting:

*"Sec. 13. (1) No person shall operate a vessel on any waters of this state for towing a person or persons on water skis, or a surfboard, or similar device unless there is in such vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed; Provided, that this subsection shall not apply to any motorboat equipped with a wide angle, rear view mirror."*

4. Amend the title to conform.

Laid over.

## NOTICE OF COMMITTEE HEARINGS

### Agriculture

LB 339	Tuesday, March 3, 1959	2:00 p.m.
LB 431	Tuesday, March 3, 1959	2:00 p.m.
LB 488	Tuesday, March 3, 1959	2:00 p.m.
LB 348	Thursday, March 5, 1959	2:00 p.m.
LB 403	Thursday, March 5, 1959	2:00 p.m.
LB 415	Thursday, March 5, 1959	2:00 p.m.

## STANDING COMMITTEE REPORTS

### Agriculture

**LEGISLATIVE BILL 167.** Placed on General File as amended.

Standing Committee amendments to LB 167:

1. On page 2 of the bill, subsection (2) of section 1, strike lines 29 through 33 and show same as stricken and insert the following material as a new subsection (2) of section 1:

*"The Game, Forestation and Parks Commission may also issue permits for the killing of antelope and may establish separate and when necessary, different, regulations therefore within the limitations prescribed in subsection (1) of this section for the taking of deer. The Commission shall charge a fee for each antelope permit so issued in the sum of ten dollars for residents and twenty-five dollars for non-residents."*

2. On page 2 of the bill, section 1, line 11, following the word "manner" insert the phrase, "on a first come, first served basis".

3. On page 2 of the bill, section 1, line 26, following the word "non resident", insert the following:

*"Provided that the Commission may issue non-resident permits only after a reasonable period has first been provided solely for issuance of resident permits, and provided further that should the Commission issue non-resident permits the issuance of resident permits shall continue until permit quotas have been filled or a reasonable cut-off date reached."*

4. Amend the title to conform.

**LEGISLATIVE BILL 254.** Indefinitely postponed.

**LEGISLATIVE BILL 444.** Indefinitely postponed.

(Signed) Hans O. Jensen, Chairman

#### **Public Health**

**LEGISLATIVE BILL 387.** Placed on General File as amended.

Standing Committee amendments to LB 387:

1. Add the Emergency Clause.
2. Amend the title to conform.

**LEGISLATIVE BILL 347.** Placed on General File as amended.

Standing Committee amendments to LB 347:

1. Amend Sec. 6, page 6, lines 14 and 15, following the word "certificate" by striking "and the original record of birth".

2. Amend Sec. 6, page 6, line 17 following the word "certificate" by inserting "and the original record of birth".

3. Amend the bill by putting a new section immediately after section 8 to be known as Sec. 9 and to read as follows:

Sec. 9. That section 71-634 Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

"71-634. Birth or death certificate; correction of erroneous or incomplete; fees of Department of Health. The Department of Health shall charge and collect a fee of one dollar for each proceeding had under the provisions of section 71-630, whether the same is had solely in the bureau or after a decree of the county judge is made and a certified copy thereof and of the abstract ordering a change of a record in the Bureau of Vital Statistics is filed with the bureau, as provided by section 71-632. The department shall collect a fee of one dollar *and fifty cents* for a certified copy of the corrected record. All fees so collected shall be paid into the state treasury and shall be credited by the State Treasurer to the "Department of Health, Bureau of Vital Statistics Fund," which fund shall be used for the purpose of administering the correction of vital records and other laws concerned with vital statistics, if and when appropriated by the Legislature for that purpose."

4. Renumber original section 9 as section 10.

5. In renumbered section 10, line 2 strike the word "and" and insert after "71-630," "and 71-634."

6. Amend the bill by adding immediately after renumbered section 10, a new section to be known as section 11 and to read as follows:

"Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

7. Amend the title to conform.

(Signed) Sam Klaver, Chairman

**Speaker Pizer Presiding**

#### **Visitors**

Mr. Claussen introduced seventeen farmers and stockmen from Stanton and Wayne Counties.

Mr. Erlewine introduced Mr. G. B. Hastings from Grant.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 278.**

A bill for an act to amend section 44-1602, Revised Statutes Supplement, 1957, relating to insurance; to reduce from ten to five the minimum number of employees which may be covered by a group life insurance policy issued to an employer; and to repeal the original section.

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

Voting in the affirmative, 40:

Bowen	Fulton	Munnelly	Russillo
Bridenbaugh	Gerdes	Nelson	Simmons
Burbach	Hollenbeck	Olinger	Skarda
Carpenter	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Aufenkamp	Stryker
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 112.**

A bill for an act to amend section 44-501, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide for the issuance of policies varying from the standard fire insurance policy in case of multiple-peril policies; to provide the conditions under which such policy may be issued; and to repeal the original section.

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

Voting in the affirmative, 39:

Bowen	Fulton	Munnelly	Simmons
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Hollenbeck	Olinger	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Otto	Tews
Cooper	Lautenschlager	Peck	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams
Fenske	Moulton	Russillo	

Voting in the negative, 1:

Pizer

Not voting, 3:

Adams                      Aufenkamp                      Stryker

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Explanation of Vote

Mr. President: If I had not been working on the recount, I would have been present at final reading and voted Aye on LB 278 and LB 112. (Signed) Harold B. Stryker

#### LEGISLATIVE BILL 34.

A bill for an act to amend sections 37-217, 37-220, 37-222, 37-223, and 37-224, Revised Statutes Supplement, 1957, relating to game and fish; to provide that the stamp required for the hunting of pheasant or quail be required beyond the time now prescribed; to require such stamp of any person hunting any upland game bird; to define upland game birds; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; to provide that the receipts from the sale of such stamps shall be deposited in the State Game and Park Fund; and to repeal the original sections.

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

Voting in the affirmative, 35:

Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Portsche	Vosoba
Donner	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams
Fulton	Munnely	Simmons	

Voting in the negative, 6:

Diers	Hollenbeck	Romans	Tews
Erlewine	Nelson		

Not voting, 2:

Adams                      Aufenkamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 30.** With emergency.

A bill for an act to amend section 85-106, Reissue Revised Statutes of Nebraska, 1943, relating to The Board of Regents of The University of Nebraska; to empower the board to provide, through the University Extension Division, for the holding of classes at various localities throughout the 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, 40:

Bowen	Fulton	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Skarda
Burbach	Hollenbeck	Orme	Stryker
Carpenter	Jensen	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams

Voting in the negative, 1:

Klaver



Not voting, 2:

Adams                      Aufenkamp

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

#### LEGISLATIVE BILL 65.

A bill for an act relating to motor vehicle operators' license; to provide that no person whose license has been suspended or revoked as a result of a conviction for operating a motor vehicle while under the influence of intoxicating liquor shall operate, solely for personal transportation on the streets, roads, or highways of this state any motor driven vehicle for which such license is not required; and to provide penalties.

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

Voting in the affirmative, 40:

Bowen	Fulton	Munnelly	Simmons
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Hollenbeck	Olinger	Stryker
Carpenter	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams

Voting in the negative, 1:

Romans

Not voting, 2:

Adams                      Aufenkamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 48.

A bill for an act to amend sections 68-230, 77-304, 77-305, 77-407, 77-708, 77-710, 77-713, 77-721, 77-1201, 77-1205, 77-1209.01,

77-1211, 77-1212, 77-1220, 77-1226, 77-1229, 77-1231, 77-1241.01, 77-1242, 77-1301, 77-1303, 77-1315, 77-1320, 77-1405, 77-1502, and 77-1611, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change the dates of reporting and assessing property for taxation; to change the dates when the county board of equalization shall meet; to fix the time for filing of complaints with the county board of equalization; and to repeal the original sections.

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

Voting in the affirmative, 22:

Bowen	Lautenschlager	Otto	Swanson
Carpenter	Liebers	Portsche	Syas
Diers	Marvel	Simmons	Tews
Donner	Moulton	Skarda	Vosoba
Fenske	Munnelly	Stryker	Webb
Klaver	Orme		

Voting in the negative, 18:

Bridenbaugh	Gerdes	Olinger	Ruhnke
Burbach	Hollenbeck	Peck	Russillo
Claussen	Jensen	Pizer	Thompson
Erlewine	McHugh	Romans	Williams
Fulton	Nelson		

Not voting, 3:

Adams	Aufenkamp	Cooper
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Visitors

Mr. Vosoba introduced Messrs. Mel Kuska, Bill Krejci, Bill Hofferber, Don Hofferber, Harlan Dainier, Leo Koehn, Dick Underwood, Bert Schwab, Joe Hassler, Arnold Gieger, and Arden Johnson, cattle feeders from Filmore County.

### Members Excused

Mr. Otto was excused for Wednesday afternoon, February 25, 1959.

Mr. Claussen was excused for Thursday, February 26, 1959.

**NOTICE OF COMMITTEE HEARINGS****Banking, Commerce and Insurance**

LB 441	Tuesday, March 3, 1959	2:00 p.m.
LB 466	Tuesday, March 3, 1959	2:00 p.m.
LB 479	Tuesday, March 3, 1959	2:00 p.m.
LB 333	Thursday, March 5, 1959	2:00 p.m.
LB 522	Thursday, March 5, 1959	2:00 p.m.
LB 524	Thursday, March 5, 1959	2:00 p.m.

**Adjournment**

At 12:10 p.m. on a motion by Mr. Klaver, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## THIRTY-EIGHTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Thursday, February 26, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m.,  
President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except  
Messrs. Aufenkamp and Claussen who were excused.

The Journal for the Thirty-seventh Day was approved.

## MESSAGE FROM THE GOVERNOR

February 25, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body  
that on February 25, 1959, he approved LB 29, LB 40, LB 61, LB  
81, LB 83, LB 84, LB 85, LB 87, LB 89, LB 105, LB 111, LB 113,  
LB 115, LB 117, LB 120, LB 132, LB 133, LB 152, LB 161, and  
LB 285.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

## NOTICE OF COMMITTEE HEARINGS

## Education

LB 567	Tuesday, March 10, 1959	2:00 p.m.
LB 528	Tuesday, March 10, 1959	2:00 p.m.

LB 502	Thursday, March 12, 1959	2:00 p.m.
LB 559	Thursday, March 12, 1959	2:00 p.m.
LB 599	Thursday, March 12, 1959	2:00 p.m.
LB 503	Tuesday, March 17, 1959	2:00 p.m.
LB 545	Tuesday, March 17, 1959	2:00 p.m.
LB 582	Tuesday, March 17, 1959	2:00 p.m.

#### Public Works

LB 491	Monday, March 9, 1959	2:00 p.m.
LB 654	Monday, March 9, 1959	2:00 p.m.
LB 433	Monday, March 9, 1959	2:00 p.m.
LB 515	Wednesday, March 11, 1959	2:00 p.m.
LB 519	Wednesday, March 11, 1959	2:00 p.m.
LB 520	Wednesday, March 11, 1959	2:00 p.m.
LB 537	Friday, March 13, 1959	2:00 p.m.
LB 554	Friday, March 13, 1959	2:00 p.m.
LB 540	Monday, March 16, 1959	2:00 p.m.
LB 610	Monday, March 16, 1959	2:00 p.m.
LB 381	Wednesday, March 18, 1959	2:00 p.m.
LB 564	Friday, March 20, 1959	2:00 p.m.
LB 546	Friday, March 20, 1959	2:00 p.m.
LB 547	Friday, March 20, 1959	2:00 p.m.

#### STANDING COMMITTEE REPORTS

##### Enrollment and Review

LEGISLATIVE BILL 278. Correctly enrolled.

LEGISLATIVE BILL 112. Correctly enrolled.

LEGISLATIVE BILL 34. Correctly enrolled.

LEGISLATIVE BILL 30. Correctly enrolled.

LEGISLATIVE BILL 65. Correctly enrolled.

LEGISLATIVE BILL 48. Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

##### President Signs

While the Legislature was in session and capable of transacting business, the President signed: LB 278 LB 112 LB 34  
LB 30 LB 65 LB 48

**STANDING COMMITTEE REPORTS****Miscellaneous Subjects**

**LEGISLATIVE BILL 275.** Placed on General File as amended.

Standing Committee amendments to LB 275:

1. Section 1, Page 2, Line 5 by inserting after the word "state the following: *"used in connection with police, street, park or fire prevention activities."*

2. Amend Sec. 1, Lines 6 and 7, by reinstating the stricken matter after the stricken word "departments".

**LEGISLATIVE BILL 331.** Placed on General File.

**LEGISLATIVE BILL 473.** Indefinitely postponed.

**LEGISLATIVE BILL 417.** Placed on General File.

(Signed) J. W. Burbach, Chairman

**Enrollment and Review**

**LEGISLATIVE BILL 214.** Placed on Select File as amended.

E and R amendments to LB 214:

1. In Standing Committee Amendment 1, line 3, strike "and show the same as stricken".

2. In Standing Committee Amendment 3, line 1, strike "4" and insert "5".

3. In Standing Committee Amendment 4, line 1, strike "5" and insert "6".

**LEGISLATIVE BILL 235.** Placed on Select File as amended.

E and R amendment to LB 235:

1. In section 1, line 48, strike the second "is" as in the statutes.

**LEGISLATIVE BILL 212.** Placed on Select File as amended.

E and R amendment to LB 212:

1. In Standing Committee Amendments 1, 5, and 6, line 2, strike "and showing the same as stricken".

**LEGISLATIVE BILL 207.** Placed on Select File.

**LEGISLATIVE BILL 209.** Placed on Select File as amended.

E and R amendment to LB 209:

1. In the title, line 4, strike "inconsistent provisions" and insert "provisions inconsistent".

**LEGISLATIVE BILL 210.** Placed on Select File.

**LEGISLATIVE BILL 211.** Placed on Select File.

**LEGISLATIVE BILL 213.** Placed on Select File as amended.

E and R amendment to LB 213:

1. In the title, line 2, strike "54-824 and 54-825" and insert "54-825 and 54-826".

**LEGISLATIVE BILL 215.** Placed on Select File.

**LEGISLATIVE BILL 216.** Placed on Select File.

**LEGISLATIVE BILL 217.** Placed on Select File.

**LEGISLATIVE BILL 218.** Placed on Select File as amended.

E and R amendment to LB 218:

1. In section 1, line 2, insert "as" after "read".

**LEGISLATIVE BILL 219.** Placed on Select File.

**LEGISLATIVE BILL 220.** Placed on Select File as amended.

E and R amendments to LB 220:

1. For correlation purposes, strike section 3, and insert:

"Sec. 3. That section 72-1005, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 241, Sixty-ninth Session, Nebraska State Legislature, 1959, is amended to read as follows:

72-1005. There is hereby created a fund to be known as the *State Institutional and Military Department Building Fund*, for the use of to be used by the Board of Regents of the University of Nebraska, the Board of Control, the Board of Education of State Normal Schools, the Military Department, Nebraska Vocational Technical School, and the Governor for maintenance of the State Capitol and grounds, for purchases of land, and future building

needs. , a fund, to be known as the State Institutional and Military Department Building Fund. Such fund shall consist of the proceeds of a tax of one and one tenth of a mill on the dollar upon the assessed value of all the taxable property of the state, except intangible property, which tax shall be levied in the year 1947 and annually thereafter for ten years, to and including the year 1956. This fund shall consist of the proceeds of a tax of three-fourths of a mill on the dollar upon the assessed value of all the taxable property of the state, except intangible property. Such tax shall be levied in the year 1957 and annually thereafter for ten years to and including the year 1966.”.

2. For correlation purposes, strike section 4 and insert:

“Sec. 4. That original sections 72-407 and 72-707, Reissue Revised Statutes of Nebraska, 1943, and section 72-1005, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 241, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed.”.

3. For correlation purposes, in the title strike lines 2 and 3 and insert:

“FOR AN ACT to amend sections 72-407 and 72-707, Reissue Revised Statutes of Nebraska, 1943, and section 72-1005, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 241, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to public”.

**LEGISLATIVE BILL 186.** Correctly engrossed.

**LEGISLATIVE BILL 188.** Correctly engrossed.

**LEGISLATIVE BILL 189.** Correctly engrossed.

**LEGISLATIVE BILL 190.** Correctly engrossed.

**LEGISLATIVE BILL 192.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **Member Excused**

Mr. Russillo was excused for Friday, February 27, until 3:00 p.m.

#### **SELECT FILE**

**LEGISLATIVE BILL 208.** Advanced to E and R for engrossment.



**LEGISLATIVE BILL 233.** E and R amendments found in the Legislative Journal for the Thirty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 69.** E and R amendment found in the Legislative Journal for the Thirty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 187.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 206.** E and R amendments found in the Legislative Journal for the Thirty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 251.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 249.** E and R amendments found in the Legislative Journal for the Thirty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 250.** E and R amendments found in the Legislative Journal for the Thirty-seventh Day were adopted.

Laid over.

#### Visitors

Mr. Portsche introduced five girls from Charles Culler Junior High School, Lincoln, and one mother as sponsor, and Mr. Millard Brumfield and his daughter from Lincoln.

#### GENERAL FILE

**LEGISLATIVE BILL 242.** Laid over temporarily.

**LEGISLATIVE BILL 108.** Laid over until Monday, March 2, at the request of Mr. Tews.

**UNANIMOUS CONSENT—LB 301 First Order of Business**

Mr. Carpenter requested unanimous consent that LB 301 be made the first order of business on General File Friday, February 27.

Mr. Russillo objected.

**GENERAL FILE****LEGISLATIVE BILL 129. Considered.**

Mr. Tews offered the following amendments which were adopted:

1. Amend section 4 of the bill, line 13 by inserting "*at the date of retirement*" after "acts", lines 14 to 24 by striking the new matter and reinstating the stricken matter, and line 24 by inserting "*if he has four years or more of service credit*" after the reinstated word "month".

2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 125.**

Mr. Romans moved that LB 125 be indefinitely postponed.

The motion prevailed with 20 ayes, 14 nays, and 9 not voting.

**Invitation**

Invitation from Messrs. Liebers and Portsche to the members and wives to the State Historical Society Sunday, March 1, from 4:00 until 6.00 p.m.

**Visitors**

Mrs. Orme introduced five girls from the Modern Problems Class at Lincoln High School, and Mrs. Joseph Brown and nine girls from the University of Nebraska.

**GENERAL FILE****LEGISLATIVE BILL 124. Considered.**

The pending Romans amendment found in the Legislative Journal for the Thirty-third Day was adopted.

Mr. Romans offered the following amendment which was adopted with 23 ayes, 9 nays, and 11 not voting:

Amend LB 124, page 2, Section 1, line 16 after the “.” (period) by striking the “.” (period) and add the following: *“or a tariff prepared by a tariff publishing bureau or an individual, conforming with the prescribed rates and charges, and rules and regulations as established by the commission.”.*

Advanced to E and R for review.

#### **Visitors**

Mr. McHugh introduced Colonel Rex Young from Plattsmouth, and nine members of the Nehawka Women's Club.

#### **Member Excused**

Mr. Tews was excused at 10:30 a.m. for the remainder of the morning.

#### **Speaker Pizer Presiding**

**LEGISLATIVE BILL 252.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Twenty-ninth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 242.** Considered.

The following Gerdes amendments were adopted:

1. Amend section 3, added by Gerdes General File Amendment 1, by inserting: *“as determined by the county redistricting committee”* after *“voters”* in line 10.
2. Amend the title to conform.

The pending Gerdes amendments found in the Legislative Journal for the Thirty-fourth Day were adopted.

Advanced to E and R for review.

#### **President Burney Presiding**

**MESSAGE FROM THE GOVERNOR**

February 26, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on February 26, 1959, he approved LB 48.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RGC:e

**UNANIMOUS CONSENT—Cancel Hearing Date**

Mr. Munnelly, Chairman of the Committee on Banking, Commerce and Insurance, requested unanimous consent that the hearing on LB 524, set for March 5, 1959, be cancelled. No objections. So ordered.

**Visitors**

Mr. Portsche introduced Mr. Allen E. McElrory, teacher, and six students from the Adjustment Program for Legally Blind, Lincoln.

**Presented to the Governor**

Presented to the Governor for approval on February 26, 1959, at 9:15 a.m.: LB 48 LB 43 LB 98 LB 277 LB 118 LB 241  
LB 302 LB 140 LB 246

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Government**

**LEGISLATIVE BILL 86.** Placed on General File as amended.

Standing Committee amendments to LB 86:

1. Amend section 2 of the bill line 9 by striking "three" and inserting "two", and line 10 by striking "one thousand" and inserting "five hundred".

2. Amend section 3, line 5 of the bill by inserting after "society" the words "*or county fair board*" and line 7 by striking the word "society" and inserting the word "organizations"; lines 11 and 12 by adding the word "single" following the word "any" and in line 14 following the word "any" strike the words "association named" and insert in lieu thereof the words "*applicant authorized*"; and in line 15 following the word "such" strike the word "association" and insert in lieu thereof the word "*applicant*"

3. Amend section 4 of the bill line 20 by striking "five dollars" and inserting "*ten dollars, and ten dollars per annum thereafter payable on or before April 1 of each year.*"

4. Amend section 5 line 2 by striking "it" and inserting "he", and lines 7 to 9 by striking "Such license shall be of indefinite duration unless suspended, revoked, or voluntarily surrendered."

5. Amend section 8, line 1 by striking "eighteen" and inserting "sixteen".

6. Amend the bill by striking section 10 and renumbering sections 11 to 27 as sections 10 to 26 respectively.

7. Amend renumbered section 10 of the bill lines 1 and 2 by striking "in excess of twenty-five" and inserting "*not more than fifteen*"

8. Amend renumbered section 13 of the bill, line 1 by striking "one thousand dollars" and inserting "*two hundred dollars in gross receipts*"; and strike lines 10 to 14 and insert in place thereof the following:

"(3) *Except as provided in subsection (1) of this section, any county is hereby authorized, by resolution of the county board, to impose a tax of not to exceed ten per cent on the gross proceeds received from the conducting of bingo within such county and outside the limits of any incorporated city or village. When such tax is paid, the county treasurer shall credit the same to the general fund of the county.*"

9. Amend renumbered section 14 of the bill by striking "certificate" in line 5 and inserting "*, except alcoholic liquors,*" and line 7 by striking the remainder of the line starting with the word "Any", by striking lines 8, 9, and 10 and by striking "redemption." in line 11.

10. Amend the bill by striking renumbered section 15 and inserting in lieu thereof a new section to read as follows:

*"Sec. 15. The licensee shall obtain a permit from the city or village clerk when bingo is to be conducted within the limits of any incorporated city or village and from the county clerk when bingo is to be conducted outside the limits of any incorporated city or village. Such annual permit fee of one dollar shall be paid before bingo is played and shall be paid to the city or village clerk or county clerk at the time of obtaining the annual permit. When bingo is to be conducted jointly by two or more licensees such licensees shall obtain a permit therefore by paying a fee of one dollar. All permits shall expire on March 31 of each year."*

11. Amend renumbered section 17 of the bill line 1 by striking "re-" and by striking line 2.

12. Amend renumbered section 18 by striking lines 1 to 5 and inserting in lieu thereof the following:

*"Sec. 18. The licensee shall submit a written report to the clerk or clerks from whom the permits required by section 15 of this act were received. The report shall cover the preceding calendar month and shall be due on or before the tenth day of the immediately succeeding month. The report shall include a detailed financial statement of each separate session of bingo conducted under the permit for the period of the report, prepared on a form which may be prescribed by the governing body of the political subdivision which issued the permit, but which in any event is sufficiently detailed so that examination thereof will permit a determination of whether section 13 and section 14 of this act have been complied with, or that section 14 has been complied with where no tax has been imposed. At the same time such report is submitted, any tax due shall also be remitted. Any person submitting a false report shall be punished as provided in section 22 of this act."*

13. Amend renumbered section 19 of the bill by adding after line 16 the following:

*"Upon conviction of any licensee of any provisions of sections 1 to 21 of this act, the court shall certify any such order of suspension or revocation to the Secretary of State forthwith."*

14. Amend renumbered section 20 of the bill lines 4 and 8 by inserting "state," after the word "general", and lines 17 and 18 by striking "PROHIBITING".

15. Amend renumbered section 22, line 2 by inserting after "act" the words "for which a penalty is not otherwise provided"

16. Amend the bill by inserting immediately after renumbered section 26 a new section to be known as section 27 and to read as follows:

*"Sec. 27. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not effect the remaining portions thereof."*

17. Amend the title to conform.

**LEGISLATIVE BILL 166.** Placed on General File as amended.

Standing Committee amendments to LB 166:

1. Amend the bill by striking sections 1 and 2 and inserting in lieu thereof five new sections to read as follows:

*"Section 1. Cities of the first class, cities of the second class, and villages in Nebraska are hereby authorized and empowered to regulate by ordinance, the construction, installation, operation, and maintenance within their corporate limits of all wired or cabled television and radio systems and services.*

*Sec. 2. It shall be unlawful for any person, firm, or corporation to construct, install, operate, or maintain in or along the streets, alleys, and public ways, or elsewhere within the corporate limits of any city of the first class, city of the second class, or village in Nebraska, a wired or cabled television or radio system without first obtaining from such a city or village involved, a franchise authorizing the same; and the governing bodies of such cities or villages are hereby authorized to grant such a franchise for a term of not to exceed twenty-five years upon such reasonable conditions as the circumstances may require.*

*Sec. 3. Cities of the first class, cities of the second class and villages may by ordinance require the filing with the city or village clerk by the person, firm, or corporation constructing, installing, operating, or maintaining such wired or cabled television or radio system of a proper map showing the exact location of all such underground cables and equipment, together with a statement showing the exact nature of the same.*

*Sec. 4. Cities of the first class, cities of the second class, and villages may, by appropriate ordinance, levy an annual occupation tax against any person, firm, or corporation now maintaining and operating any wired or cabled television or radio system within its boundaries; and may levy an annual occupation tax against any persons, firms, or corporations hereafter constructing, installing, operating, or maintaining such wired or cabled television or radio*

*systems. Any such occupation tax so levied shall be due and payable on May 1 of each year to the treasurer of such a city or village.*

*Sec. 5. Since an emergency exists, this act shall be in full force and effect, from and after its passage and approval, according to law."*

2. Amend the title to conform.

(Signed) Dwain Williams, Chairman

#### Education

**LEGISLATIVE BILL 497.** Placed on General File.

(Signed) George Syas, Chairman

#### Public Works

**LEGISLATIVE BILL 266.** Indefinitely postponed.

**LEGISLATIVE BILL 385.** Placed on General File.

**LEGISLATIVE BILL 439.** Placed on General File as amended.

Standing Committee amendment to LB 439:

1. Amend Section 1 of the bill, line 8, by inserting after "vehicle" the following: "*; Provided, any sticker or identification authorized or required by the federal government or any agency thereof or the State of Nebraska or any political subdivision thereof may be placed upon the windshield without violating the provisions of this section*".

(Signed) Arnold Ruhnke, Chairman

#### Bills Referred to Standing Committees

LB	Committee
684.....	Revenue

(Signed) Dwight W. Burney  
Lieutenant Governor

#### BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 119.**



A bill for an act relating to cities and villages, all; to authorize and empower municipalities in the State of Nebraska to furnish fire protection and the use of fire apparatus to other municipalities, communities and private persons outside of such municipalities by contract; to authorize any city or village to contract to receive such services; to determine the status of firemen serving outside the corporate limits of their own municipality; and to provide that any municipality may contract with any other municipality for the purchase of fire protection and the use of prescribed equipment.

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

Voting in the affirmative, 39:

Adams	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams
Fenske	Munnelly	Russillo	

Voting in the negative, 0.

Not voting, 4:

Aufenkamp	Claussen	Jensen	Tews
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Explanation of Vote

Mr. President: If I had been present, I would have voted Aye on LB 119. (Signed) Hans O. Jensen

### LEGISLATIVE BILL 305.

A bill for an act to amend section 29-112, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide that the prescribed disqualification of any person sentenced to be punished as a felon shall be terminated upon receipt of a

warrant of discharge rather than a pardon; to provide for the issuance of a warrant of discharge and the restoration to civil rights when the sentence imposed for a felony is other than confinement in the State Penitentiary or State Reformatory; and to repeal the original section.

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

Voting in the affirmative, 39:

Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams
Fulton	Munnely	Russillo	

Voting in the negative, 1:

Adams

Not voting, 3:

Aufenkamp      Claussen      Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 164.

A bill for an act to amend section 83-352, Reissue Revised Statutes of Nebraska, 1943, relating to state hospitals for the mentally ill; to provide that in action brought to recover the cost of care of a patient in a state hospital for the mentally ill the burden shall be on the defendant to allege and prove that he is not possessed of an estate or income as prescribed; to provide that amounts paid by the county for the care of such patients shall be a continuing open account; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Thompson
Diers	Liebers	Pizer	Vosoba
Donner	Marvel	Portsche	Webb
Erlewine	McHugh	Romans	Williams
Fenske	Moulton	Ruhnke	

Voting in the negative, 0.

Not voting, 4:

Aufenkamp	Claussen	Syas	Tews
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Explanation of Vote

Mr. President: Had I been present, I would have voted "Aye" on LB 164. (Signed) George Syas

#### LEGISLATIVE BILL 122.

A bill for an act relating to cities and villages, all; to provide for immunity of municipalities and their employees for acts occurring in providing fire, police, or emergency service without the corporate limits of any such municipality.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp	Claussen	Tews
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 42.** With emergency.

A bill for an act to amend sections 77-303 and 77-318, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that the jurisdiction of the Tax Commissioner shall include requiring tax officials to act in absolute compliance with all revenue laws of this state; to authorize the Tax Commissioner to make rules and regulations as prescribed; to eliminate the dates when the Tax Commissioner shall approve and furnish forms as prescribed; to extend from three to five years the time for which taxes on omitted personal property may be collected from the estate of a decedent; to provide that personal property not listed for taxation in 1959 and subsequent years, when owned by a deceased person, may be added to the tax rolls without limitation as to the years which have elapsed; to provide the rate at which such property shall be taxed; to provide penalties; 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, 39:

Adams	Fulton	Munnelly	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams
Fenske	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 4:

Aufenkamp	Claussen	Nelson	Tews
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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.

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 42.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### President Signs

While the Legislature was in session and capable of transacting business, the President signed: LB 42

### SUSPEND RULES—Final Reading

Mr. President: I move that the rules be suspended and that LB 146, LB 121, and LB 68 be considered on Final Reading at this time. (Signed) Terry Carpenter

The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 146.

A bill for an act to amend section 14-362, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to provide that sewer connections shall be made without an ordinance; to provide that such cities shall require that special assessments being made in installments shall have all delinquent and current installments paid before a permit shall be issued; to enlarge the jurisdiction of such a city over sewer permits; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Williams
Fenske	Moulton	Ruhnke	

Voting in the negative, 0.

Not voting, 4:

Aufenkamp	Claussen	Tews	Webb
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 121.

A bill for an act to amend section 14-537, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to include improvements of sewers and sidewalks; to provide for time of payment of special assessments for improvements when the total amount involved is more than fifty dollars; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp      Claussen      Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 68.** With emergency.

A bill for an act to amend sections 77-1203, 77-1206, 77-1214, 77-1232, 77-1233, 77-1235, 77-1236, 77-1239, 77-1239.02, 77-1240, and 77-1240.01, Reissue Revised Statutes of Nebraska, 1943, section 77-1201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 9, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, section 77-1220, Reissue Revised Statutes of Nebraska, 1943, as amended by section 14, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, section 77-1226, Reissue Revised Statutes of Nebraska, 1943, as amended by section 15, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 77-1229, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to revenue and taxation; to provide for listing of personal property; to eliminate the listing of franchises of corporations; to provide that property of all persons shall be listed; to provide the method of determining the value of improvements on leased land; to provide that a distress warrant shall be issued when any person attempts to sell all or substantial part of his personal property, a levy of attachment is made upon personal property, or a person attempts to remove or removes property from the county, city, or village; to change the dates for listing of pledged property by pawnbrokers; to eliminate the provisions for listing of property by using average inventory; to eliminate the method for taxing and assessing motion picture distributors, sugar manufacturers, and oil dealers; to eliminate the interrogatories and questions on schedule or statement; to eliminate the provisions for taxing of money invested in government bonds; to provide a penalty for failure to list such property by pawnbrokers on time; to change dates for listing of property in warehouses; to eliminate the provision of verifying statements of personal property under oath or delivering the statements to the taxpayer; to reduce penalties for failure, refusal or fraudulently furnishing of schedule or statement; to provide for signed statement of taxpayer on schedule or statement; to provide for inspection of books, and inventories of Taxpayer and procedure therefor; to provide for determination of the value of motor vehicles and the tax situs thereof; to repeal the original sections and also sections 77-1202.01, 77-1202.02, 77-1209.01, 77-1222, 77-1223, 77-1224, 77-1230, 77-1231, and 77-1237,

Reissue Revised Statutes of Nebraska, 1943; 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, 32:

Adams	Fulton	Munnelly	Simmons
Bowen	Jensen	Olinger	Skarda
Burbach	Klaver	Orme	Stryker
Carpenter	Lautenschlager	Otto	Swanson
Cooper	Liebers	Peck	Syas
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Ruhnke	Vosoba
Fenske	Moulton	Russillo	Webb

Voting in the negative, 8:

Bridenbaugh	Gerdas	Nelson	Romans
Erlewine	Hollenbeck	Pizer	Williams

Not voting, 3:

Aufenkamp	Claussen	Tews
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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.

#### **Presented to the Governor**

Presented to the Governor for approval on February 26, 1959, at 11:40 a.m.: LB 42

(Signed) Jo Fisher, Enrolling Clerk

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Banking, Commerce and Insurance**

LB 286      Thursday, March 5, 1959      2:00 p.m.

#### **STANDING COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 68.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman



**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 68

**Adjournment**

At 12:03 p.m. on a motion by Mr. Moulton, the Legislature adjourned.

Hugo S. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## THIRTY-NINTH DAY

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Legislative Chamber, Lincoln, Nebraska

Friday, February 27, 1959

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Burney presiding.

Prayer was offered by Senator Fern Hubbard Orme.

The roll was called and all members were present except Messrs. Aufenkamp and Russillo who were excused.

The Journal for the Thirty-eighth Day was approved.

**Communications**

President Burney read the following telegram:

February 26, 1959, 8:08 P.M.

Honorable Dwight Burney  
Lt. Governor of Nebraska

I respectfully request that you notify the members of the Legislature that as the Republican contestant it is my desire and request that the recount of ballots for the office of Governor be discontinued and terminated immediately. Will you be so kind as to express my appreciation to the members for the considerate and impartial matter in which they have proceeded. Please accept my regards and thanks for assisting me in making this request.

Joseph S. Wishart  
Las Vegas, Nevada

**MOTION—Discontinue Recount of Ballots**

Mr. President: I move that the gubernatorial contest be dismissed and the recounting of ballots be discontinued, and the ballots be returned to the vault from which they were received and the keys turned over to the Secretary of State, and that the committee verify all costs of counting to the Secretary of State. (Signed) A. A. Fenske

The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

**UNANIMOUS CONSENT—Judiciary Committee Caucus**

Mr. Simmons requested unanimous consent that the Judiciary Committee meet in a short emergency session immediately. No objections. So ordered.

**UNANIMOUS CONSENT—Recount Committee Meeting**

Mr. Fenske requested unanimous consent that the original five members of the recount committee, and any of the other members who desire to do so, meet immediately at the vault. No objections. So ordered.

**Invitation**

Invitation to the members from Mr. Gerdes in behalf of the Nebraska Wheatgrowers Association to a social hour and dinner on March 12. Individual invitations will be sent.

**Member's Birthday**

Mr. Moulton announced that February 25 was Mr. Portsche's birthday and the members sang Happy Birthday to him.

**UNANIMOUS CONSENT—Hearing Room**

Mr. Ruhnke, Chairman of the Public Works Committee, requested unanimous consent for permission for the Public Works Committee to use the rear of the West Legislative Chamber for their hearing Monday, March 2, if necessary. No objections. So ordered.

**Ease**

The Legislature was at ease from 9:11 until 9:48 a.m.

**Communications**

Note of appreciation from the Karl E. Vogel family.

Letter from Mrs. Catherine N. Martin, Chairman, State Board of Public Welfare, acknowledging receipt of Legislative Resolution 13.

**MOTION—Appreciation**

Mr. President: In appreciation of the fine guidance given this assembly by the Lieutenant Governor and Acting President of the Senate, I move to read into the record the following lines:

The tumult and the shouting dies;  
The captains and the kings depart:  
Still stands Thine ancient sacrifice,  
And humble and a contrite heart.  
Lord God of Hosts, be with us yet,  
Lest we forget—lest we forget!

(Signed) John Adams, Sr.

The motion prevailed.

**MOTION—Flowers**

Mr. President: I move that the Clerk be instructed to send flowers to Senator Aufenkamp who is in the hospital. (Signed) Terry Carpenter

The motion prevailed.

**Visitors**

Mr. Jensen introduced a Veterans Farm Class from Hordville, and the instructor, Gail Henricksen.

Mr. Claussen introduced his granddaughter, Miss Rosalind Mohnsen from Leigh.

**MOTION—Vote of Confidence**

Mr. President: I move that this body give a vote of confidence to Senator Donner and request that he reconsider his action with regard to his wish to resign as a member of the Legislature. (Signed) John P. Munnelly

The motion prevailed with 34 ayes, 1 nay, and 8 not voting.

**Presented to the Governor**

Presented to the Governor for approval on February 26, 1959, at 12:10 p.m.: LB 68

(Signed) Jo Fisher, Enrolling Clerk

**MESSAGE FROM THE GOVERNOR**

February 26, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on February 26, 1959, he approved LB 42 and LB 68.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RGC:e

**UNANIMOUS CONSENTS—Withdraw Bills**

Mr. Syas requested unanimous consent to withdraw LB 638.  
No objections. So ordered.

Mr. Syas requested unanimous consent to withdraw LB 548.  
No objections. So ordered.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 260.** Replaced on Select File as amended.

E and R amendment to LB 260:

1. In section 2, line 2, strike "by".

**LEGISLATIVE BILL 221.** Placed on Select File as amended.

E and R amendment to LB 221:

1. Strike the Standing Committee Amendment, and amend section 2, line 10, by striking "not" and inserting "no" as in the statutes.

**LEGISLATIVE BILL 222.** Placed on Select File.

**LEGISLATIVE BILL 223.** Placed on Select File as amended.

E and R amendments to LB 223:

1. The amendment proposed by section 3 having already been made by section 5, Legislative Bill 68, strike section 3 and renumber original sections 4 to 12 as sections 3 to 11 respectively.
2. In renumbered section 11, line 2, strike "77-1214,".
3. In the title, line 2, strike "77-1214,".

**LEGISLATIVE BILL 225.** Placed on Select File as amended.

E and R amendments to LB 225:

1. In Standing Committee Amendment 1, line 2, strike " , showing same as stricken".
2. In Standing Committee Amendment 5, lines 2 and 3, strike " , showing the same as stricken,".
3. In the title, line 2, strike "sections 80-109 and" and insert "section"; in line 6, strike "tions" and insert "tion, and also section 80-109, Reissue Revised Statutes of Nebraska, 1943".

**LEGISLATIVE BILL 226.** Placed on Select File as amended.

E and R amendments to LB 226:

1. In Standing Committee amendment 1, lines 2 and 3, and also in Standing Committee Amendment 3, line 2, strike " , showing same as stricken".
2. In the title, line 3, strike "81-263.06,".

**LEGISLATIVE BILL 227.** Placed on Select File.**LEGISLATIVE BILL 228.** Placed on Select File as amended.

E and R amendments to LB 228:

1. In section 1, line 8, strike the second "and" and show the same as stricken.
2. In the title, line 4, after the semicolon, insert" "to require the written consent and advice of the Director of the Nebraska State Historical Society for the destruction of records, files, and correspondence as prescribed;".

**LEGISLATIVE BILL 229.** Placed on Select File.

**LEGISLATIVE BILL 231.** Placed on Select File as amended.

E and R amendment to LB 231:

1. In section 1, line 1, strike "Sections" and insert "That sections".

**LEGISLATIVE BILL 232.** Placed on Select File as amended.

E and R amendment to LB 232:

1. In section 1, line 1, strike "Sections" and insert "That sections".

**LEGISLATIVE BILL 234.** Placed on Select File.

**LEGISLATIVE BILL 191.** Placed on Select File.

**LEGISLATIVE BILL 230.** Placed on Select File as amended.

E and R amendments to LB 230:

1. In section 1, line 7, strike "Nebraska" and show the same as stricken.

2. Strike the Burbach General File Amendment, and amend section 1, line 40, by striking "and" and inserting "and," and in line 41, insert "*, and safflower seed*" after "pellets".

3. In section 2, line 29, strike "*, the*" and insert "*, the. The*".

4. In the title, line 5, insert "to include safflower seed in the definition of grain;" after the semicolon.

**LEGISLATIVE BILL 97.** Correctly engrossed.

**LEGISLATIVE BILL 193.** Correctly engrossed.

**LEGISLATIVE BILL 194.** Correctly engrossed.

**LEGISLATIVE BILL 196.** Correctly engrossed.

**LEGISLATIVE BILL 197.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### Public Works

**LEGISLATIVE BILL 375.** Placed on General File as amended.

Standing Committee amendments to LB 375:

1. Amend Section 1 of the bill, line 2, by inserting after the word "vehicle" the following: ", except members of the Nebraska Safety Patrol."

2. Amend Section 1, line 13, by striking the words "Auditor of Public Accounts" and inserting in lieu thereof "State Purchasing Agent".

3. Amend the title to conform.

**LEGISLATIVE BILL 182.** Placed on General File as amended.

Standing Committee amendment to LB 182:

1. Amend section 1 of the bill by striking lines 51 to 54 and inserting:

*"(12) To motor vehicle, owned and operated by farmers or ranchers, when hauling gravel or other road building material when by agreement with the county board of the county in which their farms or ranches are situated for use upon the public roads within such county, and where the compensation for the use of such motor vehicles shall not exceed the reimbursement for the motor vehicle fuel used doing such hauling."*

(Signed) Arnold Ruhnke, Chairman

#### **Enrollment and Review**

**LEGISLATIVE BILL 121.** Correctly enrolled.

**LEGISLATIVE BILL 146.** Correctly enrolled.

**LEGISLATIVE BILL 122.** Correctly enrolled.

**LEGISLATIVE BILL 164.** Correctly enrolled.

**LEGISLATIVE BILL 305.** Correctly enrolled.

**LEGISLATIVE BILL 119.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 121 LB 146 LB 122 LB 164 LB 305 LB 119

#### **SELECT FILE**

**LEGISLATIVE BILL 250.** Laid over.



**LEGISLATIVE BILL 214.** E and R amendments found in the Legislative Journal for the Thirty-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 235.** E and R amendment found in the Legislative Journal for the Thirty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 212.** E and R amendment found in the Legislative Journal for the Thirty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 207.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 209.** E and R amendment found in the Legislative Journal for the Thirty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 210.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 211.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 213.** E and R amendment found in the Legislative Journal for the Thirty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 215.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 216.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 217.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 218.** E and R amendment found in the Legislative Journal for the Thirty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 219.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 220.** E and R amendments found in the Legislative Journal for the Thirty-eighth Day were adopted.

Advanced to E and R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 64.** Considered.

Standing Committee amendments 1, 3, and 4 found in the Legislative Journal for the Thirtieth Day were adopted.

Advanced to E and R for review.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 170.

A bill for an act to require telephone companies to file territorial maps with the State Railway Commission; to authorize the State Railway Commission to prescribe rules and regulations concerning the preparation and filing of such maps and changes thereto; and to provide penalties.

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

Voting in the affirmative, 34:

Adams	Hollenbeck	Olinger	Stryker
Carpenter	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Diers	Lautenschlager	Pizer	Tews
Donner	Liebers	Portsche	Thompson
Erlewine	Marvel	Ruhnke	Vosoba
Fenske	McHugh	Simmons	Webb
Fulton	Moulton	Skarda	Williams
Gerdes	Nelson		

Voting in the negative, 0.

Not voting, 9:

Aufenkamp	Burbach	Munnelly	Romans
Bowen	Cooper	Peck	Russillo
Bridenbaugh			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Explanation of Vote

Mr. President: Had I been present, I would have voted Aye on LB 170. (Signed) Kenneth L. Bowen

### LEGISLATIVE BILL 173.

A bill for an act to amend sections 71-122 and 71-162, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to increase the annual license fee to practice optometry; to provide that a portion of the renewal fees of optometrists shall be allocated to the board of examiners in optometry; to harmonize the provisions respecting a license to practice pharmacy; and to repeal the original sections.

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

Voting in the affirmative, 38:

Adams	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Carpenter	Jensen	Otto	Swanson
Claussen	Klaver	Peck	Syas
Cooper	Lautenschlager	Pizer	Tews
Diers	Liebers	Portsche	Thompson
Donner	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Simmons	Williams
Fulton	Nelson		

Voting in the negative, 0.

Not voting, 5:

Aufenkamp	Burbach	Munnelly	Russillo
Bridenbaugh			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Explanation of Vote

Mr. President: Had I been present, I would have voted Aye on LB 170 and LB 173. (Signed) John P. Munnelly

**Visitor**

Mr. Jensen introduced Mrs. Lloyd Hahn from Polk.

**Speaker Pizer Presiding****MOTION—Re-refer Bills**

Mr. President: I move that the Reference Committee reconsider the reference of LB 280, LB 282, and LB 283. (Signed) Norman A. Otto

The motion prevailed.

**GENERAL FILE**

**LEGISLATIVE BILL 248.** Read and considered.

Laid over until Wednesday, March 4, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 185.** Read and considered.

Mr. Vosoba offered the following amendments which were adopted:

1. Amend Section 1, line 9, by striking the period and inserting a semicolon; line 10, after the stricken matter, insert as new matter: *"except that in the case of highway interchanges, vehicles the main roadway from ramps from either the right or the left shall yield the right-of-way to vehicles approaching on the main roadway."*

2. Amend the title by striking "an absolute" and substituting "the" in lieu thereof.

Mr. Simmons moved that LB 185 be indefinitely postponed.

The motion prevailed.

**UNANIMOUS CONSENT—Cancel Hearing Date**

Mr. Simmons requested unanimous consent that the Committee on Judiciary be permitted to cancel the hearing on LB 127, set for March 16, 1959. No objections. So ordered.

**NOTICE OF COMMITTEE HEARINGS****Judiciary**

LB 127 (Re-set) Wednesday, April 8, 1959

2:00 p.m.

**Revenue**

LB 684      Friday, March 6, 1959

2:00 p.m.

**Committee on Committees**

The Committee on Committees will meet at 1:00 P.M. on Monday, March 9, 1959 in the West Senate Lounge to consider the following appointments:

Appointments made by Governor Anderson:

Arthur J. Denney .....	Court of Industrial Relations
Herbert Wall .....	Nebraska Motor Vehicle Dealers License Board
Bernard M. Spencer .....	Board of Education of State Normal Schools
John T. Bressler, Jr. ....	Board of Education of State Normal Schools
Carl Spelts .....	Board of Education of State Normal Schools

Appointments made by Governor Brooks:

Mrs. Ethel M. Kirwin .....	Board of Control
LeRoy Bahensky .....	Game, Forestation and Parks Commission
Wade Ellis .....	Game, Forestation and Parks Commission

Appointment made by Board of Educational Lands and Funds:

Elmer H. Mahlin .....	Secretary, Board of Educational Lands and Funds
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(Signed) William Moulton, Chairman

**UNANIMOUS CONSENT—Withdraw LB 524**

Mr. McHugh asked unanimous consent to withdraw LB 524.  
No objections. So ordered.

**STANDING COMMITTEE REPORTS****Education**

**LEGISLATIVE BILL 498.** Placed on General File.

**LEGISLATIVE BILL 499.** Placed on General File.

(Signed) George Syas, Chairman

**Judiciary**

**LEGISLATIVE BILL 178.** Placed on General File as amended.

Standing Committee amendments to LB 178:

1. Amend section 1 of the bill by reinstating the stricken matter in lines 12 to 16 and striking the new matter in lines 16 and 17, amend line 15 by striking the second "or" and show the same as stricken matter, and line 16 by inserting after the reinstated matter the following: "*, water supply systems, or airports*".

2. Amend the bill by striking section 2 and renumbering sections 3 and 4 as sections 2 and 3 respectively.

3. Amend renumbered section 2 by striking lines 1 and 2 and inserting:

"Sec. 2. That original section 17-559, Reissue Revised Statutes of Nebraska, 1943, is repealed."

4. Amend the title to conform.

(Signed) Ray C. Simmons, Chairman

**GENERAL FILE**

**LEGISLATIVE BILL 172.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirtieth Day were adopted.

Laid over until Tuesday, March 3, at the request of Mr. Adams.

**LEGISLATIVE BILL 269.** Laid over until Tuesday, March 3, at the request of Mr. Peck.

**LEGISLATIVE BILL 268.** Laid over until Tuesday, March 3, at the request of Mr. Peck.

**President Burney Presiding**

**LEGISLATIVE BILL 244.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Thirtieth Day was adopted.

Laid over.

**Visitors**

Mr. Bowen introduced Mr. William Kort from Blue Hill.

Speaker Pizer introduced Mr. Herbert J. Duis from Gothenberg, a former member of the Legislature who was assisting with the recount of ballots in the contest for Governor.

Mr. Duis addressed the Legislature briefly and expressed appreciation for the opportunity to assist with the recount, and commendation of the Rules of Procedure.

**Adjournment**

At 11:55 a.m. on a motion by Mr. Lautenschlager, the Legislature adjourned until 9:00 a.m. Monday, March 2, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## FORTIETH DAY

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Legislative Chamber, Lincoln, Nebraska  
Monday, March 2, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Aufenkamp and Donner who were excused, Mr. Adams who was excused until 9:50 a.m., and Mr. Portsche who was excused until 10:00 a.m.

The Journal for the Thirty-ninth Day was approved.

## MESSAGE FROM THE GOVERNOR

February 27, 1959

The President, the Speaker  
and Members of the Legislature

Gentlemen:

Please be advised that I did, on February 26, 1959, appoint Francis M. Casey to serve as a member of the State Aeronautics Commission for a term of five years, commencing March 1, 1959 and concluding on February 29, 1964.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC

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**Communications**

Letter from the Nebraska Life Agency Managers' Association, Omaha, opposing LB 263.

Note and newspaper clipping from Roy A. Clark urging legislation banning switchblade knives.

**Presented to the Governor**

Presented to the Governor for approval on February 27, 1959, at 8:15 a.m.: LB 34 LB 30 LB 65 LB 112 LB 278

Presented to the Governor for approval on February 27, 1959, at 3:40 p.m.: LB 305 LB 119 LB 146 LB 122 LB 164 LB 121

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 203.** Replaced on Select File as amended.

E and R amendment to LB 203:

1. In section 1, line 40, strike "and" and show the same as stricken.

**LEGISLATIVE BILL 69.** Replaced on Select File as amended.

E and R amendment to LB 69:

1. In section 1, line 6, strike "state safety patrol" and insert "Nebraska Safety Patrol".

**LEGISLATIVE BILL 129.** Placed on Select File as amended.

E and R amendments to LB 129:

1. In the Tews General File Amendment 1, adopted February 12, line 2, strike "17" and insert "75" and also strike ", and show as stricken,".

2. In the Tews General File Amendment 2, adopted February 12, line 2, strike ", and show as stricken,".

3. In the Tews General File Amendment 2, adopted February 12, line 2, strike "provided however" and insert "Provided".

4. In section 1, line 20, insert "*shall mean all the periods of time any such judge*" after "judge".

5. In the title, line 5, insert "to clarify the provisions thereof;" after "terms;"; and in line 15, insert "to provide a minimum retirement annuity for a judge who has four years or more of service credit;".

**LEGISLATIVE BILL 124.** Placed on Select File as amended.

E and R amendments to LB 124:

1. In section 1, line 4, strike the first "to" and show the same as stricken.

2. In the title, line 10, after "tariff" insert "as published by the State Railway Commission or a tariff publishing bureau or individual as prescribed".

**LEGISLATIVE BILL 252.** Placed on Select File as amended.

E and R amendments to LB 252:

1. In Standing Committee Amendment 1, line 5, strike "30" and insert "*thirty*".

2. In the title, line 9, insert a semicolon after "required" and in line 11, after the semicolon, insert "to provide how the surety may relieve itself of liability on such bond;".

**LEGISLATIVE BILL 242.** Placed on Select File as amended.

E and R amendments to LB 242:

1. In section 3, added by Gerdes General File Amendment 1, line 8, insert "*in*" after "*whenever*" and in line 9 strike "*in which*".

2. In the title, line 10, insert "shall remain a part of the plan" after "committee", and in line 11 insert "to provide for the assumption of obligations by the district into which others are merged;".

**LEGISLATIVE BILL 198.** Correctly engrossed.

**LEGISLATIVE BILL 199.** Correctly engrossed.

**LEGISLATIVE BILL 200.** Correctly engrossed.

**LEGISLATIVE BILL 201.** Correctly engrossed.

**LEGISLATIVE BILL 202.** Correctly engrossed.

**LEGISLATIVE BILL 205.** Correctly engrossed.

**LEGISLATIVE BILL 208.** Correctly engrossed.

**LEGISLATIVE BILL 233.** Correctly engrossed.

**LEGISLATIVE BILL 251.** Correctly engrossed.

**LEGISLATIVE BILL 249.** Correctly engrossed.

**LEGISLATIVE BILL 170.** Correctly enrolled.

**LEGISLATIVE BILL 173.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **Government**

**LEGISLATIVE BILL 262.** Placed on General File as amended.

Standing Committee amendments to LB 262:

1. Amend the bill by adding the emergency clause.
2. Amend the title to conform.

**LEGISLATIVE BILL 294.** Placed on General File.

(Signed) H. K. Diers, Vice Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 170 LB 173

#### **Visitors**

President Burney introduced Mrs. Kenneth Parrish, teacher, and 18 seniors from Elm Creek High School.

#### **STANDING COMMITTEE REPORTS**

##### **Agriculture**

**LEGISLATIVE BILL 445.** Indefinitely postponed.

**LEGISLATIVE BILL 446.** Indefinitely postponed.

**LEGISLATIVE BILL 447.** Indefinitely postponed.

(Signed) Hans O. Jensen, Chairman

**Bills Re-Referred to Standing Committees**

LB	Committee
283.....	From Revenue to Salaries and Claims
406.....	From Agriculture to Revenue

(Signed) Dwight W. Burney  
Lieutenant Governor

**UNANIMOUS CONSENT—Exchange Hearing Rooms**

Mr. Simmons requested unanimous consent for permission to exchange hearing rooms with the Public Health Committee Monday afternoon, March 2, 1959, to permit the Judiciary Committee to hold their hearing in the East Chamber, and the Public Health Committee to hold their hearing in the Supreme Court Hearing Room. No objections. So ordered.

**MOTION—Refer Donner Motion**

Mr. President: I move that the Donner motion adopted February 19, 1959, relating to testimony at hearings, be referred to the Rules Committee. (Signed) George Syas

The motion prevailed.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 49. With emergency.**

A bill for an act to amend sections 23-1114 and 32-310, Revised Statutes Supplement, 1957, relating to county officers; to provide that in 1962 and each four years thereafter a county assessor shall be elected in each county of this state except counties having a population of not more than thirty-five hundred inhabitants and not more than twelve hundred tax returns in the year 1957; to provide for creating the office of county assessor in certain counties on the effective date of this act; to provide for filling the vacancy caused by creation of such office and to provide for fixing the salary thereof; 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, 31:

Bowen	Jensen	Olinger	Stryker
Bridenbaugh	Klaver	Orme	Swanson
Burbach	Lautenschlager	Otto	Syas
Claussen	Liebers	Peck	Tews
Diers	Marvel	Ruhnke	Thompson
Erlewine	McHugh	Russillo	Vosoba
Fulton	Moulton	Simmons	Williams
Gerdes	Munnelly	Skarda	

Voting in the negative, 6:

Fenske	Nelson	Romans	Webb
Hollenbeck	Pizer		

Not voting, 6:

Adams	Carpenter	Donner	Portsche
Aufenkamp	Cooper		

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

#### LEGISLATIVE BILL 99.

A bill for an act relating to game and fish; to authorize the issuance of a duplicate permit when an original permit to hunt, fish, or both has been lost; to provide procedure; and to provide a fee.

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

Voting in the affirmative, 38:

Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Romans	Thompson
Erlewine	McHugh	Ruhnke	Vosoba
Fenske	Moulton	Russillo	Webb
Fulton	Munnelly	Simmons	Williams
Gerdes	Nelson		

Voting in the negative, 0.

Not voting, 5:

Adams	Carpenter	Donner	Portsche
Aufenkamp			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 100.

A bill for an act to amend section 81-805, Reissue Revised Statutes of Nebraska, 1943, relating to the Game, Forestation and Parks Commission; to authorize the commission to stock all ponds, whether public or private, of this state with fish whenever it is in the best interests of the public to do so; and to repeal the original section.

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

Voting in the affirmative, 23:

Bowen	Jensen	Nelson	Simmons
Bridenbaugh	Klaver	Olinger	Skarda
Burbach	Liebers	Orme	Swanson
Claussen	Marvel	Otto	Syas
Cooper	Moulton	Peck	Webb
Fulton	Munnelly	Russillo	

Voting in the negative, 14:

Diers	Hollenbeck	Romans	Thompson
Erlewine	Lautenschlager	Ruhnke	Vosoba
Fenske	McHugh	Tews	Williams
Gerdes	Pizer		

Not voting, 6:

Adams	Carpenter	Portsche	Stryker
Aufenkamp	Donner		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 101.

A bill for an act relating to the Game, Forestation and Parks Commission; to authorize the commission to exchange land owned

by it for other land; to prescribe the conditions which must be satisfied before any such exchange may be made; and to authorize the exchange of a tract in Sarpy County for a tract in Cass County.

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

Voting in the affirmative, 38:

Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams
Fulton	Munnely		

Voting in the negative, 0.

Not voting, 5:

Adams	Donner	Portsche	Stryker
Aufenkamp			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## LEGISLATIVE BILL 82.

A bill for an act to amend section 23-1201, Revised Statutes Supplement, 1957, relating to county officers; to provide that the Attorney General may direct the county attorney to appear for the state in any action in which the state is interested or a party; to provide fees for such services which are in addition to the ordinary duties of the county attorney; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Bridenbaugh	Carpenter	Cooper
Bowen	Burbach	Claussen	Diers

Erlewine	Liebers	Peck	Swanson
Fenske	Marvel	Pizer	Syas
Fulton	McHugh	Romans	Tews
Gerdes	Moulton	Ruhnke	Thompson
Hollenbeck	Nelson	Russillo	Vosoba
Jensen	Olinger	Simmons	Webb
Klaver	Orme	Skarda	Williams
Lautenschlager	Otto	Stryker	

Voting in the negative, 0.

Not voting, 4:

Aufenkamp	Donner	Munnelly	Portsche
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 134.

Mr. Romans moved that LB 134 be returned to Select File for the following specific amendments:

1. Amend section 1 of the bill by striking line 19 commencing with the comma, by striking all of lines 20 to 32 and show the same as stricken matter, and by inserting

*"All other motor vehicles acquired by the State of Nebraska shall be painted the same color and carry the same designs on the doors as motor vehicles used by the Nebraska Safety Patrol.*

2. Amend section 1 of the bill by striking lines 33 to 37 and all of line 38 to and including the period and show the same as stricken matter and inserting "(2)".

3. Amend the title to conform.

The motion prevailed with 35 ayes, 4 nays, and 4 not voting, and LB 134 was returned to Select File.

#### Explanations of Vote

Mr. President: Had I been present, I would have voted Aye on LB 49, LB 99, LB 100, and LB 101. (Signed) John Adams, Sr.

Mr. President: Had I been present, I would have voted Aye on LB 49, LB 99, LB 100, LB 101, and LB 82. (Signed) Stanley L. Portsche



**STANDING COMMITTEE REPORTS****Public Works**

**LEGISLATIVE BILL 265.** Placed on General File as amended.

Standing Committee amendments to LB 265:

1. Amend section 1, line 14, by striking "and (3)", showing the same as stricken, and inserting in place thereof:

*"(3) of more than six thousand pounds carrying capacity owned by farmers or ranchers and used wholly and exclusively to carry their own supplies, farm equipment, and household goods to or from the owner's farm or ranch, or used by the owner to carry his own agricultural products, livestock, and produce to storage or market, or used by the owner in exchange of service in such hauling of such supplies or agricultural products, livestock, and produce shall be registered for a fee of one dollar for each one thousand pounds or fraction thereof, and (4)".*

2. Amend the title to conform.

**LEGISLATIVE BILL 109.** Placed on General File as amended.

Standing Committee amendments to LB 109:

1. Amend section 1 by striking lines 39 to 44 and inserting the following:

*"Acting under the direction of the State Engineer, the Department of Roads, with the advice of the State Highway Commission and the consent of the Governor, is given the power to enter into agreements with the United States and adjoining states, subject to the limitations imposed by the Constitution and the provisions of this act."*

2. Amend section 2, page 4, line 9, by inserting, after "bridge" the words *"; Provided, that in no event shall such approach exceed a distance of one mile"*; in line 11 strike *"no part of"*; strike lines 12 to 14; strike lines 31 and 32 and insert: *"the state highway system, the title to such bridge being vested in a person other than the State of Nebraska, or the"*; in line 49 strike *"No part of any bridge"*; strike lines 50 to 52; strike lines 74 to 77; in line 88 insert *"purposes"* after *"bridge"*; on page 6, after line 100, insert a new subdivision to be known as subdivision (15) and to read as follows:

*"(15) Person shall include bodies, politic and corporate, societies, communities, the public generally, individuals, partnerships,*

joint stock companies, and associations.”; renumber original subdivisions 15 to 19 as subdivisions 16 to 20, respectively; in line 103, strike “No part of any such”; and strike lines 104 to 106.

3. Amend section 5, page 8, line 4, by inserting, after “Nebraska” the words “, with the advice of the State Highway Commission and the consent of the Governor”.

4. In section 6, strike lines 15 to 19 and insert:

“(3) The department is hereby authorized to acquire, by gift, either temporarily or permanently, lands, real or personal property or any interests therein, or any easements deemed to be necessary or desirable for present or future interstate bridge purposes.”.

5. In section 7, line 7, insert “structure” after “bridge”.

6. Strike section 30 and insert the following:

“Sec. 30. The department shall have the power and authority to adopt and amend all rules and regulations necessary to carry out the provisions of this act; *Provided*, that such rules and regulations shall not violate any law of the State of Nebraska, or any law, code, rule, or regulation of the United States, pertaining to or affecting interstate bridges.”.

7. Amend the title to conform.

8. Add the names of Senators John Cooper and Michael P. Russillo as co-introducers.

**LEGISLATIVE BILL 67.** Placed on General File as amended.

Standing Committee amendments to LB 67:

1. Amend section 3 by striking lines 3 to 19 and inserting:

“(1) (a) Waste, as applied to oil, shall include underground waste, inefficient, excessive or improper use or dissipation of reservoir energy, including gas energy and water drive, surface waste, open-pit storage and waste incident to the production of oil in excess of the producer's above-ground storage facilities and lease and contractual requirements, but excluding storage, other than open-pit storage, reasonably necessary for building up or maintaining crude stocks and products thereof for consumption, use, and sale; (b) waste, as applied to gas shall include: (a) The escape, blowing, or releasing, directly or indirectly, into the open air of gas from wells productive of gas only, or gas from wells producing oil or both oil and gas; and (b) the production of gas in quantities or in such manner as will unreasonably reduce reservoir pressure or unreasonably diminish the quantity of oil or gas that

might ultimately be produced; but excluding gas that is reasonably necessary in the drilling, completing, testing, and producing of wells and gas unavoidably produced with oil if it is not economically feasible for the producer to save or use such gas; (c) waste shall also mean the abuse of the correlative rights of any owner in a pool due to non-uniform, disproportionate, unratable or excessive withdrawals of oil or gas therefrom causing reasonably avoidable drainage between tracts of land or resulting in one or more owners in such pool producing more than his just and equitable share of the oil or gas from such pool;”;

by striking subdivisions 10 to 14 and renumbering original subdivisions 15 and 16 as subdivisions 10 and 11, respectively; and by striking lines 79 to 84 and inserting “both, in the pool; and”.

2. Amend section 5, line 12, by striking “transportation or refining” and inserting “production”; line 27 by striking “and economic”; lines 28 to 30 by striking subdivisions “(g)” and by redesignating original subdivisions “(h)” and “(i)” as subdivisions “(g)” and “(h)”, respectively; lines 31 and 32 by striking “barge terminals, loading racks, refineries or other places”; line 33 by striking “sells,”; and lines 33 and 34 by striking “acquires, stores, transports, refines or processes”.

3. Amend section 7, line 20, by inserting “or taking for transportation” after “purchasing”; and line 21 by inserting “or take” after “purchase”.

4. Amend section 12, line 11, by inserting “a preponderance of” after “with”.

5. Amend the bill by striking sections 13 and 14 and inserting, in place thereof:

“Sec. 13. (1) Any person having an interest in property affected by and who is dissatisfied with any rule, regulation, or order made or issued under the provisions of this act may, within sixty days after the entry thereof, appeal to the district court of Lancaster County, Nebraska, or the district court of the county of his legal residence. Such person shall file a petition of appeal and give notice to all interested parties, by personal service or registered United States mail with return receipt, requiring such parties to answer within thirty days from the date of service. The district court shall hold a trial de novo and determine independently all issues of fact and conclusions of law with respect to the validity and reasonableness of the provision, rule, regulation, or orders complained of, and shall not be bound by any findings of fact or conclusions of law made by the commission.

(2) Any appeal to the Supreme Court of the State of Nebraska from the judgment or decree of the district court shall be under the provisions of the code of civil procedure as in other civil cases.

(3) Any action or writ of error or other writ involving a test of the validity of any provision of this act, or any appeal from a rule, regulation, or order of the commission shall be advanced for trial and be determined as expeditiously as feasible, and no postponement thereof shall be granted unless deemed imperative by the court.

(4) Any such court is hereby authorized to enjoin the enforcement by the commission of this act, or any part thereof, or any act done or threatened thereunder, if the plaintiff shall show that as to him the act or conduct complained of is unreasonable, unjust, arbitrary, or capricious, or violates any constitutional right of the plaintiff, or if the plaintiff shows that the matter complained of does not constitute or result in waste, or does not in a reasonable manner accomplish the end that is the subject matter of this act.

Sec. 14. (1) No temporary restraining order or injunction of any kind against the commission or its agents, employees or representatives, or the Attorney General, shall become operative unless and until the plaintiff party shall execute and file with the clerk of the district court a bond in such amount and upon such conditions as the court issuing such order or injunction may direct, with surety approved by the clerk of the district court thereof. The bond shall be made payable to the State of Nebraska, and shall be for the use and benefit of all persons who may be and to the extent that they shall suffer injury or damage by any acts done under the protection of the restraining order or injunction, if the same should not have issued. No suit on the bond may be brought after six months from the date of the final determination of the suit in which the restraining order or injunction was issued.

(2) Any suit, action, or other proceedings based upon a violation of any of the provisions of this act shall be commenced within one year from the date of the violation complained of."

6. Strike section 15 and renumber original sections 16 to 23 as sections 15 to 22, respectively.

**LEGISLATIVE BILL 291.** Placed on General File.

(Signed) Arnold Ruhnke, Chairman

**SELECT FILE**

**LEGISLATIVE BILL 134.** Laid over.

**LEGISLATIVE BILL 250.** Laid over.

**LEGISLATIVE BILL 260.** E and R amendment found in the Legislative Journal for the Thirty-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 221.** E and R amendment found in the Legislative Journal for the Thirty-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 222.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 223.** E and R amendments found in the Legislative Journal for the Thirty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 225.** E and R amendments found in the Legislative Journal for the Thirty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 226.** E and R amendments found in the Legislative Journal for the Thirty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 227.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 228.** E and R amendments found in the Legislative Journal for the Thirty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 229.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 231.** E and R amendment found in the Legislative Journal for the Thirty-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 232.** E and R amendment found in the Legislative Journal for the Thirty-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 234.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 191.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 230.** E and R amendments found in the Legislative Journal for the Thirty-ninth Day were adopted.

Advanced to E and R for engrossment.

### Visitors

Mr. Liebers introduced Miss Ruth Eickman, Assistant Principal, Mrs. Mabel Stansberry, teacher, Miss Rosalie Hubl, teacher, and 30 fourth grade students from Pershing School, Lincoln.

Mr. Portsche introduced H. T. Ross, Assistant Principal, Mrs. Lucille Wilson, Robert Brown, Fred Kennerly, Mrs. Genemier, teachers, and 140 students from Whittier Junior High School, and Robert Jones, President of the Civic Class, Lincoln.

### STANDING COMMITTEE REPORTS

#### Judiciary

**LEGISLATIVE BILL 561.** Placed on General File as amended.

Standing Committee amendments to LB 561:

1. Amend the bill, section 1, line 15, by striking the word "eight" and inserting the word "six" in lieu thereof.

2. Amend the bill, section 2, line 17, by striking the word "eight" and inserting the word "six" in lieu thereof.

**LEGISLATIVE BILL 460.** Placed on General File.

**LEGISLATIVE BILL 453.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

**MOTION—Reconsider Action on LB 185**

Mr. President: I move that we reconsider our action of indefinitely postponing LB 185. (Signed) Joe T. Vosoba

**Speaker Pizer Presiding**

Mr. Vosoba requested a Call of the House.

A Call of the House was ordered and showed 39 members present.

Mr. Vosoba moved that the Call be raised. The motion prevailed.

The Vosoba motion to reconsider lost with 19 ayes, 21 nays, and 3 not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 108.** Considered.

Mr. Fulton offered the following amendment which was adopted:

1. Amend section 5, by striking lines 15 and 16 and inserting:

*"First. A lantern or flash light."*

Mr. Syas offered the following amendments which were adopted:

1. Amend section 4 of the bill, line 5 by inserting "*one dollar for Class 1 boats,*", line 6 by striking "A" and inserting "2" and by striking "1" and inserting "3", and line 7 by striking "2" and inserting "4" and by striking "3" and inserting "5".

2. Amend section 5 of the bill, line 2 by striking "four" and inserting "five", by striking line 3 and inserting:

*"Class 1. Less than sixteen feet in length and powered by outboard motors totalling five horsepower or less;*

*Class 2. Less than sixteen feet in length and powered by outboard motors totalling more than five horsepower;"*

line 4 by striking "1" and inserting "3", line 6 by striking "2" and inserting "4", line 8 by striking "3" and inserting "5", line 13 by striking "A and 1" and inserting "1, 2, and 3", line 22 by striking "2 and 3" and inserting "4 and 5", line 43 by striking "A and 1" and inserting "1, 2, and 3", line 46 by striking "2 and 3" and inserting "4 and 5", line 67 by striking "1, 2, or 3" and inserting "3, 4, or 5", and line 70 by striking "2 or 3" and inserting "4 or 5".

Mr. Tews offered the following amendments which were adopted with 32 ayes, 5 nays, and 6 not voting:

Amend Sec. 4 of the bill by striking "together with two number plates" in line 12, and line 13 insert "*painted or attached*".

Amend Sec. 4, by inserting the word "*number*" after the word "which" in line 13.

Amend Sec. 4 of the bill by striking "attached" in line 13 and inserting "*painted or attached*".

#### **Mr. Claussen Presiding**

Mr. Burbach offered the following amendment:

Amend Section 4, line 5 by striking "three" and inserting "*two*" and line 6 by striking ", six dollars for" and inserting "*and*", lines 6, 7, and 8 strike ", twelve dollars for Class 2 boats and twenty-four dollars for Class 3 boats" and insert "*five dollars for Class 2 and Class 3 boats*".

#### **Speaker Pizer Presiding**

Mr. Jensen moved the previous question. The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

The Burbach amendment was adopted with 24 ayes, 7 nays, and 12 not voting.

Mr. Syas moved that LB 108 be indefinitely postponed. The motion lost with 3 ayes, 34 nays, and 6 not voting.

Laid over.



**Visitors**

Mr. Lautenschlager introduced Mrs. Joseph Hickey from Des Moines, Iowa.

Mr. Tews introduced Mrs. Emil Schaff from Fremont and Mrs. Larry Fisher from Lincoln.

Mrs. Orme introduced eight members of the Women's League Tifereth Israel Synagogue.

**UNANIMOUS CONSENT—Read and Print Opinion**

Mr. Carpenter requested unanimous consent to have the Clerk read the following communication and opinion from the Attorney General, and that it be printed in the Journal. No objections. So ordered.

February 12, 1959

Senator Norman A. Otto  
Chairman, Revenue Committee  
Nebraska Legislature  
State Capitol  
Lincoln, Nebraska

Dear Senator Otto:

In accordance with the request of your Committee, we are forwarding to each member a copy of opinions issued by this office on the subject of whether or not State and Federal taxes would be included in determining the value of property for assessment purposes.

Very truly yours,

CLARENCE S. BECK  
Attorney General

Clarence A. H. Meyer  
Deputy Attorney General

CAHM:wjj

cc: Senator John P. Munnelly  
cc: Senator Stanley L. Portsche  
cc: Senator J. O. Peck  
cc: Senator J. W. Burbach  
cc: Senator Oliver Olinger  
cc: Senator Terry Carpenter

April 8, 1942

Honorable Frank J. Brady, State Tax Commissioner.

You enclose copy of letter from the county attorney of Red Willow County, which is as follows:

"A certain liquor dealer in McCook has asked whether the amount of Federal tax paid upon a quantity of liquor may be taken into consideration at the time his invoice is given to the county assessor of this county."

"For example: A case of liquor is purchased for the sum of \$20.00. Upon that case of liquor a Federal tax of \$12.00 is paid. For the purpose of county assessment, must the case of liquor be turned in at \$20.00 or at its actual value, less the amount of Federal taxes?"

In our opinion the retailer owning the liquor should be taxed on the basis of what it cost him to buy the same from the wholesaler. It would make no difference if the wholesaler's price to him included federal taxes paid on the liquor, nor would the retailer be permitted to deduct, from the amount which he paid the manufacturer, any federal taxes which he himself might be required to pay.

Stated differently: (a) Any federal or state tax paid by the wholesaler or distributor and included in the purchase price of the liquor, must be considered as having been absorbed into that purchase price and cannot be deducted; (b) If there are any federal taxes assessed against the retailer, these cannot be deducted from the value of the property for the purpose of arriving at its value for personal property assessment; (c) The retailer should be assessed on the basis of the price that he paid the wholesaler or distributor for the liquor.

April 11, 1949

#### ASSESSMENTS

Determining Value for Assessment Purposes of a Retail  
Stock of Liquor

Mr. W. O. Baldwin, County Attorney, Hebron:

You request our opinion as to the manner of determining the value for assessment purposes of a retail stock of liquor.

Sec. 77-201, R. S. 1943, provides:

"All property in this state, not expressly exempt therefrom, shall be subject to taxation, and shall be valued and assessed at its actual value."

It was held in the case of *Wilson & Co., Inc. v. Otoe County*, 140 Neb. 518, 300 N. W. 415, that the valuation of a product for tax purposes should be the value of the product in the market in the ordinary course of trade.

It has been contended that, in determining the value of liquor for taxation purposes, the federal and state excise taxes should be deducted from the market value. This office has ruled against that contention. It is our position that the excise taxes paid by the manufacturers or producers of liquor are an element of the cost of the product and necessarily enhance its market value, and there is no more reason for deducting this element of the cost from the value than there is for deducting the cost of the labor, transportation, or any other element of the cost which goes into the final market value of the product. See *Reports of the Attorney General of Nebraska, 1939-1942*, p. 54; 1947-1948, p. 485. The value of almost every product on the market includes taxes of one kind or another, yet such taxes are not deductible in assessing the value of the product for tax purposes. No reason occurs to us for making an exception in the case of alcoholic liquors.

April 13, 1948

#### TAX ON INTOXICATING LIQUORS

##### Legal Method To Assess Value After Payment Of The Various Revenue Taxes

Mr. Robert Armstrong, State Tax Commissioner, State House:

By a copy of a letter dated February 9 addressed to you from S. L. Marks, Deputy County Attorney of Douglas County, we have been asked for an opinion as to whether the federal tax and the Nebraska state tax upon intoxicating liquors should be deducted in reaching the value of such liquor for assessment purposes. In an opinion dated April 8, 1942, this question was answered in the negative as to liquor in retailers stocks. Page 54, 1939-1942, *Report of Attorney General, Nebraska*.

The pertinent statute of Nebraska is Section 77-201, R. S. 1943 which provides as follows:

"All property in this state, not expressly exempt therefrom, shall be subject to taxation, and shall be valued and assessed at its actual value."

That the valuation for tax purposes should be the value of the product in the market in the ordinary course of trade is the general rule for assessment in the State of Nebraska. See *Wilson & Co. Inc. v. Otoe County*, 149 Neb. 518, 300 N. W. 415.

State and federal taxes upon intoxicating liquors are paid under present federal laws and under state law and the regulations of the State Liquor Commission by the manufacturer at the place of manufacture and prior to shipment to distributors in Nebraska. In the case of imported liquor, the tax is paid and stamps evidencing its payment are affixed prior to shipment into the State of Nebraska. The liquor in the hands of wholesalers or retailers is a product, the value of which has already been augmented by the payment of the tax thereon. In the 1942 case of *Consolidated Distributors v. City of Atlanta*, 20 S. E. (2d) 421 (Ga.), (certiorari denied in the United States Supreme Court at 317 U. S. 662) the identical question was presented and the Supreme Court of Georgia held in what we consider to be a well-reasoned case that the *ad valorem* tax upon liquor was properly assessed upon a valuation which included the payment of other taxes already levied on that particular product. The court said of such taxes:

"\* \* \* Such taxes, even though they may in effect have been 'passed on' ultimately to the purchaser by an increase in the purchase-price covering the amount of tax, were an element of cost, first to the dealer and then to the purchaser, by this increased amount which each was required to pay. In determining the cost to the dealer, it is immaterial whether he or the manufacturer paid the stamp tax under the arrangement between them, since in either event the amount paid became part of the actual cost to the dealer. Since the City of Atlanta was authorized under its charter to levy and collect 'an ad valorem tax on all \* \* \* personal property' (Ga. L. 1874, p. 122, s. 25), which amount would ordinarily be based on the true market value in the usual course of trade (Code, s 92-4101; 26 R. C. L., s 323), and since in ascertaining such value every fact and circumstance bearing thereon should be considered (State ex rel. Attorney General v. Halliday, 61 Ohio St. 352, 56 N. E. 118, 49 L. R. A. 427),

and since liquors on sale without payment of the tax required to make a sale lawful would be illegal and valueless in the ordinary course of trade, but their value would be augmented to the extent of such a paid tax, the City in this case was authorized to require that such taxes, increasing to that extent the cost to the dealer, should be included as an element in assessing the value of the liquor. \* \* \*

There is a paucity of comparable authority in the cases which we have been able to find. The case of Gruen Watch Co. v. Evatt (Ohio, 1944) 55 N. E. (2d) 794, held that the payment of customs duties upon imported watch parts could not be claimed as an item reducing the value of such parts when assessed for payment of ad valorem taxes. The Ohio court, citing Lash v. United States, 276 U. S. 175, held that the value of the parts as enhanced by the payment of customs duty was the proper value for the assessor to consider. Further, in the case of State v. Minnesota Tax Commission, 227 N. W. 43, an automobile dealer (under only slightly comparable statutes) was denied any reduction in the assessed value of automobiles, in his stock by reason of payment of other automobile taxes thereon. It is our opinion that the assessors in this state should assess the liquor found in the stocks of wholesalers and retailers at its present value in the market in the ordinary course of trade and that such value shall be arrived at by considering the value of the liquor together with the tax already paid thereupon.

The Nebraska Wholesale Liquor Distributors Association has forwarded to this office a brief setting forth many interesting facts regarding the liquor tax situation and industry. In that brief it is argued:

1. That assessment of liquor at full value will result in a confiscatory tax, and
2. That such assessment results in double taxation being an ad valorem tax on already paid federal and state taxes.

In connection with the first contention, the figures submitted indicate that the liquor business has and will continue to suffer from the added imposition of taxes. We are unable to say whether the state's greater interest lies in the collection of taxes in increased amounts upon liquor or in the reduction of consumption of liquor within the state, with less revenue. That is purely a matter of legislative policy. We do not think it material to the question presented whether the liquor dealers can make adequate profits *at present retail prices*. If the assessment of liquor in the manner that it has always been assessed hitherto results in an

unsatisfactory margin of profits at present prices, we know of no reason that prices may not be increased to cover the cost of operation and to afford a fair margin of profit. We feel that the figures and facts shown in the wholesaling and retailing of liquor indicate that in each case the dealers take their reasonable mark-up and percentage profits upon the basis of an article worth the amount paid for it which amount includes the payment of all the taxes theretofore assessed. We do not feel that the assessment of property upon such basis is in any way confiscatory.

As to the second point contained in the industry's brief, there is a citation of the case *F. Strauss & Sons, Inc. v. Coverdale, Assessor*, 205 La. 903, 18 So. (2d) 496 (1944). This case holds that the amount representing the cost of federal and state revenue tax shall not be considered in assessing liquor in Louisiana. Of this case we may only say that we do not agree with the reasoning of the court nor with the result therein obtained. This case was decided subsequent to the opinion of this office mentioned above. It conflicts with and cites the *Consolidated Distributors v. Atlanta* case quoted from in this opinion. The Louisiana court does not in our opinion successfully attack the reasoning in the Georgia case and merely states that it is unable to agree with the Georgia court. One judge in the Louisiana case dissented from the ruling as it related to the federal tax. Because the matter represented a ruling of the state court upon the assessment of a state tax, we assume that no review could have been obtained in the Supreme Court of the United States and that none was sought or had.

It is common knowledge that a portion of the cost of every article sold is representative of some taxes paid by the persons producing the raw material processing or manufacturing the article itself and then importing, distributing, or merchandising it in the various stages of commerce. That assessment for general ad valorem tax should follow the product both to its source and deduction be allowed for all taxes would seem absurd under a statute which provides for assessment at the actual value.

We feel that the statement of the law as made in the Georgia case is that which should be applied to the proposition in our state. You will therefore be advised that the assessment should be made upon the value of the liquor in the ordinary course of trade and that such values should contemplate the fact that the value is clearly enhanced by the prior payment of the various revenue taxes levied upon the manufacture, importation, or distribution of alcoholic liquors.

**President Burney Presiding**

**Visitors**

Mr. Adams introduced Rev. W. A. Fowler from the Bethel A.M.E. Methodist Church, and the following delegation from Long School, Omaha: Mrs. Mildred Hill, Mrs. Evelyn Anderson, Mrs. Mitchell, Mrs. Farrell, and Mrs. McDonald.

Mr. Swanson introduced Mr. Lloyd Kain from Lexington, a former member of the Legislature.

Mr. Munnelly introduced Messrs. George Fischer, D. DeBord, Gene Mahoney, and Bob Neito from Omaha.

**MOTION—LB 86 Special Order**

Mr. President: I move that LB 86 be made the first order of business for Tuesday, March 3. (Signed) John Adams, Sr.

The motion lost with 12 ayes, 21 nays, and 10 not voting.

**UNANIMOUS CONSENT—Withdraw LB 648**

Mr. Vosoba requested unanimous consent to withdraw LB 648. No objections. So ordered.

**Explanation of Vote**

Mr. President: Had I been present on Final Reading on Friday, February 27, I would have voted Aye on LB 170 and LB 173. (Signed) J. W. Burbach

**STANDING COMMITTEE REPORTS****Judiciary**

**LEGISLATIVE BILL 452.** Indefinitely postponed.

**LEGISLATIVE BILL 619.** Placed on General File.

**LEGISLATIVE BILL 681.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

**GENERAL FILE**

**LEGISLATIVE BILL 244.** Considered.

Mr. Otto offered the following amendments which were adopted:

1. Add the emergency clause.

2. Amend the title to conform.

Mr. Jensen offered the following amendment which was adopted with 25 ayes, 7 nays, and 11 not voting:

Amend Standing Committee Amendment 1 to LB 244 by adding the following thereto:

"and provided further that at such a time when no more children are attending school from this transferred area it revert back to the original district from which it was transferred".

Advanced to E and R for review.

### Visitors

Mr. Romans introduced Jim Ohalloran and Ray Falter from Ord, and Harold Janulewicz from Loup City.

## NOTICE OF COMMITTEE HEARINGS

### Judiciary

LB 449	Monday, March 9, 1959	2:00 p.m.
LB 450	Monday, March 9, 1959	2:00 p.m.
LB 451	Monday, March 9, 1959	2:00 p.m.
LB 455	Monday, March 9, 1959	2:00 p.m.
LB 456	Monday, March 9, 1959	2:00 p.m.
LB 457	Monday, March 9, 1959	2:00 p.m.
LB 458	Monday, March 9, 1959	2:00 p.m.
LB 459	Monday, March 9, 1959	2:00 p.m.
LB 461	Monday, March 9, 1959	2:00 p.m.
LB 462	Monday, March 9, 1959	2:00 p.m.

### Miscellaneous Subjects

LB 611	Thursday, March 19, 1959	2:00 p.m.
LB 624	Thursday, March 19, 1959	2:00 p.m.

### UNANIMOUS CONSENT—Withdraw LB 312

Mr. Adams requested unanimous consent to withdraw LB 312. No objections. So ordered.

### Adjournment

At 11:55 a.m. on a motion by Mr. Pizer, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature



**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**FORTY-FIRST DAY**

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Legislative Chamber, Lincoln, Nebraska

Tuesday, March 3, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Aufenkamp, Donner, and Otto who were excused.

**Corrections for the Journal**

Page 667, line 26, delete the comma after the word "and".

The Journal for the Fortieth Day was approved as corrected.

**Communications**

Letter from the Men's Club of Florence, Omaha, favoring LB 325.

Letter from Saint Catherine's Hospital School of Nursing, Omaha, favoring LB 384.

**NOTICE OF COMMITTEE MEETING**

Mr. Marvel, Chairman of the Rules Committee, announced that there would be a meeting of the Rules Committee at 1:00 p.m. today, March 3, in the West Senate Lounge.

**Member Excused**

Mr. Klaver was excused Wednesday morning, March 4, until 10:00 a.m.

**MOTION—Donner Resignation**

Mr. President: I move that the Lieutenant Governor contact Senator Donner, urging him to reconsider his resignation, and in-

form him that we would very much like to have him continue as a member of this body. (Signed) Arnold Ruhnke

The motion prevailed.

### Visitor

Mr. Fenske introduced Mr. Gerald Matzke from Sidney.

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 218.** Replaced on Select File as amended.

E and R amendment to LB 218:

1. Strike E & R Amendment 1 adopted February 27, 1959.

**LEGISLATIVE BILL 195.** Placed on Select File as amended.

E and R amendments to LB 195:

1. For correlation purposes, strike section 2 and insert:

"Sec. 2. That section 23-1201, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 82, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

23-1201. It shall be the duty of the county attorney, when in possession of sufficient evidence to warrant the belief that a person is guilty and can be convicted of a felony or misdemeanor, to prepare, sign, verify, and file the proper complaint against such person and to appear in the several courts of his county and prosecute the appropriate criminal proceeding on behalf of the state and county. It shall be his *the* duty of the county attorney to prosecute or defend, on behalf of the state and county, all suits, applications, or motions, civil or criminal, arising under the laws of the state in which the state or the county is a party or interested; *Provided*, he may be directed by the Attorney General to represent the state in any action or matter in which the state is interested or a party. When such services require the performance of duties which are in addition to the ordinary duties of the county attorney, he shall receive such fee for his services, in addition to his salary as county attorney, as (1) the court shall order in any action involving court appearance, or (2) the Attorney General shall authorize in other matters, with the amount of such additional fee to be paid by the state. It shall also be his *the* duty of the county attorney to appear and prosecute

or defend on behalf of the state and county all such suits, applications, or motions which may have been transferred by change of venue from his county to any other county in the state; *Provided*, any counsel who may have been assisting the county attorney in any such suits, applications, or motions in his county may be allowed to assist in any other county to which said cause has been removed. He *The county attorney* shall file the annual inventory statement with the county board of county personal property in his possession, as provided in sections 23-346 to 23-350. It shall be the further duty of the county attorney of each county, within three days from the calling to his attention of any violation of the requirements of the law concerning annual inventory statements from county officers, to institute proceedings against such offending officer and in addition thereto to prosecute the appropriate action to remove said county officer from office; *Provided*, that in all cases where it shall be the county attorney who is charged with failure to comply with the provisions of this section, the Attorney General of Nebraska may bring said action. It shall be his *the duty of the county attorney* to make a report on the tenth day of each quarter to the county board which shall show final disposition of all criminal cases the previous quarter, criminal cases pending on the last day of the previous quarter, and criminal cases appealed during the past quarter.”.

2. For correlation purposes, strike section 3, and insert:

“Sec. 3. That original section 23-343, Revised Statutes Supplement, 1957, and section 23-1201, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 82, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed.”.

3. For correlation purposes, strike lines 2 and 3 of the title and insert:

“FOR AN ACT to amend section 23-343, Revised Statutes Supplement, 1957, and section 23-1201, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 82, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to counties; to”.

**LEGISLATIVE BILL 187.** Correctly engrossed.

**LEGISLATIVE BILL 206.** Correctly engrossed.

**LEGISLATIVE BILL 214.** Correctly engrossed.

**LEGISLATIVE BILL 235.** Correctly engrossed.

**LEGISLATIVE BILL 207.** Correctly engrossed.

**LEGISLATIVE BILL 209.** Correctly engrossed.

**LEGISLATIVE BILL 82.** Correctly enrolled.

**LEGISLATIVE BILL 101.** Correctly enrolled.

**LEGISLATIVE BILL 100.** Correctly enrolled.

**LEGISLATIVE BILL 99.** Correctly enrolled.

**LEGISLATIVE BILL 49.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 82 LB 101 LB 100 LB 99 LB 49

#### **UNANIMOUS CONSENT—Exchange Hearing Rooms**

Mr. Munnely, Chairman of the Banking, Commerce and Insurance Committee, requested unanimous consent to exchange hearing rooms today, March 3, to permit the Banking, Commerce and Insurance Committee to hold their hearing in the Supreme Court Hearing Room and the Miscellaneous Subjects Committee to hold their hearing in the East Senate Lounge. No objections. So ordered.

#### **Visitors**

Mr. Gerdes introduced Messrs. Robert Lawrence, Wilson Boyer, and Roy Standen from Alliance.

#### **STANDING COMMITTEE REPORTS**

##### **Agriculture**

**LEGISLATIVE BILL 157.** Placed on General File as amended.

Standing Committee amendments to LB 157:

1. On page 2, section 1, line 6, following the word "Blaine" strike the word "Boone" and show same as stricken.
2. Amend the title to conform.

**LEGISLATIVE BILL 239.** Placed on General File as amended.

Standing Committee amendments to LB 239:

1. On page 2, section 1, line 9, following the word "after" strike the word "forty" and show same as stricken and insert in lieu thereof the word "fifty".

2. On page 2, section 1, line 20, strike the period after the word "Nebraska" and insert in lieu thereof "*except that such exemption shall not extend to the privilege of commercial fishing or of hunting for deer or antelope.*".

3. Amend the title to conform.

**LEGISLATIVE BILL 430.** Placed on General File as amended.

Standing Committee amendments to LB 430:

1. On page 2, section 1, line 6 beginning with the word "No" strike balance of line 6, lines 7, 8 and 9 through the word "cancelled" and show same as stricken.

2. On page 2, section 1, strike the lines 20 through 23 and show same as stricken.

3. Amend the title to conform.

(Signed) Hans O. Jensen, Chairman

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 186.

A bill for an act to amend sections 8-120 and 8-136, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to eliminate the provisions of a war deposit account in determining the average daily deposits and cash reserves of commercial banks; and to repeal the original sections and also section 8-136.01, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 38:

Adams	Claussen	Gerdes	Liebers
Bowen	Diers	Hollenbeck	Marvel
Bridenbaugh	Erlewine	Jensen	McHugh
Burbach	Fenske	Klaver	Moulton
Carpenter	Fulton	Lautenschlager	Munnely

Nelson	Portsche	Stryker	Thompson
Olinger	Ruhnke	Swanson	Vosoba
Orme	Russillo	Syas	Webb
Peck	Simmons	Tews	Williams
Pizer	Skarda		

Voting in the negative, 0.

Not voting, 5:

Aufenkamp	Donner	Otto	Romans
Cooper			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 188.

A bill for an act to amend sections 11-107 and 64-104, Reissue Revised Statutes of Nebraska, 1943, relating to official bonds; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 38:

Adams	Gerdes	Nelson	Skarda
Bowen	Hollenbeck	Olinger	Stryker
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Diers	Marvel	Ruhnke	Vosoba
Erlewine	McHugh	Russillo	Webb
Fenske	Moulton	Simmons	Williams
Fulton	Munnelly		

Voting in the negative, 0.

Not voting, 5:

Aufenkamp	Donner	Otto	Romans
Cooper			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Explanation of Vote**

Mr. President: Had I been here, I would have voted Aye on LB 186 and LB 188. (Signed) Jack Romans

**LEGISLATIVE BILL 189.**

A bill for an act to amend section 14-375, Reissue Revised Statutes of Nebraska, 1943, and sections 14-556 and 14-1008, Revised Statutes Supplement, 1957, relating to cities of the metropolitan class; to correct internal references; to remove obsolete provisions; to clarify the provisions for the use of streets, alleys, and public grounds by water districts; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp	Donner	Otto
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 190.**

A bill for an act to amend section 16-713, Reissue Revised Statutes of Nebraska, 1943, and section 16-712, Revised Statutes Supplement, 1957, relating to cities of the first class; to remove obsolete matter; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp	Donner	Otto
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## LEGISLATIVE BILL 192.

A bill for an act to amend sections 18-1003 and 18-1006, Reissue Revised Statutes of Nebraska, 1943, relating to all cities and villages; to harmonize the provisions with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams



Voting in the negative, 0.

Not voting, 3:

Aufenkamp          Donner          Otto

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Visitors

Mr. Thompson introduced Dean Wayne Loomis, Miss Helen Storms, Miss Flora Dutcher, Mr. E. P. Baruth, teachers, and 47 students from McCook Junior College.

Mr. Portsche introduced Randall Anderson and LeRoy W. Hansen, teachers, and 56 students from Everett Junior High School, Lincoln.

## STANDING COMMITTEE REPORTS

### Committee on Committees

March 3, 1959

Mr. President:

Your Committee on Committees reports favorably on the appointments listed below, made by Governor Anderson, and suggests that they be voted upon for confirmation separately:

**William E. Minier**, Board of Educational Lands and Funds

This appointment is for the Third Congressional District for a five year term, beginning October 1, 1958 and ending September 30, 1963.

**Jerome J. DeLay**, Board of Educational Lands and Funds

This appointment is for the Third Congressional District for a five year term, beginning October 1, 1958 and ending September 30, 1963.

**Keith Kreycik**, Game, Forestation and Parks Commission

This appointment is for District 6. It began September 6, 1957 and expires September 6, 1962.

**Morris I. Evinger**, State Board of Health

This appointment is for a three year term beginning September 14, 1957 and ending September 13, 1960.

**Dr. Carl J. Norden, Jr.,** State Board of Health

This appointment is for a three year term beginning September 14, 1957 and ending September 13, 1960.

**Dr. W. W. Webster,** State Board of Health

This appointment is for a three year term beginning September 14, 1958 and ending September 13, 1961.

**C. E. Metzger,** State Highway Commission

This appointment is for the First District for a six year term beginning September 14, 1957 and ending September 13, 1963.

**Merle Kingsbury,** State Highway Commission

This appointment is for the Third District for a six year term beginning September 14, 1957 and ending September 13, 1963.

(Signed) William Moulton, Chairman

Mr. Moulton moved that the report submitted by the Committee on Committees reporting favorably on appointments made by Governor Anderson be accepted and that the appointments be voted upon for confirmation separately. The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

#### **Vote on Mr. Minier**

Voting in the affirmative, 38; voting in the negative, 0; not voting, 5.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Minier confirmed.

#### **Vote on Mr. DeLay**

Voting in the affirmative, 39; voting in the negative, 0; not voting, 4.

Having received a majority of the votes of all members, the President declared the appointment of Mr. DeLay confirmed.

#### **Vote on Mr. Kreycik**

Voting in the affirmative, 39; voting in the negative, 0; not voting, 4.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Kreycik confirmed.

**Vote on Mr. Evinger**

Voting in the affirmative, 38; voting in the negative, 0; not voting, 5.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Evinger confirmed.

**Vote on Mr. Norden**

Voting in the affirmative, 37; voting in the negative, 0; not voting, 6.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Norden confirmed.

**Vote on Mr. Webster**

Voting in the affirmative, 38; voting in the negative, 0; not voting, 5.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Webster confirmed.

**Vote on Mr. Metzger**

Voting in the affirmative, 37; voting in the negative, 0; not voting, 6.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Metzger confirmed.

**Vote on Mr. Kingsbury**

Voting in the affirmative, 38; voting in the negative, 0; not voting, 5.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Kingsbury confirmed.

**STANDING COMMITTEE REPORTS**

**Public Works**

**LEGISLATIVE BILL 329.** Placed on General File as amended.

Standing Committee amendment to LB 329:

Amend Section 1 of the bill, line 6, by inserting after the word "project" the following: "*Provided, any information received by*

the department as confidential by the laws of this state shall not be disclosed".

(Signed) Arnold Ruhnke, Chairman

### NOTICE OF COMMITTEE HEARINGS

#### Agriculture

LB 532	Tuesday, March 10, 1959	2:00 p.m.
LB 621	Tuesday, March 10, 1959	2:00 p.m.
LB 623	Tuesday, March 10, 1959	2:00 p.m.
LB 511	Thursday, March 12, 1959	2:00 p.m.
LB 568	Thursday, March 12, 1959	2:00 p.m.
LB 574	Thursday, March 12, 1959	2:00 p.m.

### SELECT FILE

#### LEGISLATIVE BILL 134.

Mr. Romans requested unanimous consent that the following specific amendments be substituted in lieu of his pending specific amendments found in the Legislative Journal for the Fortieth Day:

1. Amend section 1 of the bill by striking line 19 commencing with the comma, by striking all of lines 20 to 32 and show the same as stricken matter, and by inserting

*"All other motor vehicles acquired by the State of Nebraska after the effective date of this act, shall have the door painted white similar to the motor vehicles used by the Nebraska Safety Patrol."*

2. Amend section 1 of the bill by striking lines 33 to 37 and all of line 38 to and including the period and show the same as stricken matter and inserting "(2)".

3. Amend the title to conform.

Mr. Jensen objected.

Mr. Romans moved that the foregoing specific amendments be substituted in lieu of his pending specific amendments found in the Legislative Journal for the Fortieth Day.

Motion pending.

Laid over.

**LEGISLATIVE BILL 250.**

Mr. Stryker requested unanimous consent that the following amendments be adopted:

1. Amend the bill, line 30 by striking "*Educational*" and by striking lines 31 to 33 and inserting "*General Fund*".

2. Amend the title to conform.

Mrs. Orme objected.

Mr. Stryker moved that LB 250 be returned to General File for the foregoing specific amendments.

The motion prevailed with 25 ayes, 6 nays, and 12 not voting.

**LEGISLATIVE BILL 203.** E and R amendment found in the Legislative Journal for the Fortieth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 69.** E and R amendment found in the Legislative Journal for the Fortieth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 129.** E and R amendments found in the Legislative Journal for the Fortieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 124.** E and R amendments found in the Legislative Journal for the Fortieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 252.** E and R amendments found in the Legislative Journal for the Fortieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 242.** E and R amendments found in the Legislative Journal for the Fortieth Day were adopted.

Advanced to E and R for engrossment.

**MOTION—Return LB 202 to Select File**

Mr. President: I move to return LB 202 to Select File for the attached specific amendments. (Signed) J. O. Peck

1. Amend section 1 of the bill, line 53 by inserting “, *primary, first, or second*” after the word “metropolitan”.

2. Amend the title to conform.

The motion prevailed with 31 ayes, 0 nays, and 12 not voting.

**Visitors**

Mr. Portsche introduced Mr. Harold Lantz, Principal, Mr. LeRoy Hansen and Mrs. Ann Wilson, Teachers, and fifty-seven Ninth Grade Civics students from Everett Junior High School, Lincoln.

**SELECT FILE**

**LEGISLATIVE BILL 202.** The pending Peck specific amendments found in this Day's Journal, were adopted with 31 ayes, 0 nays, and 12 not voting.

Advanced to E and R for re-engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 250.** Considered.

The pending Stryker specific amendments found in this Day's Journal were adopted with 28 ayes, 3 nays, and 12 not voting.

Advanced to E and R for review.

**LEGISLATIVE BILL 172.** Considered.

Advanced to E and R for review.

**UNANIMOUS CONSENT—Lay Over Bills**

Mr. Romans requested unanimous consent that LB 269 and LB 268 be laid over on General File until Thursday, March 5.

Mr. Klaver objected.

Mr. Romans moved that LB 269 and LB 268 be laid over on General File until Thursday, March 5.

Mr. Klaver requested a Call of the House.

A Call of the House was ordered and showed 40 members present.

Mr. Klaver moved that the Call be raised. The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

The Romans motion prevailed with 21 ayes, 17 nays, and 5 not voting.

### Visitors

Mr. Nelson introduced Mr. and Mrs. Richard Hopkins, Beverly and Donald, from Bassett.

### GENERAL FILE

**LEGISLATIVE BILL 108.** Considered.

Mr. Syas offered the following amendment which was adopted:

1. Amend section 19 of the bill, line 27 by inserting after the period the following:

*"No part of the State Game and Park Fund shall be used for enforcement of the provisions of this act or for the construction and maintenance of boating and docking facilities, navigation aids and access to boating areas."*

Mr. Russillo offered the following amendment which was adopted with 28 ayes, 8 nays, and 7 not voting:

Amend the Burbach and Syas amendments to read: one dollar, Class 1; three dollars, Class 2; five dollars, Class 3; ten dollars, Class 4; twenty dollars, Class 5.

Mr. Fulton moved that LB 108 be indefinitely postponed.

The motion lost.

Advanced to E and R for review with 35 ayes, 4 nays, and 4 not voting.

### Visitors

Mr. Portsche introduced Mr. Harold Lantz, Principal, Miss Betty Pauly, Assistant Principal, Mr. LeRoy Hansen, Teacher, and fifty-two Ninth Grade Civics students from Everett Junior High School, Lincoln.

**LEGISLATIVE BILL 80.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirtieth Day were adopted.

Mr. Cooper offered the following amendment which was adopted:

In Standing Committee Amendment 1, lines 2 and 3 of Section 1, strike the following: "for sale or resale" and insert in place thereof the following: "or cause to be imported".

Advanced to E and R for review.

**Speaker Pizer Presiding****LEGISLATIVE BILL 314.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 240.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-first Day were adopted.

Mr. Nelson offered the following amendment which was adopted:

Amend LB 240, section 3, line 7, by striking the first word "is" and inserting in lieu thereof the word "it".

Advanced to E and R for review.

**UNANIMOUS CONSENT—Withdraw LB 632**

Mr. Fulton requested unanimous consent to withdraw LB 632. No objections. So ordered.

**GENERAL FILE****LEGISLATIVE BILL 154.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-first Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 287.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-first Day were adopted.



Mr. Carpenter offered the following amendments which were adopted:

Amend Standing Committee Amendment 1 by striking the word "and" and by inserting between the words "accident" and "benefits" the following: "or group life" and by inserting between the words "benefits" and "for" the following: *"the latter not to exceed \$5000.00 on any one risk,"*; the new matter in the bill as amended would then read: *"Such plans may provide disability, sickness, accident, or group life benefits, the latter not to exceed \$5000.00 on any one risk, for dependents of any class covered or retired members of such classes."*

Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 376.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-first Day were adopted.

Advanced to E and R for review.

#### **Presented to the Governor**

Presented to the Governor for approval on March 3, 1959, at 8:15 a.m.: LB 170 LB 173

(Signed) Jo Fisher, Enrolling Clerk

#### **STANDING COMMITTEE REPORTS**

##### **Government**

**LEGISLATIVE BILL 35.** Placed on General File as amended.

Standing Committee amendment to LB 35:

1. Amend the bill by striking lines 5 to 9 and inserting:

"performed in the following order: Chairman of the Legislative Council, Chairman of Committee on Committees, Chairman of Committee on Judiciary, Chairman of Committee on Government, Chairman of Committee on Budget, Chairman of Committee on Revenue, Chairman of Committee on Education, Chairman of Committee on Banking, Commerce and Insurance, Chairman of Committee on Public Works, Chairman of Committee on Agriculture, Chairman of Committee on Public Health, Chairman of Committee on Miscellaneous Subjects, Chairman of Committee

on Salaries and Claims, Chairman of Committee on Labor and Public Welfare, until the vacancy is filled."

**LEGISLATIVE BILL 256.** Placed on General File.

**LEGISLATIVE BILL 257.** Placed on General File as amended.

Standing Committee amendments to LB 257:

1. Amend the bill by striking section 17.
2. Amend the bill by renumbering sections 18 and 19 as sections 17 and 18.
3. Amend the title to conform.

**LEGISLATIVE BILL 258.** Placed on General File.

**LEGISLATIVE BILL 259.** Placed on General File.

**LEGISLATIVE BILL 261.** Indefinitely postponed.

**LEGISLATIVE BILL 308.** Placed on General File as amended.

Standing Committee amendments to LB 308:

1. Amend line 17, section 1 of the bill by deleting the word "authority" and inserting in lieu thereof the word "board"; lines 19 and 20 by deleting the word "authority" and inserting in lieu thereof the word "board"; and line 21 by deleting the comma, and inserting an "or" in lieu thereof, and by deleting the words "or ordinance".

2. Amend section 2 by striking line 17 and inserting in lieu thereof the following:

*"ministrative, institutional, educational, all other public uses, and for reservations in, about, along, or leading to any or all of the same."*

(Signed) Dwain Williams, Chairman

### Adjournment

At 11:55 a.m., on a motion by Mr. Erlewine, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**FORTY-SECOND DAY**

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Legislative Chamber, Lincoln, Nebraska

Wednesday, March 4, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by Senator Lewis Webb.

The roll was called and all members were present except Messrs. Adams and Aufenkamp who were excused, Mr. Klaver who was excused until 10:00 a.m., and Mr. Skarda who was excused until 11:40 a.m.

**Corrections for the Journal**

Page 685, line 11, delete the word "such" and insert "each".

The Journal for the Forty-first Day was approved as corrected.

**Visitors**

Mrs. Orme introduced Miss Florence Jenkins, Teacher, and twenty-eight students from Lincoln High School.

**MESSAGE FROM THE GOVERNOR**

March 3, 1959

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

Please be informed that I did, on January 8, 1959, appoint the following, with the term in each case ending on January 5, 1961:

A. Clifford Anderson—Purchasing Agent

Dan S. Jones, Jr.—Director of Water Resources

Pearle Finigan—Director of Agriculture and Inspection

James R. Delehant—Superintendent of Buildings and Grounds

William E. Grubbs—Director of Insurance

D. D. Bastemeyer—Commissioner of Labor

R. L. Cochran—State Engineer

On February 2, 1959, I appointed:

Alvin N. Scissors—Director of Motor Vehicles

Edwin N. Van Horne—Director of Banking

On February 18, 1959, I appointed:

Emanuel M. Segel—Athletic Commissioner

Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks

GOVERNOR

RGB:RBC

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### Communications

Letter from Lyle Marotz, President, Nebraska Rural Electric Association, regarding amendments to LB 272.

Petition with fourteen signatures from the Stanton Fortnightly Culture Club urging the adoption of a sound and comprehensive driver licensing program.

Letter from the County Assessors' Association of Nebraska, Joy K. Nixon, Dakota City, Secretary, opposing LB 44, LB 45, LB 47, and LB 57.

Letter from the Wilber Women's Club, Mrs. Roy Glantz, President, endorsing improved driver licensing standards and procedures.

### NOTICE OF COMMITTEE HEARINGS

#### Banking, Commerce and Insurance

LB 396	Thursday, March 12, 1959	2:00 p.m.
LB 405	Thursday, March 12, 1959	2:00 p.m.

LB 419	Thursday, March 12, 1959	2:00 p.m.
LB 577	Thursday, March 12, 1959	2:00 p.m.
LB 429	Tuesday, March 31, 1959	2:00 p.m.
LB 474	Tuesday, March 31, 1959	2:00 p.m.
LB 475	Tuesday, March 31, 1959	2:00 p.m.

**Labor and Public Welfare**

LB 605	Wednesday, April 15, 1959	2:00 p.m.
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**STANDING COMMITTEE REPORTS**

**Labor and Public Welfare**

**LEGISLATIVE BILL 386.** Placed on General File.

**LEGISLATIVE BILL 443.** Placed on General File as amended.

Standing Committee amendments to LB 443:

1. Amend the bill, Section 1, line 33 by striking the word "only" and show as stricken and in lieu thereof insert the word "not".
2. Amend the bill, Section 1, line 34 by striking the words "prior to his retirement" and show as stricken and in lieu thereof insert "*for the last four years*".
3. Add the Emergency Clause.
4. Amend the title to conform.

**LEGISLATIVE BILL 543.** Placed on General File.

(Signed) Peter H. Claussen, Chairman

**Enrollment and Review**

**LEGISLATIVE BILL 225.** Replaced on Select File as amended.

E and R amendment to LB 225:

1. In renumbered section 1, line 23, strike "be" and insert "to" as in the statutes.

**LEGISLATIVE BILL 228.** Replaced on Select File as amended.

E and R amendment to LB 228:

1. In section 1, line 8, insert an underscored comma after "Governor".

**LEGISLATIVE BILL 212.** Correctly engrossed.

**LEGISLATIVE BILL 210.** Correctly engrossed.

**LEGISLATIVE BILL 213.** Correctly engrossed.

**LEGISLATIVE BILL 216.** Correctly engrossed.

**LEGISLATIVE BILL 260.** Correctly engrossed.

**LEGISLATIVE BILL 211.** Correctly engrossed.

**LEGISLATIVE BILL 186.** Correctly enrolled.

**LEGISLATIVE BILL 188.** Correctly enrolled.

**LEGISLATIVE BILL 189.** Correctly enrolled.

**LEGISLATIVE BILL 190.** Correctly enrolled.

**LEGISLATIVE BILL 192.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 186 LB 188 LB 189  
LB 190 LB 192

## **STANDING COMMITTEE REPORTS**

### **Rules Committee**

**March 3, 1959**

The Rules Committee met at 1:00 P.M. on March 3, 1959, and submits the following recommendation to the Legislature:

After due consideration of the George Syas motion found on Page 516 of the Legislative Journal dated February 18, 1959, the Rules Committee recommends that the George Syas motion amending Rule 12, Section 8, be adopted. The recommended change reads as follows: "Rule 12, Section 8 be amended by inserting therein a new paragraph to follow subsection "e" thereof and to read as follows:

“f. Motions made pursuant to subsections c, d and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.”

The Rules Committee also considered the John Donner motion found on Page 543 of the Legislative Journal dated February 19, 1959, and recommends that no action be taken at this time to make any changes in the present legislative rules to incorporate the facts set forth in the John Donner motion.

(Signed) Richard D. Marvel, Chairman

### **MOTION—Adopt Report**

Mr. President: I move that the Rules Committee report be adopted. (Signed) Richard D. Marvel

The motion prevailed with 28 ayes, 8 nays, and 7 not voting.

### **Visitors**

Mr. Russillo introduced Mrs. Sam Thomas, Mrs. Al Moshier, Mrs. Alfred W. Broder, sponsors, and 12 students from the Omaha Dundee School.

Mr. Liebers introduced Mrs. Busboon, teacher, and 8 students from School District No. 38, Lancaster County.

### **STANDING COMMITTEE REPORTS**

#### **Agriculture**

**LEGISLATIVE BILL 431.** Placed on General File as amended.

Standing Committee amendment to LB 431:

1. Add the Emergency Clause.

**LEGISLATIVE BILL 339.** Placed on General File.

(Signed) Hans O. Jensen, Chairman

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 20.** Re: In Memory of Adam McMullen.

Introduced by George F. Fulton, 21st District.

Adam McMullen, a member of the Nebraska House of Representatives for the years 1905 to 1909 and the Nebraska Senate for the year 1917, died in Beatrice, Nebraska, on March 2, 1959. He was born at Wellsville, New York on June 12, 1872 and came as a child to Wymore, Nebraska. He was graduated from Wymore High School and received his A.B. degree in 1896 from the University of Nebraska. After graduation from the University of Nebraska, he attended George Washington Law School where he received his law degree in 1899 and became secretary to United States Senator Dietrich. He was married to Cora Greenwood in Alexandria, Virginia in 1901. He was elected and served as Governor of Nebraska with distinction from 1925 to 1929. He served as postmaster at Beatrice, Nebraska, from 1932 to 1936 and in 1928 and 1932 was a delegate to the Republican National Conventions. He served as mayor of Wymore, Nebraska, and as president of Wymore school board. He was active in the Episcopal church and Masonic and Odd Fellows organizations. He leaves his wife, a brother and several nieces and nephews to mourn his death.

WHEREAS, it is the desire of this body to pay tribute to the memory of our beloved colleague and former Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That we pause for a moment in our deliberations and stand in humility and reverence in honor of our departed member, Adam McMullen, who served so loyally and ably as a member of the Nebraska State Legislature.

2. That the Clerk of the Legislature be directed to spread at large on the Legislative Journal this resolution, and that a copy of said resolution, properly authenticated and suitably engrossed, be sent by the Clerk to the bereaved family of our departed colleague, as an expression of our respect for the deceased, and our sympathy for the bereaved.

#### **SUSPEND RULES—Adopt LR 20**

Mr. President: I move that the rules be suspended and Legislative Resolution 20 be adopted. (Signed) George F. Fulton

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

The members stood for a moment in silent tribute.



**Visitors**

Mr. Vosoba introduced Mmes. Joseph Ach, Paul Rogers, Don Ferguson, and Harry Milton of Friend.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 97.** Laid over.

**LEGISLATIVE BILL 193.**

A bill for an act to amend section 19-901, Reissue Revised Statutes of Nebraska, 1943, and section 19-1808, Revised Statutes Supplement, 1957, relating to cities and villages, particular classes; to harmonize the provisions with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 38:

Bowen	Gerdes	Olinger	Simmons
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams
Fulton	Nelson		

Voting in the negative, 0.

Not voting, 5:

Adams	Carpenter	Klaver	Skarda
Aufenkamp			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 194.**

A bill for an act to amend section 21-1,145, Revised Statutes Supplement, 1957, relating to corporations; to clarify the provisions thereof; and to repeal the original section.

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

Voting in the affirmative, 38:

Bowen	Gerdes	Olinger	Simmons
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnelly	Russillo	Williams
Fulton	Nelson		

Voting in the negative, 0.

Not voting, 5:

Adams	Carpenter	Klaver	Skarda
Aufenkamp			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 196.**

A bill for an act to amend sections 25-1015, 25-1017, 25-1637, 25-1638, and 25-1920, Reissue Revised Statutes of Nebraska, 1943, relating to district court, civil procedure; to correct internal references; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 39:

Bowen	Claussen	Donner	Fulton
Bridenbaugh	Cooper	Erlewine	Gerdes
Burbach	Diers	Fenske	Hollenbeck

Jensen	Munnelly	Portsche	Syas
Klaver	Nelson	Romans	Tews
Lautenschlager	Olinger	Ruhnke	Thompson
Liebers	Orme	Russillo	Vosoba
Marvel	Otto	Simmons	Webb
McHugh	Peck	Stryker	Williams
Moulton	Pizer	Swanson	

Voting in the negative, 0.

Not voting, 4:

Adams	Aufenkamp	Carpenter	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Visitors

Speaker Pizer introduced Messrs. Conrad Ossian and Roscoe E. Greenwood, Representatives in the Iowa Legislature.

#### LEGISLATIVE BILL 197.

A bill for an act to amend section 28-461, Revised Statutes Supplement, 1957, relating to crimes and punishments; to eliminate obsolete internal reference; and to repeal the original section.

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

Voting in the affirmative, 39:

Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams
Fulton	Munnelly	Russillo	

Voting in the negative, 0.

Not voting, 4:

Adams	Aufenkamp	Carpenter	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Visitors

Mr. Portsche introduced Mr. Henry Ross, Assistant Principal, Mrs. Lucille Wilson, Mr. Robert Brown, and Mrs. Erna Young, Teachers, and one hundred thirty students from Whittier Junior High School, Lincoln.

## STANDING COMMITTEE REPORTS

### Revenue

**LEGISLATIVE BILL 160.** Placed on General File.

**LEGISLATIVE BILL 155.** Placed on General File as amended.

Standing Committee amendments to LB 155:

1. Amend the bill, Section 1, Line 10, page 2, immediately following the word "thereafter" insert the following "*until 1965*".
2. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

## SELECT FILE

**LEGISLATIVE BILL 134.**

Mr. Ruhnke offered the following amendment which was adopted:

Amend the Romans specific amendment 1, line 6, by inserting after the words "*painted white*" the following: "*or reflective material*".

Mr. Romans renewed his pending motion found in the Legislative Journal for the Forty-first Day and moved that the amendments be adopted.

Mr. Ruhnke requested a Call of the House.

A Call of the House was ordered and showed 40 members present.

Mr. Moulton moved that the Call be raised. The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

The Romans motion prevailed with 22 ayes, 17 nays, and 4 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 218.** E and R amendment found in the Legislative Journal for the Forty-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 195.** E and R amendments found in the Legislative Journal for the Forty-first Day were adopted.

Advanced to E and R for engrossment.

#### Visitors

Mr. Bowen introduced Mrs. Grace Wolfe from Red Cloud.

Mr. Swanson introduced Mr. Arthur High from Bertrand.

#### GENERAL FILE

**LEGISLATIVE BILL 248.** Laid over.

**LEGISLATIVE BILL 398.** Read and considered.

Mr. Tews offered the following amendment which was adopted:

Amend the title of LB 398, line 3, by striking "54-158" and inserting in lieu thereof "53-158".

Advanced to E and R for review.

**LEGISLATIVE BILL 47.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-first Day were adopted.

Mr. Otto offered the following amendment which was adopted:

Amend the title of LB 47 to conform.

Laid over.

**LEGISLATIVE BILL 153.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 54.** Read and considered.

**Speaker Pizer Presiding**

Advanced to E and R for review.

**LEGISLATIVE BILL 142.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 144.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 148.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-second Day were adopted.

Laid over.

**LEGISLATIVE BILL 300.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 383.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-second Day were adopted.

Advanced to E and R for review.

**UNANIMOUS CONSENT—Hearing Room**

Mr. Otto, Chairman of the Committee on Revenue, requested unanimous consent for permission for the Revenue Committee to use the rear of the West Senate Chamber this afternoon, March 4, for their public hearing. No objections. So ordered.

**Presented to the Governor**

Presented to the Governor for approval on March 4, 1959, at  
8:45 a.m.: LB 49 LB 82 LB 99 LB 100 LB 101

(Signed) Jo Fisher, Enrolling Clerk

**Adjournment**

At 11:56 a.m. on a motion by Mr. Russillo, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

FORTY-THIRD DAY

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Legislative Chamber, Lincoln, Nebraska

Thursday, March 5, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Aufenkamp, Liebers, and Simmons who were excused, Mr. Munnelly who was excused until 10:30 a.m., and Mr. Adams who was excused until 11:10 a.m.

The Journal for the Forty-second Day was approved.

## MESSAGE FROM THE GOVERNOR

March 3, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on March 3, 1959 he approved LB 43, LB 118, LB 140, LB 164, LB 170, LB 173, LB 246, LB 277, LB 302, LB 305.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
RBC:e

## NOTICE OF COMMITTEE HEARINGS

## Banking, Commerce and Insurance

LB 529	Thursday, April 2, 1959	2:00 p.m.
LB 592	Thursday, April 2, 1959	2:00 p.m.



LB 594	Thursday, April 2, 1959	2:00 p.m.
LB 595	Thursday, April 2, 1959	2:00 p.m.
LB 526	Tuesday, April 7, 1959	2:00 p.m.
LB 570	Tuesday, April 7, 1959	2:00 p.m.
LB 591	Tuesday, April 7, 1959	2:00 p.m.
LB 593	Tuesday, April 7, 1959	2:00 p.m.
LB 596	Tuesday, April 7, 1959	2:00 p.m.
LB 597	Tuesday, April 7, 1959	2:00 p.m.

## STANDING COMMITTEE REPORTS

### Government

**LEGISLATIVE BILL 296.** Indefinitely postponed.

**LEGISLATIVE BILL 334.** Placed on General File.

(Signed) Dwain Williams, Chairman

### Presented to the Governor

Presented to the Governor for approval on March 4, 1959, at 4:40 p.m.: LB 186 LB 188 LB 189 LB 190 LB 192

(Signed) Jo Fisher, Enrolling Clerk

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 134.** Replaced on Select File as amended.

E and R amendments to LB 134:

1. In the Ruhnke amendment, line 3, insert "of" after "or".
2. In the title, line 7, after the semicolon, insert "to provide that all motor vehicles, except as prescribed, acquired by the state after the effective date of this act shall have the door painted white or of reflective material similar to motor vehicles used by the Nebraska Safety Patrol,".

**LEGISLATIVE BILL 242.** Replaced on Select File as amended.

E and R amendments to LB 242:

1. In Gerdes General File Amendment 3, line 1, strike "3" and insert "4".

2. In the title, line 2, strike "and 79-426.12," and insert ", 79-426.12, and 79-426.16,".

3. In E & R 2, insert ", after the second semicolon," at the end of line 2.

**LEGISLATIVE BILL 129.** Replaced on Select File as amended.

E and R amendment to LB 129:

1. In E & R 3, line 1, strike "2" and insert "3".

**LEGISLATIVE BILL 244.** Placed on Select File as amended.

E and R amendments to LB 244:

1. In Standing Committee Amendment 1, line 6, strike "160" and insert "*one hundred sixty*".

2. Add a new section to be known as section 3 and to read as follows:

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

3. In Standing Committee Amendment 1, line 16, strike the period.

4. In the Jensen General File Amendment, line 3, insert an underscored semicolon before "and" and an underscored comma after "further"; in line 5, insert "*shall*" after "it" and strike "back".

5. Strike lines 4 to 9 of the title and insert: "the provisions for transfer of land from a Class II or III district to a Class I district; to change the requirements that must be met for transfer of land from a Class II or III district to another Class II or III district; to provide that not more than one hundred sixty acres may be so transferred; to provide for reversion of land so transferred to its original district; to repeal the original section; and to declare an emergency."

**LEGISLATIVE BILL 250.** Replaced on Select File as amended.

E and R amendments to LB 250:

1. In the Stryker Amendment 1, line 1, strike "*Educational*" and insert "*Edu-*"; in line 2 insert "the new material in" after "striking".

2. In the title strike beginning with the word "to" in line 9 through the semi-colon in line 11, and insert: "to provide that the proceeds of any such sale shall be credited to the General Fund;"

**LEGISLATIVE BILL 215.** Correctly engrossed.

**LEGISLATIVE BILL 219.** Correctly engrossed.

**LEGISLATIVE BILL 220.** Correctly engrossed.

**LEGISLATIVE BILL 222.** Correctly engrossed.

**LEGISLATIVE BILL 223.** Correctly engrossed.

**LEGISLATIVE BILL 227.** Correctly engrossed.

**LEGISLATIVE BILL 193.** Correctly enrolled.

**LEGISLATIVE BILL 194.** Correctly enrolled.

**LEGISLATIVE BILL 196.** Correctly enrolled.

**LEGISLATIVE BILL 197.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 193 LB 194 LB 196  
LB 197 LR 20

#### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 21.** Re: Property Possession by Recipients of Aid to Disabled or Aid to Dependent Children.

Introduced by Sam Klaver, 6th District.

WHEREAS, a person receiving Aid to the Disabled or Aid to Dependent Children is now permitted to own property not in excess of five hundred dollars,

WHEREAS, when the Board of Control adopted the regulations fixing the amount such a recipient could possess, the value of the dollar greatly exceeded the value it is today, and

WHEREAS, such recipients are now deprived of maintaining a savings or owning insurance for the purpose of providing a decent burial for themselves upon their decease, and

WHEREAS, unless the amount of property such recipient can possess is increased, their stability will be greatly effected.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Board of Control adopt such rules and regulations as may be necessary to provide that a recipient of such assistance may possess property not to exceed seven hundred and fifty dollars.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Revenue be permitted to introduce a bill relating to the use of certain reports or information required to be given to the State Tax Commissioner. (Signed) Norman A. Otto, Chairman

Permission to introduce the bill granted with 36 ayes, 0 nays, and 7 not voting.

#### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 685.** By Committee on Revenue, Norman A. Otto, 34th District, Chairman.

A bill for an act to amend section 77-721, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to revenue and taxation; to provide that reports or information required by this act shall be for the use of the Tax Commissioner; to provide for violation; to provide penalties; to repeal the original section; and to declare an emergency.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 97.**

A bill for an act relating to the Game, Forestation and Parks Commission; to authorize the commission to establish and maintain special public use areas for put and take trout fishing as pre-

scribed and to charge a fee for the use of such areas; and to provide to what funds such fees shall be credited in the state treasury.

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

Voting in the affirmative, 28:

Bowen	Fulton	Nelson	Russillo
Bridenbaugh	Gerdes	Olinger	Skarda
Burbach	Hollenbeck	Orme	Stryker
Claussen	Jensen	Peck	Swanson
Cooper	Klaver	Portsche	Syas
Diers	McHugh	Romans	Vosoba
Donner	Moulton	Ruhnke	Webb

Voting in the negative, 9:

Erlewine	Marvel	Pizer	Thompson
Fenske	Otto	Tews	Williams
Lautenschlager			

Not voting, 6:

Adams	Carpenter	Munnelly	Simmons
Aufenkamp	Liebers		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 198.** Laid over.

**LEGISLATIVE BILL 199.**

A bill for an act to amend section 31-722, Reissue Revised Statutes of Nebraska, 1943, and section 31-742, Revised Statutes Supplement, 1957, relating to sanitary and improvement districts; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 36:

Bowen	Gerdes	Olinger	Skarda
Burbach	Hollenbeck	Orme	Stryker
Claussen	Jensen	Otto	Swanson
Cooper	Klaver	Peck	Syas
Diers	Lautenschlager	Pizer	Tews
Donner	Marvel	Portsche	Thompson
Erlewine	McHugh	Romans	Vosoba
Fenske	Moulton	Ruhnke	Webb
Fulton	Nelson	Russillo	Williams

Voting in the negative, 0.

Not voting, 7:

Adams	Bridenbaugh	Liebers	Simmons
Aufenkamp	Carpenter	Munnelly	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 200.

A bill for an act to amend sections 32-713 and 32-1125, Re-issue Revised Statutes of Nebraska, 1943, and sections 32-424, 32-522, 32-537, and 32-1044, Revised Statutes Supplement, 1957, relating to elections; to harmonize the provisions thereof with previous legislation; to eliminate obsolete internal reference; to clarify provisions thereof; and to repeal the original sections.

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

Voting in the affirmative, 37:

Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Claussen	Klaver	Peck	Syas
Cooper	Lautenschlager	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Nelson	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 6:

Adams	Carpenter	Munnelly	Simmons
Aufenkamp	Liebers		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 201.**

A bill for an act to amend section 33-150, Revised Statutes Supplement, 1957, relating to fees and salaries; to harmonize the provisions thereof with previous legislation; and to repeal the original section.

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

Voting in the affirmative, 37:

Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Claussen	Klaver	Peck	Syas
Cooper	Lautenschlager	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Nelson	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 6:

Adams	Carpenter	Munnelly	Simmons
Aufenkamp	Liebers		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 205.**

A bill for an act to amend section 38-128, Revised Statutes Supplement, 1957, relating to guardians and wards; to harmonize the value of estates of minors in regard to the spending thereof for support with previous legislation; and to repeal the original section.

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

Voting in the affirmative, 37:

Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Claussen	Klaver	Peck	Syas
Cooper	Lautenschlager	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Nelson	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 6:

Adams	Carpenter	Munnelly	Simmons
Aufenkamp	Liebers		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 208.

A bill for an act to amend sections 44-223 and 44-1402, Reissue Revised Statutes of Nebraska, 1943, and section 44-320.01, Revised Statutes Supplement, 1957, relating to insurance; to harmonize the provisions thereof with previous legislation; to eliminate obsolete internal reference; to correct internal references; and to repeal the original sections.

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

Voting in the affirmative, 37:

Bowen	Donner	Jensen	Nelson
Bridenbaugh	Erlewine	Klaver	Olinger
Burbach	Fenske	Lautenschlager	Orme
Claussen	Fulton	Marvel	Otto
Cooper	Gerdes	McHugh	Peck
Diers	Hollenbeck	Moulton	Pizer



Portsche	Skarda	Syas	Vosoba
Romans	Stryker	Tews	Webb
Ruhnke	Swanson	Thompson	Williams
Russillo			

Voting in the negative, 0.

Not voting, 6:

Adams	Carpenter	Munnelly	Simmons
Aufenkamp	Liebers		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 233.

A bill for an act to repeal sections 17-108.03, 23-260.01, 23-1117, 23-1613.01, 24-301.03, 24-301.04, 24-339.03, 25-1626.01, 26-106.01, 26-106.02, 33-128.01, 55-144.01, 72-201.01, 72-201.02, 72-709.03, 75-104.02, 75-105.02, 79-1423.01, 81-103.02, 81-503.01, 83-104.01, 83-337.01, 83-337.02, 83-337.03, 84-206.03, 84-314.01, 84-314.02, 84-509.02, 84-722, 84-724, and 84-810, Reissue Revised Statutes of Nebraska, 1943, and sections 16-310.01, 23-1115.01, 23-1115.02, 32-231.02, 32-231.03, 32-231.04, 33-128.02, 33-128.03, 44-119.03, 44-119.04, 48-159.03, 50-112.01, 51-403.01, and 53-112.02, Revised Statutes Supplement, 1957, the same being construction clauses with reference to effective date of salary increases that have now gone into effect.

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

Voting in the affirmative, 38:

Bowen	Fulton	Olinger	Skarda
Bridenbaugh	Gerdes	Orme	Stryker
Burbach	Hollenbeck	Otto	Swanson
Carpenter	Jensen	Peck	Syas
Claussen	Klaver	Pizer	Tews
Cooper	Lautenschlager	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske	Nelson		

Voting in the negative, 0.

Not voting, 5:

Adams  
Aufenkamp

Liebers

Munnelly

Simmons

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 251.

A bill for an act to amend sections 79-1809, 79-1810, 79-1811, 79-1812, 79-1813, 79-1814, 79-1815, 79-1816, 79-1817, Reissue Revised Statutes of Nebraska, 1943, relating to private business or trade schools; to provide for accreditation rather than approval of such schools; to restrict accreditation to schools offering instruction in residence in this state; to provide for fees and that such fees shall not be refundable; to change the criteria for accreditation; to provide that accreditation shall be effective for a period of twelve months; to provide for reaccreditation; and to repeal the original sections.

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

Voting in the affirmative, 38:

Bowen	Fulton	Olinger	Skarda
Bridenbaugh	Gerdes	Orme	Stryker
Burbach	Hollenbeck	Otto	Swanson
Carpenter	Jensen	Peck	Syas
Claussen	Klaver	Pizer	Tews
Cooper	Lautenschlager	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske	Nelson		

Voting in the negative, 0.

Not voting, 5:

Adams  
Aufenkamp

Liebers

Munnelly

Simmons

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 249.**

A bill for an act relating to education; to provide for the issuance of certificates of high school equivalency by the State Board of Education; to prescribe conditions on which such certificates may be issued; to provide fees; to authorize the adoption of rules and regulations; and to provide that decisions of the board on questions of eligibility for such certificate shall be final.

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

Voting in the affirmative, 38:

Bowen	Fulton	Olinger	Skarda
Bridenbaugh	Gerdes	Orme	Stryker
Burbach	Hollenbeck	Otto	Swanson
Carpenter	Jensen	Peck	Syas
Claussen	Klaver	Pizer	Tews
Cooper	Lautenschlager	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske	Nelson		

Voting in the negative, 0.

Not voting, 5:

Adams	Liebers	Munnelly	Simmons
Aufenkamp			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Member Excused**

Mr. Claussen was excused at 10:10 a.m. for the remainder of the morning.

**SELECT FILE**

**LEGISLATIVE BILL 225.** E and R amendment found in the Legislative Journal for the Forty-second Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 228.** E and R amendment found in the Legislative Journal for the Forty-second Day was adopted.

Advanced to E and R for engrossment.

### STANDING COMMITTEE REPORTS

#### Public Health

**LEGISLATIVE BILL 91.** Indefinitely postponed.

**LEGISLATIVE BILL 184.** Indefinitely postponed.

(Signed) Sam Klaver, Chairman

### GENERAL FILE

**LEGISLATIVE BILL 130.** Read and considered.

Mr. Tews offered the following amendments:

1. Amend section 1 by striking lines 44 to 52 and inserting in place thereof:

*"future employees of the university, subject to the following: (a) The cost of such retirement benefits shall be funded in accordance with sound actuarial principles with the necessary contributions for both past service and future service being treated in the university budget in the same way as any other operating expense, (b) the maximum university contribution under any such retirement plans shall not exceed six per cent of each university employee's salary or wage earnings for any calendar year, (c) each employee's contribution shall at least equal the university's contribution to any such retirement fund, (d) the combined university contribution to federal old age and survivor's insurance and under any such retirement plan shall not exceed nine per cent of each employee's university salary or wage earnings for any calendar year, and (e) the retirement benefits of any employee for service prior to the effective date of any retirement plan established under the provisions of this act shall be those provided under the retirement plan now in force which benefits shall not be abridged."*

2. Amend the title to conform.

Amendments pending.

Laid over until Thursday, March 12, at the request of Mr. Ruhnke.

**Speaker Pizer Presiding**

**Member Excused**

Mr. Vosoba was excused at 10:45 a.m. for the remainder of the morning.

**GENERAL FILE**

**LEGISLATIVE BILL 269.** Laid over until Monday, March 9, at the request of Mr. Romans.

**LEGISLATIVE BILL 268.** Laid over until Monday, March 9, at the request of Mr. Romans.

**LEGISLATIVE BILL 248.** Laid over.

**LEGISLATIVE BILL 47.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 148.** Laid over.

**LEGISLATIVE BILL 253.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-second Day were adopted.

Mr. Syas offered the following amendment which was adopted:

Amend the title of LB 253 to conform.

Advanced to E and R for review.

**Visitors**

Mr. Fenske introduced Mrs. Cecil Hunt from Sunol, and Mrs. George Fleming from Sidney.

Mr. Jensen introduced George Henniker Wright from London, England, and Pete Burns, Arthur Gunitow, and Leo Pawloski from Birmingham, Michigan.

Mr. Thompson introduced Mr. Kauk and Mr. Turbity from Alma.

**President Burney Presiding**

**LEGISLATIVE BILL 493.** Read and considered.

Laid over until Monday, March 9, at the request of Mr. Carpenter.

**UNANIMOUS CONSENT—Re-refer LB 311**

Mr. Russillo requested unanimous consent to have LB 311 re-referred to the Public Works Committee from the Government Committee. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 490.** Read and considered.

Advanced to E and R for review

**LEGISLATIVE BILL 163.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-second Day were adopted.

Mr. Ruhnke offered the following amendment which was adopted:

1. Amend the bill by striking the Committee Amendment 1, lines 5 to 8 and inserting: *"equipped with a shield of sufficient width and height to afford reasonable protection to the employees transported by it, part of which shall be a windshield of transparent shatterproof material."*

Mr. Stryker moved that LB 163 be indefinitely postponed.

The motion lost.

Advanced to E and R for review.

**LEGISLATIVE BILL 177.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 176.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 316.** Laid over.

**LEGISLATIVE BILL 149.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-third Day were adopted.

Advanced to E and R for review.

**Members Excused**

Mr. Klaver was excused for Friday, March 6.

Mr. Tews was excused until Wednesday, March 11.

**UNANIMOUS CONSENTS—Continue Hearings**

Mr. Syas requested unanimous consent that the Education Committee Hearing scheduled for today, March 5, on LB 442, LB 255, and LB 501 be continued between the hours of 1:00 and 2:00 p.m., Tuesday, March 10, 1959. No objections. So ordered.

Mr. Jensen requested unanimous consent that the Agriculture Committee Hearing scheduled for today, March 5, on LB 348, LB 403, and LB 415, be continued between the hours 1:00 and 2:00 p.m., Tuesday, March 10, 1959. No objections. So ordered.

**STANDING COMMITTEE REPORTS**

**Public Health**

**LEGISLATIVE BILL 513.** Placed on General File.

(Signed) Sam Klaver, Chairman

**Revenue**

**LEGISLATIVE BILL 41.** Indefinitely postponed.

(Signed) Norman A. Otto, Chairman

**Education**

**LEGISLATIVE BILL 496.** Placed on General File as amended.

Standing Committee amendments to LB 496:

1. Amend the bill, Page 2, Section 1, Lines 5 and 6 as follows: In lieu of the new matter, substitute therefor the following: *"in Class I, II and VI districts and on or before July 20 in Class III, IV and V districts."*

2. Amend the bill, Page 2, Section 1, Lines 14 and 15 by striking the words, "Within ten days after the annual district meeting", and show as stricken. In Line 15 capitalize "t" in the word, "the", and after the last word, "shall" in Line 15 add the word, "also".

3. Amend the title to conform.

(Signed) George Syas, Chairman

**Revenue**

**LEGISLATIVE BILL 602.** Indefinitely postponed.

**LEGISLATIVE BILL 272.** Placed on General File.

**LEGISLATIVE BILL 56.** Indefinitely postponed.

**LEGISLATIVE BILL 11.** Indefinitely postponed.

(Signed) Norman A. Otto, Chairman

**Adjournment**

At 12:10 p.m., on a motion by Mr. Ruhnke, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature



**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**FORTY-FOURTH DAY**

---

Legislative Chamber, Lincoln, Nebraska

Friday, March 6, 1959

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Aufenkamp, Klaver, Syas, and Tews who were excused, and Mr. Munnely who was excused until 10:00 a.m.

**Corrections for the Journal**

Page 717, line 27, delete the first word "not" and insert "now".

The Journal for the Forty-third Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

March 4, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on March 4, 1959 he approved LB 98 and LB 241.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
RBC:e

**Communications**

Resolution from the State of Wyoming relating to Federal watershed rules or regulations.

Letter from John O. Johnson, Omaha, opposing LB 97.

## STANDING COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 217.** Replaced on Select File as amended.

E and R amendment to LB 217:

1. In section 2, line 9, strike "the first proviso" and insert "the first proviso subsection (2)".

**LEGISLATIVE BILL 221.** Replaced on Select File as amended.

E and R amendment to LB 221:

1. In section 1, line 13, strike "section" and insert "section sections".

**LEGISLATIVE BILL 202.** Replaced on Select File as amended.

E and R amendment to LB 202:

1. In the title, line 4, after the second semicolon, insert "to provide that the provisions with respect to annexation of a suburban fire protection district shall apply to annexations by cities of the primary, first, or second class;".

**LEGISLATIVE BILL 191.** Replaced on Select File as amended.

E and R amendment to LB 191:

1. In section 2, line 36, strike the comma and show the same as stricken.

**LEGISLATIVE BILL 224.** Placed on Select File as amended.

E and R amendments to LB 224:

1. In section 1, line 24, insert "State" after "the".
2. In section 2, line 23, insert "State" after "the".
3. The amendment proposed by section 6 having already been made by section 9, Legislative Bill 241, strike section 6 and renumber original section 7 as section 6.
4. The amendment proposed by section 8 having already been made by section 3, Legislative Bill 251, strike section 8 and renumber original section 9 as section 7.
5. In renumbered section 7, line 2, strike "79-1443, 79-1522, and 79-1811," and insert "and 79-1522,".

6. In the title, line 3, strike "79-1443, 79-1522, and 79-1811," and insert "and 79-1522,".

**LEGISLATIVE BILL 172.** Placed on Select File as amended.

E and R amendments to LB 172:

1. In Standing Committee Amendment 2, line 3, strike "68-215.09." and insert "68-215.09,".

2. In renumbered section 4, line 1, strike "section 68-215.08" and insert "sections 68-215.08 and 68-215.09".

3. In the title, line 2, strike "section 68-215.08" and insert "sections 68-215.08 and 68-215.09"; in line 7, after the semicolon, insert "to clarify the provisions with respect to severance of joint tenancy when a recipient of old age assistance owns joint title to real estate; to provide that homestead rights and exemptions shall be inferior to the old age assistance lien;"; and in line 8 strike "section" and insert "sections".

**LEGISLATIVE BILL 80.** Placed on Select File as amended.

E and R amendments to LB 80:

1. In Standing Committee Amendment 1, strike lines 7 to 9 and insert "and shall, upon conviction thereof, be punished by a fine of not more than five thousand dollars or by imprisonment in the State Penitentiary for not more than five years, or by both".

2. In the Cooper General File Amendment, strike lines 3 and 4 and insert "and insert in section 1, line 2, after 'livestock', the words 'or cause livestock to be imported'".

3. In the title, line 3, insert "or cause livestock to be imported" after "livestock"; in line 4, strike "of law or of any"; strike line 5; strike line 6 through the word "violation"; in line 7, strike ", for"; strike line 8 through the comma; in line 9, strike "and"; and in line 9, after "penalties", insert "; and to declare an emergency".

**LEGISLATIVE BILL 314.** Placed on Select File as amended.

E and R amendment to LB 314:

1. In section 1, line 2, insert "historical," before "archeological" and insert a comma before "and".

**LEGISLATIVE BILL 240.** Placed on Select File as amended.

E and R amendments to LB 240:

1. Add a new section to be known as section 5 and to read as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. In the title, line 6, after the semi-colon, insert "to provide that relatives of such deceased shall be permitted to conduct the funeral if they desire to do,"; in line 13, strike "and"; and in line 14, after "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 154.** Placed on Select File as amended.

E and R amendments to LB 154:

1. In section 1, line 1, strike "articles" and insert "article".

2. In the title, line 1, strike "articles 11 and 12" and insert "article 11".

**LEGISLATIVE BILL 287.** Placed on Select File as amended.

E and R amendments to LB 287:

1. In the Carpenter General File Amendment, line 3, insert an underscored comma before "or"; and in line 5, insert an underscored comma before "the".

2. In the title, line 6, strike "death" and insert "group life"; and in line 9, after the semi-colon, insert "to provide a maximum limit on any one risk under a group life plan;".

**LEGISLATIVE BILL 376.** Placed on Select File as amended.

E and R amendments to LB 376:

1. In section 1, line 5, insert "*subdivision (c) of*" before "subsection" and strike "(c)" after "(5)" and show the same as stricken.

2. In the title, line 5, after "surplus" insert "or unassigned funds".

**LEGISLATIVE BILL 226.** Correctly engrossed.**LEGISLATIVE BILL 229.** Correctly engrossed.

LEGISLATIVE BILL 231. Correctly engrossed.  
 LEGISLATIVE BILL 232. Correctly engrossed.  
 LEGISLATIVE BILL 234. Correctly engrossed.  
 LEGISLATIVE BILL 230. Correctly engrossed.  
 LEGISLATIVE BILL 249. Correctly enrolled.  
 LEGISLATIVE BILL 251. Correctly enrolled.  
 LEGISLATIVE BILL 233. Correctly enrolled.  
 LEGISLATIVE BILL 208. Correctly enrolled.  
 LEGISLATIVE BILL 200. Correctly enrolled.  
 LEGISLATIVE BILL 201. Correctly enrolled.  
 LEGISLATIVE BILL 199. Correctly enrolled.  
 LEGISLATIVE BILL 205. Correctly enrolled.  
 LEGISLATIVE BILL 97. Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### President Signs

While the Legislature was in session and capable of trans-acting business, the President signed: LB 249 LB 251 LB 233  
 LB 208 LB 200 LB 201 LB 199 LB 205 LB 97

#### Bills Referred to Standing Committees

LB Committee  
 685.....Revenue

(Signed) Dwight W. Burney  
 Lieutenant Governor

#### MOTION—Introduce Bill

Mr. President: I move that the Committee on Agriculture be permitted to introduce a bill relating to Game and Fish and to hunting and fishing permits and practices. (Signed) Hans O. Jensen, Chairman

Permission to introduce the bill granted with 34 ayes, 0 nays, and 9 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 686.** By Committee on Agriculture, Hans O. Jensen, 25th District, Chairman.

A bill for an act to amend sections 37-208, 37-501, 37-506, and 37-509, Reissue Revised Statutes of Nebraska, 1943, and sections 37-211, 37-213, 37-214.01, and 37-610, Revised Statutes Supplement, 1957, relating to game and fish; to clarify and harmonize the provisions thereof; to remove the sixteen year age limit for requirement of a permit to hunt and fish; to provide for the confiscation of permits illegally used or obtained; to prohibit use by a non-resident of a resident permit illegally obtained; to reduce the period for obtaining of a resident permit by military personnel; to prohibit the stirring up of game from boats; to remove certain restrictions on the transportation of game; to remove certain restrictions on the taking of fish for propagation purposes and the stocking of fish; to provide for the deposit of certain receipts in the Fish and Game Fund; to provide for special permits for the taking of game animals on the State Wild Game Preserve and the manner of issuance of such permits; to prohibit the waste of killed, captured, or destroyed game and to require the sanitary disposal thereof; to make certain acts unlawful; to provide penalties; and to repeal the original sections and also section 37-409, Reissue Revised Statutes of Nebraska, 1943.

**NOTICE OF COMMITTEE HEARINGS****Revenue**

LB 315	Wednesday, March 18, 1959	2:00 p.m.
LB 485	Wednesday, March 18, 1959	2:00 p.m.
LB 94	Friday, March 20, 1959	2:00 p.m.
LB 408 (Reset)	Friday, March 20, 1959	2:00 p.m.

**Judiciary**

LB 399	Wednesday, March 11, 1959	2:00 p.m.
LB 659	Wednesday, March 11, 1959	2:00 p.m.
LB 349	Monday, March 16, 1959	2:00 p.m.
LB 350	Monday, March 16, 1959	2:00 p.m.
LB 351	Monday, March 16, 1959	2:00 p.m.
LB 352	Monday, March 16, 1959	2:00 p.m.
LB 353	Monday, March 16, 1959	2:00 p.m.
LB 354	Monday, March 16, 1959	2:00 p.m.

LB 355	Monday, March 16, 1959	2:00 p.m.
LB 356	Monday, March 16, 1959	2:00 p.m.
LB 357	Monday, March 16, 1959	2:00 p.m.
LB 358	Monday, March 16, 1959	2:00 p.m.
LB 359	Monday, March 16, 1959	2:00 p.m.
LB 360	Monday, March 16, 1959	2:00 p.m.
LB 361	Monday, March 16, 1959	2:00 p.m.
LB 362	Monday, March 16, 1959	2:00 p.m.
LB 363	Monday, March 16, 1959	2:00 p.m.
LB 364	Monday, March 16, 1959	2:00 p.m.
LB 366	Monday, March 16, 1959	2:00 p.m.
LB 367	Monday, March 16, 1959	2:00 p.m.
LB 368	Monday, March 16, 1959	2:00 p.m.
LB 369	Monday, March 16, 1959	2:00 p.m.
LB 370	Monday, March 16, 1959	2:00 p.m.
LB 371	Monday, March 16, 1959	2:00 p.m.
LB 372	Monday, March 16, 1959	2:00 p.m.
LB 477	Monday, March 16, 1959	2:00 p.m.
LB 600	Wednesday, March 18, 1959	2:00 p.m.
LB 674	Wednesday, March 18, 1959	2:00 p.m.
LB 607	Monday, March 23, 1959	2:00 p.m.
LB 677	Monday, April 6, 1959	2:00 p.m.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 187.

A bill for an act to amend section 10-703.01, Revised Statutes Supplement, 1957, relating to school district bonds; to provide that the persons named to count the ballots in elections where Class I, II, III, or VI districts are voting on the question of issuing bonds shall not constitute the election board of any such district; to harmonize the provisions thereof with previous legislation; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Claussen	Fenske	Lautenschlager
Bowen	Cooper	Fulton	Liebers
Bridenbaugh	Diers	Gerdes	Marvel
Burbach	Donner	Hollenbeck	McHugh
Carpenter	Erlewine	Jensen	Moulton

Nelson	Portsche	Simmons	Thompson
Olinger	Romans	Skarda	Vosoba
Orme	Ruhnke	Stryker	Webb
Otto	Russillo	Swanson	Williams
Pizer			

Voting in the negative, 0.

Not voting, 6:

Aufenkamp	Munnelly	Syas	Tews
Klaver	Peck		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 206.

A bill for an act to amend section 39-834, Reissue Revised Statutes of Nebraska, 1943, and sections 39-724, 39-1358, 39-1513, 39-1519, 39-1630, 39-1725, and 39-1906, Revised Statutes Supplement, 1957, relating to highways; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; to correct internal references; to eliminate obsolete internal reference; and to repeal the original sections.

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

Voting in the affirmative, 38:

Adams	Fenske	Nelson	Russillo
Bowen	Fulton	Olinger	Simmons
Bridenbaugh	Gerdes	Orme	Skarda
Burbach	Hollenbeck	Otto	Stryker
Carpenter	Jensen	Peck	Swanson
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 5:

Aufenkamp	Munnelly	Syas	Tews
Klaver			



A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 214.**

A bill for an act to amend section 57-705, Revised Statutes Supplement, 1957, relating to oil and gas; to provide that the balance of the Severance Tax Fund shall be placed in the Permanent School Fund in accordance with the provisions of Article VII, section 3, Constitution of Nebraska; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Fulton	Nelson	Russillo
Bowen	Gerdes	Olinger	Simmons
Bridenbaugh	Hollenbeck	Orme	Skarda
Burbach	Jensen	Otto	Stryker
Claussen	Lautenschlager	Peck	Swanson
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams
Fenske			

Voting in the negative, 0.

Not voting, 6:

Aufenkamp	Klaver	Syas	Tews
Carpenter	Munnelly		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 235.**

A bill for an act to amend section 53-132, Revised Statutes Supplement, 1957, relating to liquors; to correct internal reference therein to agree with subsequent legislation; to eliminate unnecessary internal references; and to repeal the original section.

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

Voting in the affirmative, 36:

Adams	Fenske	Moulton	Ruhnke
Bowen	Fulton	Nelson	Russillo
Bridenbaugh	Gerdes	Olinger	Simmons
Burbach	Hollenbeck	Orme	Stryker
Claussen	Jensen	Otto	Swanson
Cooper	Lautenschlager	Peck	Thompson
Diers	Liebers	Pizer	Vosoba
Donner	Marvel	Portsche	Webb
Erlewine	McHugh	Romans	Williams

Voting in the negative, 0.

Not voting, 7:

Aufenkamp	Klaver	Skarda	Tews
Carpenter	Munnelly	Syas	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 207.

A bill for an act to amend section 43-214, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to eliminate obsolete provisions; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Fenske	Moulton	Ruhnke
Bowen	Fulton	Nelson	Russillo
Bridenbaugh	Gerdes	Olinger	Simmons
Burbach	Hollenbeck	Orme	Stryker
Carpenter	Jensen	Otto	Swanson
Claussen	Lautenschlager	Peck	Thompson
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Portsche	Webb
Donner	McHugh	Romans	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 6:

Aufenkamp	Munnelly	Syas	Tews
Klaver	Skarda		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 209.**

A bill for an act to amend sections 46-209 and 46-701, Revised Statutes Supplement, 1957, relating to irrigation; to eliminate provisions inconsistent with previous legislation; to correct internal reference; and to repeal the original sections.

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

Voting in the affirmative, 38:

Adams	Fenske	Nelson	Russillo
Bowen	Fulton	Olinger	Simmons
Bridenbaugh	Gerdes	Orme	Skarda
Burbach	Hollenbeck	Otto	Stryker
Carpenter	Jensen	Peck	Swanson
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 5:

Aufenkamp	Munnelly	Syas	Tews
Klaver			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Explanation of Vote**

Mr. President: Had I been present, I would have voted Aye on LB 187, LB 206, LB 214, LB 235, LB 207, and LB 209. (Signed) John P. Munnelly

**Bills Re-Referred to Standing Committees**

LB \_\_\_\_\_ Committee  
671..... From Judiciary to Education

(Signed) Dwight W. Burney  
Lieutenant Governor

## SELECT FILE

**LEGISLATIVE BILL 134.** E and R amendments found in the Legislative Journal for the Forty-third Day were adopted.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 242.** E and R amendments found in the Legislative Journal for the Forty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 129.** E and R amendment found in the Legislative Journal for the Forty-third Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 244.** E and R amendments found in the Legislative Journal for the Forty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 250.** E and R amendments found in the Legislative Journal for the Forty-third Day were adopted.

Advanced to E and R for engrossment.

## NOTICE OF COMMITTEE HEARINGS

## Public Works

LB 340	Monday, March 23, 1959	2:00 p.m.
LB 344	Monday, March 23, 1959	2:00 p.m.
LB 575	Wednesday, March 25, 1959	2:00 p.m.
LB 576	Wednesday, March 25, 1959	2:00 p.m.
LB 578	Wednesday, March 25, 1959	2:00 p.m.

## Presented to the Governor

Presented to the Governor for approval on March 6, 1959, at  
8:30 a.m.: LB 193 LB 194 LB 196 LB 197

(Signed) Jo Fisher, Enrolling Clerk

**Speaker Pizer Presiding**

**UNANIMOUS CONSENT—Withdraw Hearing Dates**

Mr. Munnelly, Chairman of the Banking, Commerce and Insurance Committee, requested unanimous consent to withdraw the hearing dates on LB 594 and LB 595, set for April 2, and LB 593, LB 596, and LB 597, set for April 7. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 248. Considered.**

Mr. Otto offered the following amendment which was adopted:

Amend section 1 of the bill by adding after line 14, the following: *"except such penalty shall not apply the first two years of operation"*.

Mr. Otto offered the following amendment which was adopted:

1. Amend section 1 of the bill by showing the subject matter of lines 1 to 14 as new matter, and by adding at the end of line 14 the following:

*"The cost of school bus operation shall be determined by dividing the actual cost of the total bus operation plus one-fifth of the original cost of the bus for depreciation by the total number of miles traveled by each pupil for the average of the two school years immediately preceding."*

Mr. Otto offered the following amendments:

2. Amend the bill by adding two new sections to be known as sections 2 and 3 and to read as follows:

"Sec. 2. That section 79-488, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-488. All school boards and boards of education in this state that provide for transportation of pupils by school bus shall cause all such buses to be inspected at least twice during each calendar year by the Nebraska Safety Patrol. Such inspection shall be made at the county seat in each county at a time and place to be fixed by the Nebraska Safety Patrol. Notice thereof shall be given in the same manner as such patrol gives of time and place to examination for operator's license. The Nebraska Safety Patrol shall thoroughly inspect every bus as to brakes, lights, windshield wipers, window glass, tires, doors, heaters, de-

frosting equipment, steering gear, and the mechanical condition of such bus bearing upon the safety thereof as a means of transportation. Within five days after such inspection, the Nebraska Safety Patrol shall make a report of its inspection in writing, and file one copy of such report with the school board or board of education, as the case may be, using such bus to transport pupils, and also file one copy with the Department of Education.

Sec. 3. That original section 79-488, Reissue Revised Statutes of Nebraska, 1943, is repealed."

3. Amend the title to conform.

Amendments pending.

Laid over.

**LEGISLATIVE BILL 148.** Considered.

Mr. Simmons offered the following amendments which were adopted:

1. Amend section 2 of the bill, line 13 by inserting "released and" after hereby.

2. Amend the bill by adding two new sections immediately after section 3 to be known as sections 4 and 5 and to read as follows:

"Sec. 4. That section 77-203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-203. All general real property taxes levied for the state, or for any county, city, village or other political subdivision therein, shall be due and payable on January 1 next following the date of levy thereof, and commencing on that date shall be a first lien on the real estate taxed until paid or *extinguished as provided by law*.

Sec. 5. That original section 77-203, Reissue Revised Statutes of Nebraska, 1943, is repealed."

3. Amend sections 1 to 3 of the bill by showing all matter and amendments contained therein as new matter.

4. Amend section 4 by renumbering same as section 6.

5. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 316.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-third Day were adopted.

Mr. Gerdes offered the following amendments which were adopted:

1. Amend section 1 of the bill, line 11 by striking "treat or advise treatment of" and inserting "or treat or advise treatment of".
2. Amend section 4 of the bill, line 20 by inserting "feeds," before "mineral" and line 21 by inserting "or authorized dealers and pharmacists," before "from".

Mr. Cooper offered the following amendment which was adopted:

1. Amend section 1 by inserting "except poultry" after "animals" in lines 12 and 15.

Mr. Lautenschlager offered the following amendment which was adopted with 17 ayes, 9 nays, and 17 not voting:

1. Amend section 1 of the bill, line 8 by striking the words "gratuitously or".

Mr. Jensen moved that the Enrollment and Review Committee be requested to correlate LB 316 and the amendments and that a copy be placed on each member's desk. The motion prevailed.

Laid over until Thursday, March 12, at the request of Mr. Ruhnke.

**LEGISLATIVE BILL 494.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 495.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 492.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 293.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 427.** Read and considered.

**President Burney Presiding**

Standing Committee amendments found in the Legislative Journal for the Thirty-fifth Day were adopted.

Laid over.

**LEGISLATIVE BILL 51.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-fifth Day were adopted.

Mr. Carpenter offered the following amendment which was adopted:

1. Amend Standing Committee Amendment 4 by striking lines 5 to 7 and inserting: *"so found due; and any intangible property omitted and not returned commencing with the year 1959, or omitted or not returned for any year thereafter, shall be placed upon the tax rolls and to the tax on such omitted or not returned property shall be added a penalty in the amount of the rate for intangible property as fixed at the time of the last preceding levy."*

Advanced to E and R for review.

**Members Excused**

Mr. McHugh was excused Monday, March 9.

Mr. Fenske was excused until Wednesday, March 11.

**MESSAGE FROM THE GOVERNOR**

March 5, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on March 5, 1959 he approved LB 30, LB 34, LB 65, LB 112, LB 119, LB 121, LB 122, LB 146, and LB 278.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
RBC:e



**NOTICE OF COMMITTEE HEARINGS**

**Salaries and Claims**

LB 639      Thursday, March 12, 1959

2:00 p.m.

**MOTIONS—Adjournment**

Mr. President: I move we adjourn until 10:00 a.m. Monday, March 9. (Signed) William Moulton

The motion lost.

Mr. President: I move we adjourn. (Signed) Arnold Ruhnke

The motion prevailed, and at 11:58 a.m. the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## FORTY-FIFTH DAY

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Legislative Chamber, Lincoln, Nebraska

Monday, March 9, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Fenske, McHugh, and Peck who were excused, and Mr. Munnely who was excused until 9:45 a.m.

The Journal for the Forty-fourth Day was approved.

## MESSAGE FROM THE GOVERNOR

March 6, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on March 6, 1959\* he approved LB 49, LB 82, LB 99, LB 100, LB 101, LB 186, LB 188, LB 189, LB 190 and LB 192.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
RBC:e

## STANDING COMMITTEE REPORTS

## Salaries and Claims

**LEGISLATIVE BILL 432.** Placed on General File as amended.

Standing Committee amendment to LB 432:

\* Original bills show March 5, 1959.

1. Amend the bill, page 2, line 10 of section 1 by striking the words "*one thousand*" and inserting in place thereof the words "*eight-hundred*".

(Signed) John Aufenkamp, Chairman

### Revenue

**LEGISLATIVE BILL 57.** Placed on General File as amended.

Standing Committee amendments to LB 57:

1. Amend the bill, Section 5, lines 4 and 5, page 3, reinsert the following stricken matter, "Actual value of property for taxation shall mean".

2. Amend the bill, Section 5, line 11, page 3, immediately following "(§)" add the word "the" and reinsert the following stricken matter: "market value in the ordinary course of trade."

3. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

### Miscellaneous Subjects

**LEGISLATIVE BILL 409.** Placed on General File as amended.

Standing Committee amendments to LB 409:

1. Amend section 1 of the bill, line 7 by inserting before "shall" the following:

*"or the driver of any bus who shall fail to stop at or who shall knowingly pass or by pass any state weighing station except permanently established weighing stations authorized under section 60-1301, when the same is open and being operated by peace officers,".*

2. Amend the title to conform.

(Signed) Hal Bridenbaugh, Vice Chairman

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 479.** Placed on General File.

**LEGISLATIVE BILL 466.** Placed on General File as amended.

Standing Committee amendments to LB 466:

1. On page 2, Section 1, strike in its entirety and insert

*"Section 1. A policy issued to a credit union which shall be deemed the policyholder, to insure members of the credit union for the benefit of the share account or savings account of the members or persons other than the credit union or its officials shall be subject to the following requirements:*

*(1) The persons eligible for insurance shall be all the members of the credit union, or all of any class or classes thereof determined by conditions pertaining to membership in the credit union. All eligible members of a credit union may be so insured by the credit union.*

*(2) The premium for the policy shall be paid by the policyholder, either from the credit union's own funds, or from charges collected from the insured members specifically for the insurance, or both. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least seventy-five per cent of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.*

*(3) The policy must cover at least twenty-five persons at date of issue.*

*(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the credit union. In no event shall the amount of insurance exceed the share balance or savings account balance of the insured member. No policy may be issued which provides term insurance on any member in excess of two thousand five hundred dollars."*

(Signed) John P. Munnelly, Chairman

#### **Government**

**LEGISLATIVE BILL 434.** Placed on General File.

(Signed) Dwain Williams, Chairman

#### **Enrollment and Review**

**LEGISLATIVE BILL 153.** Placed on Select File.

**LEGISLATIVE BILL 142.** Placed on Select File.

**LEGISLATIVE BILL 144.** Placed on Select File as amended.

E and R amendment to LB 144:

1. In the title, line 5, strike "purchases" and insert "purchasers".

**LEGISLATIVE BILL 69.** Correctly engrossed.

**LEGISLATIVE BILL 124.** Correctly engrossed.

**LEGISLATIVE BILL 203.** Correctly engrossed.

**LEGISLATIVE BILL 218.** Correctly engrossed.

**LEGISLATIVE BILL 252.** Correctly engrossed.

**LEGISLATIVE BILL 209.** Correctly enrolled.

**LEGISLATIVE BILL 207.** Correctly enrolled.

**LEGISLATIVE BILL 235.** Correctly enrolled.

**LEGISLATIVE BILL 214.** Correctly enrolled.

**LEGISLATIVE BILL 206.** Correctly enrolled.

**LEGISLATIVE BILL 187.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 209 LB 207 LB 235 LB 214 LB 206 LB 187

#### **Presented to the Governor**

Presented to the Governor for approval on March 9, 1959, at 9:00 a.m.: LB 201 LB 200 LB 199 LB 97 LB 205 LB 208 LB 233 LB 251 LB 249

(Signed) Jo Fisher, Enrolling Clerk

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 212.**

A bill for an act to amend section 53-187, Reissue Revised Statutes of Nebraska, 1943, and sections 53-141, 53-169.01, and

53-1,115, Revised Statutes Supplement, 1957, relating to liquors; to harmonize the provisions thereof with previous legislation; to clarify the provisions thereof; to correct internal references; and to repeal the original sections.

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

Voting in the affirmative, 39:

Adams	Erlewine	Nelson	Skarda
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Syas
Burbach	Jensen	Pizer	Tews
Carpenter	Klaver	Portsche	Thompson
Claussen	Lautenschlager	Romans	Vosoba
Cooper	Liebers	Ruhnke	Webb
Diers	Marvel	Russillo	Williams
Donner	Moulton	Simmons	

Voting in the negative, 0.

Not voting, 4:

Fenske	McHugh	Munnelly	Peck
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 210.

A bill for an act to amend section 49-204, Reissue Revised Statutes of Nebraska, 1943, relating to law; to correct internal reference; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Burbach	Diers	Gerdes
Aufenkamp	Carpenter	Donner	Hollenbeck
Bowen	Claussen	Erlewine	Jensen
Bridenbaugh	Cooper	Fulton	Klaver

Lautenschlager	Orme	Russillo	Tews
Liebers	Otto	Simmons	Thompson
Marvel	Pizer	Skarda	Vosoba
Moulton	Portsche	Stryker	Webb
Nelson	Romans	Swanson	Williams
Olinger	Ruhnke	Syas	

Voting in the negative, 0.

Not voting, 4:

Fenske	McHugh	Munnelly	Peck
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 213.

A bill for an act to amend sections 54-825 and 54-826, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to correct internal references; and to repeal the original sections.

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

Voting in the affirmative, 39:

Adams	Erlewine	Nelson	Skarda
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Syas
Burbach	Jensen	Pizer	Tews
Carpenter	Klaver	Portsche	Thompson
Claussen	Lautenschlager	Romans	Vosoba
Cooper	Liebers	Ruhnke	Webb
Diers	Marvel	Russillo	Williams
Donner	Moulton	Simmons	

Voting in the negative, 0.

Not voting, 4:

Fenske	McHugh	Munnelly	Peck
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 216.**

A bill for an act to amend sections 66-424.01 and 66-606.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle fuels; to correct internal reference; to eliminate obsolete internal reference; and to repeal the original sections.

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

Voting in the affirmative, 36:

Adams	Donner	Nelson	Skarda
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Jensen	Otto	Syas
Burbach	Klaver	Pizer	Tews
Carpenter	Lautenschlager	Portsche	Thompson
Claussen	Liebers	Ruhnke	Vosoba
Cooper	Marvel	Russillo	Webb
Diers	Moulton	Simmons	Williams

Voting in the negative, 2:

Hollenbeck      Romans

Not voting, 5:

Erlewine	McHugh	Munnelly	Peck
Fenske			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 260.** By Hal Bridenbaugh, 13th District; Peter H. Claussen, 16th District; Ray C. Simmons, 11th District

A bill for an act for submission to the electors of an amendment to Article III of the Constitution of Nebraska, relating to legislative power; to authorize the Legislature to provide by law such measures and procedures as may be necessary for insuring continuity of state and local governmental operations in periods of emergency resulting from enemy attack or imminent threat thereof; to provide for submission of the proposed amendment to the electors at the general election in November, 1960; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.



Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1960, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III of the Constitution of Nebraska, which shall be a new section to be known as section 29, and which is hereby proposed by the Legislature:

“Sec. 29. (1). In order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack upon the United States, or the imminent threat thereof, the Legislature shall have the power and the immediate duty, notwithstanding any other provision to the contrary in this Constitution, to provide by law for:

(a) The prompt and temporary succession to the powers and duties of all public offices, of whatever nature and whether filled by election or appointment, the incumbents of which, after an attack, may be or become unavailable or unable to carry on the powers and duties of such offices;

(b) The convening of the Legislature into general or extraordinary session, upon or without call by the Governor, during or after a war or enemy caused disaster occurring in the United States; and, with respect to any such emergency session, the suspension or temporary change of the provisions of this Constitution or of general law relating to the length and purposes of any legislative session or prescribing the specific proportion or number of legislators whose presence or vote is necessary to constitute a quorum or to accomplish any legislative act or function;

(c) The selection and changing from time to time of a temporary state seat of government, of temporary county seats, and of temporary seats of government for other political subdivisions; to be used if made necessary by enemy attack or imminent threat thereof;

(d) The determination, selection, reproduction, preservation, and dispersal of public records necessary to the continuity of governmental operations in the event of enemy attack or imminent threat thereof; and

(e) Such other measures and procedures as may be necessary and proper for insuring the continuity of governmental operations in the event of enemy attack or imminent threat thereof.

(2). In the exercise of the powers hereinbefore conferred, the Legislature shall in all respects conform to the requirements

of this Constitution except to the extent that, in the judgment of the Legislature, so to do would be impracticable or would admit of undue delay."

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed in Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment authorizing the Legislature to provide by law such measures and procedures as may be necessary to insure continuity of governmental operations in emergencies resulting from enemy attack or imminent threat thereof.

☐ For

☐ Against."

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 39:

Adams	Erlewine	Nelson	Skarda
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Syas
Burbach	Jensen	Pizer	Tews
Carpenter	Klaver	Portsche	Thompson
Claussen	Lautenschlager	Romans	Vosoba
Cooper	Liebers	Ruhnke	Webb
Diers	Marvel	Russillo	Williams
Donner	Moulton	Simmons	

Voting in the negative, 0.

Not voting, 4:

Fenske	McHugh	Munnelly	Peck
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A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 211.**

A bill for an act to amend section 50-307, Revised Statutes Supplement, 1957, relating to lobbying; to clarify the provisions thereof; and to repeal the original section.

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

Voting in the affirmative, 37:

Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Pizer	Syas
Claussen	Lautenschlager	Portsche	Tews
Cooper	Liebers	Romans	Thompson
Diers	Marvel	Ruhnke	Vosoba
Donner	Moulton	Russillo	Webb
Erlewine	Nelson	Simmons	Williams
Fulton			

Voting in the negative, 1:

Adams

Not voting, 5:

Carpenter	McHugh	Munnelly	Peck
Fenske			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Bills Referred to Standing Committees**

LB                      Committee  
686.....Agriculture

(Signed) Dwight W. Burney  
Lieutenant Governor

**MOTION—Introduce Bill**

Mr. President: I move that the Budget Committee be permitted to introduce a bill which will transfer jurisdiction over athletics activities to the State Department of Health, by putting

the office of the State Athletic Commissioner under the direction of the Department of Health. (Signed) Otto H. Liebers, Chairman

Permission to introduce the bill granted with 31 ayes, 2 nays, and 10 not voting.

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 687.** By Committee on Budget, Otto H. Liebers, 18th District, Chairman.

A bill for an act relating to athletic events; to transfer jurisdiction over wrestling, boxing and sparring matches, and exhibitions from the State Athletic Commissioner to the Department of Health; to levy a tax on the gross receipts from such exhibitions and the sale of any television rights; to amend section 33-150, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 201, Sixty-ninth Session, Nebraska State Legislature, 1959; to repeal the original section, and also sections 81-8,128, 81-8,129, 81-8,130, 81-8,131, 81-8,132, 81-8,133, 81-8,134, 81-8,135, 81-8,136, 81-8,137, 81-8,138, 81-8,139, 81-8,140, 81-8,141, and 81-8,142, Reissue Revised Statutes of Nebraska, 1943.

### SELECT FILE

**LEGISLATIVE BILL 217.** E and R amendment found in the Legislative Journal for the Forty-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 221.** E and R amendment found in the Legislative Journal for the Forty-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 202.** E and R amendment found in the Legislative Journal for the Forty-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 191.** E and R amendment found in the Legislative Journal for the Forty-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 224.** E and R amendments found in the Legislative Journal for the Forty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 172.** E and R amendments found in the Legislative Journal for the Forty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 80.** E and R amendments found in the Legislative Journal for the Forty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 314.** E and R amendment found in the Legislative Journal for the Forty-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 240.** E and R amendments found in the Legislative Journal for the Forty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 154.** E and R amendments found in the Legislative Journal for the Forty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 287.** E and R amendments found in the Legislative Journal for the Forty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 376.** E and R amendments found in the Legislative Journal for the Forty-fourth Day were adopted.

Advanced to E and R for engrossment.

**UNANIMOUS CONSENT—Withdraw Bills**

Mr. Moulton asked unanimous consent to withdraw LB 320. No objections. So ordered.

Mr. Swanson asked unanimous consent to withdraw LB 419. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 268.** Laid over.

**LEGISLATIVE BILL 269.** Laid over.

**Visitors**

Mr. Bowen introduced Mr. and Mrs. Richard Bowen, Mr. and Mrs. Dalvin Krueger, and Mr. and Mrs. William Beezley from Red Cloud.

**LEGISLATIVE BILL 493.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 248.** Considered.

The pending Otto amendments found in the Legislative Journal for the Forty-fourth Day were adopted.

Advanced to E and R for review.

**New Flag Displayed**

The Sergeant-at-arms displayed the new United States Flag bearing the forty-nine stars.

**GENERAL FILE**

**LEGISLATIVE BILL 427.** Considered.

Mr. Liebers offered the following amendments which were adopted:

1. Add a new Section 4 to read as follows:

"Sec. 4. The county board of any county in which there is a city of the primary class shall appoint an advisory committee comprised of persons residing outside of the city of the primary class, within three miles of the corporate limits thereof and outside of any city or village, and owning property within said three mile zone. Such committee shall be composed of five members to be appointed for a two year term and such committee shall advise the planning commission and city council of such primary city on all matters of planning and zoning relating to that area which is outside of the primary city, within three miles of the corporate limits of such city, and outside of any city or village."

2. Amend the title to conform.

Mr. Portsche offered the following amendment which was adopted:

1. Amend Section 1, renumbered Section 2, page 3, line 35 by striking after the word "improvements" the following: "*; to require*" and by adding after the word "improvements" the following: "*by the owner or by the creation of public improvement districts, or by requiring*"; and amend Section 1, renumbered Section 2, page 3, line 54 by adding after the word "city" the following: "*or until public improvement districts are created*".

Laid over temporarily.

#### LEGISLATIVE BILL 541. Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-fifth Day were adopted.

Mr. Moulton offered the following amendment which was adopted:

Amend Standing Committee Amendment to Section 3 by adding after the word "Nebraska" in line 2, the following: "*without permission of the owner, owners, or responsible authorities*".

Mr. Vosoba offered the following amendment which was adopted:

Amend Section 2, inserted by Standing Committee Amendment 2, line 9, by striking the word "weeds" and substituting in lieu thereof "vegetation"; line 21, by striking the word "weeds" and substituting in lieu thereof "vegetation"; line 23, by striking the word "weeds" and substituting in lieu thereof "vegetation".

Mr. Vosoba offered the following amendment which was adopted:

Amend Standing Committee Amendment 1, line 16, by striking the word "or" and inserting the following after the word "mow":  
", or destroy".

Laid over until Wednesday, March 11, at the request of Mr. Stryker.

#### Visitors

Mr. Donner introduced Opal Pellotz, Teacher, and eighteen students from School District 49, Orchard, and four sponsors.

**LEGISLATIVE BILL 79.** Read and considered.

Advanced to E and R for review.

#### Visitors

Mr. Lautenschlager introduced Mr. and Mrs. Adolph Rohrich, Mr. and Mrs. Donald Rohrich, and his wife, Violet.

**LEGISLATIVE BILL 427.** Considered.

Mr. Carpenter offered the following amendments:

1. Amend the bill by adding two new sections immediately after renumbered section 3 to be known as sections 4 and 5 and to read as follows:

"Sec. 4. That section 16-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-114. No owner of real estate located within the corporate limits of such a city of the first class or within three miles of the corporate limits of any city of the first class when such real estate is located in the same county as such city and outside of any organized city or village shall be permitted to subdivide, plat, or layout said real estate into blocks and lots, or parcels, without having first obtained from the city engineer a plat or plan for the avenues, streets, and alleys to be laid out within or across the same; and such plat or plan of the avenues, streets, and alleys shall be made so that such avenues, streets and alleys, so far as practicable, shall correspond in width, name, and direction and be continuous of the avenues, streets, and alleys in the city contiguous or near the real estate to be subdivided as aforesaid. The mayor and council shall have power to compel the owner of such



real estate, in subdividing the same, to lay out and dedicate to the public the avenues, streets, and alleys to be within or across such real estate in accordance with said plat or plan, and shall further have the power to prohibit the selling or offering for sale any lot or parts of such real estate not subdivided and platted as herein required. Such a city shall have authority within the area above described to regulate the subdivision of land for the purpose, whether immediate or future, of transfer of ownership or building development, except that the city shall have no power to regulate subdivision in those instances where the smallest parcel created is more than five acres in area; to prescribe standards for laying out subdivisions in harmony with the comprehensive plan; to require the installation of improvements; to require a good and sufficient bond guaranteeing installation of such improvements; and to require the dedication of land for public purposes.

Subdivision shall mean the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be subdivision when the smallest parcel created is more than five acres in area.

Subdivision plats shall be approved by the city planning commission on recommendation by the planning director and public works and utilities department and shall be submitted to the council for its consideration and legislative action. The council may withhold approval of a plat until the public works and utilities department has certified that the improvements required by the regulations have been satisfactorily installed or until a sufficient bond guaranteeing installation of the improvements has been posted with the city. Any and all additions to be made to the city shall be made, so far as the same relate to the avenues, streets and alleys therein, under and in accordance with the provisions of sections 16-112 to 16-114.

Sec. 5. Every city of the first class shall have power in the area which is within the city or within three miles of the corporate limits of the city and outside of any organized city or village to regulate and restrict the location, height, bulk and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts and other open spaces; the density of population; and the locations, and uses of buildings, structures, and land for trade, industry, business, residence, and other purposes. Such city shall have power in this area to divide the area zoned into districts of such number, shape, and area as may be best suited to carry out the purposes of this section, and to regulate, restrict, or prohibit the erection, construction, recon-

*struction, alteration or use of buildings, structures, or land within the total area zoned or within districts; Provided, that all such regulations shall be uniform for each class or kind of buildings throughout each district, even though regulations for one district may differ from those applicable to other districts. Such zoning regulations shall be designed to secure safety from fire, flood and other dangers and to promote the public health, safety and general welfare, and shall be made with consideration having been given to the character of the various parts of the area zoned and their peculiar suitability for particular uses and types of development, and with a view to conserving property values and encouraging the most appropriate use of land throughout the area zoned. Such zoning regulations may include reasonable provisions regarding nonconforming uses and their gradual elimination.*

2. Amend renumbered section 3 by renumbering as section 6, and line 1 by striking "and 15-902" and inserting, 15-902, and 16-114.

3. Amend the title to conform.

Amendments pending.

Laid over.

#### **Speaker Pizer Presiding**

#### **LEGISLATIVE BILL 55.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-sixth Day were adopted.

Advanced to E and R for review.

#### **LEGISLATIVE BILL 179.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-sixth Day were adopted.

Advanced to E and R for review.

#### **LEGISLATIVE BILL 180.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-sixth Day were adopted.

Advanced to E and R for review.

#### **LEGISLATIVE BILL 181.** Read and considered.

Advanced to E and R for review.

**President Burney Presiding**

**LEGISLATIVE BILL 271.** Read and considered.

Laid over until Monday, March 16, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 469.** Laid over.

**STANDING COMMITTEE REPORTS**

**Revenue**

**LEGISLATIVE BILL 684.** Placed on General File.

(Signed) Norman A. Otto, Chairman

**Education**

**LEGISLATIVE BILL 237.** Indefinitely postponed.

(Signed) George Syas, Chairman

**NOTICE OF COMMITTEE HEARINGS**

**Agriculture**

LB 549	Tuesday, March 17, 1959	2:00 p.m.
LB 580	Tuesday, March 17, 1959	2:00 p.m.
LB 665	Tuesday, March 17, 1959	2:00 p.m.
LB 682	Thursday, March 19, 1959	2:00 p.m.
LB 686	Thursday, March 19, 1959	2:00 p.m.

**Education**

LB 483	Thursday, March 19, 1959	2:00 p.m.
LB 484	Thursday, March 19, 1959	2:00 p.m.
LB 538	Thursday, March 19, 1959	2:00 p.m.
LB 671	Tuesday, March 31, 1959	2:00 p.m.
LB 281	Tuesday, March 31, 1959	2:00 p.m.
LB 500	Tuesday, March 31, 1959	2:00 p.m.

**Banking, Commerce and Insurance**

LB 593	Thursday, April 2, 1959	2:00 p.m.
LB 596	Thursday, April 2, 1959	2:00 p.m.
LB 597	Thursday, April 2, 1959	2:00 p.m.
LB 594	Tuesday, April 7, 1959	2:00 p.m.
LB 595	Tuesday, April 7, 1959	2:00 p.m.

**STANDING COMMITTEE REPORTS****Miscellaneous Subjects**

**LEGISLATIVE BILL 326.** Placed on General File.

(Signed) J. W. Burbach, Chairman

**Miscellaneous Subjects**

**LEGISLATIVE BILL 327.** Placed on General File as amended.

Standing Committee amendment to LB 327:

1. Amend Section 1 of the bill, line 5, by inserting "in all instances of an accident in which estimated damage exceeds one hundred dollars" before the word "to".

(Signed) Hal Bridenbaugh, Vice Chairman

**Adjournment**

At 11:56 a.m. on a motion by Mr. Pizer, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**FORTY-SIXTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Tuesday, March 10, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by Rabbi Harold Stern, Sheridan Boulevard Synagogue, Lincoln.

The roll was called and all members were present except Mr. Fenske who was excused, and Mr. Munnelly who was excused until 9:40 a.m.

**Corrections for the Journal**

Page 755, line 35, correct the spelling of "attack".

Page 761, line 36, delete "line," and insert "line 9,".

The Journal for the Forty-fifth Day was approved as corrected.

**Communications**

Note of appreciation from the Fay Wood family.

Resolution from the Lincoln Braille Club, Inc., relative to the advancement of programs for the handicapped and disabled.

Letter from John Zoucha, Oshkosh, favoring LB 315.

Letter from Mr. and Mrs. Gary Hoffman, opposing LB 56.

Letter from J. E. Tawney, Morse Bluff, relating to elections.

**STANDING COMMITTEE REPORTS**

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 534.** Placed on General File as amended.

Standing Committee amendment to LB 534:

1. On page 2, Section 1, line 11, after the word "liquor" insert "Class C licensees".

**LEGISLATIVE BILL 169.** Indefinitely postponed.

**LEGISLATIVE BILL 292.** Placed on General File as amended.

Standing Committee amendments to LB 292:

1. On page 2, Section 1, line 2, strike the words "bid or".
2. Amend the title to conform.

**LEGISLATIVE BILL 289.** Placed on General File.

(Signed) John P. Munnelly, Chairman

#### Miscellaneous Subjects

**LEGISLATIVE BILL 424.** Placed on General File.

**LEGISLATIVE BILL 413.** Placed on General File as amended.

Standing Committee amendments to LB 413:

1. Amend section 1 of the bill, line 4 by striking "Commission" and insert "Council", and lines 14, 19, and 31 by striking "commission" and inserting "council".

2. Amend section 2 of the bill, line 1 by striking "commissioner" and inserting "*member of Historical Land Mark Council*".

3. Amend section 3 of the bill, line 4 by striking "Commission" and inserting "Council".

4. Amend the bill by inserting a new section immediately after section 3 to be known as section 4 and to read as follows:

"Sec. 4. That section 82-203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

82-203. The Historical Land Mark Committee Council shall have authority (1) to designate the approximate location of such markers, (2) to preserve present markers, (3) to accept gifts, and (4) to encourage local participation in and contribution to the erection of such markers through the use of gifts and matching-fund agreements. The committee council may appoint and delegate to a special subcommittee the duty of research and investigation to assist in the determination of proper sites, events, personalities, and traditions to be designated."

5. Renumber sections 4 to 6 as sections 5 to 7, respectively.

6. Amend renumbered section 5, line 4 by striking "Commission" and inserting "Council".

7. Amend renumbered section 6, line 14 by striking "Commission" and inserting "Council".

8. Amend renumbered section 7 of the bill, line 1 by inserting " , 82-203" after "82-202".

9. Amend the title to conform.

(Signed) J. W. Burbach, Chairman

**Presented to the Governor**

Presented to the Governor for approval on March 9, 1959, at 4:30 p.m.: LB 207 LB 209 LB 235 LB 214 LB 206 LB 187

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 300.** Placed on Select File.

**LEGISLATIVE BILL 177.** Placed on Select File.

**LEGISLATIVE BILL 195.** Correctly engrossed.

**LEGISLATIVE BILL 225.** Correctly engrossed.

**LEGISLATIVE BILL 228.** Correctly engrossed.

**LEGISLATIVE BILL 134.** Correctly re-engrossed.

**LEGISLATIVE BILL 211.** Correctly enrolled.

**LEGISLATIVE BILL 212.** Correctly enrolled.

**LEGISLATIVE BILL 210.** Correctly enrolled.

**LEGISLATIVE BILL 213.** Correctly enrolled.

**LEGISLATIVE BILL 216.** Correctly enrolled.

**LEGISLATIVE BILL 260.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 211 LB 212 LB 210 LB 213 LB 216 LB 260

## RESOLUTIONS

## LEGISLATIVE RESOLUTION 21.

LR 21 was adopted with 37 ayes, 0 nays, and 6 not voting.

## Bills Referred to Standing Committees

LB                      Committee  
687..... Budget

(Signed) Dwight W. Burney  
Lieutenant Governor

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 215.** Laid over.

**LEGISLATIVE BILL 219.**

A bill for an act to amend section 71-611, Reissue Revised Statutes of Nebraska, 1943, relating to vital statistics; to clarify the provisions thereof; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fulton	Nelson	Simmons	

Voting in the negative, 0.

Not voting, 4:

Aufenkamp      Carpenter      Fenske      Munnelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.



**LEGISLATIVE BILL 220.**

A bill for an act to amend sections 72-407 and 72-707, Reissue Revised Statutes of Nebraska, 1943, and section 72-1005, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 241, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to public lands and buildings; to correct internal reference; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; to eliminate obsolete provisions therein; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Fenske	Munnelly
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 222.**

A bill for an act to amend section 76-217.03, Reissue Revised Statutes of Nebraska, 1943, relating to conveyances; to harmonize the provisions thereof with previous legislation; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Fenske	Munnelly
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 223.

A bill for an act to amend sections 77-201, 77-513, 77-1702, 77-1715, 77-2005, 77-2347, 77-2610, 77-2612, 77-2613, and 77-2616, Re-issue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 42:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 1:

Fenske

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 227.**

A bill for an act to amend sections 83-108, 83-122, 83-123, 83-134, 83-150, 83-322.01, 83-337, 83-339, and 83-356, Reissue Revised Statutes of Nebraska, 1943, relating to state institutions; to eliminate obsolete provisions therein; to harmonize the provisions thereof with previous legislation; to correct internal reference; to clarify the provisions thereof; to provide penalties; and to repeal the original sections.

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

Voting in the affirmative, 42:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 1:

Fenske

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 198.**

A bill for an act to amend section 29-2708, Reissue Revised Statutes of Nebraska, 1943, relating to receipts and disbursements in criminal cases; to provide for allocating of fines and penalties for violation of laws prohibiting the overloading of vehicles used

upon the public roads and highways of this state; to clarify the provisions thereof; and to repeal the original section.

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

Voting in the affirmative, 42:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine	Munnely		

Voting in the negative, 0.

Not voting, 1:

Fenske

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## NOTICE OF COMMITTEE HEARINGS

### Salaries and Claims

LB 2	Tuesday, March 17, 1959	2:00 p.m.
LB 4	Thursday, March 19, 1959	2:00 p.m.

## STANDING COMMITTEE REPORTS

### Labor and Public Welfare

**LEGISLATIVE BILL 509.** Placed on General File as amended.

Standing Committee amendments to LB 509:

1. Amend Section 1 of the bill by deleting lines 1 and 2 and that portion of line 3 "Statutes of Nebraska, 1943," and show as stricken.

2. Amend Section 1, line 3, by striking the word "it" and show as stricken and inserting in lieu thereof "It".

3. Amend Section 1, line 4, by striking the word "further" and show as stricken.

**LEGISLATIVE BILL 510.** Placed on General File as amended.

Standing Committee amendments to LB 510:

1. Amend Section 1 of the bill, line 16, by striking the word "delay," and show as stricken.

2. Amend Section 1 of the bill, line 17, by inserting after "or unreasonable" the following words "*delay or*".

3. Amend Sec. 2 of the bill, line 3, by striking the word "delay" and show as stricken.

4. Amend Sec. 2 of the bill, line 4, by inserting after "or unreasonable" the following words "*delay or*".

**LEGISLATIVE BILL 560.** Placed on General File.

(Signed) Peter H. Claussen, Chairman

#### SELECT FILE

**LEGISLATIVE BILL 153.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 142.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 144.** E and R amendment found in the Legislative Journal for the Forty-fifth Day was adopted.

Advanced to E and R for engrossment.

#### MOTION—Place LB 91 on General File

Mr. President: I move that LB 91 be placed on General File.  
(Signed) Terry Carpenter

Mr. Carpenter requested a record vote.

■

Voting in the affirmative, 13:

Burbach	Jensen	Otto	Vosoba
Carpenter	Nelson	Ruhnke	Webb
Donner	Orme	Tews	Williams
Erlewine			

Voting in the negative, 20:

Aufenkamp	Fulton	Marvel	Russillo
Bowen	Gerdes	McHugh	Simmons
Bridenbaugh	Hollenbeck	Olinger	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Thompson

Not voting, 10:

Adams	Klaver	Portsche	Skarda
Claussen	Moulton	Romans	Stryker
Fenske	Munnelly		

The Carpenter motion lost.

#### Visitors

Mr. Jensen introduced Mrs. Lloyd Hahn from Polk, Mrs. Wayne Barber from Norfolk, and thirty-six Nebraska Republican women.

Mr. Fulton introduced Mrs. Walter Boese, Teacher, and eight students from School District 141, Cortland, and three mothers.

#### UNANIMOUS CONSENT—Bracket Bills

Mr. Bridenbaugh requested unanimous consent that LB 130 and LB 316, bracketed until March 16, remain bracketed on General File until March 18. No objections. So ordered.

#### GENERAL FILE

**LEGISLATIVE BILL 156.** Read and considered.

Mr. Vosoba offered the following amendment:

Amend Section 1, line 11 by striking the period and adding, after the word "retail", the following: *"in any city or village in which household appliances are sold at retail by any person, firm or corporation"*.

Mr. Romans offered the following amendment to the Vosoba amendment:

Amend the Vosoba amendment, line 4, by adding *"and serviced"* after *"retail"*.

Mr. Carpenter requested as record vote on the Romans amendment.

Voting in the affirmative, 30:

Aufenkamp	Gerdes	Moulton	Skarda
Bowen	Hollenbeck	Munnelly	Stryker
Bridenbaugh	Jensen	Nelson	Swanson
Carpenter	Klaver	Otto	Syas
Cooper	Lautenschlager	Romans	Tews
Diers	Liebers	Ruhnke	Thompson
Erlewine	Marvel	Simmons	Vosoba
Fulton	McHugh		

Voting in the negative, 6:

Burbach	Pizer	Webb	Williams
Orme	Russillo	-	

Not voting, 7:

Adams	Donner	Olinger	Portsche
Claussen	Fenske	Peck	

The Romans amendment was adopted.

Mr. Vosoba offered the following amendment which was adopted:

Amend the Vosoba amendment, line 3, by inserting "*major*" before the word "*household*".

Mr. Carpenter offered the following amendment which was adopted:

Amend the Vosoba amendment, line 3, by inserting "*of over five hundred population*" after the word "*village*".

Mr. Ruhnke moved to reconsider the action on adopting the Carpenter amendment.

Mr. Ruhnke requested a Call of the House.

A Call of the House was ordered and showed 42 members present.

Mr. Carpenter moved that the Call be raised. The motion prevailed with 38 ayes, 0 nays, and 5 not voting.

Mr. Carpenter requested a record vote on the Ruhnke motion.

Voting in the affirmative, 15:

Bowen	Diers	Marvel	Ruhnke
Bridenbaugh	Gerdes	Olinger	Thompson
Burbach	Jensen	Otto	Vosoba
Claussen	Lautenschlager	Romans	

## Voting in the negative, 16:

Adams	Fulton	Nelson	Skarda
Aufenkamp	McHugh	Orme	Swanson
Carpenter	Moulton	Pizer	Syas
Erlewine	Munnely	Portsche	Tews

## Not voting, 12:

Cooper	Hollenbeck	Peck	Stryker
Donner	Klaver	Russillo	Webb
Fenske	Liebers	Simmons	Williams

The Ruhnke motion lost. -

Mr. Carpenter requested a record vote on the original Vosoba amendment as amended.

## Voting in the affirmative, 26:

Adams	Hollenbeck	Nelson	Simmons
Aufenkamp	Klaver	Otto	Skarda
Bowen	Lautenschlager	Peck	Swanson
Bridenbaugh	Marvel	Pizer	Syas
Carpenter	McHugh	Portsche	Tews
Diers	Moulton	Romans	Vosoba
Fulton	Munnely		

## Voting in the negative, 13:

Burbach	Liebers	Ruhnke	Thompson
Cooper	Olinger	Russillo	Webb
Gerdes	Orme	Stryker	Williams
Jensen			

## Not voting, 4:

Claussen	Donner	Erlewine	Fenske
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The Vosoba amendment was adopted.

Mr. Williams moved that LB 156 be indefinitely postponed.

Mr. Carpenter requested unanimous consent to consider an amendment by Mr. Bridenbaugh before taking action on the Williams motion.

Mr. Donner objected.

Mr. Carpenter requested a record vote on the Williams motion.

## Voting in the affirmative, 24:



Adams	Erlewine	Olinger	Russillo
Burbach	Gerdes	Orme	Simmons
Claussen	Hollenbeck	Otto	Stryker
Cooper	Jensen	Peck	Thompson
Diers	Liebers	Pizer	Webb
Donner	Nelson	Romans	Williams

Voting in the negative, 18:

Aufenkamp	Klaver	Munnelly	Swanson
Bowen	Lautenschlager	Portsche	Syas
Bridenbaugh	Marvel	Ruhnke	Tews
Carpenter	McHugh	Skarda	Vosoba
Fulton	Moulton		

Not voting, 1:

Fenske

The Williams motion prevailed and LB 156 was indefinitely postponed.

#### **Speaker Pizer Presiding**

#### **Member Excused**

Mr. Claussen was excused at 11:15 a.m. for the remainder of the morning.

#### **GENERAL FILE**

#### **LEGISLATIVE BILL 268.**

Mr. Romans moved that LB 268 be indefinitely postponed.

Mr. Stryker moved the previous question. The motion prevailed with 34 ayes, 1 nay, and 8 not voting.

Mr. Carpenter requested a record vote on the Romans motion.

Voting in the affirmative, 16:

Bowen	Gerdes	Nelson	Ruhnke
Bridenbaugh	Hollenbeck	Otto	Russillo
Diers	Jensen	Peck	Simmons
Erlewine	McHugh	Romans	Stryker

Voting in the negative, 22:

Adams	Lautenschlager	Orme	Syas
Aufenkamp	Liebers	Pizer	Tews
Burbach	Marvel	Portsche	Thompson
Carpenter	Moulton	Skarda	Vosoba
Fulton	Munnelly	Swanson	Webb
Klaver	Olinger		

Not voting, 5:

Claussen	Donner	Fenske	Williams
Cooper			

The Romans motion lost.

Read and considered.

#### **President Burney Presiding**

Standing Committee amendments found in the Legislative Journal for the Thirtieth Day were adopted.

Advanced to E and R for review.

#### **STANDING COMMITTEE REPORTS**

##### **Education**

**LEGISLATIVE BILL 390.** Indefinitely postponed.

(Signed) George Syas, Chairman

#### **UNANIMOUS CONSENT—Executive Session**

Mr. Munnelly, Chairman of the Banking, Commerce and Insurance Committee, requested unanimous consent to hold an executive session at 3:00 o'clock today, March 10, 1959. No objections. So ordered.

#### **Adjournment**

At 11:55 a.m., on a motion by Mr. Pizer, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**FORTY-SEVENTH DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 11, 1959

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

Prayer was offered by the Chaplain.

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

The Journal for the Forty-sixth Day was approved.

**Member Excused**

Mr. Adams was excused at 9:30 a.m. for the remainder of the morning.

**Communications**

Letter from R. S. Thurston, Omaha, regarding the beds at the University Hospital.

Note to Speaker Harry L. Pizer including a short humorous story.

**Presented to the Governor**

Presented to the Governor for approval on March 10, 1959, at 4:15 p.m.: LB 211 LB 212 LB 210 LB 213 LB 216  
LB 260

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 172.** Replaced on Select File as amended.

E and R amendment to LB 172:

1. In renumbered section 4, line 2, strike "is" and insert "are"

**LEGISLATIVE BILL 240.** Replaced on Select File as amended.

E and R amendment to LB 240:

1. In E & R Amendment 2, line 4, strike "to do" and insert "do so".

**LEGISLATIVE BILL 398.** Placed on Select File as amended.

E and R amendments to LB 398:

1. For correlation purposes, strike section 2 and insert:

"Sec. 2. That section 53-132, Revised Statutes Supplement, 1957, as amended, by section 1, Legislative Bill 235, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

53-132. (1) All original and renewal applications for license to sell alcoholic liquors, including beer regardless of alcoholic content, at retail by the drink within the corporate limits of cities or villages, shall be filed in each instance with the municipal clerk of the local governing body, at least fifteen days before the hearing thereon is had. The bond properly executed, required by section 53-138.02, shall accompany the application, together with the license fee and cash deposit for defraying the cost of publication of notice for hearing thereon as provided in subsection (2) of this section. *The license fee and cash deposit for defraying cost of publication of notice for hearing thereon, as provided in subsection (2) of this section, shall accompany the application.*

(2) At the next regular or special meeting of the local governing body of a city or village, referred to in subsection (1) of this section, after the filing of such an application, the local governing body shall fix a time and place at which a hearing will be had upon such application and at which such local governing body shall receive competent evidence under oath, either orally or by affidavit from any person bearing upon the propriety of the issuance of such license. Notice of the time and place of hearing on the application before the local governing body shall be published at the expense of the applicant in a legal newspaper in or of general circulation in such city or village one time not less than three days nor more than seven days before the time of the hearing.

(3) The notice of the filing of the application, in addition to the precise time and place of hearing, referred to in subsection (2) of this section, shall include the name and address of the

applicant, the general character of the license applied for, and the legal description of the premises sought to be licensed. If, after such hearing, a majority of the members-elect of the local governing body shall favor the issuance of such retailer's license to the applicant, they shall by motion direct the mayor or chairman of the board of trustees, as the case may be, to endorse his written approval on the bond and they shall cause a resolution favoring the issuance of such license to be spread at large in the minutes of their proceedings.

(4) The municipal clerk shall make up and prepare in triplicate original that part of the standard form of a license, as is prescribed by the commission, as provided in subsection (3) of this section, to be executed on behalf of the local governing body, to be signed by the mayor or chairman of the board of trustees, as the case may be, whose signature shall be attested thereon by the signature of the municipal clerk over the seal of the city or village. Forthwith thereafter, the municipal clerk shall forward, by either registered or certified mail, the license issued in triplicate original to the commission, together with the state registration fee in the sum of two dollars.

(5) The commission shall cause the license to be countersigned by its chairman, attested by its secretary over the seal of the commission, as a matter of course if *the commission has received from the applicant a bond, as described in section 53-138.02, effective for the term of the license*, unless within three days after the receipt of such license executed by the local governing body, as provided in subsection (4) of this section, objections in writing by not less than three persons residing within said city or village or also by any one of the duly appointed inspectors of the Nebraska Liquor Control Commission shall be lodged with the secretary of the commission protesting the issuance, the countersigning and completing the issuance of such license, in which event the commission shall proceed, as in the case of an appeal from any other final order of the local governing body, as provided in section 53-1,115. Such objections shall be filed in duplicate signed by the objectors and shall state with particularity the grounds thereof. If the commission is satisfied that the objections state sufficient facts to substantiate said objections, it shall set the matter for hearing within twenty days from the date of the filing of said objections and shall serve notice upon the applicant of the time and place of such hearing, and shall furnish to said applicant a copy of said objections. At the time of filing such objections, by residents of said city or village, there shall also be filed by such persons objecting, a sufficient security for costs which the commission shall deem adequate to cover all costs liable to accrue,

including reporting the testimony and making up complete transcripts thereof, and extending the reporter's original notes in type-writing, and such costs may be taxed to such persons objecting if the commission shall decide that there was not reasonable ground for the filing of such objection. If no protest in writing be lodged with the secretary, as provided in this subsection, the commission shall retain the second duplicate original for the permanent records of the commission, and return by registered or certified mail not later than the fourth day after their receipt, the original and the first duplicate of such license, properly executed, to the municipal clerk who forwarded them; and the municipal clerk shall forthwith deliver the original license to the applicant and retain the first duplicate original thereof for the files of the local governing body.

(6) Pending return of license finally issued by the commission, the municipal clerk shall retain the license fee in trust for the applicant."

2. In section 3, renumber the lines on pages 6 and 7 as lines 4 to 43.

3. In section 6, line 32, strike "in" and insert "in of"; and in line 128, strike ", provided" and insert ", provided ; *Provided*,".

4. In section 7, line 3, strike "and sections 53-132 and" and insert "section"; and in line 4, before "are" insert "and section 53-132, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 235, Sixty-ninth Session, Nebraska State Legislature, 1959,".

5. In the title, line 4, strike "and sections 53-132 and" and insert "section"; in line 5, before "relating" insert "and section 53-132, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 235, Sixty-ninth Session, Nebraska State Legislature, 1959,".

**LEGISLATIVE BILL 54.** Placed on Select File as amended.

E and R amendments to LB 54:

1. For correlation purposes, strike section 1 and insert:

"Section 1. That section 77-1301, Reissue Revised Statutes of Nebraska, 1943, as amended by section 20, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

77-1301. (1) All real property in this state subject to taxation shall be assessed as of January 1 at 12:01 a.m. of each year,

which assessment shall be used as a basis of valuation for taxation until the next regular assessment, except as provided in this section and in sections 77-1306 and 77-1307.

(2) In all counties having a population of not more than two hundred thousand inhabitants, the *The* county board of each county may, at its discretion, employ not more than three residents of the county to be known as a real estate and personal property classification and reappraisal committee. The committee may employ such assistants for classifying and reappraising as it deems necessary with the approval of the county board. The committee may, at the discretion and direction of the county board, appraise the personal property of the county or such separate portions thereof as the county board may direct. Such committee shall examine and classify all land and town lots of the county. The land lying outside of cities and villages, and not including the improvements thereon, shall be classified in units, tracts, or divisions of forty acres, except where the parcel, tract, or unit of less than forty acres is under one ownership. Such lands shall be classified into as many classes or divisions as such committee believes is necessary. The committee shall then, as directed by the county board, reappraise all land and town lots of the county including the improvements thereon. The county assessor or county clerk, where he is ex officio county assessor, shall take into consideration the recommendation of such classification and reappraisal committee and shall value and assess the land, town lots, and improvements thereon in accordance with the general rules and regulations to be provided by the Tax Commissioner.

(3) A member of the committee provided for in subsection (2) of this section shall be disqualified from classifying and reappraising any land or personal property owned by him, any of his relatives within the third degree of consanguinity, his partner, or any firm of which he shall be a member. In the event of the disqualification of one or more of the members of such committee, the temporary vacancy so created shall be filled, for the purpose of classifying and reappraising such lands or personal property, by a member or members of the county board.

(4) The members of the real estate and personal property classification and reappraisal committee and its assistants shall each receive such compensation, mileage, and expenses as may be fixed by the county board. The amount of compensation, mileage, and expenses as fixed by the county board shall be allowed and paid out of the general fund of the county.

(5) The duties of the real estate and personal property classification and reappraisal committee shall terminate when its

detailed classification and reappraisal report is accepted by the county board of equalization. After the first general classification of lands and town lots by such committee, the authority shall be vested in the county board of equalization to make reclassifications or additional classifications from year to year.

(6) When the real estate and personal property classification and reappraisal committee has completed the classification and reappraisal, it shall file the tabulation compiled by it with the county clerk of the use of the county board of equalization. Such classification and reappraisal committee and its assistants shall have the same authority to examine the property to be classified and reappraised as that of the county assessor.”.

2. For correlation purposes, strike section 4 and insert:

“Sec. 4. That section 77-1315, Reissue Revised Statutes of Nebraska, 1943, as amended by section 22, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

77-1315. The county assessor or county clerk where he is ex officio county assessor shall complete his revision of the assessment rolls, schedules, lists, and returns and file them with the county clerk on or before April 1 of each year. The county assessor shall before such filing, notify the record owner of every piece of real estate which has been valued *assessed* at a higher figure than at the last previous assessment. Such notice may be given by post card, addressed to such owner's last-known address. It shall describe said real estate, and state the old and new *assessed* valuation thereof and the date of the convening of the board of equalization.”.

3. In section 6, line 1, strike “77-1301, 77-1311,” and insert “77-1311”; in line 2, strike “77-1314, and 77-1315,” and insert “and 77-1314,”; in line 3 before “and” insert “section 77-1301, Reissue Revised Statutes of Nebraska, 1943, as amended by section 20, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 77-1315, Reissue Revised Statutes of Nebraska, 1943, as amended by section 22, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959,”.

4. In the title, line 2, strike “77-1301, 77-1311,” and insert “77-1311 and” before “77-1314”; in lines 2 and 3 strike “and 77-1315,”; in line 4, after “1943,” insert “section 77-1301, Reissue Revised Statutes of Nebraska, 1943, as amended by section 20, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 77-1315, Reissue Revised Statutes of Nebraska,



1943, as amended by section 22, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959,"; and in line 20 strike "building" and insert "buildings".

**LEGISLATIVE BILL 383.** Placed on Select File as amended.

E and R amendments to LB 383:

1. In section 1, line 4, strike "building" and insert "buildings".
2. In section 3, line 3, strike "It" and insert "The duly authorized representatives of the department".
3. In the title, line 6, after the comma, insert "and".

**LEGISLATIVE BILL 47.** Placed on Select File as amended.

E and R amendments to LB 47:

1. In section 1, line 28, strike "five" and insert "*three and one half*".
2. For correlation purposes, strike section 1 and insert:

"Section 1. That section 77-1611, Reissue Revised Statutes of Nebraska, 1943, as amended by section 26, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

77-1611. Every male inhabitant in each road district, being over the age of twenty-one years and under the age of fifty years, except paupers, idiots, lunatics, and others specially exempted by law, shall be assessed to pay a poll tax of two dollars and fifty cents. A like exemption shall apply to all persons serving in the armed forces of the United States on January 1 at 12:01 a.m. of each year and also to honorably discharged veterans who served during a period of war, as defined in section 80-401.01, and are receiving disability compensation, disability retirement pay, or pension from the United States government at the time of said assessment. Such tax shall be payable in cash at the same time as the tax upon personal property is payable. Persons living in cities or incorporated villages, who are liable, by the provisions of the law regulating cities and villages, to pay the poll or labor tax or work upon the streets thereof, shall not be assessed to pay the tax provided for in this section. (1) *A tax of three and one half dollars is hereby imposed upon every male and female inhabitant of the State of Nebraska who is twenty-one years of age or older, but has not yet attained the age of sixty years, is sane, is not a public charge, as a poor person or recipient of blind assistance, and is not excepted under subsection (2) of this section. The county board of each county in this state shall annually in-*

clude in the county tax levy such tax of three and one half dollars upon every male and female inhabitant of such county.

(2) The tax, provided for by subsection (1) of this section, shall not be imposed or levied upon any person serving in the armed forces of the United States on January 1 of each year or upon any person who has been or is hereafter classified by the United States Veterans Administration as being totally disabled as the result of service in the armed forces of the United States or upon any person who is a member of any religious order or society which requires an oath of poverty of its members.

(3) Such tax levies shall be collected by the county treasurers of the several counties of the state and shall be apportioned in the various taxing districts of the state in the same manner as provided by section 77-704 for distribution of taxes on intangible property.

3. In section 2, line 2, after "1943," insert "as amended by section 26, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959,"; line 3, after "1943," insert "as amended by section 1, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959,".

4. In the title, line 3, after "1943," insert "as amended by section 26, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959,"; in line 5, after the semicolon, insert "to provide exemptions,"; in line 8, after "1943" insert ", as amended by section 1, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959".

**LEGISLATIVE BILL 253.** Placed on Select File as amended.

E and R amendments to LB 253:

1. In Standing Committee Amendment 1, line 8, strike the period and insert "; or".

2. In Standing Committee Amendment 2, line 6, strike "30" and insert "thirty".

3. In section 5, line 4, strike "his" and insert "its".

4. In section 6, line 2, insert a comma after the second "shall".

5. In the title, line 5, after "bonds" insert "and for the relief of the surety from liability on such bonds".

**LEGISLATIVE BILL 490.** Placed on Select File as amended.

E and R amendment to LB 490:

1. In the title, line 5, strike "applicant" and insert "application".

**LEGISLATIVE BILL 163.** Placed on Select File as amended.

E and R amendments to LB 163:

1. In section 1, line 5, strike "; on or before October 1, 1949," and show the same as stricken.
2. In the title, strike lines 6 and 7 and insert "quipped with a shield, part of which shall be a windshield,".

**LEGISLATIVE BILL 149.** Placed on Select File as amended.

E and R amendments to LB 149:

1. In Standing Committee Amendment 1, line 3, strike "and showing the same as stricken".
2. In section 2, strike lines 6 and 7 and insert "flesh of raccoon or opossum which has been legally taken,".
3. Strike Standing Committee Amendment 2.
4. Strike section 3 of the bill and renumber original section 4 as section 3.
5. In the title, strike lines 8 to 11, and insert "permit; to provide that it shall be lawful to buy, sell, or barter the flesh of raccoon or opossum that has been legally taken or possessed; to empower the Game,".

**LEGISLATIVE BILL 242.** Correctly engrossed.

**LEGISLATIVE BILL 129.** Correctly engrossed.

**LEGISLATIVE BILL 244.** Correctly engrossed.

**LEGISLATIVE BILL 250.** Correctly engrossed.

**LEGISLATIVE BILL 217.** Correctly engrossed.

**LEGISLATIVE BILL 198.** Correctly enrolled.

**LEGISLATIVE BILL 227.** Correctly enrolled.

**LEGISLATIVE BILL 223.** Correctly enrolled.

**LEGISLATIVE BILL 222.** Correctly enrolled.

**LEGISLATIVE BILL 220.** Correctly enrolled.

**LEGISLATIVE BILL 219.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 198 LB 227 LB 223  
LB 222 LB 220 LB 219 LR 21

#### **Visitors**

Mr. Ruhnke introduced his wife; his daughter, Jane; and Elda Malchow from Plymouth.

### **STANDING COMMITTEE REPORTS**

#### **Committee on Committees**

March 11, 1959

Mr. President:

Your Committee on Committees reports favorably on the appointments listed below, and suggests that they be voted on for confirmation separately:

BY GOVERNOR ANDERSON:

**Arthur J. Denney**, Court of Industrial Relations

This appointment is for the six year term ending in 1963.

**Bernard M. Spencer**, Board of Education of State Normal Schools

This appointment is for a six year term beginning January 1, 1959 and ending January 1, 1965.

**Carl Spelts**, Board of Education of State Normal Schools

This appointment is for a six year term beginning January 1, 1959 and ending January 1, 1965.

**John T. Bressler, Jr.,** Board of Education of State Normal Schools

This appointment is to fill the unexpired term of Ralph Carhart, which expires January 1, 1963.

**Dr. Maurice D. Frazer,** State Board of Health

This appointment is for a three year term beginning September 14, 1958 and ending September 13, 1961.

BY GOVERNOR BROOKS:

**Mrs. Ethel M. Kirwin,** Board of Control

This appointment is from the Fourth Congressional District and is for the six year term beginning July 1, 1959 and ending June 30, 1965.

**LeRoy Bahensky,** Game, Forestation and Parks Commission

This appointment is from District Three to complete the term of Robert F. Kennedy which expires January 15, 1963, the vacancy resulting from the resignation of Mr. Kennedy.

**Wade Ellis,** Game, Forestation and Parks Commission

This appointment is for District Seven and is for the term expiring January 15, 1964.

BY BOARD OF EDUCATIONAL LANDS AND FUNDS:

**Elmer H. Mahlin,** Secretary, Board of Educational Lands and Funds

This is for a two year appointment as secretary for the Board from January 1, 1959 to December 31, 1960.

(Signed) William Moulton, Chairman

Mr. Moulton moved that the report of the Committee on Committees be accepted and that the appointments listed therein be voted on for confirmation separately. The motion prevailed.

**Vote on Mr. Denney**

Voting in the affirmative, 36; voting in the negative, 0; not voting, 7.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Denney confirmed.

**Vote on Mr. Spencer**

Voting in the affirmative, 36; voting in the negative, 0; not voting, 7.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Spencer confirmed.

**Vote on Mr. Spelts**

Voting in the affirmative, 36; voting in the negative, 0; not voting, 7.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Spelts confirmed.

**Vote on Mr. Bressler**

Voting in the affirmative, 35; voting in the negative, 0; not voting, 8.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Bressler confirmed.

**Vote on Mr. Frazer**

Voting in the affirmative, 36; voting in the negative, 0; not voting, 7.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Frazer confirmed.

**Vote on Mrs. Kirwin**

Voting in the affirmative, 35; voting in the negative, 0; not voting, 8.

Having received a majority of the votes of all members, the President declared the appointment of Mrs. Kirwin confirmed.

**Vote on Mr. Bahensky**

Voting in the affirmative, 37; voting in the negative, 0; not voting, 6.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Bahensky confirmed.

**Explanation of Vote**

Mr. President: Had I not been lobbying, I would have voted "aye" on the confirmation of the appointment of LeRoy Bahensky to the Game, Forestation and Parks Commission. (Signed) Terry Carpenter

**Vote on Mr. Ellis**

Voting in the affirmative, 35; voting in the negative, 0; not voting, 8.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Ellis confirmed.

**Vote on Mr. Mahlin**

Voting in the affirmative, 33; voting in the negative, 0; not voting, 10.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Mahlin confirmed.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 226.**

A bill for an act to amend sections 81-101, 81-108, 81-201, 81-258, and 81-701.05, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to eliminate obsolete internal references; to harmonize the provisions thereof with previous legislation; to clarify the provisions thereof; and to repeal the original sections.

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

Voting in the affirmative, 39:

Aufenkamp	Gerdas	Nelson	Skarda
Bowen	Hollenbeck	Olinger	Stryker
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams
Fulton	Munnelly	Russillo	

Voting in the negative, 0.

Not voting, 4:

Adams	Carpenter	Claussen	Simmons
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 229.

A bill for an act to amend sections 85-214 and 85-215, Reissue Revised Statutes of Nebraska, 1943, relating to state university and normal schools; to eliminate obsolete internal references; and to repeal the original sections.

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

Voting in the affirmative, 40:

Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Tews
Donner	Marvel	Portsche	Thompson
Erlewine	McHugh	Romans	Vosoba
Fenske	Moulton	Ruhnke	Webb
Fulton	Munnely	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Carpenter	Claussen
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 231.

A bill for an act to repeal sections 21-1529, 25-220, 37-214, 72-234.03, 72-234.04, 77-1736.01, 77-1736.02, 77-1736.03, 85-221, and 85-222, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1908, 11-204, and 45-170, Revised Statutes Supplement, 1957, the same having expired by lapse of time.



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

Voting in the affirmative, 40:

Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Tews
Donner	Marvel	Portsche	Thompson
Erlewine	McHugh	Romans	Vosoba
Fenske	Moulton	Ruhnke	Webb
Fulton	Munnelly	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Carpenter	Claussen
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 232.

A bill for an act to repeal sections 15-604, 72-803, 72-804, 72-805, 72-806, 72-807, 72-1001, 72-1002, 72-1003, 72-1004, and 84-706, Reissue Revised Statutes of Nebraska, 1943, as being obsolete.

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

Voting in the affirmative, 41:

Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnelly	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 2:

Adams                      Claussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 234.** With emergency.

A bill for an act to authorize the Revisor of Statutes to reissue and bring up to date the 1952 reissue of Volumes 3 and 3A to the Revised Statutes of Nebraska, 1943; to provide for the sale and distribution of the reissued volumes; to provide an appropriation; 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:

Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 2:

Adams                      Claussen

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

**LEGISLATIVE BILL 230.**

A bill for an act to amend sections 88-201 and 88-208, Reissue Revised Statutes of Nebraska, 1943, relating to public grain warehouses; to clarify the provisions thereof; to eliminate obsolete pro-

visions thereof; to include safflower seed in the definition of grain; and to repeal the original sections.

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

Voting in the affirmative, 41:

Aufenkamp	Gerdas	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 2:

Adams Claussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Visitors

Mr. Diers introduced Mr. Larry Abker, Principal, Mr. Fred Ingold, Teacher, and 14 seniors and 12 eighth grade students from Bradshaw School District 56.

#### NOTICE OF COMMITTEE HEARINGS

##### Budget

LB 687 Thursday, March 19, 1959

2:00 p.m.

#### STANDING COMMITTEE REPORTS

##### Public Health

**LEGISLATIVE BILL 569.** Placed on General File as amended.

Standing Committee amendments to LB 569:

1. Amend section 1 of the bill, line 8 by striking "three" and inserting "twelve".

2. Amend the title to conform.

(Signed) Sam Klaver, Chairman

### SELECT FILE

**LEGISLATIVE BILL 300.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 177.** Advanced to E and R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 541.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 269.** Read and considered.

Mr. Romans offered the following amendment:

Amend the bill, Section 1, line 33, by inserting the following after the word "control": "*and he or she has not been notified of said vacation at the time of his or her hiring*", and amend the title to conform.

Mr. Klaver requested a Call of the House.

A Call of the House was ordered and showed 36 members present.

Mr. Romans moved that the Call be raised. The motion prevailed with 30 ayes, 6 nays, and 7 not voting.

Mr. Romans requested a record vote.

Voting in the affirmative, 20:

Aufenkamp	Donner	Lautenschlager	Russillo
Bowen	Erlewine	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Peck	Swanson
Diers	Jensen	Romans	Williams

Voting in the negative, 18:

Carpenter	Marvel	Otto	Skarda
Fenske	McHugh	Pizer	Syas
Fulton	Moulton	Portsche	Thompson
Klaver	Munnely	Ruhnke	Vosoba
Liebers	Orme		

Not voting, 5:

Adams	Cooper	Tews	Webb
Claussen			

The Romans amendment was adopted.

Laid over until Monday, March 16, at the request of Mr. Stryker.

**LEGISLATIVE BILL 427.** Laid over.

**LEGISLATIVE BILL 469.** Read and considered.

Laid over until Monday, March 16, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 521.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-sixth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 324.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-sixth Day were adopted.

Advanced to E and R for review.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 135.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 126.** Section 1 read and considered.

Mr. Simmons moved that the Standing Committee amendments found in the Legislative Journal for the Thirty-sixth Day be adopted.

Motion pending.

Bracketed at the request of Mr. Carpenter.

**Guests**

Mr. Cooper and Mr. Marvel escorted to the rostrum Governor Ralph G. Brooks, Mayor Bennet Martin from Lincoln, and the following American Legion officials: Preston J. Moore, National Commander from Stillwater, Oklahoma; John Curtiss, National Committeeman; Loren Cottrell, Commander of Lincoln Post 3; and James C. Smith, State Commander from North Platte.

Mr. Cooper introduced the guests to the Legislature.

Governor Brooks and National Commander Preston J. Moore addressed the Legislature.

The guests were escorted from the Chamber.

**GENERAL FILE**

**LEGISLATIVE BILL 301.** Section 1 read and considered.

Standing Committee amendment 1 found in the Legislative Journal for the Thirty-seventh Day was adopted.

Mr. Carpenter offered the following amendment:

Amend Section 1, line 13 by striking "or a lien upon".

Amendment pending.

**UNANIMOUS CONSENT—Change Hearing Date**

Mr. Russillo requested unanimous consent to change the hearing date on LB 655, scheduled by the Government Committee, from April 22, 1959, to April 1, 1959. No objections. So ordered.

**STANDING COMMITTEE REPORTS****Public Health**

**LEGISLATIVE BILL 384.** Placed on General File.

(Signed) Sam Klaver, Chairman

**Public Works**

**LEGISLATIVE BILL 325.** Indefinitely postponed.

**LEGISLATIVE BILL 470.** Placed on General File as amended.

Standing Committee amendments to LB 470:

1. Amend the bill, Section 1, line 16, by inserting after the word "completed" the following:

*"as evidenced by the completion date established in the department's letter of tentative acceptance".*

2. Amend the bill, Section 1, line 18, by inserting after the word "contractor" the following:

*"unless delay in payment is occasioned through fault of the contractor".*

**LEGISLATIVE BILL 565.** Placed on General File as amended.

Standing Committee amendments to LB 565:

1. Amend the bill by striking Section 10 and re-numbering original Sections 11 to 22 as Sections 10 to 21 respectively.

2. Amend re-numbered Section 21, line 5, by striking, "sections 39-1519 and" and inserting in lieu thereof, "section".

3. Amend the title to conform.

(Signed) Arnold Ruhnke, Chairman

#### **UNANIMOUS CONSENT—Change Hearing Date**

Mr. Williams requested unanimous consent to change the hearing date on LB 656 and LB 667, scheduled by the Government Committee, from April 27, 1959 to April 8, 1959. No objections. So ordered.

#### **Adjournment**

At 11:59 a.m., on a motion by Mr. Fenske, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## FORTY-EIGHTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Thursday, March 12, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Bowen who was excused for today, March 12, and Friday, March 13, Mr. Portsche who was excused until 9:45 a.m., and Mr. Adams who was excused until 10:00 a.m.

**Corrections for the Journal**

Page 784, line 11, delete "property" and insert "properly".

Page 784, line 36, correct the spelling of "Reissue".

Page 785, line 9, delete the first "and".

The Journal for the Forty-seventh Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

March 10, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on March 10, 1959, he approved LB 199, LB 200, LB 201, LB 205 and LB 233.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
RBC:e



**Communications**

Letter from the General Services Administration, Washington, D. C., acknowledging receipt of Legislative Resolution 15.

Letter from Mrs. William W. Jurgensen, President, Parents of Blind Children of Eastern Nebraska, relative to LB 281, LB 282, and LB 283.

**Invitation**

Invitation from the Nebraska Federation of Retail Associations to a noon luncheon on Friday, March 20, at the Cornhusker Hotel.

**LEGISLATIVE EXPENSES, February 1959****Account E-2 Members' Salaries**

Gross Amount .....	\$8,600.00
Members' net payments .....	\$8,005.00
Withholding Tax .....	380.00
Deferred payment O.A.S.I. ....	215.00
Total .....	\$8,600.00

**Account E-3 Members' Mileage**

80 miles @ 6c per mile .....	\$4.80
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**Account E-4 Officers' and Employees' Salaries**

	Days Worked	Monthly Rate	Gross Wages
George L. Santo, Sergeant-at-arms .....	20	200.	200.00
Max Baskins, Asst. Sergeant-at-arms .....	20	195.	195.00
Ruby B. Nelson, Postmaster .....	20	220.	220.00
Martin Schroeder, Chaplain .....	20	170.	170.00
Donna Jean Nelson, Secy., Lieutenant Governor .....	20	300.	300.00
Theba Lubken, Journal Clerk .....	20	375.	
Over-time .....	29hr.	64.74	439.74
Monica Mahloch, Asst. Journal Clerk .....	14	300.	210.00
Jo Fisher, Enrolling Clerk .....	20	375.	375.00
Janice Fifer, Bookkeeper .....	15	300.	225.00
Donna Cleavenger, Office Asst. and Secy.....	20	300.	300.00
Elsye Firestone, Docket Clerk .....	20	275.	275.00

	Days Worked	Monthly Rate	Gross Wages
Dorothy Hubertus, Stencil Cutter and			
Mimeo. Operator .....	20	275.	
Over-time .....	10hr.	16.50	291.50
Gertrude Tyler, Telephone Operator .....	20	200.	200.00
Eunice Bradley, Supervisor, Steno. Pool .....	20	325.	325.00
Eloise Galloway, Supervisor, Steno. Pool .....	20	325.	325.00
Sherill Ann Burgess, Secretary .....	20	300.	300.00
Jo Ann Hansen, Public Works Com. Clerk .....	20	300.	300.00
Bonnie J. Drohman, Stenographer .....	20	260.	260.00
Arline Kottas, Stenographer .....	20	260.	260.00
Shirley Sicner, Stenographer .....	20	260.	260.00
Phyllis A. Camp, Stenographer .....	20	260.	260.00
De Ann Shipps, Stenographer .....	20	260.	260.00
Donna Lynch, Education Com. Clerk .....	20½	300.	306.80
Sue Steenson, Misc. Subjects			
Com. Clerk .....	20	300.	300.00
Delores Knudsen, Government Com. Clerk.....	20	300.	300.00
Miriam Gabelman, Revenue Com. Clerk .....	20	300.	300.00
Dorothy Kelly, Agriculture Com. Clerk .....	20	300.	300.00
Sally Bloom, Public Health Com. Clerk .....	20	300.	300.00
Virginia Trook, Salaries & Claims Com. Clerk	20	300.	300.00
Genevieve O'Connor, Banking, Commerce			
and Ins. Com. Clerk .....	20	300.	300.00
Betty Minder, Judiciary Com. Clerk .....	20	300.	300.00
Verda Samuelson, Labor & Public Welfare			
Com. Clerk .....	20	300.	300.00
Dorothea Fuchs, Budget Com. Clerk .....	20	300.	300.00
Jeanne P. Allen, Clerk Typist .....	20	260.	260.00
Janet Hothan, Stenographer .....	17	260.	221.00
Elaine Johnson, Stenographer .....	18	260.	195.00
Phyllis Daniels, Page .....	20	180.	180.00
Mary Jane Hall, Page & Bill Room Clerk .....	20	235.	267.50
Marjorie Lowell, Page .....	20	180.	180.00
Mary Jo Peters, Page .....	20	180.	180.00
Beverly Sternberg, Page .....	20	180.	180.00
Sharon Zade, Page .....	20	90.	90.00
Richard Knaub, Page .....	14	180.	126.00
Sally Cook, Page .....	19	180.	171.00
C. A. Mohrman, Chief Clerk Bill Room .....	22	300.	330.00
John D. Curtis, Bill Room Clerk .....	22	235.	258.50
C. W. Touzalin, Bill Room Clerk .....	22	235.	258.50
F. R. Miller, Bill Room Clerk .....	22	235.	258.50
J. N. Schneider, Bill Room Clerk .....	22	235.	258.50

	Days Worked	Monthly Rate	Gross Wages
James A. Rivers, Bill Room Clerk .....	22	235.	258.50
William Hansen, Bill Room Clerk .....	22	235.	258.50
Oril Barber, Bill Room Clerk .....	20	235.	235.00
Leon R. Hill, Bill Room Clerk .....	20	235.	235.00
Ural Sterns, Asst. Bill Room Clerk .....	20	225.	225.00
Blanche Cole, Asst. Bill Room Clerk .....	20	225.	225.00
Corbett Krumtum, Custodian .....	20	235.	235.00
Joseph Eickmeier, Custodian .....	20	200.	200.00
Everett Hall, Custodian .....	20	200.	200.00
Grace E. Clapp, Proof-reader .....	419hrs.	1.60	670.40
Tilla Koenig, Proof-reader .....	177hrs.	1.60	283.20
Bertha Johnston, Proof-reader .....	109hrs.	1.60	174.40
Elizabeth Reger, Proof-reader .....	135hrs.	1.60	216.00
Bessie Watkin, Proof-reader .....	233hrs.	1.60	373.60
Lillian Newell, Proof-reader .....	9½hrs.	1.60	15.20
Francis V. Robinson, Asst. Clerk of the Legislature .....	20	650.	650.00
Total			\$17,127.34

## Account E-5 Incidental Expenses

T. M. Duffield Co., Radio & Television Services for Governor Brooks Inauguration .....	\$ 28.64
Joe Christensen, Printing "Rules of the Legislature" .....	125.00
Superintendent of State Buildings & Grounds Telephone Service for December, 1958 .....	24.90
Purchasing Department, Supplies .....	350.49
Nebraska Typewriter Co., Typing Paper .....	57.18
Purchasing Department, Office Supplies .....	30.94
Secretary of State, Thirty Pkgs. of Thermathox .....	4.50
Felton & Wolf Co., Office Supplies .....	43.92
Lincoln, Telephone & Telegraph Co., Service for January 16, 1959 .....	20.60
Latsch Brothers Inc., Supplies .....	5.92
Acorn Press, Roll Call Alterations .....	54.00
State Purchasing Department, Postage Meter Fund .....	2,000.00
Carpenter Paper Company, Dixie Melody Cups .....	18.37
Voss Electric Company, CW Lamps .....	11.36
Capitol Printing Co., Printing of LB 101 through 300 .....	4,676.20
Joe Christensen, Legislature Journal for January .....	1,990.96

Railway Express Co., Shipping Cartons .....	10.45
Rosewell Floral Co., Flowers for Karl Vogel .....	8.55
Nebraska Typewriter Co., Rental of Equipment .....	74.00
Superintendent of State Buildings & Grounds	
Telephone Service for January, 1959 .....	92.36
Capitol Printing Co., Printing of LB 301 through	
680 .....	8,927.50
R. & H. Hoover Services, Repairs to M91 & M53....	11.85
	<hr/>
Total	\$18,567.69

## Account 5 Intergovernmental Cooperation Commission

J. Monroe Bixler, expenses to Chicago .....	\$190.09
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## Account 7 Salary of Lieutenant Governor

Lieutenant Governor Salary, net .....	\$ 141.72
Withholding tax .....	00.00
Deferred payment O.A.S.I. ....	3.63
	<hr/>
Total Salary	\$145.35

## Account 7A Expenses of Lieutenant Governor

Lumbermens Mutual Casualty Company,	
Bond for two years .....	\$ 39.81

## Account 8 Clerk's Salary, Other Wages, Maintenance &amp; Supplies

Hugo F. Srb, net salary for February .....	\$ 571.27
Continental National Bank, Withholding Tax .....	78.80
	<hr/>
Total	\$650.07

(Signed) Hugo F. Srb  
Clerk of the Legislature

**UNANIMOUS CONSENT—Read and Print Opinion**

Mr. Carpenter requested unanimous consent to have an Attorney General's opinion read and printed in the Journal. No objections. So ordered.

The Clerk read the following opinion:

November 13, 1958

SUBJECT: Taxation—Taxation of amounts due from the State on construction projects on building materials used in such projects.

REQUESTED BY: Jack W. Rodgers, Director of Research, Capitol Building, Lincoln, Nebraska.

OPINION BY: Clarence S. Beck, Attorney General,  
H. G. Hamilton, Assistant Attorney General.

QUESTION: 1. Should accounts receivable due from the Department of Roads of the State of Nebraska be listed on business intangible tax returns by contractors?

CONCLUSION: 1. Yes.

QUESTION: 2. Should materials be listed for tax purposes which have been delivered to the construction site but which have not been incorporated into the project?

CONCLUSION: 2. Yes.

QUESTION: 3. What is the situation with regard to such materials which have been incorporated into the project?

CONCLUSION: 3. They should be assessed to the contractor.

QUESTION: 4. Would the result be different if the Department of Roads has made partial payments on the contracts in accordance with their standard specifications?

CONCLUSION: 4. No.

### ANALYSIS

Every person in this state is required to list for purposes of taxation all his credits and other forms of personal property either owned or held by him on assessment date. Section 77-1201, R. S. Supp. 1957. Accounts receivable from the state should be classified as intangible property. Section 77-701. Our court has clearly determined that all intangibles, not specifically exempt, in this state must be returned, assessed, and taxed in Nebraska. *International Harvester Co. v. Douglas County*, 146 Neb. 555. The fact that the funds are owed by the state to the contractor does not change the fact that actual ownership of the credits or book accounts is in the contractor. We are not aware of any rule of law which would make such intangibles immune from taxation.

Your second question is answered by the cases of *Dunnegan v. Jensen*, 112 Neb. 266 and *Chapin-Colglazier Construction Co. v. Hamilton Co.*, 112 Neb. 269. The first case involved the ownership of unlaidd sewer pipe to be installed in a city sanitary sewer system, and which had been placed on the streets for the purpose of being laid. The second case involved paving materials delivered to the site of a paving contract, but had not yet become a part of the completed project. In both cases the Court held that the contractor still owned, on assessment date, the materials and that they were properly taxable to them.

Your third question relates to such materials which have become incorporated in the project. Although this situation was not involved in the two cases previously mentioned the Court strongly indicated that title remains in the contractor until the work is completed. In the latter case the court stated:

"\* \* \*. For the mutual convenience of the parties, loose paving materials were inspected and approved by the city before becoming parts of the completed whole. While carloads of bricks used for paving had been consigned to the city of Aurora in care of plaintiff, they were owned by the latter until the title thereto changed upon completion of the pavement. \* \* \*."

The Nebraska State Highway Department Standard Specifications, in Article 8.10, provide that when all the work is completed and final inspection is made and the work accepted by the engineer, the contractor will be released from further obligation, except as set forth in his bond. It is further provided that the contract is complete when all work has been accepted by the engineer and the final estimate has been made. The Department does not have possession of nor does it exercise any control over a project, or the materials used, other than for inspection purposes until the construction is completed and the work accepted. The specifications are not definite as to when title passes, but if the title to the materials does not change until the contract is completed and accepted, as indicated by the above authorities, it necessarily follows that until these things occur the material used are still owned by the contractor and are taxable to him.

In answer to your fourth question, your attention is directed to Article 9.07 of the Standard Specifications of the Department of Roads. This section provides generally for partial payments on construction contracts according to estimates of the work accomplished, and for structural steel when delivered to or near the site of the work. However, there is no indication of intention that title passes to the state when these partial payments are made,

and this provision must be read in connection with Article 8.10, previously mentioned, where it is agreed that the contract is not completed until all the work has been accepted and final estimate made. In fact, we are informed by officials of the Department of Roads that these partial payments are made only for convenience of the contractors in their financing arrangements with the supplier of the materials used. Ordinarily partial payments on a contract do not affect the intention of the parties as to when title to goods shall pass. An example of this rule is found in *Grand Rapids Bank & Lumber Co. v. Inland Tp.* 98 N. W. 980 (Mich.). There the plaintiff had contracted with a mill owner for finished lumber to be loaded on cars. The contract provided that partial payment should be made when the logs to be milled were delivered and piled at the mill. The Court held that the mill owner was liable for the payment of taxes on the finished lumber until it was actually loaded on cars and accepted by the plaintiff in accordance with the contract. We must conclude that partial payment by the state to the contractor was not intended to and could not legally transfer title to the materials used or on hand to the state and that they should be assessed to the contractor.

Very truly yours,

CLARENCE S. BECK

Attorney General

H. G. Hamilton

Assistant Attorney General

HGH:dnj

APPROVED:

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Attorney General

#### UNANIMOUS CONSENT—Read Communication

Mr. Carpenter requested unanimous consent that the Clerk be permitted to read a communication.

Mr. Cooper objected.

Mr. Carpenter moved that the Clerk be permitted to read a communication.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 9:

Carpenter  
Diers  
Donner

Jensen  
Munnelly

Orme  
Skarda

Vosoba  
Webb

Voting in the negative, 28:

Aufenkamp	Hollenbeck	Nelson	Russillo
Bridenbaugh	Klaver	Olinger	Simmons
Cooper	Lautenschlager	Otto	Stryker
Erlewine	Liebers	Peck	Swanson
Fenske	Marvel	Pizer	Syas
Fulton	McHugh	Romans	Tews
Gerdes	Moulton	Ruhnke	Thompson

Not voting, 6:

Adams	Burbach	Portsche	Williams
Bowen	Claussen		

The Carpenter motion lost.

#### UNANIMOUS CONSENT—Permission to Give Speech

Mr. Carpenter requested unanimous consent that, as the first order of business Monday, March 16, he be permitted to give a speech which he had made twenty-five years ago in the House of Congress.

Mr. Bridenbaugh objected.

Mr. Carpenter moved that he be permitted to make a speech Monday morning, March 16, which he had made in the House of Congress twenty-five years ago.

Mr. Carpenter requested a record vote.

Mr. Carpenter requested a Call of the House.

A Call of the House was ordered and showed 40 members present.

Mr. Carpenter moved that the Call be raised. The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

Voting in the affirmative, 18:

Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Pizer	Tews
Diers	Marvel	Ruhnke	Vosoba
Donner	Moulton	Skarda	Williams
Erlewine	Munnelly		

Voting in the negative, 20:



Bridenbaugh	Hollenbeck	Olinger	Simmons
Cooper	Lautenschlager	Orme	Stryker
Fenske	Liebers	Peck	Swanson
Fulton	McHugh	Romans	Thompson
Gerdes	Nelson	Russillo	Webb

Not voting, 5:

Adams	Bowen	Claussen	Portsche
Aufenkamp			

The Carpenter motion lost.

## NOTICE OF COMMITTEE HEARINGS

### Revenue

LB 406      Friday, March 20, 1959      2:00 p.m.

### Committee on Committees

The Committee on Committees will meet at 1:00 P.M. on Thursday, March 19, 1959 in the West Senate Lounge to consider the following appointments made by Governor Brooks:

A. Clifford Anderson.....	Purchasing Agent
Dan S. Jones, Jr.....	Director of Water Resources
Pearle Finigan.....	Director of Agriculture and Inspections
William E. Grubbs.....	Director of Insurance
D. D. Bastemeyer.....	Commissioner of Labor
R. L. Cochran.....	State Engineer
Alvin N. Scissors.....	Director of Motor Vehicles
Edwin N. Van Horne.....	Director of Banking
Francis M. Casey.....	State Aeronautics Commission

(Signed) William Moulton, Chairman

### Presented to the Governor

Presented to the Governor for approval on March 11, 1959,  
at 4:00 p.m.: LB 198 LB 219 LB 220 LB 222 LB 223  
LB 227

(Signed) Jo Fisher, Enrolling Clerk

## STANDING COMMITTEE REPORTS

### Government

LEGISLATIVE BILL 343. Placed on General File as amended.

Standing Committee amendments to LB 343:

1. Amend section 1, line 11 of the bill, to delete the word "authority", and to substitute in lieu thereof the word "board".
2. Amend section 2, line 16 of the bill, to delete the word "authority", and to substitute in lieu thereof, the word "board".
3. Amend the title to conform.

**LEGISLATIVE BILL 342.** Placed on General File as amended.

Standing Committee amendments to LB 342:

1. Amend section 1, line 3 of the bill by deleting the word "Council"; line 21 by deleting the word "Council" and substituting in lieu thereof, the word "City"; and line 24 by inserting after the word "perty" the words "*or public property*," and by inserting a comma after the word "specified".
2. Amend the title to conform.

(Signed) Dwain Williams, Chairman

#### **Enrollment and Review**

**LEGISLATIVE BILL 108.** Placed on Select File as amended.

E and R amendments to LB 108:

1. In the Syas General File Amendment 1, adopted February 25, 1959, strike "1" and insert "2".
2. In section 2, line 14, strike "*includes*" and insert "*shall include*"; in line 17, strike "*excludes*" and insert "*shall exclude*"; and in line 27, insert an underscored comma after "*length*" and after "*motorboats*".
3. In Standing Committee Amendment 1, line 4, strike "*commissioner*" and insert "*commission*"; and in line 8 strike "*(1) that*" and insert ": (1) *That*".
4. In Standing Committee Amendment 2, line 6, strike "*commissioner*" and insert "*commission*"; and in line 9 strike "*motorboat*" and insert "*motorboats*".
5. In the Lautenschlager General File Amendment 1, adopted February 16, 1959, line 1, strike "section 4" and insert "renumbered section 5".

6. In line 1 of each of the following General File Amendments adopted March 2: the Burbach Amendment, the three Tews Amendments, and the Syas Amendment 1, strike "section 4" and insert "renumbered section 5".

7. In the Fulton General File Amendment, line 1, strike "section 5" and insert "renumbered section 6".

8. In the Syas General File Amendment 2, adopted March 2, 1959, line 1, strike "section 5" and insert "renumbered section 6".

9. Amend the Russillo General File Amendment to read "In renumbered section 5, strike lines 5 to 7, as amended by the Burbach General File Amendment and the Syas General File Amendment 1, adopted March 2, and insert: *'and shall be accompanied by a fee of one dollar for Class 1 boats, three dollars for Class 2 boats, five dollars for Class 3 boats, ten dollars for Class 4 boats, and twenty dollars for Class 5'.*"

10. In the Tews General File Amendment 1, line 2, insert a period after "12" and strike the balance of the amendment as duplicating the Tews General File Amendment 3.

11. In renumbered section 5, line 26, strike "section 6 (1)" and insert "subdivision (1) of section 7".

12. In the Syas General File Amendment 3, adopted February 25, line 2, strike the comma after "commission".

13. In renumbered section 6, line 89, strike "13" and insert "14".

14. In renumbered section 6, line 119, strike "or modification thereof".

15. In renumbered section 8, line 13, strike "5" and insert "6".

16. In renumbered section 9, line 6, strike "13" and insert "14"; and in line 11 strike "to".

17. In renumbered section 11, line 19, strike "said agency" and insert "the commission".

18. In renumbered section 12, line 4, strike "(10)" and insert "11".

19. In Standing Committee Amendment 5, line 13, strike the colon and insert an underscored semicolon.

20. In renumbered section 17, line 3, strike "section" and insert "sections"; and strike line 4 and insert "84-908."

21. In renumbered section 19, line 2, strike "4, 5, 8, 10, or 13" and insert "5, 6, 9, 11, or 14"; strike lines 3 to 13 and insert "be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than ten nor more than fifty dollars for each such violation."

(2) *Any person who violates any provision of section 8 or 13 of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty nor more than one hundred dollars for each violation.*

(3) *Any person who violates any provision of section 10 of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less*".

22. In the Syas General File Amendment 6, adopted February 25, line 7, insert an underscored comma after "Legislature".

23. In the Syas General File Amendment, adopted March 3, strike lines 1 and 2 and insert "Amend renumbered section 20 by adding at the end thereof:".

24. For correlation purposes, strike renumbered section 21, and insert:

"Sec. 21. That section 81-805, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 100, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

81-805. Except as herein otherwise provided, the Game, Forestation and Parks Commission shall have sole charge of forestation, state parks, game and fish, recreation grounds, and all things pertaining thereto. All funds rendered available by law, including funds already collected for said purposes, may be used by the commission in administering and developing such resources. The commission shall adopt and carry into effect plans of forestation for Nebraska and to replenish and stock the state with game and whenever it is in the best interests of the public to do so, to stock the streams, lakes, and ponds, whether public or private, of this state with fish. It may plan such extensions and additions to existing hatcheries and such new plants as may be necessary to supply fully the state with game and fish, and cause said plans to be executed, after ascertaining the cost thereof. With the consent of the Governor, it may by purchase, when funds on hand or appropriated therefor are sufficient, or by gift, devise, or otherwise, acquire title in the name of the State of Nebraska to sites

therein situated outside organized municipalities, for state forests, additional state parks, hatcheries, nurseries, recreation grounds, game farms, game refuges, and public shooting grounds, and may enter into appropriate contracts with reference thereto, all within the limits of amounts that may be appropriated, contributed, or available therefor. The commission, with the consent of the Governor, is authorized to take, receive, and hold, either in the name of the state or in trust for the state, exempt from taxation, any grant or devise of lands and any gift or bequest of money or other personal property made in furtherance of the purposes contemplated by this section, and shall preserve and may invest such funds, or the proceeds of such property, in such securities as are authorized by law for the investment of state school funds. Such invested funds shall be known as the State Park and Game Refuge Fund, and shall be used and expended under the direction of the commission. The commission is authorized to make a survey of all lands and areas in the state which are suitable for state parks, forests, game refuges, or other similar purposes contemplated by this section, and locate and designate any or all of such lands or areas, or parts thereof, and to take such action as may tend to preserve or conserve the same. The commission shall have authority to promulgate rules and regulations pertaining to the use, care, and administration of all property and areas under its control, violations of which shall be deemed misdemeanors punishable by a fine not exceeding one hundred dollars. The commission shall have authority, with respect to lakes, covering more than twenty acres in area, rivers, and streams, (1) to regulate the use of water craft thereon for the purpose of promoting public safety, (2) to establish regulations for boats used thereon, and (3) to fix and collect inspection fees from owners of commercial boats used thereon. The said fees shall not exceed one dollar per boat."

25. Strike renumbered section 22, and insert:

"Sec. 22. That original section 81-805, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 100, Sixty-ninth Session, Nebraska State Legislature, 1959, is repealed."

26. In the title, strike lines 2 and 3 and insert:

"FOR AN ACT to amend section 81-805, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 100, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the Game, Foresta-";

and strike line 22 and insert "establish the State Boating Fund and to prescribe the use thereof; to prohibit use of the State Game and Park Fund for prescribed purposes; and to repeal the original".

**LEGISLATIVE BILL 148.** Placed on Select File as amended.

E and R amendments to LB 148:

1. In Standing Committee Amendment 1, line 2, strike "taxes," and insert "taxes".
2. In Standing Committee Amendment 2, line 3, strike "taxes," and insert "taxes".
3. In the title, line 2, before "relating", insert "to amend section 77-203, Reissue Revised Statutes of Nebraska, 1943,"; and in line 6, after the semicolon, insert "to repeal the original section;".

**LEGISLATIVE BILL 494.** Placed on Select File as amended.

E and R amendment to LB 494:

1. In the title, line 4, strike "power" and insert "powers".

**LEGISLATIVE BILL 495.** Placed on Select File as amended.

E and R amendment to LB 495:

1. In section 1, line 3, strike "79-515." and insert "79-515.".

**LEGISLATIVE BILL 492.** Placed on Select File as amended.

E and R amendment to LB 492:

1. In section 1, line 8, strike "for" and show the same as stricken.

**LEGISLATIVE BILL 293.** Placed on Select File as amended.

E and R amendments to LB 293:

1. Reinstate the stricken period in section 1, line 38.
2. In the title, line 6, after the semicolon, insert "to provide for the appointment of a deputy city attorney and one or more assistant city attorneys;".

**LEGISLATIVE BILL 51.** Placed on Select File as amended.

E and R amendments to LB 51:

1. In the Carpenter General File Amendment, line 2, strike "so"; in line 7 strike "*intangible*" and insert "*tangible*"; and in line 8 strike the underscored period after "*levy*".

2. In the title, line 4, after the second semicolon, insert "to extend from three to five years the period for which personal property not returned for taxation shall be certified to the county treasurer for collection; to increase the penalty for failure to return such property;".

**LEGISLATIVE BILL 179.** Placed on Select File as amended.

E and R amendments to LB 179:

1. In section 3, line 20, strike "however,".
2. In Standing Committee Amendment 1, line 4, strike "'semi-colon'" and insert "semicolon".
3. In Standing Committee Amendment 1, line 7, insert "shall be" after "copy".
4. In section 9, line 4, strike "however,".
5. In the title, line 6, strike "a report" and insert "reports".

**LEGISLATIVE BILL 80.** Correctly engrossed.

**LEGISLATIVE BILL 154.** Correctly engrossed.

**LEGISLATIVE BILL 191.** Correctly engrossed.

**LEGISLATIVE BILL 202.** Correctly re-engrossed.

**LEGISLATIVE BILL 221.** Correctly engrossed.

**LEGISLATIVE BILL 287.** Correctly engrossed.

**LEGISLATIVE BILL 314.** Correctly engrossed.

**LEGISLATIVE BILL 376.** Correctly engrossed.

**LEGISLATIVE BILL 226.** Correctly enrolled.

**LEGISLATIVE BILL 229.** Correctly enrolled.

**LEGISLATIVE BILL 231.** Correctly enrolled.

**LEGISLATIVE BILL 232.** Correctly enrolled.

**LEGISLATIVE BILL 234.** Correctly enrolled.

**LEGISLATIVE BILL 230.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 226 LB 229 LB 231 LB 232 LB 234 LB 230

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Government be permitted to introduce a new bill to correct sections 1 and 3 of LB 119, which finally enacted did not include the emergency service activities as intended by the Legislature. This bill makes technical amendments to clarify sections 1 and 3 of LB 119. (Signed) Dwain Williams, Chairman

**STATEMENT—Introduce Bill**

LB 119 enacted by the Legislature provides that a municipality may furnish fire protection and emergency service outside its corporate limits. LB 122, a companion bill, provides governmental immunity from suit for acts outside the city limits in providing fire, police or emergency service.

By inadvertence, the language of Sections 1 and 3 of LB 119 as finally enacted did not include emergency service activities as intended by the Legislature. This bill makes technical amendments to clarify Sections 1 and 3 of LB 119 to include all phases of fire, police, or emergency service, and conforms LB 119 with LB 122.

Permission to introduce the bill granted with 38 ayes, 0 nays, and 5 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 688.** By Committee on Government, Dwain Williams, 35th District, Chairman.

A bill for an act to amend sections 1 and 3, Legislative Bill 119, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to cities and villages, all; to extend the provisions of Legislative Bill 119, Sixty-ninth Session, Nebraska State Legislature, 1959, so that police and emergency service may be provided outside the corporate limits of a municipality; and to repeal the original sections.



**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Government be permitted to introduce a bill to authorize the Legislature to prescribe by law the manner of contesting elections for the offices of the executive officers. (Signed) Dwain Williams

Permission to introduce the bill granted with 33 ayes, 0 nays, and 10 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 689.** By Committee on Government, Dwain Williams, 35th District, Chairman.

A bill for an act for submission to the electors of an amendment to Article IV, section 4, of the Constitution of Nebraska, relating to the executive; to authorize the Legislature to prescribe by law the manner of contesting of elections for the offices of the executive; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballots; and to provide the effective date thereof.

**Speaker Pizer Presiding**

**STANDING COMMITTEE REPORTS**

**Public Works**

**LEGISLATIVE BILL 402.** Placed on General File.

(Signed) Arnold Ruhnke, Chairman

**Visitors**

Mr. Gerdes introduced Mrs. Nelson and her son, Arnold, from Chadron.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 69.** With emergency.

A bill for an act relating to motor vehicles; to provide that the tonnage for which a commercial vehicle is registered shall not

be increased except as prescribed; to provide an exception; to provide for issuing of the certificate; to provide duties for the county treasurers; to provide for violations; to provide penalties; 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	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Skarda
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Thompson
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams
Erlewine	McHugh	Ruhnke	

Voting in the negative, 0.

Not voting, 4:

Bowen	Munnelly	Stryker	Tews
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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.

#### LEGISLATIVE BILL 124.

A bill for an act to amend section 75-241, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to provide for the State Railway Commission to assemble motor common carrier rates in tariff form; to authorize the reproduction of such tariffs and the making of charges to cover the costs of reproducing and mailing such tariffs; to require motor carriers of property to obtain a copy of the most current applicable tariff as published by the State Railway Commission or a tariff publishing bureau or individual as prescribed; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Bowen                      Munnelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 203.

A bill for an act to amend section 36-501, Revised Statutes Supplement, 1957, relating to bulk sales of merchandise; to clarify the provisions thereof; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Bowen                      Munnelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 218.**

A bill for an act to amend section 69-209, Reissue Revised Statutes of Nebraska, 1943, relating to pawnbrokers; to correct internal reference; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Moulton	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bridenbaugh	Gerdes	Orme	Stryker
Burbach	Hollenbeck	Otto	Swanson
Carpenter	Jensen	Peck	Syas
Claussen	Klaver	Pizer	Tews
Cooper	Lautenschlager	Portsche	Thompson
Diers	Liebers	Romans	Vosoba
Donner	Marvel	Ruhnke	Webb
Erlewine	McHugh	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Bowen                      Munnelly                      Nelson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 252. With emergency.**

A bill for an act to amend sections 79-1801, 79-1802, 79-1803, 79-1804, 79-1805, 79-1807, and 79-1808, Reissue Revised Statutes of Nebraska, 1943, relating to private correspondence schools; to provide for permits rather than licenses; to authorize solicitation within the established and legal premises of the school without a permit; to reduce the fee for issuance of permits; to reduce the penal sum of the bond required; to provide terms of such bond and the manner in which it may be furnished; to provide how the

surety may relieve itself of liability on such bond; to provide that no fees shall be refundable; to change the grounds for revocation of permits; to authorize the creation of an advisory committee; to reduce the penalty for violations; 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	Fulton	Nelson	Simmons
Aufenkamp	Gerdas	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Bowen                      Munnelly

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

### Explanation of Vote

Mr. President: Had I been in my seat for final reading, I would have voted Aye on LB 69, LB 124, LB 203, LB 218, and LB 252. (Signed) John P. Munnelly

### Visitors

Mr. Liebers introduced Mr. Harry Gould, Nebraska sponsor of the four visitors from Turkey who are representing the Turkish National Commission of Education: Dr. Somin Sinanoglu, Mr. Ekrem Ucyigit, Mr. Ahmet Atilgan, and Mr. Kemal Yilmos.

## SELECT FILE

**LEGISLATIVE BILL 172.** E and R amendment found in the Legislative Journal for the Forty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 240.** E and R amendment found in the Legislative Journal for the Forty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 398.** E and R amendments found in the Legislative Journal for the Forty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 54.** E and R amendments found in the Legislative Journal for the Forty-seventh Day were adopted.

Mr. Ruhnke offered the following amendments which were adopted by unanimous consent:

1. Amend section 5 of the bill, lines 4, 13, and 15, by inserting "along or bordering state lines" after "water", and line 26 by inserting after the period the following:

*"In all counties where land ownership may from time to time be altered due to the activity of any river, stream, or other body of water not along or bordering state lines, whether by accretion or avulsion, it shall be the duty of the county surveyor to cause to be surveyed any lands believed to have been altered when directed by the county board of equalization, or when requested by the State Tax Commissioner. If such a survey is ordered by the county board of equalization or requested by the State Tax Commissioner, the county surveyor shall perform the same duties as when a river, stream, or other body of water is along or borders state lines."*

2. Amend the title to conform.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 383.** E and R amendments found in the Legislative Journal for the Forty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 47.** E and R amendments found in the Legislative Journal for the Forty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 253.** E and R amendments found in the Legislative Journal for the Forty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 490.** E and R amendment found in the Legislative Journal for the Forty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 163.** E and R amendments found in the Legislative Journal for the Forty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 149.** E and R amendments found in the Legislative Journal for the Forty-seventh Day were adopted.

Advanced to E and R for engrossment.

### **President Burney Presiding**

### **Visitors**

Mr. Otto introduced Mrs. Tracy Van Camp, Home Agent, and fifty-three women representing the Buffalo County Extension Service.

**Members Excused**

Messrs. Donner and Burbach were excused at 10:40 a.m. for the remainder of the morning.

**GENERAL FILE**

**LEGISLATIVE BILL 301.** Laid over until Monday, March 16, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 427.** Considered.

Mr. Carpenter offered the following amendments to his pending amendments found in the Legislative Journal for the Forty-fifth Day, which were adopted by unanimous consent:

1. Amend Carpenter amendment 1, page 1, Sec. 4, line 5, by striking "*three miles*" and inserting in lieu thereof "*one mile*".

2. Amend Carpenter amendment 1, page 2, Sec. 5, line 3, by striking "*three miles*" and inserting in lieu thereof "*one mile*".

The pending Carpenter amendments were adopted as amended.

Advanced to E and R for review.

**LEGISLATIVE BILL 44.**

Mr. Carpenter requested unanimous consent that LB 44 be laid over temporarily and that the State Tax Commissioner be requested to appear before this body to explain the operation of the bill.

Mr. Russillo objected.

Mr. Carpenter moved that LB 44 be passed over temporarily and that the State Tax Commissioner be requested to appear before this body to explain the operation of the bill.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 12:

Carpenter	Klaver	Orme	Stryker
Claussen	Moulton	Otto	Tews
Jensen	Olinger	Portsche	Vosoba



Voting in the negative, 21:

Aufenkamp	Fulton	McHugh	Russillo
Bridenbaugh	Gerdes	Nelson	Swanson
Cooper	Hollenbeck	Pizer	Syas
Diers	Liebers	Romans	Thompson
Erlewine	Marvel	Ruhnke	Webb
Fenske			

Not voting, 10:

Adams	Donner	Peck	Skarda
Bowen	Lautenschlager	Simmons	Williams
Burbach	Munnelly		

The Carpenter motion lost.

Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-seventh Day were adopted.

Mr. Russillo moved that LB 44 be indefinitely postponed.

Mr. Carpenter requested a record vote.

Mr. Carpenter requested unanimous consent to lay the bill over until tomorrow, March 13.

Mr. Russillo objected.

Mr. Carpenter moved that LB 44 be laid over until tomorrow, March 13, with the motion to indefinitely postpone pending.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 23:

Adams	Klaver	Otto	Stryker
Aufenkamp	Liebers	Peck	Swanson
Carpenter	Marvel	Pizer	Syas
Claussen	Moulton	Portsche	Tews
Fulton	Nelson	Ruhnke	Vosoba
Jensen	Olinger	Simmons	

Voting in the negative, 14:

Bridenbaugh	Diers	Fenske	Hollenbeck
Cooper	Erlewine	Gerdes	Lautenschlager

McHugh  
Orme

Romans  
Russillo

Thompson

Webb

Not voting, 6:

Bowen  
Burbach

Donner  
Munnelly

Skarda

Williams

The Carpenter motion prevailed.

#### **Member Excused**

Mr. Klaver was excused for Friday, March 13, 1959.

#### **UNANIMOUS CONSENT—Lay Over Bill**

Mr. Klaver requested unanimous consent that LB 86 be laid over on General File until Monday, March 16. No objections. So ordered.

#### **GENERAL FILE**

**LEGISLATIVE BILL 45.** Laid over.

#### **UNANIMOUS CONSENT—Consider LB 86**

Mr. Adams requested unanimous consent to consider LB 86 on General File at this time.

Mr. Moulton objected.

#### **Visitors**

Speaker Pizer introduced Mr. Kenneth Peterson, Leader, and twenty members from the Red Oak, Iowa 4-H Club.

#### **GENERAL FILE**

**LEGISLATIVE BILL 167.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-seventh Day were adopted.

Mr. Gerdes offered the following amendments which were adopted:

1. Amend the bill by re-inserting the stricken material contained in lines 26 through 28 of Section 1.

2. Amend the bill by inserting a new section 4, to be worded as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.", and amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 387.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-seventh Day were adopted.

Mr. Marvel offered the following amendment which was adopted:

1. Amend section 1, line 11, by striking the word "state" and inserting in lieu thereof "estate".

Mr. Klaver offered the following amendments which were adopted:

1. Amend section 2 of the bill, line 25 by inserting after "decedent" the following:

*" , nor shall any teaching institution, university, college, legally licensed hospital or the Director of Health be liable to any person or persons for accepting the remains of any deceased person under a will or other written instrument as above set forth".*

2. Amend the title to conform.

Mr. McHugh offered the following amendments which were adopted:

1. Amend the bill, section 3, by striking the first sentence and inserting "A written authorization for an autopsy given by the survivor or survivors, as enumerated in section 1 of this act, having the right to control the disposition of remains may, when not inconsistent with any directions given by the decedent pursuant to section 2 of this act, include authorization for the removal

of any specifically named organ or organs for therapeutic or scientific purposes.

2. Amend the title to conform.

Advanced to E and R for review.

### **Adjournment**

At 11:58 a.m. on a motion by Mr. Nelson, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**FORTY-NINTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Friday, March 13, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Bowen and Klaver who were excused, Mr. Donner who was excused until 9:30 a.m., and Mr. Adams who was excused until 10:30 a.m.

**Corrections for the Journal**

Page 804, line 26, correct the spelling of the name "O'Connor".

Page 805, line 15, correct the spelling of the name "Koenig".

Page 807, line 3, insert "and" after "State".

Page 808, line 3, correct the spelling of the name "Colglazer".

Page 808, line 45, delete the period and insert a comma after "made".

Page 814, line 31, correct the spelling of "may".

Page 814, line 37, delete "If" and insert "It".

The Journal for the Forty-eighth Day was approved as corrected.

**Communications**

Letter from Mrs. W. C. L. Williams, President of the Shubert Woman's Literary Club, regarding traffic problems.

**MESSAGE FROM THE GOVERNOR**

March 11, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on March 11, 1959, he approved LB 193, LB 194, LB 196 and LB 197.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
RBC:e

**STANDING COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 162.** Indefinitely postponed.

**LEGISLATIVE BILL 388.** Placed on General File.

**LEGISLATIVE BILL 392.** Placed on General File as amended.

Standing Committee amendments to LB 392:

1. On page 2, Section 1, lines 1 and 2 strike line 1 beginning with the word "Unless" and continuing in line 2 through the word "law".

2. On page 2, Section 1, line 2, after the word "subdivision" insert *a comma* and the words "*municipal corporation, public body or agency*".

3. On page 2, Section 1, lines 6 and 7, after the word "sickness" insert *a period* and strike the words "and life insurance coverage".

4. On page 2, Section 2, line 7 after the word "plans" strike the semicolon and insert *a period* and strike balance of lines 7, 8 and 9 through the word "employees".

5. *Section 4. Repeal Sec. 44-1612.*

6. Amend the title to conform.

**LEGISLATIVE BILL 393.** Indefinitely postponed.

**LEGISLATIVE BILL 441.** Indefinitely postponed.

**LEGISLATIVE BILL 286.** Placed on General File.

**LEGISLATIVE BILL 333.** Indefinitely postponed.

**LEGISLATIVE BILL 522.** Placed on General File as amended.

Standing Committee amendment to LB 522:

1. On page 2, Section 1, line 5, after the word "bank" strike the words "trust company"; and on page 2, Section 1, line 12, after the word "bank" strike the words "trust company".

**LEGISLATIVE BILL 26.** Placed on General File as amended.

Standing Committee amendments to LB 26:

1. On page 2, Section 1, strike in its entirety and insert: "44-222. Except as otherwise provided by law no insurance company shall expose itself to any loss on any one risk in an amount exceeding ten per cent of its surplus to policyholders *as reflected by the last annual statement of the company*; Provided, that upon the business mentioned in subdivision (4) of section 44-201, a domestic company may, until January 1, 1958, expose itself on any one risk up to an amount equal to fifty per cent of its surplus to policyholders, Provided, domestic assessment associations organized for the primary purpose of writing insurance coverage on farm properties and which write such insurance in less than thirty-one counties in Nebraska, shall not write any policy for an amount in excess of one-eighth of one per cent of its insurance in force. The term any one risk shall mean in the case of property insurance, all properties insured by the same insurance company which are customarily considered by underwriters to be subject to loss or destruction from the same hazard or occurrence except hazards or occurrences of a catastrophic nature. The term surplus to policyholders shall mean the amount obtained by subtracting from the admitted assets, actual liabilities including any reserves which by law must be maintained. In the case of a stock company, surplus to policyholders shall also include the paid-up and outstanding capital stock. Any reinsurance, taking effect simultaneously with the policy or bond, shall be deducted in determining whether any one risk or policy exceeds the limitation of risk or policy prescribed in this section. This section shall not be applicable to marine, as distinguished from inland marine insurance, title insurance, workmen's com-

pensation or employer's liability insurance, nor to any policy or type of coverage as to which the maximum possible loss to the insurance company is not ascertainable on issuance of the policy.

Section 2. *Reinsurance deducted, by any company authorized in Nebraska to transact the type of insurance business described in Sub-paragraph (4) of Section 44-201 R.R.S. Nebraska 1943, in determining whether any one risk or policy exceeds the limitation of risk or policy prescribed in Section 1 of this act shall be obtained from recognized reinsurers acceptable to the Director of Insurance. The original company writing the risk or policy shall file annually with the Director of Insurance evidence of such reinsurance listing the name of the reinsurer and such other information pertaining thereto as may be required by the Director of Insurance.*

Section 3. *The Director of Insurance may, if he finds that any person or insurer has violated any of the provisions of this act, report the facts to the Attorney General for prosecution in accordance with the provisions of section 44-394, Reissue, Revised Statutes of Nebraska, 1943. In lieu of the criminal prosecution provided herein or in addition thereto, the Director of Insurance may suspend such insurer's authority to do business in Nebraska for such length of time as the Director may prescribe.*

2. Amend the title to conform.

**LEGISLATIVE BILL 90.** Indefinitely postponed.

**LEGISLATIVE BILL 25.** Indefinitely postponed.

(Signed) John P. Munnelly, Chairman

#### Enrollment and Review

**LEGISLATIVE BILL 54.** Replaced on Select File as amended.

E and R amendments to LB 54:

1. In E & R 1, line 79, strike the first "of" and insert "for" as in the statutes.

2. In the Ruhnke Unanimous Consent Amendment, line 12, strike the comma.



**LEGISLATIVE BILL 493.** Placed on Select File as amended.

E and R amendment to LB 493:

1. In section 1, line 25, strike "and" and insert "and , *which petition shall be*".

**LEGISLATIVE BILL 248.** Placed on Select File as amended.

E and R amendments to LB 248:

1. In the unnumbered Otto General File Amendment, line 1, strike "after" and insert "before the period in"; and in line 2 insert an underscored comma before "except".

2. Renumber section 2, added by the Otto General File Amendment, as section 1, changing "Sec. 2." to "Section 1." in line 1 thereof, and renumber original section 1 as section 2, changing "Section 1." to "Sec. 2." in line 1 thereof.

3. In renumbered section 1, line 11, strike "to" and insert "of" as in the statutes.

4. In the title, line 2, before "relating" insert "to amend section 79-488, Reissue Revised Statutes of Nebraska, 1943,"; in line 2 after the semicolon insert "to remove the provision that inspection of school buses shall be at the county seat at a time and place fixed by the Nebraska Safety Patrol; to eliminate the provision for giving notice of such time and place;"; in line 4, strike "such district" and insert "the district by which such buses are owned"; in line 7, after the semicolon insert "to provide how the cost of operation of a school bus shall be determined;"; in line 7, strike "and"; and in line 9, after "fees" insert "; to provide an exception; and to repeal the original section".

**LEGISLATIVE BILL 79.** Placed on Select File.

**LEGISLATIVE BILL 142.** Correctly engrossed.

**LEGISLATIVE BILL 144.** Correctly engrossed.

**LEGISLATIVE BILL 153.** Correctly engrossed.

**LEGISLATIVE BILL 177.** Correctly engrossed.

**LEGISLATIVE BILL 224.** Correctly engrossed.

**LEGISLATIVE BILL 300.** Correctly engrossed.

**LEGISLATIVE BILL 124.** Correctly enrolled.

**LEGISLATIVE BILL 69.** Correctly enrolled.

**LEGISLATIVE BILL 203.** Correctly enrolled.

**LEGISLATIVE BILL 218.** Correctly enrolled.

**LEGISLATIVE BILL 252.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 124 LB 69 LB 203 LB 218 LB 252

### **Bills Referred to Standing Committees**

LB	Committee
688.....	Government
689.....	Government

(Signed) Dwight W. Burney  
Lieutenant Governor

### **Visitors**

Mr. Webb introduced Mr. C. C. Worden from Ogallala.

Mr. Russillo introduced Mr. LeRoy Barry, Sponsor, and nine students from Holy Name School, Omaha.

Mr. Peck introduced Mr. Bruce Cowgill, Superintendent, Erma Nicholson, John Ernst, Kathryn Hadley, Teachers, and 48 students from Monroe High School.

Mr. Fenske introduced Messrs. W. D. Brawner and Ron Reicherb from Dix.

Mr. Munnelly introduced Messrs. C. Authur Johnson and Charles J. Peterson from Omaha.

### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Banking, Commerce and Insurance be permitted to introduce a bill relating to

investments of banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions and other fiduciaries. (Signed) John P. Munnelly, Chairman

Permission to introduce the bill granted with 39 ayes, 0 nays, and 4 not voting.

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 690.** By Committee on Banking, Commerce and Insurance, John P. Munnelly, 8th District, Chairman.

A bill for an act to amend sections 8-160, 8-206, 16-715, 17-608, 21-1316, 21-1714, 24-601, 72-202, 77-2302, 77-2306, 77-2315, 77-2320, 77-2326.04, 77-2331, 77-2341, 77-2344, 77-2352, 77-2355, and 85-123.01, Reissue Revised Statutes of Nebraska, 1943, and sections 8-210, 8-320, 15-1016, and 44-309, Revised Statutes Supplement, 1957, relating to investments; to authorize banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, executors, administrators, guardians, trustees, and other fiduciaries, and the State of Nebraska and its political subdivisions, institutions, and agencies thereof to invest funds in bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration; to authorize the use of such bonds and debentures as security for public deposit; and to repeal the original sections.

### Presented to the Governor

Presented to the Governor for approval on March 13, 1959, at 9:00 a.m.: LB 234 LB 232 LB 231 LB 229 LB 226 LB 230

(Signed) Jo Fisher, Enrolling Clerk

### STANDING COMMITTEE REPORTS

#### Agriculture

**LEGISLATIVE BILL 403.** Placed on General File.

**LEGISLATIVE BILL 532.** Placed on General File.

**LEGISLATIVE BILL 568.** Placed on General File as amended.

Standing Committee amendment to LB 568:

1. Add the Emergency Clause.

**LEGISLATIVE BILL 623.** Indefinitely postponed.

(Signed) Hans O. Jensen, Chairman

### NOTICE OF COMMITTEE HEARINGS

#### Revenue

LB 685      Wednesday, March 18, 1959

2:00 p.m.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 195.

A bill for an act to amend section 23-343, Revised Statutes Supplement, 1957, and section 23-1201, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 82, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to counties; to delete the provisions for a county poorhouse; to clarify the duties of the county attorney; and to repeal the original sections.

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

Voting in the affirmative, 39:

Aufenkamp	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnelly	Russillo	Williams
Fulton	Nelson	Simmons	

Voting in the negative, 0.

Not voting, 4:

Adams	Bowen	Donner	Klaver
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 225. Laid over.**

**LEGISLATIVE BILL 228.**

A bill for an act to amend section 84-713, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to eliminate obsolete provisions therefrom; to require the written consent and advice of the Director of the Nebraska State Historical Society for the destruction of records, files, and correspondence as prescribed; and to repeal the original section.

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

Voting in the affirmative, 38:

Aufenkamp	Hollenbeck	Orme	Skarda
Bridenbaugh	Jensen	Otto	Stryker
Burbach	Lautenschlager	Peck	Swanson
Claussen	Liebers	Pizer	Syas
Cooper	Marvel	Portsche	Tews
Diers	McHugh	Romans	Thompson
Erlewine	Moulton	Ruhnke	Vosoba
Fenske	Munnelly	Russillo	Webb
Fulton	Nelson	Simmons	Williams
Gerdes	Olinger		

Voting in the negative, 0.

Not voting, 5:

Adams	Carpenter	Donner	Klaver
Bowen			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 134.**

Mr. Jensen moved that LB 134 be returned to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost 14 ayes, 24 nays, and 5 not voting.

Mr. Romans moved that LB 134 be returned to Select File for the following specific amendments:

1. Amend section 1 by reinstating the stricken matter in lines 19 through 27 and through the word "belongs" in line 28.

2. In line 32, insert "(2)" before "All" and in line 34, after the comma, insert "*except motor vehicles specifically excepted in subsection (1) of this section,*".

3. In line 42, strike "(2)" and insert "(3)".

Motion pending.

Mr. Ruhnke requested unanimous consent that LB 134 be laid over.

Mr. Tews objected.

Mr. Ruhnke moved that LB 134 be laid over.

The motion prevailed with 29 ayes, 9 nays, and 5 not voting.

### Speaker Pizer Presiding

#### LEGISLATIVE BILL 215.

A bill for an act to amend sections 60-406, 60-432, 60-444, 60-445, and 60-905, Reissue Revised Statutes of Nebraska, 1943, and sections 60-323, 60-407, 60-433, and 60-1407, Revised Statutes Supplement, 1957, relating to motor vehicles; to correct internal references; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 40:

Aufenkamp	Cooper	Fulton	Liebers
Bridenbaugh	Diers	Gerdes	Marvel
Burbach	Donner	Hollenbeck	McHugh
Carpenter	Erlewine	Jensen	Moulton
Claussen	Fenske	Lautenschlager	Munnelly

Nelson	Pizer	Simmons	Tews
Olinger	Portsche	Skarda	Thompson
Orme	Romans	Stryker	Vosoba
Otto	Ruhnke	Swanson	Webb
Peck	Russillo	Syas	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Bowen	Klaver
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Visitors

Mr. Otto introduced Dr. Don Fox, Messrs. M. L. Larsen, Elmer Beckman, Lou Mingar, Dr. Mantor, and Dr. Holmgren from Kearney State Teachers College.

Mr. Marvel introduced Mr. Jack Binderup and Dr. and Mrs. L. S. Micek from Hastings.

Mr. Vosoba introduced Mrs. Angeline Schmidt, Teacher, and nine students from School District 5, Saline County, and Mr. Stanley Vlasak, Sponsor; and Messrs. Eugene C. Zajicek and Milo Korinek from Wilber.

Mr. Romans introduced his daughter and son, Gay and Harry Romans from Ord.

#### NOTICE OF COMMITTEE HEARINGS

##### Education

LB 335	Thursday, April 2, 1959	2:00 p.m.
LB 306	Thursday, April 2, 1959	2:00 p.m.
LB 374	Thursday, April 2, 1959	2:00 p.m.

##### Government

LB 688	Monday, March 23, 1959	2:00 p.m.
LB 689	Monday, March 23, 1959	2:00 p.m.

##### Public Works

LB 571	Wednesday, April 1, 1959	2:00 p.m.
LB 448	Wednesday, April 1, 1959	2:00 p.m.
LB 612	Wednesday, April 1, 1959	2:00 p.m.

**STANDING COMMITTEE REPORTS****Judiciary**

**LEGISLATIVE BILL 399.** Placed on General File.

(Signed) Joe T. Vosoba, Vice Chairman

**Salaries and Claims**

**LEGISLATIVE BILL 639.** Placed on General File as amended.

Standing Committee amendment to LB 639:

1. Amend section 1, line 6 by striking the words "thirty-six hundred" and adding in place thereof the words "three thousand."

(Signed) John Aufenkamp, Chairman

**Member Excused**

Mr. Bridenbaugh was excused for Monday, March 16, 1959.

**UNANIMOUS CONSENTS—Executive Sessions**

Mr. Burbach requested unanimous consent to hold an executive session of the Miscellaneous Subjects Committee Tuesday, March 17, 1959, at 1:00 p.m. No objections. So ordered.

Mr. Syas requested unanimous consent to hold an executive session of the Education Committee Monday, March 16, from 1:00 until 2:00 p.m. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 108.** E and R amendments found in the Legislative Journal for the Forty-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 148.** E and R amendments found in the Legislative Journal for the Forty-eighth Day were adopted.

Advanced to E and R for engrossment.



**LEGISLATIVE BILL 494.** E and R amendment found in the Legislative Journal for the Forty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 495.** E and R amendment found in the Legislative Journal for the Forty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 492.** E and R amendment found in the Legislative Journal for the Forty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 293.** E and R amendments found in the Legislative Journal for the Forty-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 51.** E and R amendments found in the Legislative Journal for the Forty-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 179.** E and R amendments found in the Legislative Journal for the Forty-eighth Day were adopted.

Advanced to E and R for engrossment.

#### **Visitors**

Mr. Romans introduced Mr. Wilbert Calvin and his daughter and son, Kathleen and David, from Ord.

#### **Ease**

The Legislature was at ease from 10:15 until 10:20 a.m.

**President Burney Presiding**

**Visitors**

Mr. Fenske introduced Mr. and Mrs. Ed Block and four students from Lodge Pole.

Mr. Liebers introduced Mrs. Lewis Poppe, Teacher, and fifteen students from School District 158, Hallam.

**GENERAL FILE****LEGISLATIVE BILL 44.**

The pending Russillo motion to indefinitely postpone, found in the Legislative Journal for the Forty-eighth Day, was considered.

Mr. Carpenter had requested a record vote.

Voting in the affirmative, 31:

Adams	Fenske	McHugh	Russillo
Aufenkamp	Fulton	Moulton	Simmons
Bridenbaugh	Gerdes	Nelson	Stryker
Burbach	Hollenbeck	Orme	Swanson
Claussen	Jensen	Peck	Thompson
Cooper	Lautenschlager	Pizer	Webb
Diers	Liebers	Portsche	Williams
Erlewine	Marvel	Romans	

Voting in the negative, 9:

Carpenter	Olinger	Ruhnke	Tews
Donner	Otto	Syas	Vosoba
Munnely			

Not voting, 3:

Bowen	Klaver	Skarda
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The Russillo motion prevailed and LB 44 was indefinitely postponed.

**LEGISLATIVE BILL 45.**

Mr. Erlewine moved that LB 45 be indefinitely postponed.

The motion prevailed.

**Member Excused**

Mr. Swanson was excused at 10:45 a.m. for the remainder of the morning.

**GENERAL FILE**

**LEGISLATIVE BILL 347.** Laid over.

**LEGISLATIVE BILL 275.** Laid over.

**LEGISLATIVE BILL 331.** Laid over temporarily.

**LEGISLATIVE BILL 417.** Read and considered.

**Speaker Pizer Presiding**

Advanced to E and R for review.

**LEGISLATIVE BILL 331.** Read and considered.

Advanced to E and R for review.

**Member Excused**

Mr. Aufenkamp was excused at 11:00 a.m. for the remainder of the morning.

**GENERAL FILE**

**LEGISLATIVE BILL 166.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-eighth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 497.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 385.** Read and considered.

Advanced to E and R for review.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Judiciary be permitted to introduce a bill, the purpose of which is set forth in the statement submitted herewith. (Signed) Ray C. Simmons, Chairman

**STATEMENT—Introduce Bill**

June 6, 1952, a letter of opinion was given to Paul T. Gilbert of the Game, Forestation and Parks Commission, in response to the question of whether or not a license is necessary for an individual to fish in his privately-owned pond which has been privately stocked. The attorney general indicated in his opinion none was necessary. This issue was tested in County Court of Merrick County in 1957 and the Judge in like manner ruled no license was necessary for the owner or his invitee. The attorney general's office reaffirms his previous stand and feels that privately-owned ponds, privately stocked, are outside of the jurisdiction of our Game, Forestation and Parks Commission.

This bill merely clears the ambiguity of the present statutes and would clarify in line with the opinion of the attorney general and the court finding.

(Signed) Ray C. Simmons, Chairman

Permission to introduce the bill granted with 35 ayes, 0 nays, and 8 not voting.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Judiciary be permitted to introduce a bill, the purpose of which is set forth in the statement submitted herewith. (Signed) Ray C. Simmons, Chairman

**STATEMENT—Introduce Bill**

Present statutes provide that the county judge in any county having a population of more than 16,000 is barred from private law practice in all of the courts of the state. This provision has, of course, worked very well and is desirable.

However, it often becomes necessary because of the sickness or absence of the county judge or because the latter may be interested in a specific case that another attorney serve as acting county judge. This raises the problem as to whether a lawyer by becoming acting county judge, even though he may only do such in one case, is thereby barred under the statutes from private law practice. Needless to say, no lawyer would be willing to serve as acting county judge if he is carrying on a private law practice and his service as acting county judge would bar him from continuing to practice law in any of our courts.

There has been considerable concern about this by our county judges. The matter was taken up some months ago with the attorney general but because of uncertainty as to the requirements of the law, the county judges and the attorney general believe that this matter should be clarified by statute. The bill merely provides that restrictions against the private practice of law shall not apply to an acting county judge.

(Signed) Ray C. Simmons, Chairman

Permission to introduce the bill granted with 31 ayes, 0 nays, and 12 not voting.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Judiciary be permitted to introduce a bill, the purpose of which is set forth in the statement submitted herewith. (Signed) Ray C. Simmons, Chairman

#### **STATEMENT—Introduce Bill**

The 1957 legislature enacted bills requiring that personal notice be given to certain persons who might be interested in litigation, where previously mere newspaper notice has been sufficient. This was done so that Nebraska statutes would be in compliance with U. S. Supreme Court decisions which hold that mere newspaper notice to parties is insufficient where personal notice can be given.

The bills enacted by the 1957 session received considerable study before their enactment and have worked very satisfactorily. However, some lawyers believe that one of the statutes enacted should be clarified to make it clear that it is not necessary to serve a notice upon certain parties where the latter have waived the notice in writing, entered a voluntary appearance or been personally served. This bill makes this clarification. The bill has been carefully checked by some members of the Judicial Council and by attorneys, who agree that it is desirable legislation.

(Signed) Ray C. Simmons, Chairman

Permission to introduce the bill granted with 31 ayes, 0 nays, and 12 not voting.

#### **BILLS ON FIRST READING**

The following bills were read the first time by title:

**LEGISLATIVE BILL 691.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 37-409, Reissue Revised Statutes of Nebraska, 1943, and sections 37-201 and 37-213, Revised Statutes Supplement, 1957, relating to game and fish; to provide that no fishing permit shall be required of the owner or his invitee fishing in any body of water located entirely upon privately-owned land and which is entirely privately stocked; and to repeal the original sections.

**LEGISLATIVE BILL 692.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 7-111, Reissue Revised Statutes of Nebraska, 1943, relating to attorneys at law; to provide that the prohibition to practice as an attorney in any courts of this state shall not apply to acting county judges appointed under the provisions of section 24-507, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

**LEGISLATIVE BILL 693.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 25-520.01, Revised Statutes Supplement, 1957, relating to civil procedure; to provide that it shall not be necessary to serve the notice as prescribed in this act upon any competent person, fiduciary, partnership, or corporation, who has waived notice in writing, entered a voluntary appearance, or has been personally served with summons or notice in such proceeding; and to repeal the original section.

#### **UNANIMOUS CONSENT—Cancel Hearing Dates**

Mr. Claussen requested unanimous consent to cancel the hearings now scheduled by the Labor and Public Welfare Committee on LB 236 and LB 476. No objections. So ordered.

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Labor and Public Welfare**

LB 236	(Reset) Wednesday, April 15, 1959	2:00 p.m.
LB 476	(Reset) Wednesday, April 1, 1959	2:00 p.m.

**STANDING COMMITTEE REPORTS**

**Judiciary**

**LEGISLATIVE BILL 336.** Placed on General File.

**LEGISLATIVE BILL 337.** Placed on General File.

**LEGISLATIVE BILL 449.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

**Miscellaneous Subjects**

**LEGISLATIVE BILL 421.** Placed on General File as amended.

Standing Committee amendments to LB 421:

1. Amend Section 1 of the bill, line 37 by striking the line after the word "by" and by striking lines 38 and 39 and show all of the same as stricken matter, and inserting in lieu thereof *"appointment by the governor, and such appointment shall continue for the unexpired term."*

2. Add the Emergency Clause.

3. Amend the title to conform.

(Signed) J. W. Burbach, Chairman

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 22.** Re: Congratulations to Hawaii on Being Granted Statehood.

Introduced by David D. Tews, 15th District; Stanley L. Portsche, 19th District; and William Moulton, 10th District.

WHEREAS, this Legislature adopted a resolution memorializing the members of Congress to grant statehood to the territory of Hawaii; and

WHEREAS, the Congress of the United States has enacted into law admitting the territory of Hawaii into the union and will become fiftieth state of the United States as soon as the bill is signed by the President of the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. We congratulate the people of the territory of Hawaii of being granted statehood and to becoming the fiftieth state of the union.

2. That the State of Hawaii be urged to consider the adoption as a part of their constitution the provisions for a one house Legislature similar to the provisions in the Constitution of Nebraska.

3. That a copy of this resolution be suitably engrossed and be transmitted to William Quinn, territorial Governor of Hawaii, President pro tem of the Senate and the Speaker of the House of Representatives of the territory of Hawaii.

#### **Adjournment**

At 11:46 a.m. on a motion by Mr. Moulton, the Legislature adjourned until 10:00 a.m. Monday, March 16, 1959.

Hugo F. Srb  
Clerk of the Legislature



**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**FIFTIETH DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Monday, March 16, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m.,  
Speaker Pizer presiding.

Prayer was offered by the Chaplain.

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

**Corrections for the Journal**

Page 850, line 3, correct the spelling of "SESSION".

The Journal for the Forty-ninth Day was approved as corrected.

**Communications**

Letter from Mrs. Bertha Becker, Elm Creek, opposing LB 545,  
favoring LB 559, and opposing a tuition increase.

Letter from former Senator D. J. Cole regarding their Florida  
vacation.

**Invitation**

Invitation to the members from the B. P. O. Elks Lodge  
No. 80, Lincoln, to a social hour at 5:30 p.m. and dinner at 6:30  
p.m., Monday, March 23, at the Elks Lodge.

**MESSAGE FROM THE GOVERNOR**

March 13, 1959

The President, the Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable  
Body that on March 13, 1959, he approved LB 97, LB 187, LB 198,

LB 206, LB 207, LB 208, LB 209, LB 210, LB 211, LB 212, LB 213, LB 214, LB 216, LB 219, LB 220, LB 222, LB 223, LB 226, LB 227, LB 229, LB 230, LB 231, LB 232, LB 234, LB 235, LB 249, LB 251, and LB 260.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
Administrative Assistant  
RBC:s

### Visitors

Speaker Pizer introduced Mr. and Mrs. M. M. Maupin from North Platte.

### NOTICE OF COMMITTEE HEARINGS

#### Revenue

LB 668	(Reset) Wednesday, March 25, 1959	2:00 p.m.
LB 669	(Reset) Wednesday, March 25, 1959	2:00 p.m.
LB 670	(Reset) Wednesday, March 25, 1959	2:00 p.m.

### STANDING COMMITTEE REPORTS

#### Banking, Commerce and Insurance

**LEGISLATIVE BILL 577.** Placed on General File as amended.

Standing Committee amendments to LB 577:

1. On page 2, Section 3, line 9, after the word "responsibility" insert *a period* and strike the words "and that public necessity, convenience and advantage will be promoted by permitting such proposed commercial bank to engage in trust business".

2. On page 2, Section 4, line 2, after the word "act" insert "*shall be separate and apart from every other department of the bank.*"

**LEGISLATIVE BILL 405.** Placed on General File.

**LEGISLATIVE BILL 396.** Placed on General File as amended.

Standing Committee amendments to LB 396:

1. On page 2, Section 1, line 4, following "8-136." strike the balance of line 4, all of line 5, and line 6 through the word "other".

2. On page 2, Section 1, line 7, after the word "thousand" insert "*or more*".

(Signed) John P. Munnelly, Chairman

### Enrollment and Review

**LEGISLATIVE BILL 64.** Placed on Select File as amended.

E and R amendments to LB 64:

1. In Standing Committee Amendment 2, numbered line 7, strike the comma after "*vehicle*".

2. For correlation purposes, strike section 1 and insert:

"Section 1. That section 60-407, Revised Statutes Supplement, 1957, as amended by section 3, Legislative Bill 215, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

60-407. (1) No license to operate a motor vehicle shall be granted to any applicant, who shall or shall not have possessed an operator's license prior to September 1, 1945, until such applicant satisfies the examiner that he possesses, with or without the aid of spectacles, sufficient powers of eyesight to enable him to operate a motor vehicle on the highways of this state, with a reasonable degree of safety. If, from the examination given any applicant, it appears that the applicant's powers of eyesight are such that he cannot operate a motor vehicle on the highways of this state with a reasonable degree of safety, the examiner shall require the applicant to present a doctor's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a license to such applicant. If the application to operate a motor vehicle required by this act discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require such applicant to show cause why such license should be granted, and shall require such applicant, through such personal examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the public highways. If the examiner is satisfied, after such demonstration, that such applicant has the ability to safely operate such motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation

to operate only such motor vehicles as the license shall designate. The director may, at the request of a law enforcement officer, or when he has reason to believe that such person may be physically or mentally incompetent to operate a motor vehicle or whose driving record appears to the department to justify such examination, give notice to the holder of an operator's license to appear before an examiner for examination to operate a motor vehicle safely. A refusal to appear before an examiner for such examination shall be unlawful. If such license holder cannot qualify at such examination, his operator's license shall be immediately surrendered to such examiner and forwarded to the director who shall cancel his license and privilege to operate a motor vehicle; *Provided*, that a refusal to appear before an examiner for examination after notice to do so or to surrender an operator's license on demand, shall be unlawful and any person failing to surrender his operator's license as required by the provisions of this section shall, upon conviction thereof, be fined in a sum not to exceed five hundred dollars, or imprisoned in the county jail not to exceed thirty days, or both such a fine and imprisonment. No operator's license referred to in this subsection of this section shall, under any circumstances, be issued to any person who has not attained the age of twenty years.

(2) Minors sixteen years of age and over and who have not reached their twentieth birthday shall be issued a probationary license, as referred to in subsection (4) of this section. Each such license shall expire on September 1 of each year and be renewable on that date and shall become delinquent sixty days thereafter.

(3) Minors who have not attained the age set forth in subsection (1) of this section but are over the age of fourteen years, except within metropolitan, primary, and first-class cities, may be issued, by the county treasurer, a limited permit, as referred to in subsection (4) of this section, to drive a motor vehicle to and from the school building where he attends school, by the nearest highway or street from his place of residence, if such child lives a distance of one and one half miles or more from such school. Such limited permit shall be used for the sole purpose of transporting such minor to attend school; *Provided*, such a permit shall not be issued until such minor has appeared before an examiner to demonstrate that he is capable of successfully operating a motor vehicle and has in his possession an examiner's certificate authorizing the county treasurer to issue a school permit. *Any such minor desiring such limited permit may first obtain a learner's permit from an examiner, which permit shall be valid for a period of two months. While holding such a permit, the minor may operate a motor vehicle on the highways of this state if he has*

*seated next to him and supervising his operation of the vehicle a person who is a licensed operator and who is also either a parent or guardian of the minor or a person over the age of twenty-one years who is authorized in writing by the minor's parent or guardian to supervise the actions of the minor in operating the vehicle. Prior to issuance of such learner's permit it shall not be required that such minor demonstrate that he is capable of successfully operating a motor vehicle.*

(4) Each individual, under the age of twenty-one years, who is making an application for his first operator's or probationary license or a limited or learner's permit, must furnish proof of age, either by birth certificate or written information signed by one of his parents or his guardian, to show that such applicant has attained the age, respectively, as required by subsection (1), (2), or (3) of this section. All probationary licenses and limited permits issued, as provided by subsection (2) or (3) of this section, respectively, shall be subject to revocation under the terms of section 60-427, and any minor who shall violate the terms of such probationary license or limited permit shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 39-7,127.

(5) Any person who shall have attained the age of fifteen and one half years or more may obtain a learner's permit, referred to in subsection (4) of this section, from an examiner which shall be valid for a period of six months and he may operate a motor vehicle on the highways of this state if he is accompanied at all times by a licensed operator who is at least twenty-one years of age and who is actually occupying the seat beside the driver. Any person who shall have attained the age of fifteen years may operate a motor vehicle over the highways of the state if he is accompanied at all times by a licensed operator who shall be a high school driver training instructor certified by the Commissioner of Education.

(6) The county treasurer shall collect a fee of one and one half dollars from each successful applicant for an original or renewal probationary license.”.

3. In section 2, line 2, strike “Supplement, 1957, is repealed.” and insert “Supplement, 1957, as amended by section 3, Legislative Bill 215, Sixty-ninth Session, Nebraska State Legislature, 1959, is repealed.”.

4. In the title, line 3, after “1957,” insert “as amended by section 3, Legislative Bill 215, Sixty-ninth Session, Nebraska State Legislature, 1959,”; in line 6, after the semicolon, insert “to provide how long such permit shall be valid,”; in lines 8 and 9

strike "to eliminate an erroneous cross reference; and" and in line 9, after "section" insert "; and to declare an emergency".

**LEGISLATIVE BILL 55.** Placed on Select File as amended.

E and R amendments to LB 55:

1. Strike Standing Committee Amendments 1, 2, and 3.
2. In section 1, line 30, strike "*that day*".
3. For correlation purposes, strike section 1 and insert:

"Section 1. That section 77-1502, Reissue Revised Statutes of Nebraska, 1943, as amended by section 25, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

77-1502. The county board of equalization shall hold a session of not less than three and not more than sixty days, for the purpose contemplated in sections 77-1502 to 77-1507, commencing on April 1 of each year and ending on May 30. Protests may be filed with the board from April 1 to May 10. It shall be authorized and empowered to meet at any time upon the call of the chairman or any three members of the board for the purpose of equalizing assessments of any omitted or undervalued property. The board shall maintain a written record of all proceedings and actions taken, *and shall show the vote of the members of the board, and shall also show the justification and basis for such action which shall be available for inspection in the office of the county assessor. In equalizing assessments during regular sessions, as authorized by Chapter 77, article 11, the board shall prepare a separate report as to each action taken by it with respect to equalization, and such report shall include a description of the property affected by such action, the recommendation of the county assessor with respect to the action proposed or taken, the names of witnesses whose testimony was heard in connection with the action and a summary of their testimony, together with a statement by the board of the basis upon which they took such action. Such report shall be signed by the members of the board favoring the action taken and shall contain a certification over their signature that a copy thereof is being mailed to the Tax Commissioner. One copy of the report shall be given to the officer charged with the duty of preparing the tax list, and such officer shall have no authority to make a change in the valuations prepared and submitted by the county assessor until he has such report in his possession, completed, signed and certified in the manner herein specified, and if he deem it incomplete, or if not signed by the requisite number of members of the board, or if*

*they have failed to certify that a copy thereof has been mailed to the Tax Commissioner, he shall return the same to the board for proper preparation and execution.”.*

4. In section 4, line 8, strike “State” and show the same as stricken; and in line 13, after “county” insert a stricken colon.

5. In section 5, line 1, strike “77-1502,”; and in line 3, after “1943,” insert “section 77-1502, Reissue Revised Statutes of Nebraska, 1943, as amended by section 25, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959,”.

6. In the title, line 2, strike “77-1502,”; in line 4, after “1943,” insert “section 77-1502, Reissue Revised Statutes of Nebraska, 1943, as amended by section 25, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959,”; and in line 9 strike “offices” and insert “officers”.

**LEGISLATIVE BILL 180.** Placed on Select File as amended.

E and R amendments to LB 180:

1. In Standing Committee Amendment 1, lines 2 and 3, strike “showing same as stricken,”.

2. In the title, lines 7 and 8, strike “thirty days of” and insert “sixty days following”.

**LEGISLATIVE BILL 181.** Placed on Select File as amended.

E and R amendment to LB 181:

1. In section 1, line 11, strike “*provided, however,*” and insert “*Provided,*”.

**LEGISLATIVE BILL 268.** Placed on Select File as amended.

E and R amendments to LB 268:

1. In section 1, lines 21 and 22, line 24, and line 63, strike “subsection” and insert “subsection subdivision”; in line 48, strike the period and insert “.,”; in line 106, reinstate the stricken word; and in line 120, strike “be” and insert “by” as in the statutes.

2. In Standing Committee Amendment 1, line 2, strike “and show as stricken”.

3. Strike Standing Committee Amendment 3.

4. In Standing Committee Amendment 4, line 2, strike “(1)” and insert “(i)”.

5. In Standing Committee Amendment 5, line 2, strike "3 and show the same as stricken matter" and insert "4".

6. In Standing Committee 6, line 2, strike "5" and insert "6".

**LEGISLATIVE BILL 149.** Correctly engrossed.

**LEGISLATIVE BILL 172.** Correctly engrossed.

**LEGISLATIVE BILL 240.** Correctly engrossed.

**LEGISLATIVE BILL 398.** Correctly engrossed.

**LEGISLATIVE BILL 215.** Correctly enrolled.

**LEGISLATIVE BILL 228.** Correctly enrolled.

**LEGISLATIVE BILL 195.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **Visitors**

Mr. Tews introduced Dr. John Lux, Professor; Richard Hart, Instructor; Jerry L. Sellintin, Dick Tempeno, Sebastian Tenco, Teachers, and 52 Seniors from University High School, Lincoln.

### **STANDING COMMITTEE REPORTS**

#### **Government**

**LEGISLATIVE BILL 482.** Placed on General File.

**LEGISLATIVE BILL 481.** Placed on General File as amended.

Standing Committee amendments to LB 481:

1. Amend section 1, line 27 of the bill by striking "twenty-five hundred" and inserting in lieu thereof "*two thousand*".

2. Amend section 2, line 7 of the bill by striking "twenty-five hundred" and inserting in lieu thereof "*two thousand*".

**LEGISLATIVE BILL 627.** Indefinitely postponed.

(Signed) Dwain Williams, Chairman

#### **Speaker Signs**

While the Legislature was in session and capable of transacting business, the Speaker signed: LB 215 LB 228 LB 195



**MOTION—Adjournment**

Mr. President: I move that the Legislature adjourn until 9 a.m. Tuesday, so that the members who wish to attend the state meeting today of a political party, may do so. (Signed) Joe T. Vosoba

The motion lost with 3 ayes, 34 nays, and 6 not voting.

**STANDING COMMITTEE REPORTS****Public Works**

**LEGISLATIVE BILL 515.** Placed on General File.

**LEGISLATIVE BILL 486.** Placed on General File as amended.

Standing Committee amendments to LB 486:

1. Amend section 1 of the bill, line 20 by inserting after the word "dollars" the following:

"*Provided*, when no other route of travel is available, the restricted use of such portion of any state highway shall not apply to persons living along such closed highway or to persons who would need to travel such highway during the normal course of their operations".

2. Amend the title to conform.

**LEGISLATIVE BILL 519.** Placed on General File as amended.

Standing Committee amendments to LB 519:

1. Amend the bill, Section 1, line 18, by striking the word "The" following the period and inserting in lieu thereof the words "Each new".

2. Amend the title to conform.

(Signed) Arnold Ruhnke, Chairman

**MOTION—Place LB 25 on General File**

Mr. President: I move that LB 25 be placed on General File.  
(Signed) Terry Carpenter

Mr. Carpenter requested a record vote.

Voting in the affirmative, 5:

Bowen	Klaver	Skarda	Tews
Carpenter			

Voting in the negative, 36:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Claussen	Jensen	Otto	Syas
Cooper	Lautenschlager	Peck	Thompson
Diers	Liebers	Pizer	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams

Not voting, 2:

Munnelly	Portsche
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The Carpenter motion lost.

#### **MOTION—Place LB 162 on General File**

Mr. President: I move that LB 162 be placed on General File. (Signed) Terry Carpenter

Mr. Carpenter requested a record vote.

Mr. Carpenter requested a Call of the House.

A Call of the House was ordered and showed 41 members present.

Mr. Carpenter moved that the Call be raised. The motion prevailed.

Voting in the affirmative, 14:

Bowen	Klaver	Romans	Tews
Carpenter	Lautenschlager	Skarda	Thompson
Donner	Orme	Swanson	Vosoba
Fulton	Otto		

Voting in the negative, 25:

Adams	Fenske	McHugh	Ruhnke
Aufenkamp	Gerdes	Moulton	Russillo
Bridenbaugh	Hollenbeck	Nelson	Simmons
Burbach	Jensen	Olinger	Stryker
Claussen	Liebers	Peck	Syas
Diers	Marvel	Pizer	Williams
Erlewine			

Not voting, 4:

Cooper                      Munnelly                      Portsche                      Webb

The Carpenter motion lost.

## STANDING COMMITTEE REPORTS

### Public Works

**LEGISLATIVE BILL 654.** Indefinitely postponed.

**LEGISLATIVE BILL 433.** Indefinitely postponed.

(Signed) Arnold Ruhnke, Chairman

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 22.**

LR 22 was adopted with 40 ayes, 1 nay, and 2 not voting.

### Member Excused

Mr. Simmons was excused for Tuesday, March 17, 1959.

## BILLS ON FINAL READING

**LEGISLATIVE BILL 134.**

The pending Romans motion, found in the Legislative Journal for the Forty-ninth Day, to return LB 134 to Select File for specific amendments, prevailed with 41 ayes, 0 nays, and 2 not voting.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 242.**

A bill for an act to amend sections 79-426.05, 79-426.12, and 79-426.16, Reissue Revised Statutes of Nebraska, 1943, relating to the reorganization of school districts; to provide for the organization and composition of county committees in counties having fewer than six districts; to change the membership of county committees; to provide that territory included in a reorganization plan adopted by a county committee shall remain a part of the plan until the required election is held; to provide an exception; to provide for the assumption of obligations by the district into which others are merged; and to repeal the original sections.

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

Voting in the affirmative, 28:

Adams	Jensen	Munnelly	Skarda
Bowen	Klaver	Orme	Stryker
Burbach	Lautenschlager	Otto	Syas
Cooper	Liebers	Peck	Tews
Diers	Marvel	Ruhnke	Thompson
Fulton	McHugh	Russillo	Vosoba
Gerdes	Moulton	Simmons	Webb

Voting in the negative, 13:

Aufenkamp	Erlewine	Nelson	Romans
Bridenbaugh	Fenske	Olinger	Swanson
Claussen	Hollenbeck	Pizer	Williams
Donner			

Not voting, 2:

Carpenter                  Portsche

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 129.** With emergency.

A bill for an act to amend section 24-706, Reissue Revised Statutes of Nebraska, 1943, and sections 24-701, 24-703, and 24-710, Revised Statutes Supplement, 1957, relating to judges retirement; to define terms; to clarify the provisions thereof; to provide for contributions from judges of the Workmen's Compensation Court and the effective date thereof; to provide that a judge who terminates his service before retirement and with less than ten years service may elect to withdraw his contribution or leave it in the fund and be eligible for a retirement annuity upon reaching age sixty-five; to eliminate unnecessary provisions referring to incumbent judges over seventy years of age; to change the method of computing retirement annuities; to provide a minimum retirement annuity for a judge who has four years or more of service credit; 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, 42:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Portsche

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

#### **LEGISLATIVE BILL 244. With emergency.**

A bill for an act to amend section 79-402, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to remove the provisions for transfer of land from a Class II or III district to a Class I district; to change the requirements that must be met for transfer of land from a Class II or III district to another Class II or III district; to provide that not more than one hundred sixty acres may be so transferred; to provide for reversion of land so transferred to its original district; 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, 27:

Adams	Jensen	Munnelly	Swanson
Aufenkamp	Klaver	Orme	Syas
Carpenter	Lautenschlager	Otto	Tews
Cooper	Liebers	Russillo	Thompson
Diers	Marvel	Simmons	Vosoba
Fulton	McHugh	Skarda	Webb
Gerdes	Moulton	Stryker	

Voting in the negative, 13:

Bowen	Donner	Hollenbeck	Pizer
Bridenbaugh	Erlewine	Nelson	Romans
Burbach	Fenske	Olinger	Ruhnke
Claussen			

Not voting, 3:

Peck	Portsche	Williams
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Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

Voting in the affirmative, 27:

Adams	Jensen	Munnelly	Swanson
Aufenkamp	Klaver	Orme	Syas
Carpenter	Lautenschlager	Otto	Tews
Cooper	Liebers	Russillo	Thompson
Diers	Marvel	Simmons	Vosoba
Fulton	McHugh	Skarda	Webb
Gerdes	Moulton	Stryker	

Voting in the negative, 15:

Bowen	Donner	Nelson	Romans
Bridenbaugh	Erlewine	Olinger	Ruhnke
Burbach	Fenske	Peck	Williams
Claussen	Hollenbeck	Pizer	

Not voting, 1:

Portsche

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

#### LEGISLATIVE BILL 250.

A bill for an act to amend section 79-329, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Education; to authorize the board to provide for the publication of printed matter relating to education as prescribed; to provide that such publications may be furnished free of charge within this state as prescribed; to provide for the sale of such publications; to provide that the proceeds of any such sale shall be credited to the General Fund; and to repeal the original section.

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

Voting in the affirmative, 42:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Portsche

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 217.

A bill for an act to amend sections 68-301 and 68-407, Reissue Revised Statutes of Nebraska, 1943, relating to State Assistance Fund; to correct internal reference; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 42:

Adams	Diers	Klaver	Olinger
Aufenkamp	Donner	Lautenschlager	Orme
Bowen	Erlewine	Liebers	Otto
Bridenbaugh	Fenske	Marvel	Peck
Burbach	Fulton	McHugh	Pizer
Carpenter	Gerdes	Moulton	Romans
Claussen	Hollenbeck	Munnelly	Ruhnke
Cooper	Jensen	Nelson	Russillo

Simmons	Swanson	Thompson	Webb
Skarda	Syas	Vosoba	Williams
Stryker	Tews		

Voting in the negative, 0.

Not voting, 1:

Portsche

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### STANDING COMMITTEE REPORTS

#### Miscellaneous Subjects

**LEGISLATIVE BILL 584.** Placed on General File.

**LEGISLATIVE BILL 631.** Placed on General File as amended.

Standing Committee amendment to LB 631:

1. Amend Section 2 of the bill, line 10, by striking the words "subdivisions of government or".

(Signed) J. W. Burbach, Chairman

### SELECT FILE

**LEGISLATIVE BILL 134.**

Mr. Romans moved that his pending specific amendments found in the Legislative Journal for the Forty-ninth Day be adopted.

Mr. Romans requested a Call of the House.

A Call of the House was ordered and showed 39 members present.

Mr. Romans moved that the Call be raised. The motion prevailed.

The Romans motion lost with 17 ayes, 19 nays, and 7 not voting.

Mr. Tews requested unanimous consent that the following amendment be adopted:

1. Amend the bill by striking Jack Romans' amendments 1, 2, and 3, Ruhnke amendment adopted March 4, 1959, and Enrollment and Review amendments 1 and 2 adopted March 6, 1959.



Mr. Ruhnke objected.

Mr. Tews moved that LB 134 be returned to General File for the foregoing specific amendment.

The motion prevailed with 33 ayes, 5 nays, and 5 not voting.

**LEGISLATIVE BILL 54.** E and R amendments found in the Legislative Journal for the Forty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 493.** E and R amendment found in the Legislative Journal for the Forty-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 248.** E and R amendments found in the Legislative Journal for the Forty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 79.** Advanced to E and R for engrossment.

#### GENERAL FILE

**LEGISLATIVE BILL 134.** Considered.

The pending Tews specific amendment found in this Day's Journal was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 271.** Considered.

Advanced to E and R for review.

#### Mr. Moulton Presiding

**LEGISLATIVE BILL 269.** Considered.

Mr. Tews offered the following amendment which was adopted:

Amend the Romans amendment to LB 269 appearing in the Legislative Journal for the Forty-seventh Day as follows:

1. Insert after the word "and" in line 2, the following: "regardless of whether".

Advanced to E and R for review.

**LEGISLATIVE BILL 469.** Laid over until Monday, March 23, at the request of Mr. Peck.

**LEGISLATIVE BILL 301.** Considered.

Mr. Carpenter requested unanimous consent to lay over action on his pending amendment found in the Legislative Journal for the Forty-seventh Day, for consideration of an amendment by Mr. Ruhnke. No objections. So ordered.

Mr. Ruhnke offered the following amendment:

Amend Section 1, subsection (3), line 14, after the word "sold" by adding "*at no time shall the unpaid balance exceed \$500.00*".

Amendment pending.

Laid over.

**Speaker Pizer Presiding**

#### **STANDING COMMITTEE REPORTS**

##### **Miscellaneous Subjects**

**LEGISLATIVE BILL 518.** Placed on General File.

(Signed) J. W. Burbach, Chairman

##### **Education**

**LEGISLATIVE BILL 501.** Placed on General File.

**LEGISLATIVE BILL 502.** Placed on General File as amended.

Standing Committee amendment to LB 502:

1. Amend the bill, Page 2, Section 1, Line 17 as follows: In lieu of the word, "Thirty" substitute therefor the word, "*Fifteen*".

**LEGISLATIVE BILL 528.** Placed on General File as amended.

Standing Committee amendments to LB 528:

1. Amend the bill, Page 2, Sec. 2, Line 18 as follows: After the word "inhabitants," add "*according to the last federal census*".

2. Amend the bill, Page 4, Sec. 3, Line 3 as follows: In lieu of the word "annual" insert the word "*minimum*".

(Signed) George Syas, Chairman

**Public Works**

**LEGISLATIVE BILL 52.** Indefinitely postponed.

(Signed) Arnold Ruhnke, Chairman

**Presented to the Governor**

Presented to the Governor for approval on March 16, 1959,  
at 11:30 a.m.: LB 69 LB 124 LB 203 LB 252 LB 218

(Signed) Jo Fisher, Enrolling Clerk

**UNANIMOUS CONSENT—Hearing Room**

Mr. Otto, Chairman of the Committee on Revenue, requested unanimous consent for permission for the Revenue Committee to use the rear of the West Senate Chamber for their public hearing today, March 16. No objections. So ordered.

**Adjournment**

At 11:59 a.m. on a motion by Mr. Carpenter, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

FIFTY-FIRST DAY

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Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 17, 1959

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Burney presiding.

Prayer was offered by the Rev. Waldo J. Werning, Lincoln, Counselor of Missions and Stewardship, Southern Nebraska District, The Lutheran Church, Missouri Synod.

The roll was called and all members were present except Messrs. Munnely and Simmons who were excused.

**Corrections for the Journal**

Page 856, line 31, correct the spelling of "*witnesses*".

The Journal for the Fiftieth Day was approved as corrected.

**Communications**

Letter from Dr. Colin B. Schack, Omaha, in support of leaving the education of blind children under the Board of Education.

**Explanation of Vote**

Mr. President: Had I been present yesterday, I would have voted Aye on LB 242, LB 129, LB 244, LB 250, LB 217 and LR 22.  
(Signed) Stanley L. Portsche

**STANDING COMMITTEE REPORTS****Education**

**LEGISLATIVE BILL 567.** Indefinitely postponed.

(Signed) George Syas, Chairman

**Miscellaneous Subjects**

**LEGISLATIVE BILL 558.** Indefinitely postponed.

**LEGISLATIVE BILL 598.** Placed on General File as amended.

Standing Committee amendments to LB 598:

1. Amend the bill by inserting, immediately after section 3, a new section to be known as section 4 and to read as follows:

*"Sec. 4. For the purposes of section 1 of this act, there is hereby appropriated to the Military Department for the biennium ending June 30, 1961, from the Aircraft Fuel Tax Fund, the sum of ten thousand dollars in addition to any amount otherwise appropriated to such department."*

2. Renumber original sections 4 and 5 as sections 5 and 6, respectively.

3. Amend the title to conform.

(Signed) J. W. Burbach, Chairman

#### **Government**

**LEGISLATIVE BILL 321.** Indefinitely postponed.

**LEGISLATIVE BILL 319.** Placed on General File.

**LEGISLATIVE BILL 318.** Placed on General File.

**LEGISLATIVE BILL 317.** Placed on General File.

(Signed) Dwain Williams, Chairman

#### **Enrollment and Review**

**LEGISLATIVE BILL 541.** Placed on Select File as amended.

E and R amendments to LB 541:

1. Strike the Vosoba General File Amendment to Standing Committee Amendment 1, line 16.

2. In Standing Committee Amendment 1, line 16, strike "spray or mow" and insert "spray, mow, or otherwise treat".

3. In Standing Committee Amendment 2, line 7, strike "or sprayed" and insert ", sprayed, or otherwise treated"; in line 11 insert an underscored comma after "mowed" and strike "or", showing the same as stricken; in line 12, after "sprayed" insert ", or otherwise treated"; in line 24, strike "or spray" and insert ", spray, or otherwise treat"; and in line 26, strike "or spray" and insert ", spray, or otherwise treat".

4. In the Vosoba General File Amendment to section 2, after "weeds" in lines 2, 4, and 6, insert ", showing the same as stricken,".

5. In Standing Committee Amendment 2, after line 3 and before line 4, insert:

"Sec. 2. That section 74-609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:";  
and in line 4, strike "Sec. 2'.

6. In the title, strike lines 2 to 11 and insert:

"FOR AN ACT to amend sections 74-608 and 74-609, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to provide that vegetation within the fenced right-of-way of railroads shall not be destroyed except as prescribed; to provide that the county board or board of supervisors may direct the spraying, mowing, or otherwise treating of such fenced right-of-way to kill or destroy vegetation; to provide that the county board or board of supervisors shall cause such right-of-way to be sprayed, mowed, or otherwise treated when the railroad neglects or refuses to do so when directed to do so and for assessing the cost thereof; to prohibit hunting upon such fenced right-of-way except with permission as prescribed; to provide penalties; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 521.** Placed on Select File as amended.

E and R amendments to LB 521:

1. In section 1, line 3, strike "is" and insert "has been".

2. In the title, line 3, insert "when" after "provide"; and in line 3, insert "shall be furnished" after "counsel".

**LEGISLATIVE BILL 324.** Placed on Select File as amended.

E and R amendment to LB 324:

1. In the title, strike lines 3 to 6 and insert "to make it a misdemeanor fraudulently to obtain or attempt to obtain telephone service by use of a false, revoked, counterfeit or nonexistent credit card or by charging the price of such call to a false or nonexistent telephone number or an".

**LEGISLATIVE BILL 135.** Placed on Select File as amended.

E and R amendments to LB 135:

1. In section 1, strike lines 8 and 9, showing the same as stricken, and insert "*shall be punished by a fine of not less than*

*twenty-five dollars nor more than one hundred dollars or by imprisonment in the county*"; and in line 10 insert "by" after "or".

2. In the title, line 7, after the semicolon, insert "to clarify the provisions thereof;"

**LEGISLATIVE BILL 167.** Placed on Select File as amended.

E and R amendments to LB 167:

1. In Standing Committee Amendment 1, line 2, strike "and show same as stricken"; in line 4, insert "(2)" before "The"; in line 5, insert an underscored comma after "separate"; and in line 6, strike the comma after "necessary".

2. In Standing Committee Amendment 3, line 3, insert an underscored semicolon before and an underscored comma after "Provided"; in line 5 strike the comma after "permits" and insert an underscored semicolon; in line 5 insert an underscored comma after "further"; and in line 8 strike the period.

3. In section 2, line 9, strike "drawn" and insert "drawn granted".

4. In the title, line 7, after the semicolon, insert "to remove the provisions that permits be disposed of by lot; to remove provisions granting priority in one year to an unsuccessful applicant the preceding year; to provide that residents shall have priority as prescribed"; in line 9, strike "and"; and in line 10, after "sections", insert "; and to declare an emergency".

**LEGISLATIVE BILL 47.** Correctly engrossed.

**LEGISLATIVE BILL 163.** Correctly engrossed.

**LEGISLATIVE BILL 253.** Correctly engrossed.

**LEGISLATIVE BILL 383.** Correctly engrossed.

**LEGISLATIVE BILL 490.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 22

**Visitor**

Mr. Swanson introduced Mr. Willard M. Wilson, a former member of the Legislature from Holdrege, now from New York City.

Mr. Wilson was escorted to the rostrum where he addressed the Legislature briefly.

**BILLS ON FINAL READING****LEGISLATIVE BILL 80.**

Mr. Tews moved that LB 80 be returned to Select File for the following specific amendments:

1. Line 6, Sec. 1, strike "five" and insert "two".
2. Line 7, Sec. 1, strike "five" and insert "two".

The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 154.**

A bill for an act to repeal Chapter 59, article 11, Reissue Revised Statutes of Nebraska, 1943, relating to monopolies.

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

Voting in the affirmative, 41:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:



Munnelly

Simmons

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 191.**

A bill for an act to amend section 17-936, Reissue Revised Statutes of Nebraska, 1943, and sections 17-528.02 and 17-567, Revised Statutes Supplement, 1957, relating to cities of the second class and villages; to clarify the provisions thereof; to harmonize the provisions with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter

Munnelly

Simmons

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 202.**

A bill for an act to amend section 35-515, Revised Statutes Supplement, 1957, relating to rural and suburban fire protection districts; to clarify the provisions thereof; to provide that the provisions with respect to annexation of a suburban fire protection district shall apply to annexations by cities of the primary, first, or second class; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Munnelly Simmons

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 221.

A bill for an act to amend sections 75-227 and 75-432, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to harmonize the provisions thereof with previous legislation; to correct internal references; and to repeal the original sections.

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

Voting in the affirmative, 41:

Adams	Diers	Klaver	Orme
Aufenkamp	Donner	Lautenschlager	Otto
Bowen	Erlewine	Liebers	Peck
Bridenbaugh	Fenske	Marvel	Pizer
Burbach	Fulton	McHugh	Portsche
Carpenter	Gerdes	Moulton	Romans
Claussen	Hollenbeck	Nelson	Ruhnke
Cooper	Jensen	Olinger	Russillo

Skarda	Syas	Thompson	Webb
Stryker	Tews	Vosoba	Williams
Swanson			

Voting in the negative, 0.

Not voting, 2:

Munnelly	Simmons
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 287.

A bill for an act to amend section 44-213.01, Revised Statutes Supplement, 1957, relating to insurance; to provide that domestic insurance companies may include dependents and retired members in retirement, disability, sickness, accident, or group life benefit plans for its employees, officers, or agents, or any reasonable classification thereof; to provide a maximum limit on any one risk under a group life plan; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Munnelly	Simmons
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 314.**

A bill for an act relating to highways; to authorize the Department of Roads to enter into agreements for removal and preservation of historical, archeological, and paleontological remains disturbed or to the disturbed by highway construction as prescribed; and to authorize the use of highway funds for such purpose.

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

Voting in the affirmative, 41:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Munnelly Simmons

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 376.** Laid over.

**NOTICE OF COMMITTEE HEARINGS****Revenue**

LB 583	Monday, March 23, 1959	2:00 p.m.
LB 550	Wednesday, April 1, 1959	2:00 p.m.
LB 551	Wednesday, April 1, 1959	2:00 p.m.
LB 552	Wednesday, April 1, 1959	2:00 p.m.
LB 666	Friday, April 3, 1959	2:00 p.m.
LB 672	Friday, April 3, 1959	2:00 p.m.

**Bills Referred to Standing Committees**

LB	Committee
690.....	Banking, Commerce and Insurance
691.....	Agriculture
692.....	Judiciary
693.....	Judiciary

(Signed) Dwight W. Burney  
Lieutenant Governor

**Presented to the Governor**

Presented to the Governor for approval on March 17, 1959,  
at 8:40 a.m.: LB 215 LB 195 LB 228

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 244.** Correctly enrolled.  
**LEGISLATIVE BILL 217.** Correctly enrolled.  
**LEGISLATIVE BILL 250.** Correctly enrolled.  
**LEGISLATIVE BILL 129.** Correctly enrolled.  
**LEGISLATIVE BILL 242.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**Public Works**

**LEGISLATIVE BILL 540.** Placed on General File.

(Signed) Arnold Ruhnke, Chairman

**Judiciary**

**LEGISLATIVE BILL 450.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

**President Signs**

While the Legislature was in session and capable of trans-  
acting business, the President signed: LB 244 LB 217 LB 250  
LB 129 LB 242

**SELECT FILE****LEGISLATIVE BILL 80.**

The pending Tews specific amendments found in this Day's Journal, were adopted with 35 ayes, 0 nays, and 8 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 64.** E and R amendments found in the Legislative Journal for the Fiftieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 55.** E and R amendments found in the Legislative Journal for the Fiftieth Day were adopted.

Laid over until Friday, March 20, 1959, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 180.** E and R amendments found in the Legislative Journal for the Fiftieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 181.** E and R amendment found in the Legislative Journal for the Fiftieth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 268.** E and R amendments found in the Legislative Journal for the Fiftieth Day were adopted.

Laid over.

**Visitors**

Mr. Burbach introduced Miss Charlene Timmons, Home Extension Agent, and sixty women who are members of the Cedar County Extension Club.

**UNANIMOUS CONSENT—Read and Print Letter**

Mr. Carpenter requested unanimous consent to have a letter requesting an Attorney General's opinion read by the Clerk, and that it be printed in the Legislative Journal. No objections. So ordered.

The Clerk read the following letter:

March 16, 1959

Mr. Clarence E. Beck  
Attorney General  
State House  
Lincoln, Nebraska

Dear Mr. Beck:

Section 7 of Article III, Constitution of Nebraska, provides that the aggregate salaries of all the members of the legislature "shall be \$37,500 per annum, divided equally among the members and payable in such manner and at such times as shall be provided by law." The section then contains the following language:

"In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session. *Members of the legislature shall receive no pay nor perquisites other than said salary and expenses.*"

I will appreciate your answers to the following three questions:

(1) Section 81-822 RRS 1943 provides that members of the Nebraska Commission on Intergovernmental Cooperation, at least six of whom are members of the legislature, "shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under sections 81-816 to 81-824." It has been customary for the legislature to appropriate money for such expenses and they have been paid. The expenses so paid have included traveling expenses. Are such payments in violation of the constitutional provision that a legislator shall receive no pay nor perquisites other than his salary and expense for one trip to and from each session.

(2) Section 50-415 RRS 1943 provides that members of the Legislative Council, all of whom are legislators, "shall be compensated for actual expenses incurred while attending sessions of the council and the members of any committee of the council

shall be compensated for actual expenses incurred while on business of the committee." Funds have been appropriated for such expenses in the past and they have been paid. Are such payments in violation of the constitutional provision that a legislator shall receive no pay nor perquisites other than his salary and expense for one trip to and from each session?

(3) If payment of expenses to legislative members of the Commission on Intergovernmental Cooperation and to members of the Legislative Council are not prohibited by Section 7 of Article III of the Constitution, then would not a simple legislative enactment providing that all legislators be compensated for their actual expenses incurred while attending each regular or special session of the legislature be valid and constitutional?

Sincerely,

TERRY CARPENTER

TC:dnk

## STANDING COMMITTEE REPORTS

### Miscellaneous Subjects

**LEGISLATIVE BILL 614.** Placed on General File as amended.

Standing Committee amendments to LB 614:

1. Amend Section 2, line 11, by striking the period (.) and inserting in lieu thereof: "*except with the written consent of the manufacturer or distributor so indicated.*"

2. Amend Sec. 4, line 6, by inserting after "by" the words: "*or permitted by written consent of*"

3. Amend Sec. 5, line 10, by inserting after "distributors" the words: "*unless their written consent be first obtained*"

4. Amend Sec. 6, line 8, by inserting after "name" the words: "*or written consent*"

5. Add a new section 8 to read as follows: "*Sec. 8. That original section 66-313, Reissue Revised Statutes of Nebraska, 1943, is repealed.*"

6. Amend the title to conform.

**LEGISLATIVE BILL 613.** Placed on General File as amended.

Standing Committee amendments to LB 613:



1. Amend Section 1 of the bill, line 22, by striking "not to exceed five dollars" and inserting "one half the fee charged persons actively engaged in the practice of public accounting as provided in this section."

2. Amend the title to conform.

(Signed) J. W. Burbach, Chairman

### GENERAL FILE

**LEGISLATIVE BILL 301.** Considered.

Mr. Carpenter withdrew his pending amendment found in the Legislative Journal for the Forty-seventh Day.

Laid over.

**LEGISLATIVE BILL 86.**

Mr. Adams moved that LB 86 be indefinitely postponed.

### Speaker Pizer Presiding

The motion lost with 4 ayes, 34 nays, and 5 not voting.

Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-eighth Day were adopted.

Mr. Carpenter offered the following amendment which was adopted:

1. Amend section 3 of the bill, line 10 by inserting "*as provided by section 501 (c) (4), (5), (6), (7), and (8) United States Code Annotated*".

Mr. Ruhnke offered the following amendment which was adopted:

Amend renumbered section 16, line 1, by striking the word "*Law*" and inserting in lieu thereof "*Any law*"; strike "*of the incor-*" in line 1; strike lines 2 and 3 and the following in line 4: "*of my incorporated city or village*,".

Advanced to E and R for review.

### Visitors

Mr. Lautenschlager introduced Mr. James D. Pichon from the University of Nebraska, Department of Agricultural Engineering,

and the following who are associated with the Yugoslavia Extension Service: Djura Kocijan, Momir Miloseviz, Nikola Adamov, and Radivoje Djokic.

Mr. Fenske introduced Mr. Sidney Chase from Bayard, Mr. J. F. Anderson from Harrison, Mr. R. D. Williams from Kimball, and Mr. John D. Demers and Mr. John Webb from Sunol.

Mr. Nelson introduced Mr. C. C. Nelson and daughter from Spencer.

Mr. Bowen introduced Messrs. W. E. Garrison, Duane Chamberlain, Kenneth Gardener, and David Mitchell.

#### **UNANIMOUS CONSENT—Exchange Hearing Rooms**

Mr. Syas requested unanimous consent for the Education Committee to exchange hearing rooms with the Agriculture Committee this afternoon, March 17, 1959. No objections. So ordered.

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Education**

LB 303	Tuesday, April 7, 1959	2:00 p.m.
LB 425	Tuesday, April 7, 1959	2:00 p.m.
LB 504	Tuesday, April 7, 1959	2:00 p.m.
LB 581	Thursday, April 9, 1959	2:00 p.m.
LB 562	Thursday, April 9, 1959	2:00 p.m.
LB 603	Thursday, April 9, 1959	2:00 p.m.
LB 505	Tuesday, April 14, 1959	2:00 p.m.
LB 587	Tuesday, April 14, 1959	2:00 p.m.
LB 673	Tuesday, April 14, 1959	2:00 p.m.

#### **STANDING COMMITTEE REPORTS**

##### **Education**

**LEGISLATIVE BILL 599.** Indefinitely postponed.

**LEGISLATIVE BILL 255.** Placed on General File.

(Signed) George Syas, Chairman

#### **Adjournment**

At 11:50 a.m. on a motion by Mr. Carpenter, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**FIFTY-SECOND DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 18, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Adams who was excused until 9:35 a.m., and Mr. Munnely who was excused until 9:45 a.m.

**Corrections for the Journal**

Page 872, line 33, strike the word "and" and insert "the".

The Journal for the Fifty-first Day was approved as corrected.

**Announcement**

The National Water Resources Institute meets at the Cornhusker Hotel Wednesday and Thursday, March 18 and 19. There will be luncheons each day and a banquet Wednesday evening. Dr. R. A. Gustavson will be the speaker.

**Communications**

March 12, 1959

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

Dear Mr. Srb:

Pursuant to the provisions of Section 11-203, I enclose a complete list of the officers and employees of the State of Nebraska who are bonded, and the amount of each bond.

Very truly yours,

(Signed) William E. Grubbs  
 WILLIAM E. GRUBBS  
 Director of Insurance

WEG:sj

### INDIVIDUAL BONDS

POSITION	Total Number Of Employees In Each Position	Amount of Penalty For Each Bond
Adjutant General		
Adjutant General	1	\$ 5,000.00
Assistant Adjutant General	1	5,000.00
Department of Aeronautics		
Director	1	50,000.00
Department of Agriculture & Inspection		
Director	1	50,000.00
Athletic Commission		
Commissioner	1	5,000.00
Attorney General		
Attorney General	1	50,000.00
Deputy Attorney General	1	5,000.00
Auditor of Public Accounts		
State Auditor	1	50,000.00
Deputy State Auditor	1	10,000.00
State Accountant	1	10,000.00
Department of Banking		
Director	1	50,000.00
Deputy Director	1	10,000.00
Deputy Director	1	10,000.00
Nebraska Brand Committee		
Member of Brand Committee	1	1,000.00
Member of Brand Committee	1	1,000.00
Board of Control of State Institutions		
Member of Board of Control	1	25,000.00
Institution Stewards	7	5,000.00
Principal of the School for Blind	1	5,000.00
Principal of the School for Deaf	1	5,000.00

POSITION	Total Number Of Employees In Each Position	Amount of Penalty For Each Bond
Superintendents of Industrial Schools	2	\$10,000.00
Superintendents of Mental Hospitals	4	10,000.00
Assistant Superintendents of Mental Hospitals	4	5,000.00
Warden of the Penitentiary	1	10,000.00
Deputy Warden of the Penitentiary	1	5,000.00
Deputy State Sheriffs	4	2,000.00
State Department of Education		
Commissioner of Education	1	50,000.00
Assistant Commissioner of Vocational Education	1	5,000.00
Board of Education of Normal Schools		
President of Peru State College	1	15,000.00
President of Wayne State College	1	15,000.00
President of Kearney State College	1	15,000.00
President of Chadron State College	1	15,000.00
Deputy State Sheriffs	1	2,000.00
Game, Forestation and Parks		
Commissioner	1	10,000.00
Commissioner	1	10,000.00
Commissioner	1	10,000.00
Conservation Agents	28	2,500.00
Governor		
Governor	1	50,000.00
Department of Health		
Director	1	10,000.00
Department of Insurance		
Director	1	50,000.00
Deputy State Sheriffs (Fire Marshall)	6	2,000.00
Department of Labor		
Commissioner of Labor	1	50,000.00
Chief Boiler Inspector	1	2,500.00
Chief Accountant and Treasurer	1	50,000.00
Lieutenant Governor		
Lieutenant Governor	1	50,000.00

POSITION	Total Number Of Employees In Each Position	Amount of Penalty For Each Bond
Nebraska Liquor Control Commission		
Commissioner	1	\$25,000.00
Secretary of Commission	1	10,000.00
Deputy State Sheriffs	22	2,000.00
Motor Vehicles		
Director	1	50,000.00
Public Library Commission		
Executive Secretary	1	3,000.00
Racing Commission		
Secretary of Commission	1	5,000.00
Member of Board	1	10,000.00
Member of Board	1	10,000.00
Real Estate Commission		
Director	1	5,000.00
Railway Commission		
Deputy State Sheriffs	11	2,000.00
Department of Roads		
State Engineer	1	50,000.00
Deputy Engineer	1	10,000.00
State Sheriff	1	2,000.00
Deputy State Sheriffs	167	2,000.00
Peace Officers	52	2,000.00
Secretary of State		
Secretary of State	1	50,000.00
Deputy Secretary of State	1	5,000.00
Custodian of Capital		
Deputy State Sheriffs	4	2,000.00
Tax Commissioner		
Purchasing Agent	1	10,000.00
Treasurer		
State Treasurer	1	1,000,000.00
Deputy State Treasurer	1	50,000.00

POSITION	Total Number Of Employees In Each Position	Amount of Penalty For Each Bond
University of Nebraska		
Secretary of Board of Regents	1	\$10,000.00
Assistant Secretary of Board of Regents	1	10,000.00
Department of Veterans Affairs		
Director	1	50,000.00
Member of Advisory Commission	1	5,000.00
Member of Advisory Commission	1	5,000.00
Workmens Compensation Court		
Presiding Judge	1	5,000.00
Clerk	1	5,000.00
Department of Water Resources		
Director	1	50,000.00

All other officers and employees of the State not covered by the individual bonds preceding are covered under a \$25,000.00 Blanket Faithful Performance Bond with the following excess coverage on certain individuals.

POSITION	LOCATION	Total Number Of Employees In Each Position	Amount of Additional Indemnity On Each Employee
Comptroller	University of Nebraska	1	\$500,000.00
Business Manager	University of Nebraska	1	225,000.00
Director of Accounting	University of Nebraska	1	50,000.00
Business Manager Athletics	University of Nebraska	1	25,000.00
Director of University Enterprises	University of Nebraska	1	50,000.00
Accountant	Department of Agriculture and Inspection		
	Division of Motor Fuels	1	25,000.00
Dean of Adm.	Wayne State College	1	25,000.00
Bursar	Peru State College	1	25,000.00
Bursar	Kearney State College	1	25,000.00
Bursar	Chadron State College	1	25,000.00
Office Manager	Tax Commissioner	1	25,000.00
Accountant	Motor Vehicles	1	25,000.00

**Presented to the Governor**

Presented to the Governor for approval on March 17, 1959, at 4:15 p.m.: LB 244 LB 250 LB 129 LB 242 LB 217

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 427.** Placed on Select File as amended.

E and R amendments to LB 427:

1. Renumber sections 4 and 5, added by the Carpenter General File Amendments adopted March 12, as sections 5 and 6 respectively.

2. Renumber original section 3 as section 7.

3. In the first Carpenter General File Amendment 2, line 1, strike "renumbered" and insert "original", and insert quotation marks before line 3 and before the period at the end thereof.

4. In Standing Committee Amendment 1, line 13, after the period, insert: "The lots must be designated by number and streets, public ways, and other grounds by name and number." as in the statutes; in line 19 strike "surveyed" and insert "marked" as in the statutes; and in line 49 insert "and" after "mayor".

5. In renumbered section 2, line 1, strike "Section" and insert "Sec.".

6. In renumbered section 5, line 17, insert "to" after "contiguous".

7. In the title strike lines 2 to 5 and insert:

"FOR AN ACT to amend sections 15-106, 15-901, 15-902, and 16-114, Reissue Revised Statutes of Nebraska, 1943, relating to cities; to require that the certificate of a registered land surveyor be appended to the plat of land within or contiguous to the corporate limits of a city of the primary class; to provide for approval of such plat by the city council; to provide that no such plat shall be recorded in the office of the register of deeds or have any force or effect until it has been approved by the city council; to clarify provisions; to provide the authority of cities of the primary or first class to regulate subdivision";



and in line 10, after the semicolon, insert "to provide that the county board in any county in which is located a city of the primary class shall appoint an advisory committee for planning and zoning matters; to provide the composition of such committee, the terms of office of its members, and the duties of such committee;"

**LEGISLATIVE BILL 387.** Placed on Select File as amended.

E and R amendments to LB 387:

1. Add a new section to be known as section 4 and to read as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. In the title, line 2, after "provide" insert "who shall have the right to control the", also in line 2, strike "for the"; in line 3, after "persons" insert "and have the duty of interment and liability for reasonable costs thereof"; in line 8, after the semicolon, insert "to provide that certain persons and institutions shall be free of liability as prescribed;"; in line 10, strike "and"; and in line 11, after "officials", insert "; and to declare an emergency".

**LEGISLATIVE BILL 417.** Placed on Select File.

**LEGISLATIVE BILL 331.** Placed on Select File as amended.

E and R amendments to LB 331:

1. In section 1, line 7, strike "*at such hearing*".
2. In the title, line 7, strike "*at such hearing*".

**LEGISLATIVE BILL 166.** Placed on Select File as amended.

E and R amendments to LB 166:

1. In section 1, line 3, insert a comma after "regulate".
2. In section 2, line 7, insert a comma after "obtaining" and strike "a" after "such".
3. In section 3, line 2, insert a comma after "class"; and in line 7 strike "such".
4. In section 4, line 11, strike "a" after "such".
5. In section 5, after the first "and" in line 2, insert "take".

6. In the title, line 3, strike "class" and insert "classes"; in line 5, insert a comma after "regulate"; in line 6, after "installation," insert "operation,"; and strike lines 7 to 13 and insert "of wired or cabled television and radio systems and services within their corporate limits; to make it unlawful to construct, install, operate or maintain any such system within any such municipality without first having obtained a franchise to do so; to authorize the granting of franchises as prescribed; to authorize such municipalities to require the filing of maps as prescribed; to authorize the levy of an annual occupation tax as prescribed; and to declare an emergency.".

**LEGISLATIVE BILL 497.** Placed on Select File as amended.

E and R amendment to LB 497:

1. In the title, line 5, after "election" insert "is challenged".

**LEGISLATIVE BILL 385.** Placed on Select File.

**LEGISLATIVE BILL 148.** Correctly engrossed.

**LEGISLATIVE BILL 494.** Correctly engrossed.

**LEGISLATIVE BILL 495.** Correctly engrossed.

**LEGISLATIVE BILL 154.** Correctly enrolled.

**LEGISLATIVE BILL 191.** Correctly enrolled.

**LEGISLATIVE BILL 202.** Correctly enrolled.

**LEGISLATIVE BILL 221.** Correctly enrolled.

**LEGISLATIVE BILL 287.** Correctly enrolled.

**LEGISLATIVE BILL 314.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 154 LB 191 LB 202  
LB 221 LB 287 LB 314

#### **UNANIMOUS CONSENT—Exchange Hearing Rooms**

Mr. Ruhnke requested unanimous consent for permission for the Public Works and the Labor and Public Welfare Committees

to exchange hearing rooms this afternoon, March 18. No objections. So ordered.

### Visitors

Mr. Marvel introduced Richard and Larry Sturdevant from Hastings.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 376.

A bill for an act to amend section 44-311.02, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to permit every domestic insurance company with a policyholders' surplus or unassigned funds of more than one million dollars to acquire, own, hold, develop and improve real estate in cities or towns that is essentially either residential or commercial in character, or both; to change the aggregate value of all investments in such real estate by eliminating the requirement which provides the value of a single parcel may not exceed one per cent of the admitted assets; and to repeal the original section.

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

Voting in the affirmative, 40:

Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Otto	Swanson
Carpenter	Jensen	Peck	Syas
Claussen	Klaver	Pizer	Tews
Cooper	Lautenschlager	Portsche	Thompson
Diers	Liebers	Romans	Vosoba
Donner	Marvel	Ruhnke	Webb
Erlewine	McHugh	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Munnelly	Orme
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Explanation of Vote**

Mr. President: Had I not been called out of the Chamber to answer a phone call, I would have voted "aye" on LB 376. (Signed) Fern Hubbard Orme

**LEGISLATIVE BILL 142. With emergency.**

A bill for an act to amend sections 77-712 and 77-712.01, Re-issue Revised Statutes of Nebraska, 1943, relating to intangible property tax; to transfer the responsibility for collection of the intangible property tax assessed against licensees under section 45-117 from the Department of Banking to the Tax Commissioner; to authorize annual examinations of the books and records of any licensee at the expense of such licensee; 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:

Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Adams                      Munnelly

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

**LEGISLATIVE BILL 144. With emergency.**

A bill for an act to amend section 77-732, Reissue Revised Statutes of Nebraska, 1943, relating to intangible property tax; to transfer collection of the intangible property tax assessed

against purchasers of installment paper from the Department of Banking to the Tax Commissioner; 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:

Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Adams                      Munnelly

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

#### LEGISLATIVE BILL 153.

A bill for an act to amend section 32-810, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to remove from the oath of absent or disabled voters the requirement to state the voter's color; and to repeal the original section.

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

Voting in the affirmative, 40:

Aufenkamp	Cooper	Fulton	Lautenschlager
Bowen	Diers	Gerdes	Liebers
Bridenbaugh	Donner	Hollenbeck	Marvel
Burbach	Erlewine	Jensen	McHugh
Claussen	Fenske	Klaver	Moulton

Nelson	Pizer	Simmons	Tews
Olinger	Portsche	Skarda	Thompson
Orme	Romans	Stryker	Vosoba
Otto	Ruhnke	Swanson	Webb
Peck	Russillo	Syas	Williams

Voting in the negative, 0.

Not voting, 3:

Adams                      Carpenter                      Munnelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 177.** With emergency.

A bill for an act to amend section 17-803, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to delete the limitation on prescribed surplus funds that may be invested; to clarify the provisions of such section; to correct an internal reference; 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:

Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Adams                      Munnelly

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

**LEGISLATIVE BILL 224.**

A bill for an act to amend sections 79-209, 79-312, 79-4,114, 79-801, 79-1308, and 79-1522, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to harmonize the provisions thereof with previous legislation; to eliminate obsolete internal references; to clarify the provisions thereof; and to repeal the original sections.

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

Voting in the affirmative, 42:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Munnelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 300.**

A bill for an act to amend section 77-1734.01, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to extend the time for filing a claim for refund of tax paid as a result of clerical error; and to repeal the original section.

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

Voting in the affirmative, 42:

Adams	Bowen	Burbach	Claussen
Aufenkamp	Bridenbaugh	Carpenter	Cooper

Diers	Lautenschlager	Peck	Stryker
Donner	Liebers	Pizer	Swanson
Erlewine	Marvel	Portsche	Syas
Fenske	McHugh	Romans	Tews
Fulton	Moulton	Ruhnke	Thompson
Gerdes	Nelson	Russillo	Vosoba
Hollenbeck	Olinger	Simmons	Webb
Jensen	Orme	Skarda	Williams
Klaver	Otto		

Voting in the negative, 0.

Not voting, 1:

Munnelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 225.

A bill for an act to amend section 80-401.02, Reissue Revised Statutes of Nebraska, 1943, relating to soldiers and sailors; to harmonize the provisions thereof with previous legislation; and to repeal the original section, and also section 80-109, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 42:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Munnelly



A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**UNANIMOUS CONSENT—Read and Print Letter**

Mr. Carpenter requested unanimous consent to have a letter read by the Clerk, and that it be printed in the Legislative Journal. No objections. So ordered.

The Clerk read the following letter:

March 17, 1959

The Hon. Ralph G. Brooks  
Governor of the State of Nebraska  
State House  
Lincoln, Nebraska

Dear Governor:

I am enclosing herewith a letter from the Attorney General relative to the assessing of intangible items issued by building and loan associations in the hands of the taxpayer for the purpose of assessment and the payment of taxes. The opinion is self-explanatory and it indicates that the method by which building and loan stocks are now assessed and have been for many years is completely unacceptable. In my opinion steps must be taken by your office to direct the State Tax Commissioner to do the following things:

(1) Adopt a rule for all county assessors indicating the method by which building and loan securities must be assessed and taxed and direct them to make the necessary effort to collect on the values that have been incorrectly reported in the past.

(2) Request all building and loans, both state and national, that each and every building and loan association in Nebraska will furnish the State Tax Commissioner a list of all the stockholders as of March 1, 1959 and every year thereafter on the proper reporting date. The list should include the names, amounts and addresses of each stockholder. Steps should be taken to assess those who do not report the correct amounts as of March 1, 1959 to assess them the tangible rate as provided by law.

(3) Have each building and loan company report to the State Tax Commissioner, who shall report in turn to the county assessors, the value of such stock following the formula as indicated by the Attorney General's opinion of February 23, 1959. I am also including herewith a newspaper article which is quoting Mr. Leslie Mar-

tin of Omaha, President of the Nebraska Savings and Loan League. It is the opinion of their attorneys that the opinion of the Attorney General is in error; and if that is their position and if they resist the payment that the present laws indicate, then immediate steps should be made by your office directing the Attorney General to move into the courts to protect the position of the general taxpayers of the State of Nebraska.

(4) A number of building and loan associations for the past ten years or so have misinterpreted the meaning of the word "gross income" and it is reported as gross income after deducting many items of expense and dividends, which according to the opinion of the Attorney General is not permitted. These reports are filed with each county assessor, sworn to under oath, and I request you to direct the State Tax Commissioner to go back as far as legally possible and collect the tax due the State of Nebraska and its sub-divisions of government in those cases where the above conditions have prevailed.

I stand ready to assist you and the Tax Commissioner in the above suggestions and the further verifications of the above situations outlined.

Sincerely,

TERRY CARPENTER

TC:dnk  
Enclosures

#### SELECT FILE

#### LEGISLATIVE BILL 268.

Mr. Marvel offered the following amendments which were adopted by unanimous consent:

1. Amend section 1 of the bill, by striking Standing Committee Amendments 2, 3, and 4.

2. Amend section 1 of the bill, line 98, by striking "to" and inserting "in".

3. Amend section 1 of the bill, line 126, by inserting after the word "amount" the following:

*"; Provided, vacation pay received by an individual which has been earned or accumulated at the time such individual is laid off other than for a vacation period, or is separated from his employment shall not be considered as payable to him with respect to the weeks following the date of the layoff or separation."*

Mr. Stryker moved that LB 268 be indefinitely postponed.

Mr. Stryker requested a Call of the House.

A Call of the House was ordered and showed 40 members present.

Mr. Stryker moved that the Call be raised. The motion prevailed with 38 ayes, 0 nays, and 5 not voting.

The Stryker motion lost with 20 ayes, 19 nays, and 4 not voting.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 541.** E and R amendments found in the Legislative Journal for the Fifty-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 521.** E and R amendments found in the Legislative Journal for the Fifty-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 324.** E and R amendment found in the Legislative Journal for the Fifty-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 135.** E and R amendments found in the Legislative Journal for the Fifty-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 167.** E and R amendments found in the Legislative Journal for the Fifty-first Day were adopted.

Advanced to E and R for engrossment.

### **Members Excused**

Mr. Simmons was excused for Thursday, March 19, 1959.

Mr. Thompson was excused for Thursday and Friday, March 19 and 20, 1959.

## GENERAL FILE

**LEGISLATIVE BILL 130.** Considered.

The pending Tews amendments found in the Legislative Journal for the Forty-third Day were adopted with 34 ayes, 0 nays, and 9 not voting.

Advanced to E and R for review.

**LEGISLATIVE BILL 316.** Considered.

Mr. Lautenschlager offered the following amendment which was adopted:

1. Amend the bill, section 4, line 6, by inserting "*or an employee*" after "livestock", line 9, delete "Labor" and insert "*Serv-ices*", line 26, insert "*Servicing*" after "selling".

Mr. Fenske moved that LB 316 be indefinitely postponed.

The motion lost with 13 ayes, 20 nays, and 10 not voting.

Advanced to E and R for review.

**LEGISLATIVE BILL 301.** Considered.

Mr. Ruhnke offered the following amendment which was adopted by unanimous consent:

Amend the pending Ruhnke amendment offered March 16, line 1, by striking "14" and inserting in lieu thereof "17", and line 2 by striking "sold" and inserting in lieu thereof "time".

The pending Ruhnke amendment found in the Legislative Journal for the Fiftieth Day was adopted as amended.

Sections 2 and 3 and the title read and considered.

Standing Committee amendment 2 found in the Legislative Journal for the Thirty-seventh Day was adopted.

Advanced to E and R for review.

**Visitors**

Mr. Lautenschlager introduced Mr. Howard Peterson from Grand Island.

Mr. Marvel introduced Louis Douglas, Professor, and twelve government students from the Kansas State University at Manhattan.

Mr. McHugh introduced Paul Harnet, Principal, Paul Motzkus and Phil Kaldahl, Teachers, and eighty-five students from Bellevue High School.

Mr. Diers introduced Judge Herman Glock from York and Sheriff Pete Welch from Seward.

Mr. Stryker introduced Mrs. Fred Bontz, Teacher, and forty students from Ashland School District 1, and five sponsors.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 347.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-seventh Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 275.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-eighth Day were adopted.

Mr. Tews offered the following amendments which were adopted:

1. Amend section 1 of the bill by inserting after line 9 the following:

*"Any motor vehicle owned by the state and exempt from a distinct marking as provided in section 60-1001, may carry a number plate of the same design, size, and contents as for individuals as provided by section 60-311."*

2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 439.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Thirty-eighth Day was adopted.

Mr. Carpenter offered the following amendment which was adopted:

1. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 375.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-ninth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 182.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Thirty-ninth Day was adopted.

Mr. Nelson offered the following amendment which was adopted:

1. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 498.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 499.** Read and considered.

Mr. Carpenter moved that LB 499 be indefinitely postponed.

**President Burney Presiding**

The motion prevailed with 32 ayes, 6 nays, and 5 not voting.

**Announcement—Easter Recess**

Speaker Pizer announced that in clarification of the motion adopted January 9 relative to the Easter recess, the Legislature would adjourn at noon, Thursday, March 26, and reconvene at 10:00 a.m. Tuesday, March 31.

**MOTION—Employees Excused**

Mr. President: I move that the Legislative employees be excused, wherever possible, simultaneously with our Easter vacation.  
(Signed) A. A. Fenske

The motion prevailed.

## STANDING COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 108.** Replaced on Select File as amended.

E and R amendment to LB 108:

1. In renumbered section 14, line 1, strike "(1)".

(Signed) Joe T. Vosoba, Chairman

## Agriculture

**LEGISLATIVE BILL 307.** Placed on General File as amended.

Standing Committee amendments to LB 307:

1. Amend the bill by striking sections 1 and 2 and inserting in lieu thereof the following:

"Section 1. That section 54-727, Revised Statutes Supplement, 1957, be amended to read as follows:

54-727. No person shall manufacture, sell, offer for sale, or distribute any hog cholera serum, *virulent hog cholera* virus, or *modified live* hog cholera vaccine in the State of Nebraska until the manufacturer of such serum, virus, or hog cholera vaccine has made application and obtained a permit from the Department of Agriculture and Inspection.

Sec. 2. That section 54-727.01, Revised Statutes Supplement, 1957, be amended to read as follows:

54-727.01. As used in sections 54-727 to 54-734, unless the context otherwise requires:

(1) Hog cholera serum shall mean a serum which when injected into a susceptible hog as prescribed on the label of the container, will protect the animal for a variable time against hog cholera either from exposure to infected swine or an injection of a minimum of two cubic centimeters of known *virulent* hog cholera virulent virus;

(2) Hog *Virulent hog* cholera virus shall mean a virus which when inoculated into a susceptible swine, in a minimum dose of two cubic centimeters will cause hog cholera;

(3) Hog *Modified live hog* cholera vaccine shall mean a vaccine prepared from a modified live hog cholera virus which will not produce hog cholera when inoculated into susceptible swine,

but will establish an immunity or resistance against hog cholera when the animal is exposed to infected swine or by injection of a minimum dose of two cubic centimeters of known *virulent hog cholera virulent virus*.

Sec. 3. *It shall be unlawful for any person, firm, corporation or association in the State of Nebraska to purchase, possess, keep, sell, offer for sale, barter, exchange, give away, or otherwise dispose of virulent hog cholera virus; Provided, that the provisions of this section shall not apply to the manufacture, possession, shipment or storage of virulent hog cholera virus in this state for use in the manufacture and development of serums and vaccines or for experimental purposes for the further development thereof by any manufacturer or for interstate shipment, or to the University of Nebraska College of Agriculture for experimental purposes; and provided further, the State Veterinarian may, upon determination in the case of a specific hog production operation or general outbreak of hog cholera, that the use of modified live hog cholera vaccine will not successfully control hog cholera, issue a special permit to a qualified veterinarian for the use of virulent hog cholera virus; and provided further, that the State Veterinarian upon the issuance of such permit shall prescribe and enforce such other management controls as shall be necessary to safeguard the hog production industry.*

Sec. 4. That section 54-728, Revised Statutes Supplement, 1957, be amended to read as follows:

54-728. If the Department of Agriculture and Inspection is satisfied that the manufacturer making the application possesses the requisite skill and necessary equipment, and upon his furnishing a bond in the sum of five thousand dollars, to be approved by the department, it may issue to the applicant a permit to sell hog cholera serum, virus, or hog cholera vaccine within the state for a period of one calendar year or part thereof. The permit may at any time be changed, or it may be revoked for cause; *Provided, that virulent hog cholera virus shall only be sold within the state as provided in section 3 of this act.*

Sec. 5. *Any person, firm, or corporation violating the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than five hundred dollars.*

Sec. 6. That original sections 54-727, 54-727.01, and 54-728, Revised Statutes Supplement, 1957, are repealed.”.

2. Amend the title to conform.



**LEGISLATIVE BILL 511.** Placed on General File as amended.

Standing Committee amendments to LB 511:

1. On Page 1, Section 1, line 12 following the word "mean", insert the word "fungi".

2. On Page 5, Sec. 3, line 17 strike the word "diseased" and show same as stricken and insert in lieu thereof the word "diseases".

3. On Page 5 strike Sec. 4 and show same as stricken and insert in lieu thereof the following:

"Sec. 4. That section 2-1029, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1029. It shall be unlawful for any nurseryman, dealer or other person to sell, carry, ship or deliver for carriage or shipment within the State of Nebraska any nursery stock, unless such nursery stock has been officially inspected and a certificate issued by the Department of Agriculture and Inspection, stating that said nursery stock has been inspected and found apparently free from injurious insects and plant diseases. It shall, however, be the privilege of a nurseryman holding a valid certificate issued by the department covering nursery stock grown by him, to ship under said certificate nursery stock grown for him elsewhere or purchased by him from other states or countries; Provided, that all such nursery stock is received under an official certificate acceptable to the department, stating that it has been inspected where grown and found to be apparently free from injurious insect pests and plant diseases. Any person who shall carry, ship or deliver for shipment any nursery stock without a valid certificate issued by the department attached, or who shall use such certificate in connection with nursery stock any part of which has not been inspected and certified as aforesaid, or who shall alter or deface such certificate, shall be liable to the penalties provided in section 2-1036.

Only sound, healthy nursery stock stored or displayed under conditions which will maintain its vigor shall be offered for sale. Offering for sale of dead nursery stock or of stock so seriously weakened by drying, excessive heat or cold, or any other condition that makes it unable to grow satisfactorily when given reasonable care is deemed a violation of the provisions of sections 2-1009 to 2-1038. When it becomes necessary for inspectors to spend time inspecting nursery stock for viability in or on store shelves, heating-in-grounds and packing cellars, the owner of such stock shall pay the expenses for making such inspection as determined by the Department of Agriculture and Inspection."

4. Amend Sec. 6 of the bill by striking "Sec. 6" and inserting in lieu thereof "Sec. 5", and line 2 by striking "2-1028" and inserting in lieu thereof "2-1029".

5. Amend the title to conform.

**LEGISLATIVE BILL 621.** Placed on General File as amended.

Standing Committee amendments to LB 621:

1. On Page 2, Section 1, reinstate the stricken matter in line 12.

2. On Page 2, Section 1, line 13, strike the words "by spearing or" and show same as stricken.

3. On Page 2, Section 1, line 14, insert before the semi-colon the following phrase: *"and game fish may be taken by bow and arrow between sunrise and sunset from April 1 to December 1"*.

4. On Page 2, Section 1, line 32, strike the period after the word "Reservoir" and insert the following: *"; and provided further, that the commission may, by regulation, allow the use of fish traps and wing nets on that portion of the Missouri River lying east and south from the Yankton bridge across the Missouri River on U. S. Highway No. 81."*

5. On Page 3, Section 1, line 49, strike the semi-colon after the word "nets" and insert the following: *"; and permitting the use of one helper provided the helper is in the same boat as the person holding a permit;"*.

6. On Page 3, Section 1, line 52, after the word "nets" insert the following: *"; wing nets, or fish traps, or combination thereof"*.

7. Amend the title to conform.

(Signed) Hans O. Jensen, Chairman

#### Education

**LEGISLATIVE BILL 389.** Indefinitely postponed.

(Signed) George Syas, Chairman

#### Revenue

**LEGISLATIVE BILL 512.** Placed on General File as amended.

Standing Committee amendments to LB 512:

1. Amend the bill, Section 1, page 4, reinsert lines 93 and 94.

2. Amend the bill, sec. 2 by striking lines 1 and 2 thereof and substituting therefor the following:

That Section 3-502, Revised Statutes Supplement, 1957, be amended to read as follows:

3-502. Any city now or hereafter owning or operating an airport is hereby authorized to create an airport authority to be managed and controlled by a board, which board, when and if appointed, shall have full and exclusive jurisdiction and control over all facilities owned or thereafter acquired by such city for the purpose of aviation operation, air navigation, and air safety operation; *PROVIDED*, that this act shall not become operative as to any city unless the mayor and city council in their discretion shall activate the airport authority by the mayor appointing and the council approving the board members as hereinafter provided. Each such board shall be a body corporate and politic, constituting a public corporation and an agency of the city for which such board is established. Each board *in cities of the primary, first, and second classes and in villages* shall consist of five members to be selected as follows: (1) (a) The mayor, with the approval of the city council, shall appoint one member who shall serve until his successor, elected at the first general city election following such appointment, shall qualify and take office, (b) the mayor, with the approval of the city council, shall appoint two members who shall serve until their successors, elected at the second general city election following such appointment, shall qualify and take office, and (c) the mayor, with the approval of the city council, shall appoint two members who shall serve until their successors, elected at the third general city election following such appointment, shall qualify and take office; and (2) upon the expiration of the terms of such appointed officers, members of the board shall be nominated and elected in the manner provided by law for the election of officers of the city concerned and shall take office at the same time as the officers of such city. Members of such board shall be residents of the city for which such authority is created, and, except for members initially appointed, shall serve for a term of four years. Any vacancy on such board, resulting other than from expiration of a term of office shall be filled by temporary appointment by the mayor until a successor can be elected, at the next general city election, to serve the unexpired portion, if any, of the term. A member of such board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the city council, in the district court of the county in which such city is located.

*Each board in cities of the metropolitan class shall consist of five members to be selected as follows: (1) (a) The mayor,*

*with the approval of the city council, shall appoint one member who shall serve for one year, (b) the mayor, with the approval of the city council, shall appoint two members who shall serve for two years, and (c) the mayor, with the approval of the city council, shall appoint two members who shall serve for three years; and (2) upon the expiration of the terms of such appointed officers, members of the board shall be nominated by the mayor and approved by the city council, and shall serve for a term of four years. Any vacancy on such board, resulting other than from expiration of a term of office, shall be filled by the mayor, with the approval of the city council, and such appointee shall serve the unexpired portion, if any, of the term of the member whose office was vacated. Any member of such board may be removed from office by the mayor, with the consent of the city council.*

The members of the board hereby created shall not be entitled to compensation for their services, but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon them by the provisions of this act to be paid as herein provided. A majority of the members of the board then in office shall constitute a quorum. The board may delegate to one or more of the members, or to its officers, agents, and employees, such powers and duties as it may deem proper. The board and its corporate existence shall continue only for a period of twenty years from the date of appointment of the members thereof and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities and bonds have otherwise been discharged. When all liabilities incurred by the authority of every kind and character have been met and all its bonds have been paid in full, or such liabilities and bonds have otherwise been discharged, all rights and properties of the authority shall pass to and be vested in the city. The authority shall have and retain full and exclusive jurisdiction and control over all projects under its jurisdiction, with the right and duty to charge and collect revenues therefrom, for the benefit of the holders of any of its bonds or other liabilities. Upon the authority's ceasing to exist all its remaining rights and properties shall pass to and vest in the city.

3. Amend the bill by adding new Section 3 thereto as follows:

That section 3-505, Revised Statutes Supplement, 1957, be amended to read as follows:

3-505. Officers and employees of any board or department in or of a city may be transferred to the authority established in the city, and shall be eligible for such transfer and appointment without examination to offices and positions under the authority. Officers or employees of such city, who shall have accepted such

transfer and who are at the time of such transfer members or beneficiaries of any existing pension or retirement system, shall continue to have the rights, privileges, obligations, and status with respect to such system or systems as are now prescribed by law. *In a city of the metropolitan class, all offices and positions under the authority shall be classified under the merit system of the city, and provided that in such cities the authority may enter into an agreement with the city to provide for the continued coverage of officers and employees of the authority under the city's social security system, pension, or retirement plan, and shall pay its proportionate cost of such pension or retirement plan and expense of social security coverage.*

4. Amend the bill, by adding a new Section 4 thereto as follows:

Sec. 4. That original Sections 3-504, 3-502, and 3-505, Revised Statutes Supplement, 1957, are repealed.

5. Amend the bill by adding a new Section 5 thereto as follows:

Sec. 5. Since an emergency exists, this act shall be in full force and effect from and after its approval, according to law.

6. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

#### Judiciary

LEGISLATIVE BILL 158. Indefinitely postponed.

LEGISLATIVE BILL 165. Indefinitely postponed.

LEGISLATIVE BILL 350. Placed on General File.

LEGISLATIVE BILL 351. Placed on General File.

LEGISLATIVE BILL 352. Placed on General File.

LEGISLATIVE BILL 353. Placed on General File.

LEGISLATIVE BILL 358. Placed on General File.

LEGISLATIVE BILL 360. Placed on General File.

LEGISLATIVE BILL 361. Placed on General File.

LEGISLATIVE BILL 366. Placed on General File.

**LEGISLATIVE BILL 367.** Placed on General File.

**LEGISLATIVE BILL 368.** Placed on General File.

**LEGISLATIVE BILL 451.** Placed on General File.

**LEGISLATIVE BILL 455.** Placed on General File.

**LEGISLATIVE BILL 456.** Placed on General File.

**LEGISLATIVE BILL 457.** Placed on General File.

**LEGISLATIVE BILL 458.** Placed on General File.

**LEGISLATIVE BILL 459.** Placed on General File.

**LEGISLATIVE BILL 461.** Placed on General File.

**LEGISLATIVE BILL 523.** Indefinitely postponed.

**LEGISLATIVE BILL 527.** Indefinitely postponed.

(Signed) Ray C. Simmons, Chairmar.

#### **Education**

**LEGISLATIVE BILL 442.** Indefinitely postponed.

**LEGISLATIVE BILL 559.** Indefinitely postponed.

(Signed) George Syas, Chairman

#### **UNANIMOUS CONSENT—Cancel Hearing Dates**

Mr. Otto, Chairman of the Revenue Committee, requested unanimous consent to cancel the hearing dates scheduled for LB 550, LB 551, LB 552, LB 668, LB 669, and LB 670. No objections. So ordered.

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Revenue**

LB 550	(Reset)	Monday, April 6, 1959	2:00 p.m.
LB 551	(Reset)	Monday, April 6, 1959	2:00 p.m.
LB 552	(Reset)	Monday, April 6, 1959	2:00 p.m.
LB 668	(Reset)	Wednesday, April 1, 1959	2:00 p.m.
LB 669	(Reset)	Wednesday, April 1, 1959	2:00 p.m.
LB 670	(Reset)	Wednesday, April 1, 1959	2:00 p.m.

**Judiciary**

LB 692	Wednesday, March 25, 1959	2:00 p.m.
LB 693	Monday, April 6, 1959	2:00 p.m.

**Adjournment**

At 11:55 a.m., on a motion by Mr. Pizer, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## FIFTY-THIRD DAY

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Legislative Chamber, Lincoln, Nebraska  
Thursday, March 19, 1959

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Simmons and Thompson who were excused, and Mr. Munnelly who was excused until 10:00 a.m.

**Corrections for the Journal**

Page 896, line 17, correct the spelling of "internal".

The Journal for the Fifty-second Day was approved as corrected.

**Communications**

Letter from Dr. William L. Rumbolz, Omaha, requesting that the education of blind children remain under the Board of Education.

Postal card from K. Kelly, Glendale, Arizona, requesting information on the adoption of the unicameral in Nebraska.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 135.** Replaced on Select File as amended.

E and R amendment to LB 135:

1. In E & R Amendment 1, line 2, strike "*shall*".

**LEGISLATIVE BILL 268.** Replaced on Select File as amended.

E and R amendments to LB 268:



1. In the Marvel Unanimous Consent Amendment 2, line 2, strike "*in*" and insert "*to in*".
2. In the Marvel Unanimous Consent Amendment 3, line 6, strike the comma, and in line 9, strike the period.
3. In the title, line 4, after the semicolon insert "to clarify the provisions thereof;".

**LEGISLATIVE BILL 134.** Replaced on Select File.

**LEGISLATIVE BILL 271.** Placed on Select File as amended.

E and R amendments to LB 271:

1. In section 2, line 6, insert an underscored comma after "District"; and in line 15, strike the comma and show the same as stricken.
2. In section 3, line 54, strike "on" and insert "an" as in the statutes.
3. In section 16, line 4, strike the first comma and show the same as stricken.
4. In section 17, line 10, insert "*with respect to*" after "*contracts*".
5. In section 20, line 21, insert "*and*" before "*shall*".
6. In section 22, line 5, strike "any" and insert "any if"; in line 14, strike the second "*a*" and insert "*such*"; in line 21, strike "*petitions*" and insert "*petition*"; and in line 23, strike the third "*in*" and insert "*of*".
7. In section 23, line 9, strike the comma and insert an underscored comma after "*shall*"; and in line 10 insert an underscored comma after "*committee*".
8. In section 29, strike the commas in lines 41 and 42, and show the same as stricken.
9. In section 33, line 24, strike "three" and insert "three not more than four"; in line 26 insert "*one or*" before "two"; in line 28 strike "*However, the*" and insert "*The*"; in line 31 insert an underscored period after "*district*" and strike the rest of the sentence through "*tors.*" in line 34; in line 69, strike "to" and insert "do" as in the statutes; and in line 73, strike "*vacansies*" and insert "*vacancies*" as in the statutes.
10. In section 34, line 19, after "sections" insert "76-704 to" as in the statutes.

11. In the title, line 10, strike "and water"; in line 11 insert "and water conservancy districts" before the semicolon; and in line 14 insert "to redesignate soil conservation districts as soil and water conservation districts;" after the semicolon.

**LEGISLATIVE BILL 51.** Correctly engrossed.

**LEGISLATIVE BILL 179.** Correctly engrossed.

**LEGISLATIVE BILL 293.** Correctly engrossed.

**LEGISLATIVE BILL 492.** Correctly engrossed.

**LEGISLATIVE BILL 376.** Correctly enrolled.

**LEGISLATIVE BILL 142.** Correctly enrolled.

**LEGISLATIVE BILL 144.** - Correctly enrolled.

**LEGISLATIVE BILL 225.** Correctly enrolled.

**LEGISLATIVE BILL 300.** Correctly enrolled.

**LEGISLATIVE BILL 224.** Correctly enrolled.

**LEGISLATIVE BILL 177.** Correctly enrolled.

**LEGISLATIVE BILL 153.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 376 LB 142 LB 144  
LB 225 LB 300 LB 224 LB 177 LB 153

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Agriculture**

LB 691 Tuesday, March 31, 1959

2:00 p.m.

#### **SUSPEND RULES—Consider Bills on Final Reading**

Mr. President: I move that the rules be suspended and that LB 47, LB 163, LB 253, LB 383, and LB 490 be considered on Final Reading today. (Signed) Harry L. Pizer

The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

**Visitor**

Mr. Swanson introduced Mr. Edward Von Loh from Bertrand.

**STANDING COMMITTEE REPORTS****Public Health**

**LEGISLATIVE BILL 507.** Placed on General File as amended.

Standing Committee amendments to LB 507:

1. Amend the bill, section 1, line 5, by striking "seven" and inserting "seven eight".

2. Amend the bill, section 1, by striking lines 15 to 18 and inserting ", and two members shall at all times".

3. Amend the bill, section 1, line 21, by inserting "*The Governor shall also be an ex officio member of such board but shall be permitted to vote on matters before such board only when necessary to break a tie.*" after the period.

4. Amend the bill by adding, after section 1, a new section to be known as section 2 and to read as follows:

"Sec. 2. That section 71-2602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2602. Within thirty days after September 14, 1953, the Governor shall appoint the initial members of the State Board of Health who shall hold office for the following periods of time from September 14, 1953: Two members for a period of one year, two members for a period of two years, and three members for a period of three years. *The term of office of the member of the board who is a member of the Nebraska Pharmaceutical Association initially appointed shall expire September 14, 1961.* Each succeeding member of the board shall be appointed for a term of three years, except members appointed to fill vacancies whose tenure shall be the unexpired term for which they shall be appointed. No member of the board shall serve more than two three-year consecutive terms. If the Legislature is not in session when such members, or one of them, are appointed by the Governor, such members shall take office and act as recess appointees until the Legislature next thereafter convenes."

5. Renumber original section 2 as section 3.

6. Amend renumbered section 3, line 1, by striking "section 71-2601" and inserting "sections 71-2601 and 71-2602" and line 2 by striking "is" and inserting "are".

7. Amend the title to conform.

**LEGISLATIVE BILL 586.** Indefinitely postponed.

(Signed) Sam Klaver, Chairman

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 149.**

A bill for an act to amend section 37-505, Reissue Revised Statutes of Nebraska, 1943, and section 37-213, Revised Statutes Supplement, 1957, relating to game and fish; to permit the taking and sale of the flesh or fur of certain animals by the holder of either a valid hunting or trapping permit; to provide that it shall be lawful to buy, sell, or barter the flesh of raccoon or opossum that has been legally taken or possessed; to empower the Game, Forestation and Parks Commission to control commercial fishing on the Missouri River by regulation; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Erlewine	McHugh	Ruhnke
Aufenkamp	Fenske	Moulton	Russillo
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams

Voting in the negative, 0.

Not voting, 3:

Munnelly	Simmons	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 172.**

Mr. Klaver moved that LB 172 be returned to Select File for the purpose of striking the enacting clause.

The motion lost with 8 ayes, 28 nays, and 7 not voting.

A bill for an act to amend sections 68-215.08 and 68-215.09, Reissue Revised Statutes of Nebraska, 1943, relating to old age assistance; to provide who shall be designated the attorney to foreclose assistance liens; to provide for compensation of such attorney and how such compensation shall be paid; to clarify the provisions with respect to severance of joint tenancy when a recipient of old age assistance owns joint title to real estate; to provide that homestead rights and exemptions shall be inferior to the old age assistance lien; and to repeal the original sections.

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

Voting in the affirmative, 28:

Aufenkamp	Erlewine	Moulton	Romans
Bowen	Hollenbeck	Nelson	Russillo
Bridenbaugh	Jensen	Olinger	Stryker
Burbach	Lautenschlager	Orme	Swanson
Claussen	Liebers	Otto	Syas
Diers	Marvel	Peck	Tews
Donner	McHugh	Portsche	Vosoba

Voting in the negative, 11:

Adams	Fulton	Pizer	Webb
Carpenter	Gerdes	Ruhnke	Williams
Fenske	Klaver	Skarda	

Not voting, 4:

Cooper	Munnelly	Simmons	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 240. With emergency.**

A bill for an act to amend sections 80-104, 80-304, and 80-304.01, Reissue Revised Statutes of Nebraska, 1943, relating to soldiers and sailors; to remove the restriction on amount to be spent for burial of an honorably discharged person; to provide that relatives of such deceased shall be permitted to conduct the funeral if they desire to do so; to provide that the Board of Inquiry and Review shall prescribe rules of admission to the Nebraska Soldiers' and Sailors' Home; to provide for appointment of guardian for mem-

bers of the home who have become disabled because of age or otherwise when it is impossible for him to transact his personal financial business; 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, 40:

Adams	Erlewine	McHugh	Ruhnke
Aufenkamp	Fenske	Moulton	Russillo
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams

Voting in the negative, 0.

Not voting, 3:

Munnelly	Simmons	Thompson
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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.

**LEGISLATIVE BILL 398.** Laid over temporarily.

**LEGISLATIVE BILL 47.** With emergency.

A bill for an act to amend section 77-1611, Reissue Revised Statutes of Nebraska, 1943, as amended by section 26, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to revenue and taxation; to abolish the poll tax; to increase the head tax and change the manner of allocation thereof; to provide exemptions; to repeal the original section, and also section 68-230, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959; 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, 29:

Aufenkamp	Gerdes	Munnelly	Romans
Burbach	Jensen	Nelson	Ruhnke
Carpenter	Lautenschlager	Olinger	Stryker
Claussen	Liebers	Orme	Swanson
Diers	Marvel	Otto	Tews
Donner	McHugh	Peck	Vosoba
Erlewine	Moulton	Portsche	Webb
Fulton			

Voting in the negative, 10:

Adams	Fenske	Pizer	Skarda
Bowen	Hollenbeck	Russillo	Syas
Bridenbaugh	Klaver		

Not voting, 4:

Cooper	Simmons	Thompson	Williams
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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.

#### **LEGISLATIVE BILL 398.** With emergency.

A bill for an act to amend sections 53-130, 53-138.02, 53-154, and 53-158, Reissue Revised Statutes of Nebraska, 1943, section 53-164.01, Revised Statutes Supplement, 1957, and section 53-132, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 235, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to liquors; to provide for the use by liquor licensees of perpetual bonds; 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, 40:

Adams	Diers	Jensen	Munnelly
Aufenkamp	Donner	Klaver	Nelson
Bowen	Erlewine	Lautenschlager	Olinger
Bridenbaugh	Fenske	Liebers	Orme
Burbach	Fulton	Marvel	Otto
Claussen	Gerdes	McHugh	Peck
Cooper	Hollenbeck	Moulton	Pizer

Portsche	Russillo	Swanson	Vosoba
Romans	Skarda	Syas	Webb
Ruhnke	Stryker	Tews	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Simmons	Thompson
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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.

### LEGISLATIVE BILL 163.

A bill for an act to amend section 74-592, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to require that motor cars used for the transportation of railroad employees by their employer be equipped with a shield, part of which shall be a windshield, as prescribed; and to repeal the original section.

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

Voting in the affirmative, 36:

Aufenkamp	Fenske	Moulton	Ruhnke
Bowen	Fulton	Munnelly	Russillo
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Vosoba
Donner	Marvel	Portsche	Webb
Erlewine	McHugh	Romans	Williams

Voting in the negative, 3:

Hollenbeck	Olinger	Stryker
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Not voting, 4:

Adams	Carpenter	Simmons	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.



**LEGISLATIVE BILL 253.**

A bill for an act relating to education; to define terms; to provide for the licensing of privately owned correspondence, business, or trade schools; to provide standards; to provide for applications, fees, and bonds and for the relief of the surety from liability on such bonds; to provide for revocation of licenses; to authorize the adoption of rules and regulations; and to provide penalties.

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

Voting in the affirmative, 41:

Adams	Fenske	Moulton	Ruhnke
Aufenkamp	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Portsche	Webb
Donner	McHugh	Romans	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Simmons                      Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 383.**

A bill for an act relating to recreation camps; to define terms; to require permits for the operation of camps; to provide for the inspection of camps, the suspension and revocation of permits, issuance and enforcement of regulations, and the construction of future camps; to make certain acts unlawful; and to provide penalties.

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

Voting in the affirmative, 35:

Adams	Fenske	McHugh	Russillo
Aufenkamp	Fulton	Moulton	Skarda
Bowen	Gerdes	Munnelly	Stryker
Bridenbaugh	Hollenbeck	Olinger	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Otto	Tews
Cooper	Lautenschlager	Peck	Webb
Diers	Liebers	Pizer	Williams
Donner	Marvel	Portsche	

Voting in the negative, 6:

Burbach	Nelson	Ruhnke	Vosoba
Erlewine	Romans		

Not voting, 2:

Simmons	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 490.

A bill for an act to amend section 79-1203, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require a non-refundable fee of two dollars for each application for a teachers' certificate; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Moulton	Ruhnke
Aufenkamp	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Vosoba
Donner	Marvel	Portsche	Webb
Erlewine	McHugh	Romans	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter                  Simmons                  Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### SELECT FILE

**LEGISLATIVE BILL 427.** E and R amendments found in the Legislative Journal for the Fifty-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 387.** E and R amendments found in the Legislative Journal for the Fifty-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 417.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 331.** E and R amendments found in the Legislative Journal for the Fifty-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 166.** E and R amendments found in the Legislative Journal for the Fifty-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 497.** E and R amendment found in the Legislative Journal for the Fifty-second Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 385.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 108.** E and R amendment found in the Legislative Journal for the Fifty-second Day was adopted.

Advanced to E and R for engrossment.

**Visitor**

Mr. Marvel introduced Mrs. Marge Smith from Hastings.

**Speaker Pizer Presiding****STANDING COMMITTEE REPORTS****Government**

**LEGISLATIVE BILL 345.** Indefinitely postponed.

**LEGISLATIVE BILL 14.** Indefinitely postponed.

(Signed) Dwain Williams, Chairman

**Enrollment and Review**

**LEGISLATIVE BILL 398.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**Speaker Signs**

While the Legislature was in session and capable of transacting business, the Speaker signed: LB 398

**MOTION—Place LB 158 on General File**

Mr. President: I move that LB 158 be placed on General File.  
(Signed) Terry Carpenter

Mr. Carpenter requested a record vote.

Voting in the affirmative, 4:

Bowen	Carpenter	Orme	Otto
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Voting in the negative, 32:

Adams	Fulton	McHugh	Ruhnke
Aufenkamp	Gerdes	Moulton	Russillo
Bridenbaugh	Hollenbeck	Nelson	Skarda
Burbach	Jensen	Olinger	Stryker
Cooper	Klaver	Peck	Swanson
Diers	Lautenschlager	Pizer	Syas
Erlewine	Liebers	Portsche	Vosoba
Fenske	Marvel	Romans	Webb

Not voting, 7:

Claussen	Munnelly	Tews	Williams
Donner	Simmons	Thompson	

The Carpenter motion lost.

### Visitors

Mr. Gerdes introduced Mr. and Mrs. Benton Marshall from Chadron.

### MOTION—Place LB 558 on General File

Mr. President: I move that LB 558 be placed on General File.  
(Signed) Terry Carpenter

Mr. Carpenter requested a record vote.

Mr. Carpenter requested a Call of the House.

A Call of the House was ordered and showed 38 members present.

Mr. Carpenter moved that the Call be raised. The motion prevailed.

Voting in the affirmative, 17:

Adams	Jensen	Nelson	Skarda
Bowen	Marvel	Orme	Stryker
Carpenter	McHugh	Otto	Syas
Donner	Munnelly	Ruhnke	Vosoba
Fulton			

Voting in the negative, 20:

Aufenkamp	Diers	Lautenschlager	Pizer
Bridenbaugh	Fenske	Liebers	Romans
Burbach	Gerdes	Moulton	Russillo
Claussen	Hollenbeck	Olinger	Swanson
Cooper	Klaver	Peck	Webb

Not voting, 6:

Erlewine	Simmons	Thompson	Williams
Portsche	Tews		

The Carpenter motion lost.

**President Burney Presiding**

**Presented to the Governor**

Presented to the Governor for approval on March 19, 1959, at 11:00 a.m.: LB 398

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Education**

**LEGISLATIVE BILL 503.** Indefinitely postponed.

**LEGISLATIVE BILL 582.** Placed on General File as amended.

Standing Committee amendment to LB 582:

1. Amend the bill, Page 2, Section 1, Line 21 as follows: In lieu of the word, "twenty" substitute therefor the word, "fifteen".

(Signed) George Syas, Chairman

**Revenue**

**LEGISLATIVE BILL 58.** Placed on General File as amended.

Standing Committee amendments to LB 58:

1. Amend the bill, Section 3, page 2, line 12 by adding the word "and" immediately following the semi-colon.

2. Amend the bill, Section 3, page 2, by striking subdivisions (5) and (7) and renumber subdivision (6) as subdivision (5).

3. Amend the bill Section 3, page 2, line 20, by striking the semi-colon and inserting in lieu thereof a period and striking the word "and".

4. Amend the bill, Section 3, page 2, line 22 by adding the following new language: *"At least 90 days before January 1, 1960 and 90 days on or before January 1 of each five years thereafter, the County Assessor shall mail blank forms as prepared by the Tax Commissioner to each tax payer having property which has previously been exempted from taxation."*

5. Amend the bill, Section 6, page 3, line 6, by striking the word "action" and inserting in lieu thereof the word "appeal", by striking the word "for" and inserting in lieu thereof the word "in" and by striking the words "State Capitol" and inserting in lieu thereof the word "property".

6. Amend the bill, Section 6, page 3, line 7 by adding a period after the word "located" and strike the remaining of the section beginning with word "but" and show the same as stricken.

7. Amend the bill, Section 10, page 4, line 5, by striking the word "for" and inserting in lieu thereof the word "in" and by striking the words "State Capitol" and inserting in lieu thereof the word "property" and inserting the period after the word "located".

8. Amend the bill, Section 10, page 4, line 5 beginning with the word "but", by striking the balance of the Section and show the same as stricken.

9. Amend the bill, Section 12, page 4, by striking the section in its entirety.

10. Amend the title to conform.

**LEGISLATIVE BILL 645.** Indefinitely postponed.

(Signed) Norman A. Otto, Chairman

#### GENERAL FILE

**LEGISLATIVE BILL 178.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-ninth Day were adopted.

Mr. Aufenkamp offered the following amendment which was adopted:

1. Amend section 1 of the bill, line 5 by inserting "*off-street parking area*" before the first "or" in said line.

Advanced to E and R for review.

**LEGISLATIVE BILL 262.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fortieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 294.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 265.** Laid over until Wednesday, March 25, at the request of Mr. Stryker.

**LEGISLATIVE BILL 109.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fortieth Day were adopted.

Advanced to E and R for review.

**Members Excused**

Messrs. Klaver and Syas were excused for Friday, March 20.

Mr. Tews was excused until Thursday noon, March 26.

Mr. Pizer was excused for this afternoon, March 19, and Friday, March 20.

**MESSAGE FROM THE GOVERNOR**

March 19, 1959

The President, Mr. Speaker and  
Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

This is to request permission of your honorable body to allow me to introduce a bill for an act relating to the giving of consent to chemical tests in drunken driving cases and providing for revocation of motor vehicle operators' licenses in prescribed circumstances, together with penalty and the emergency provisions.

This legislation, if enacted, will establish "implied consent" to chemical analysis of bodily fluids in drunken driving cases, the implied consent emanating from the fact of operation of a motor vehicle upon a public highway in this state. Present law does not permit this chemical analysis in instances where the subject declines to give consent to such analysis.

This legislation has the support of our farm organizations, churches, and the three hundred representatives of various organizations throughout Nebraska who attended the Traffic Safety Conference in Lincoln on January 28, 1959. It is presently in effective use in other states and is a distinct forward step in combatting our increasing traffic problem.



As Governor, I heartily endorse this bill and recommend its passage with all possible dispatch.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR  
RGB:RBC

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 694.** By Marvin Lautenschlager of Legislative District 30, upon recommendation of the Governor.

A bill for an act to provide the giving of consent to chemical tests in drunken driving cases; to provide powers and duties for the Director of the Department of Motor Vehicles; to provide for revocation of motor vehicle operators' licenses, as prescribed; to provide for appeals; to make it unlawful to operate a motor vehicle with the operator's license revoked under the provisions of this act; to provide penalties; and to declare an emergency.

### UNANIMOUS CONSENT—Lay Over LB 67

Mr. Moulton requested unanimous consent that LB 67 be laid over on General File until Monday, March 23. No objections. So ordered.

### UNANIMOUS CONSENT—Change Order of LB 421

Mr. Portsche requested unanimous consent to have LB 421 placed at the head of General File for consideration as the first order of business on Friday, March 20. No objections. So ordered

### NOTICE OF COMMITTEE HEARINGS

#### Public Works

LB 322	Monday, April 6, 1959	2:00 p.m.
LB 683	Monday, April 6, 1959	2:00 p.m.
LB 531	Wednesday, April 8, 1959	2:00 p.m.
LB 378	Wednesday, April 8, 1959	2:00 p.m.
LB 311	Wednesday, April 8, 1959	2:00 p.m.

**Adjournment**

At 12:03 p.m. on a motion by Mr. Nelson, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**FIFTY-FOURTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Friday, March 20, 1959

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Klaver, Pizer, Syas, Tews, and Thompson who were excused, Mr. Vosoba who was excused until 9:25 a.m., Messrs. Cooper and Munnely who were excused until 9:30 a.m., and Mr. Adams who was excused until 10:10 a.m.

**Corrections for the Journal**

Page 915, line 5, correct the spelling of "comma".

The Journal for the Fifty-third Day was approved as corrected.

**Communications**

Letter from Charles E. Dedrick, Gage County Clerk, regarding storage of cancelled county warrants.

**MOTION—Refer Communication**

Mr. President: I move that the letter from the Gage County Clerk be referred to a committee for consideration. (Signed) George F. Fulton

The motion prevailed.

Referred to the Miscellaneous Subjects Committee.

**Communications**

Letter from Howard G. Spencer, McCook, favoring LB 613.

**Visitors**

Mr. Liebers introduced Dr. E. Glenn Callen and fifty students from Nebraska Wesleyan University, Lincoln.

**Presented to the Governor**

Presented to the Governor for approval on March 19, 1959, at 4:05 p.m.: LB 154 LB 191 LB 202 LB 221 LB 287  
LB 314 LB 376 LB 142 LB 144 LB 225 LB 300 LB 224  
LB 177 LB 153

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 417.** Replaced on Select File as amended.

E and R amendment to LB 417:

1. In section 1, line 3, insert "to read" after "amended".

**LEGISLATIVE BILL 324.** Replaced on Select File as amended.

E and R amendment to LB 324:

1. In section 1, strike lines 1 to 3 and in line 4, before "Any" insert "Section 1."

**LEGISLATIVE BILL 176.** Placed on Select File as amended.

E and R amendments to LB 176:

1. For correlation purposes, strike section 1 and insert:

"Section 1. That section 53-132, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

53-132. (1) All original and renewal applications for license to sell alcoholic liquors, including beer regardless of alcoholic content, at retail by the drink within the corporate limits of cities or villages, shall be filed in each instance with the municipal clerk of the local governing body, at least fifteen days before the hearing thereon is had. The license fee and cash deposit for defraying cost of publication of notice for hearing thereon,

as provided in subsection (2) of this section, shall accompany the application.

(2) At the next regular or special meeting of the local governing body of a city or village, referred to in subsection (1) of this section, after the filing of such an application, the local governing body shall fix a time and place at which a hearing will be had upon such application and at which such local governing body shall receive competent evidence under oath, either orally or by affidavit from any person bearing upon the propriety of the issuance of such license. Notice of the time and place of hearing on the application before the local governing body shall be published at the expense of the applicant in a legal newspaper in or of general circulation in such city or village one time not less than three days nor more than seven *fourteen* days before the time of the hearing.

(3) The notice of the filing of the application, in addition to the precise time and place of hearing, referred to in subsection (2) of this section, shall include the name and address of the applicant, the general character of the license applied for, and the legal description of the premises sought to be licensed. If, after such hearing, a majority of the members-elect of the local governing body shall favor the issuance of such retailer's license to the applicant, they shall cause a resolution favoring the issuance of such license to be spread at large in the minutes of their proceedings.

(4) The municipal clerk shall make up and prepare in triplicate original that part of the standard form of a license, as is prescribed by the commission, as provided in subsection (3) of this section, to be executed on behalf of the local governing body, to be signed by the mayor or chairman of the board of trustees, as the case may be, whose signature shall be attested thereon by the signature of the municipal clerk over the seal of the city or village. Forthwith thereafter, the municipal clerk shall forward, by either registered or certified mail, the license issued in triplicate original to the commission, together with the state registration fee in the sum of two dollars.

(5) The commission shall cause the license to be countersigned by its chairman, attested by its secretary over the seal of the commission, as a matter of course if the commission has received from the applicant a bond, as described in section 53-138.02, effective for the term of the license, unless within three days after the receipt of such license executed by the local governing body, as provided in subsection (4) of this section, objections in writing by not less than three persons residing within said

city or village or also by any one of the duly appointed inspectors of the Nebraska Liquor Control Commission shall be lodged with the secretary of the commission protesting the issuance, the countersigning and completing the issuance of such license, in which event the commission shall proceed, as in the case of an appeal from any other final order of the local governing body, as provided in section 53-1,115. Such objections shall be filed in duplicate signed by the objectors and shall state with particularity the grounds thereof. If the commission is satisfied that the objections state sufficient facts to substantiate said objections, it shall set the matter for hearing within twenty days from the date of the filing of said objections and shall serve notice upon the applicant of the time and place of such hearing, and shall furnish to said applicant a copy of said objections. At the time of filing such objections, by residents of said city or village, there shall also be filed by such persons objecting, a sufficient security for costs which the commission shall deem adequate to cover all costs liable to accrue, including reporting the testimony and making up complete transcripts thereof, and extending the reporter's original notes in typewriting, and such costs may be taxed to such persons objecting if the commission shall decide that there was not reasonable ground for the filing of such objection. If no protest in writing be lodged with the secretary, as provided in this subsection, the commission shall retain the second duplicate original for the permanent records of the commission, and return by registered or certified mail not later than the fourth day after their receipt, the original and the first duplicate of such license, properly executed, in the municipal clerk who forwarded them; and the municipal clerk shall forthwith deliver the original license to the applicant and retain the first duplicate original thereof for the files of the local governing body.

(6) Pending return of license finally issued by the commission, the municipal clerk shall retain the license fee in trust for the applicant."

2. In section 2, strike line 2, and insert: "Statutes Supplement, 1957, as amended by section 2, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959, is repealed."

3. In the title, line 3, after "1957," insert "as amended by section 2, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959,".

4. In section 3, line 3, strike "is" and insert "its".

**LEGISLATIVE BILL 269.** Placed on Select File as amended.

E and R amendments to LB 269:

1. In section 1, lines 11, 36, 44, twice in line 50, and in line 59, strike "subsection" and insert "subsection subdivision"; and in line 51 strike ", or" and show the same as stricken.

2. In the title, line 7, before the semicolon, insert "regardless of whether he or she has not been notified of said vacation at the time of his or her hiring".

**LEGISLATIVE BILL 130.** Placed on Select File as amended.

E and R amendments to LB 130:

1. For correlation purposes, strike section 1 and insert:

"Section 1. That section 85-106, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 30, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

85-106. The Board of Regents shall have power (1) to enact laws for the government of the university; (2) to elect a chancellor, deans, professors, associate professors, assistant professors, instructors, other members of the faculty staff, and employees generally of the university; (3) to prescribe the duties of such persons; (4) to fix their compensation; (5) to establish a contributory plan of retirement benefits to the faculty staff and other employees of the university, whereby each faculty staff member and each employee may voluntarily contribute or, in the discretion of the board, may be required to contribute a fixed per cent of his monthly compensation to be deducted from his salary, said contributions to be used to supplement retirement benefits provided by the board for such faculty staff and employees: *Provided*, no money of The University of Nebraska or of the State of Nebraska shall be contributed to or become a part of the said fund so contributed which shall be designated as the Faculty and Employees Retirement Fund; *and provided further*, the retirement benefits accrued or to accrue to any member of the university faculty staff or to any other employee of the university under the retirement plan now in force shall not be abridged, and as now provided in said plan (a) the minimum retirement age shall not be less than sixty-five years, except in case of physical or mental disability, (b) the maximum retirement allowance to be paid from state funds shall not exceed the amount of a single life annuity which can be purchased at net rates, with due regard to sex and attained age of the person retiring, with eight per cent of the university salary or wage payments, not including extra earnings, such as earnings from services in the summer school or in the University Extension Division, and earnings after attainment of retirement age, accumulated, at three per cent com-

pound interest from the date of their respective payments to the date of retirement, computed on the 1937 standard annuity table, with three per cent interest, and (c) the annual benefit payments to any one person shall not exceed twenty-four hundred dollars in any year from state funds provide, in its discretion, retirement benefits for present and future employees of the university, subject to the following: (a) The cost of such retirement benefits shall be funded in accordance with sound actuarial principles with the necessary contributions for both past service and future service being treated in the university budget in the same way as any other operating expense, (b) the maximum university contribution under any such retirement plan shall not exceed six per cent of each university employee's salary or wage earnings for any calendar year, (c) each employee's contribution shall at least equal the university's contribution to any such retirement fund, (d) the combined university contribution to federal old age and survivor's insurance and under any such retirement plan shall not exceed nine per cent of each employee's university salary or wage earnings for any calendar year, and (e) the retirement benefits of any employee for service prior to the effective date of any retirement plan established under the provisions of this act shall be those provided under the retirement plan now in force which benefits shall not be abridged ; (6) to provide, through the University Extension Division, for the holding of classes at various localities throughout the state avoiding unnecessary duplication of courses offered by other educational institutions in such localities; and (7) to remove the chancellor, deans, professors, associate professors, assistant professors, instructors, other members of the faculty staff, and employees generally, when the interests of the university shall require it."

2. In section 2, line 2, after "1943," insert : "as amended by section 1, Legislative Bill 30, Sixty-ninth Session, Nebraska State Legislature, 1959,".

3. In the title, line 3, after "1943," insert "as amended by section 1, Legislative Bill 30, Sixty-ninth Session, Nebraska State Legislature, 1959,"; and in line 8, after the semicolon, insert "to prescribe certain features of and limitations on such system,".

**LEGISLATIVE BILL 275.** Placed on Select File as amended.

E and R amendments to LB 275:

1. In Standing Committee Amendment 1, line 2, insert a quotation mark after "state"; and strike line 4 and insert "prevention activities".



2. In the Tews General File Amendment 1, line 5, strike "*a number plate*" and insert "*number plates*".

3. In the title, line 6, insert "to provide that state-owned motor vehicles not required to be distinctively marked may carry number plates of the same design, size, and contents as those prescribed for individuals;" after the semicolon.

**LEGISLATIVE BILL 80.** Correctly re-engrossed.

**LEGISLATIVE BILL 108.** Correctly engrossed.

**LEGISLATIVE BILL 180.** Correctly engrossed.

**LEGISLATIVE BILL 181.** Correctly engrossed.

**LEGISLATIVE BILL 248.** Correctly engrossed.

**LEGISLATIVE BILL 493.** Correctly engrossed.

**LEGISLATIVE BILL 149.** Correctly enrolled.

**LEGISLATIVE BILL 172.** Correctly enrolled.

**LEGISLATIVE BILL 240.** Correctly enrolled.

**LEGISLATIVE BILL 47.** Correctly enrolled.

**LEGISLATIVE BILL 163.** Correctly enrolled.

**LEGISLATIVE BILL 253.** Correctly enrolled.

**LEGISLATIVE BILL 383.** Correctly enrolled.

**LEGISLATIVE BILL 490.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 92.** Indefinitely postponed.

**LEGISLATIVE BILL 555.** Indefinitely postponed.

**LEGISLATIVE BILL 556.** Indefinitely postponed.

**LEGISLATIVE BILL 557.** Indefinitely postponed.

(Signed) John P. Munnelly, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 149 LB 172 LB 240  
LB 47 LB 163 LB 253 LB 383 LB 490

## STANDING COMMITTEE REPORTS

## Committee on Committees

March 20, 1959

Mr. President:

Your Committee on Committees reports favorably on the appointments listed below, made by Governor Brooks, and suggests that they be voted upon for confirmation separately:

**A. Clifford Anderson, Purchasing Agent**

This is for a term ending January 5, 1961.

**Dan S. Jones, Jr., Director of Water Resources**

This is for a term ending January 5, 1961.

**Pearle Finigan, Director of Agriculture and Inspection**

This is for a term ending January 5, 1961.

**William E. Grubbs, Director of Insurance**

This is for a term ending January 5, 1961.

**D. D. Bastemeyer, Commissioner of Labor**

This is for a term ending January 5, 1961.

**R. L. Cochran, State Engineer**

This is for a term ending January 5, 1961.

**Alvin N. Scissors, Director of Motor Vehicles**

This is for a term ending January 5, 1961.

**Edwin N. Van Horne, Director of Banking**

This is for a term ending January 5, 1961.

**Francis M. Casey, State Aeronautics Commission**

This is for a term of five years, commencing March 1, 1959 and ending on February 29, 1964.

(Signed) William Moulton, Chairman

Mr. Moulton moved that the report of the Committee on Committees be accepted and that the appointments be voted on for confirmation separately. The motion prevailed.

**Vote on Mr. Anderson**

Voting in the affirmative, 31; voting in the negative, 0; not voting, 12.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Anderson confirmed.

**Vote on Mr. Jones**

Voting in the affirmative, 31; voting in the negative, 0; not voting, 12.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Jones confirmed.

**Vote on Mr. Finigan**

Voting in the affirmative, 31; voting in the negative, 0; not voting, 12.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Finigan confirmed.

**Vote on Mr. Grubbs**

Voting in the affirmative, 32; voting in the negative, 0; not voting, 11.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Grubbs confirmed.

**Vote on Mr. Bastemeyer**

Voting in the affirmative, 31; voting in the negative, 0; not voting, 12.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Bastemeyer confirmed.

**Vote on Mr. Cochran**

Voting in the affirmative, 34; voting in the negative, 0; not voting, 9.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Cochran confirmed.

**Vote on Mr. Scissors**

Voting in the affirmative, 32; voting in the negative, 0; not voting, 11.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Scissors confirmed.

**Vote on Mr. Van Horne**

Voting in the affirmative, 32; voting in the negative, 0; not voting, 11.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Van Horne confirmed.

**Vote on Mr. Casey**

Voting in the affirmative, 31; voting in the negative, 0; not voting, 12.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Casey confirmed.

**NOTICE OF COMMITTEE HEARINGS****Salaries and Claims**

LB 404	Tuesday, April 2, 1959	2:00 p.m.
LB 530	Tuesday, April 2, 1959	2:00 p.m.
LB 566	Tuesday, April 2, 1959	2:00 p.m.
LB 643	Tuesday, April 2, 1959	2:00 p.m.

**Explanation of Vote**

Mr. President: Had I been present, I would have voted "aye" on the appointments of: A. Clifford Anderson, Dan S. Jones, Jr., Pearle Finigan, William E. Grubbs, and D. D. Bastemeyer. (Signed) Joe T. Vosoba

**SELECT FILE**

**LEGISLATIVE BILL 55.** Laid over until Tuesday, March 24, 1959, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 135.** E and R amendment found in the Legislative Journal for the Fifty-third Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 268.** E and R amendments found in the Legislative Journal for the Fifty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 134.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 271.** E and R amendments found in the Legislative Journal for the Fifty-third Day were adopted.

Advanced to E and R for engrossment.

#### MESSAGE FROM THE GOVERNOR

March 19, 1959

The President, the Speaker and  
Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

This is to request permission of your honorable body to allow me to introduce a bill for an act relating to revenue and providing that, commencing July 1, 1959, banks shall pay interest at the rate of three per cent per annum on the average daily balance for the privilege of holding deposits of the State.

According to the statement of the State Treasurer of February 28, 1959, there was on deposit in the various banks throughout Nebraska the sum of \$20,584,676.70 in state funds. The State Treasurer advises me that an estimate of the average daily balance so deposited, on a year round basis, is \$20,000,000.00.

This legislation, if enacted, will provide a new source of revenue in the estimated sum of \$600,000.00 a year and which, if credited directly to the account of the State General Fund in the manner prescribed by the legislation, will alleviate a portion of the increasing property tax burden imposed upon our people by the additional costs of state government resulting from additional demands for extended state services.

As Governor, I heartily endorse this bill and recommend its passage, with the emergency clause, with all possible dispatch.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 695.** By Hans O. Jensen of Legislative District 25, upon recommendation of the Governor.

A bill for an act to amend section 77-2301, Reissue Revised Statutes of Nebraska, 1943, relating to revenue; to provide that commencing July 1, 1959, banks shall pay interest at the rate of three per cent per annum on the average daily balance for the privilege of holding deposits of the state; to provide when the interest shall be paid and how allocated; to repeal the original section; and to declare an emergency.

### GENERAL FILE

**LEGISLATIVE BILL 421.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-ninth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 291.** Read and considered.

Mr. Stryker offered the following amendments which were adopted:

1. Amend the bill, section 1, by reinstating the stricken matter in lines 33 to 35 and by striking the new matter in lines 36 to 39.

2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 561.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fortieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 460.** Read and considered.

**Mr. Ruhnke Presiding**

Advanced to E and R for review.

**LEGISLATIVE BILL 453.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 619.** Laid over.

**LEGISLATIVE BILL 681.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 157.** Laid over until Tuesday, March 24, and made the first order of business at the request of Mr. Donner.

**LEGISLATIVE BILL 239.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-first Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 430.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-first Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 329.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Forty-first Day was adopted.

Mr. Russillo offered the following amendment which was adopted:

1. Amend the bill, section 1, by adding the following after the period in line 8: *"By the provisions of this act, the officials of the Department of Roads will not be required to furnish information on the right-of-way of any proposed highway until such information can be made available to the general public."*

**President Burney Presiding**

Mr. Cooper offered the following amendment which was adopted:

1. Amend the title to conform.

Laid over until Wednesday, March 25, at the request of Mr. Aufenkamp.

#### **Visitors**

Mr. Gerdes introduced Miss Marie Popanastassion, Mr. Nicholaas Zanglis, and Mr. Skyridon Sgouros from Greece who are here to study our storage facilities and methods of handling grain; Mr. Leslie Sheffield, Chief of the Wheat Division; Mr. C. H. Hreader, Marketing Division of the Nebraska Wheat Growers Association; and Mr. Pearl Finigan, Director of Agriculture.

**LEGISLATIVE BILL 35.** Laid over.

**LEGISLATIVE BILL 256.** Read and considered.

Advanced to E and R for review.

#### **MOTION—Change of Order**

Mr. President: I move that LB 432 and LB 639 be placed at the head of General File for consideration Monday, March 23. (Signed) Michael P. Russillo

The motion prevailed with 22 ayes, 9 nays, and 12 not voting.

#### **UNANIMOUS CONSENT—Withdraw LB 637**

Mr. Carpenter requested unanimous consent to withdraw LB 637. No objections. So ordered.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Budget Committee be permitted to introduce a bill which will clarify the present law relating to the Nebraska Veterans' Aid Fund and the disposition of funds after July 1, 1959. (Signed) Otto H. Liebers, Chairman

Permission to introduce the bill granted with 31 ayes, 0 nays, and 12 not voting.

#### **BILLS ON FIRST READING**

The following bill was read the first time by title:



**LEGISLATIVE BILL 696.** By Committee on Budget, Otto H. Liebers, 18th District, Chairman.

A bill for an act to amend section 80-401, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Veterans' Aid Fund; to provide that such fund shall be invested in bonds having a face value of eight million dollars as of July 1, 1959; to provide for the management of such fund after such date; to provide for the placing in the General Fund of the excess of such fund over the amount required for such initial investment; to create the Veterans' Aid Income Fund and to prescribe the source and use which may be made thereof; to provide for the reinvestment from time to time of the Nebraska Veterans' Aid Fund; to provide for investment of funds belonging to the Veterans' Aid Income Fund not immediately required and for the crediting of the interest therefrom to the Veterans' Aid Income Fund; to prescribe duties for certain officials; to repeal the original section; and to declare an emergency.

#### GENERAL FILE

**LEGISLATIVE BILL 257.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-first Day were adopted.

Advanced to E and R for review.

#### STANDING COMMITTEE REPORTS

##### Agriculture

**LEGISLATIVE BILL 574.** Indefinitely postponed.

**LEGISLATIVE BILL 665.** Placed on General File as amended.

Standing Committee amendments to LB 665:

1. On Page 4, Sec. 2, line 29, strike the word "one" and show same as stricken and insert the word "fifty" in lieu thereof.

2. On Page 5, Sec. 2, line 60, strike the period following the word "purchaser" and insert the following: "*; and further provided, that the aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the sum of such bond.*".

**LEGISLATIVE BILL 682.** Placed on General File.

(Signed) Hans O. Jensen, Chairman

**Labor and Public Welfare**

**LEGISLATIVE BILL 174.** Placed on General File as amended.

Standing Committee amendment to LB 174:

1. Amend the bill, section 1, lines 11 and 12 by striking "*seventy-five*" and inserting "*seventy-two*".

**LEGISLATIVE BILL 175.** Placed on General File.

**LEGISLATIVE BILL 589.** Placed on General File as amended.

Standing Committee amendments to LB 589:

1. Amend the bill, section 1, line 22, by inserting "*; and provided further, that an inmate of a public institution may, when recommended by a member of the staff of such institution, make application for such aid, in which event payments shall commence when such person is released from such institution*" after "*drugs.*".

2. Strike section 3.

3. Amend the title to conform.

(Signed) Jack Romans, Vice Chairman

**Public Works**

**LEGISLATIVE BILL 491.** Indefinitely postponed.

(Signed) Arnold Ruhnke, Chairman

**Judiciary**

**LEGISLATIVE BILL 75.** Placed on General File as amended.

Standing Committee amendments to LB 75:

1. Amend the bill, page 2, section 3, line 5, by adding after "suspended" the words "*or revoked*".

2. Amend the bill by renumbering Sec. 4 through Sec. 6 as Sec. 5 through Sec. 7 respectively.

3. Amend the bill by adding a new section to be known as section 4 and to read as follows:

"Sec. 4. Upon conviction of any person in any court within this state of a violation of any city or village ordinance pertaining to the operation of a motor vehicle by such person during any period that his motor vehicle operator's license has been revoked or suspended pursuant to any law of this state, or after such suspension

or revocation but before reinstatement of his license or issuance of a new license, the penalty shall be as follows: (1) For a first such offense such person shall be imprisoned in jail for thirty days, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from the date of his final discharge from the jail; and (2) for each subsequent such offense, such person shall be imprisoned in jail for six months, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years from the date of his final discharge from the jail.

4. Amend the bill by adding a new section to be known as section 8, to read as follows:

"Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

**LEGISLATIVE BILL 76.** Placed on General File as amended.

Standing Committee amendment to LB 76:

1. Amend section 1 of the bill by striking "arrested and charged" in line 28 and by striking the old and stricken matter in lines 29 to 36 and show the same as stricken matter, and by striking the new matter in lines 36 to 41 and inserting in lieu thereof the following:

*"who resists lawful arrest, nor who is not a resident of this state, nor whom the arresting officer shall have good cause to believe has committed: (1) any felony; (2) an offense causing or contributing to an accident resulting in injury or death of any person; (3) any offense of (a) reckless driving, (b) willful reckless driving, (c) driving while under the influence of intoxicating liquor or narcotic drugs, or (d) driving during any period of suspension or revocation of his motor vehicle operator's license or after any period of suspension and before such license shall have been renewed."*

**LEGISLATIVE BILL 93.** Indefinitely postponed.

**LEGISLATIVE BILL 114.** Indefinitely postponed.

**LEGISLATIVE BILL 354.** Indefinitely postponed.

**LEGISLATIVE BILL 391.** Placed on General File.

**LEGISLATIVE BILL 649.** Indefinitely postponed.

**LEGISLATIVE BILL 659.** Placed on General File as amended.

Standing Committee amendments to LB 659:

1. Amend the bill, section 1, line 11, by striking the word "given" and inserting "give" in lieu thereof, and line 21 by striking "corporations" and inserting "a corporation" in lieu thereof.

2. Further amend section 1 by striking line 34 and inserting the following in lieu thereof:

"except that preferred stock may or may not be of same par value."

3. Amend the bill, section 2, page 3, line 8, by inserting the word "par" after the word "equal".

4. Amend the title to conform.

(Signed) Ray C. Simmons, Chairman

**MOTION—Place LB 599 on General File**

Mr. President: I move that LB 599 be placed on General File. (Signed) Peter H. Claussen

Motion pending.

### **Adjournment**

At 11:55 a.m. on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**FIFTY-FIFTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Monday, March 23, 1959

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

Prayer was offered by Rev. Lester W. Dickinson, Superintendent of the Assemblies of God in Nebraska.

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

**Corrections for the Journal**

Page 937, line 5, correct the spelling of "semicolon".

Page 937, line 27, delete the stricken comma after "employees" and insert a stricken semicolon.

The Journal for the Fifty-fourth Day was approved as corrected.

**Visitors**

Mr. Webb introduced Rev. John W. Smith from Lincoln and Rev. Lester W. Dickinson from Grand Island.

**Communications**

Letter from Charles H. Elliot, Omaha, favoring LB 613.

Letter from Mike Stefacek, Omaha, opposing LB 345.

**UNANIMOUS CONSENT—Read Article**

Mr. Bridenbaugh requested unanimous consent for the Clerk to read an article from The Dakota County Herald relative to the resignation of two State Patrolmen. No objections. So ordered.

The Clerk read the article.

**UNANIMOUS CONSENT—Withdraw Name**

Mr. Skarda requested unanimous consent to withdraw his name from LB 308. No objections. So ordered.

**Explanation of Vote**

Mr. President: Had I been present, I would have voted Aye on the Governor's appointments balloted on March 20, 1959. (Signed) Harry L. Pizer

**Presented to the Governor**

Presented to the Governor for approval on March 20, 1959, at 4:30 p.m.: LB 149 LB 172 LB 240 LB 47 LB 163  
LB 253 LB 490 LB 383

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Judiciary**

**LEGISLATIVE BILL 50.** Placed on General File as amended.

Standing Committee amendments to LB 50:

1. Amend section 1 of the bill by striking the new matter in lines 10 to 22 and inserting in lieu thereof the following:

"The limitations within which claims may be filed contained in this section and in section 30-604 shall not apply to claims for taxes on personal property belonging to said estate as shown by the inventory filed therein. No order of final distribution or discharge of any personal representative shall be entered in any estate until there has been filed with the county judge a certificate of the county assessor of such county that he has examined the inventory of the estate and that after diligent search he finds that all tangible and intangible personal property attributable to such estate has been entered on the tax list, and upon the signed statement of the county treasurer that claims for all unpaid personal property taxes as shown by the records of his office have been filed."

2. Amend the title to conform.

**LEGISLATIVE BILL 290.** Placed on General File as amended.

Standing Committee amendments to LB 290:

1. Amend the bill, section 1, line 9, by striking "a lien for" and inserting "a statement of" in lieu thereof; lines 10, 11, 13, 17, and 18 by striking "lien" and inserting "statement" in lieu thereof, and line 13 by striking "money" and inserting "debt" in lieu thereof.

2. Amend the title to conform.

(Signed) Ray C. Simmons, Chairman

#### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 628.** Placed on General File.

**LEGISLATIVE BILL 640.** Placed on General File as amended.

Standing Committee amendments to LB 640:

1. On page 2, Section 1, line 3, following the word "revoked" strike balance on line 3, line 4, and line 5 through the word "whole-saler" and show same as stricken.

2. Amend the title to conform.

**LEGISLATIVE BILL 641.** Indefinitely postponed.

(Signed) John P. Munnelly, Chairman

#### **Enrollment and Review**

**LEGISLATIVE BILL 54.** Replaced on Select File as amended.

E and R amendment to LB 54:

1. In the title, line 7, insert "committee" after "reappraisal".

**LEGISLATIVE BILL 301.** Placed on Select File as amended.

E and R amendments to LB 301:

1. In Standing Committee Amendment 1, line 1, strike "sold" and insert "the"; and in line 6, strike "hereinafter provided" and insert "provided in section 2 of this act".

2. In section 1, line 15, strike "and".

3. Strike the Ruhnke General File Amendment, as amended, and insert "Amend section 1, line 17, by inserting ', at no time shall the unpaid balance exceed five hundred dollars'" after "time".

**LEGISLATIVE BILL 439.** Placed on Select File as amended.

E and R amendment to LB 439:

1. In the title, line 6, before the period, insert “; to provide an exception”.

**LEGISLATIVE BILL 375.** Placed on Select File as amended.

E and R amendments to LB 375:

1. In Standing Committee Amendment 2, line 3, strike “State”.
2. In the title, lines 7 and 8, strike “Auditor of Public Accounts” and insert “Purchasing Agent”; and strike line 11 and insert “exceptions.”.

**LEGISLATIVE BILL 182.** Placed on Select File as amended.

E and R amendments to LB 182:

1. In section 1, line 26, reinstate the stricken matter.
2. In Standing Committee Amendment 1, line 3, strike “vehicle” and insert “vehicles”; and in line 5 strike “when”.
3. In the title, line 5, insert “owned and operated by farmers or ranchers” after “vehicles”; and in line 8, insert “when compensation for such hauling is limited as prescribed” before the semicolon.

**LEGISLATIVE BILL 498.** Placed on Select File as amended.

E and R amendment to LB 498:

1. In section 1, line 5, strike “such” and insert “each” as in the statutes.

**LEGISLATIVE BILL 421.** Placed on Select File as amended.

E and R amendments to LB 421:

1. In section 1, line 12, reinstate the stricken “and”; and in line 26, strike the stricken comma at the end of the line and insert a stricken period.
2. In Standing Committee Amendment 1, line 2, insert “first” before “word”.
3. Immediately after section 2 add a new section to be known as section 3 and to read as follows:



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

4. In the title, line 7, strike "and"; and in line 7, before the period, insert "; and to declare an emergency".

**LEGISLATIVE BILL 64.** Correctly engrossed.

**LEGISLATIVE BILL 79.** Correctly engrossed.

**LEGISLATIVE BILL 167.** Correctly engrossed.

**LEGISLATIVE BILL 385.** Correctly engrossed.

**LEGISLATIVE BILL 387.** Correctly engrossed.

**LEGISLATIVE BILL 497.** Correctly engrossed.

**LEGISLATIVE BILL 521.** Correctly engrossed.

**LEGISLATIVE BILL 541.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

### **Agriculture**

**LEGISLATIVE BILL 580.** Placed on General File as amended.

Standing Committee amendments to LB 580:

1. On Page 2, Section 1, line 10, strike the words "levy an annual tax" and show same as stricken and insert in lieu thereof the words "*certify an annual budget*".

2. On Page 3, Sec. 3, line 22, strike the words "mill levy" and show same as stricken and insert in lieu thereof the word "*budget*".

**LEGISLATIVE BILL 686.** Placed on General File as amended.

Standing Committee amendments to LB 686:

1. On Page 3, Section 1, reinstate the stricken matter in lines 19 through 22.

2. On Page 5, Sec. 5, line 8, following the word "watercraft" insert the words "*while being*".

3. Amend the title to conform.

(Signed) Hans O. Jensen, Chairman

**Public Works****LEGISLATIVE BILL 547.** Indefinitely postponed.**LEGISLATIVE BILL 564.** Placed on General File.

(Signed) Arnold Ruhnke, Chairman

**Bills Referred to Standing Committees**

LB	Committee
694.....	Public Health
695.....	Banking, Commerce and Insurance
696.....	Budget

(Signed) Dwight W. Burney  
Lieutenant Governor**MOTION—Place LB 599 on General File**

Mr. Claussen renewed his pending motion found in the Legislative Journal for the Fifty-fourth Day that LB 599 be placed on General File.

Mr. Nelson requested a record vote.

Mr. Claussen requested a Call of the House.

A Call of the House was ordered and showed 36 members present.

Mr. Claussen moved that the Call be raised. The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

Voting in the affirmative, 17:

Adams	Diers	Lautenschlager	Peck
Bridenbaugh	Erlewine	Moulton	Romans
Burbach	Gerdes	Nelson	Skarda
Carpenter	Hollenbeck	Olinger	Swanson
Claussen			

Voting in the negative, 22:

Aufenkamp	Liebers	Pizer	Stryker
Bowen	Marvel	Portsche	Syas
Cooper	McHugh	Ruhnke	Thompson
Fenske	Munnelly	Russillo	Vosoba
Fulton	Orme	Simmons	Webb
Jensen	Otto		

Not voting, 4:

Donner                      Klaver                      Tews                      Williams

The Claussen motion lost.

#### **Visitors**

Mr. Romans introduced Messrs. Reid Crowford, George Hastings, and Jay Auble.

#### **Member Excused**

Mr. Vosoba was excused at 10:10 a.m. for the remainder of the morning.

#### **MOTION—Change of Order**

Mr. President: I move that the following bills now on General File, be placed at the head of said file in the order listed, as of March 24, 1959: LB 619, LB 443, LB 684, LB 326, LB 509, LB 470, LB 631, LB 598, LB 58, and LB 413. (Signed) Otto H. Liebers

The motion prevailed with 31 ayes, 3 nays, and 9 not voting.

#### **Visitors**

Mr. Syas introduced his wife and children, Janet and George David, Jr.; his sister, Mrs. Thurston; Jackie Thurston; and Misses Joanne Bredin, Renee Knutson, and Linda Lund, from Omaha.

Mr. Moulton introduced Mrs. T. J. McKee, Leader, and six Tanda Campfire Girls from Omaha.

Mr. Diers introduced Messrs. John Schultz and S. L. Thomas from Gresham.

### **STANDING COMMITTEE REPORTS**

#### **Government**

**LEGISLATIVE BILL 440.** Indefinitely postponed.

**LEGISLATIVE BILL 401.** Placed on General File.

**LEGISLATIVE BILL 309.** Indefinitely postponed.

(Signed) Dwain Williams, Chairman

**Members Excused**

Mr. Moulton was excused at 10:20 a.m. until 3:00 p.m.

Mr. Diers was excused at 11:00 a.m. for the remainder of the morning.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 148.** With emergency.

A bill for an act to amend section 77-203, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to vitalize Article VIII, section 4, of the Constitution of Nebraska for the releasing and extinguishing of certain real estate taxes and tax liens after fifteen years; 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, 37:

Adams	Fenske	McHugh	Ruhnke
Aufenkamp	Fulton	Nelson	Russillo
Bowen	Gerdes	Olinger	Simmons
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Claussen	Klaver	Peck	Syas
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 6:

Carpenter	Munnelly	Tews	Vosoba
Moulton	Skarda		

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

**LEGISLATIVE BILL 494.**

A bill for an act to amend section 79-541, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that

the powers granted by such section may be exercised at an election as well as at any annual or special meeting; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Fenske	McHugh	Ruhnke
Aufenkamp	Fulton	Nelson	Russillo
Bowen	Gerdes	Olinger	Simmons
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Claussen	Klaver	Peck	Syas
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 6:

Carpenter	Munnelly	Tews	Vosoba
Moulton	Skarda		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 495.

A bill for an act to amend section 79-515, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to redesignate as budget the annual estimate now required of schools in districts of the second class; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Cooper	Gerdes	Marvel
Aufenkamp	Diers	Hollenbeck	McHugh
Bowen	Donner	Jensen	Nelson
Bridenbaugh	Erlewine	Klaver	Olinger
Burbach	Fenske	Lautenschlager	Orme
Claussen	Fulton	Liebers	Otto

Peck	Ruhnke	Stryker	Thompson
Pizer	Russillo	Swanson	Webb
Portsche	Simmons	Syas	Williams
Romans			

Voting in the negative, 0.

Not voting, 6:

Carpenter	Munnelly	Tews	Vosoba
Moulton	Skarda		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Member Excused**

Mr. Romans was excused for the afternoon.

#### **Visitors**

Mr. Hollenbeck introduced Mr. and Mrs. Forest Orr, Garvin E. Orr, Henry L. Sandoz, Herman Mohler, Russell F. DeWitt, Clint Bartow, and Mr. Gottshalk from Rushville.

#### **Explanations of Vote**

Mr. President: Had I been in my seat on Final Reading, I would have voted "aye" on LB 148, LB 494, and LB 495. (Signed) John P. Munnelly

Mr. President: Had I been present, I would have voted "aye" on LB 148, LB 494 and LB 495. (Signed) William R. Skarda, Jr.

### **STANDING COMMITTEE REPORTS**

#### **Judiciary**

**LEGISLATIVE BILL 137.** Placed on General File as amended.

Standing Committee amendments to LB 137:

1. Amend the bill, page 4, section 1, line 73, by striking "or" and inserting "of" as in the statutes.
2. Amend the bill, page 4, Sec. 2, line 25, by striking the new matter and reinstating the stricken matter.
3. Amend the bill, page 14, Sec. 13, line 13, by striking the new matter and reinstating the stricken matter.

4. Amend the bill, page 17, Sec. 17, line 8, by striking the new matter and reinstating the stricken matter.

5. Amend the bill, page 18, Sec. 19, lines 13, 14, and 15 by striking the new matter and reinstating the stricken matter, and page 19, Sec. 19, lines 46 and 49 by striking the new matter and reinstating the stricken matter.

6. Amend the title to conform.

(Signed) Joe T. Vosoba, Vice Chairman

**LEGISLATIVE BILL 60.** Placed on General File as amended.

Standing Committee amendments to LB 60:

1. Amend the bill, by inserting, immediately before section 1, a new section to be known as section 1 and to read as follows:

"Section 1. That section 39-762.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-762.01. The driver of any vehicle involved in an accident either upon a public highway, private road, or private drive, resulting in damage to property, shall (1) immediately stop such vehicle at the scene of such accident, and (2) give his name, address, and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the owner of the property struck or the driver or occupants of any other vehicle involved in the collision. Any person violating any of the provisions of this section shall upon conviction thereof be punished as provided in section 39-799 , if he shall report such accident, by telephone or otherwise, to the appropriate peace officer within twelve hours, by a fine of not less than ten dollars nor more than one hundred dollars or, if he does not report such accident within twelve hours, by a fine of not less than twenty-five dollars nor more than two hundred dollars."

2. Renumber original sections 1 and 2 as 2 and 3 respectively.

3. Amend the bill, renumbered section 2, by striking lines 26 to 29 and inserting in lieu thereof the following:

*"under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident—4 points, otherwise—8 points, and for purposes of this sub-division a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;"*

4. Amend the title to conform.

**LEGISLATIVE BILL 288.** Placed on General File as amended.

Standing Committee amendments to LB 288:

1. Amend the bill, Sec. 2, lines 4 and 5, by striking the words "property and rights to property" and inserting "money and credits" in lieu thereof.
2. Amend the bill, Sec. 2, lines 10 and 11 by striking the words "property and rights to property, including".
3. Amend the bill, Sec. 2, line 12, by striking "In the discretion of the Tax Com-", and by striking all of lines 13 and 14.
4. Amend the bill, Sec. 3, line 2, by striking the words "property and rights to property, including".
5. Amend the title to conform.

**LEGISLATIVE BILL 600.** Placed on General File as amended.

Standing Committee amendments to LB 600:

1. Amend the bill, section 1, line 8, by inserting after the word "thereof," the following:  
*"or by serving a copy of such process on the Secretary of State as hereinafter provided"*.
2. Amend the bill, section 1, line 17, by striking "certificate from the Secretary of State" and inserting "*certified statement*" in lieu thereof.
3. Amend the bill, section 1, line 26, by adding "*made*" after the word "section".
4. Amend the title to conform.

(Signed) Ray C. Simmons, Chairman

**SELECT FILE**

**LEGISLATIVE BILL 417.** E and R amendment found in the Legislative Journal for the Fifty-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 324.** E and R amendment found in the Legislative Journal for the Fifty-fourth Day was adopted.

Advanced to E and R for engrossment.



**LEGISLATIVE BILL 176.** E and R amendments found in the Legislative Journal for the Fifty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 269.** E and R amendments found in the Legislative Journal for the Fifty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 130.** E and R amendments found in the Legislative Journal for the Fifty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 275.** E and R amendments found in the Legislative Journal for the Fifty-fourth Day were adopted.

Advanced to E and R for engrossment.

## STANDING COMMITTEE REPORTS

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 487.** Placed on General File as amended.

Standing Committee amendments to LB 487:

1. On page 6, Section 3, line 6, following the word "the" strike the words "city, village or".
2. On page 7, Section 3, line 28, strike the words "city, village or" and "as the case may be,".
3. On page 16, Section 8, line 19, following the word "received", strike "." and insert ",".
4. On page 20, Section 10, line 27, following the word "application" strike "." and insert "; and provided further, that the commission shall at any time require a licensee to submit and application if requested in writing to do so by the local governing body."
5. On page 24, Section 16, line 7, following the word "premises" strike the word "for" and strike the entire line 8 and insert "licensed under the license to be renewed are suitable".

(Signed) John P. Munnely, Chairman

**Speaker Pizer Presiding****MOTION—Invitation**

Mr. President: We, the members of the Agriculture Committee, move that the Legislature invite Mr. LeRoy Welsh, who testified before the Abernathy Committee in Washington D. C., to appear before our body to give us a summary of the testimony dealing with research for new uses of agricultural products at a time which is convenient. (Signed) Hans O. Jensen, Chairman

The motion prevailed.

**GENERAL FILE**

**LEGISLATIVE BILL 432.** Laid over.

**LEGISLATIVE BILL 639.** Laid over.

**LEGISLATIVE BILL 469.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 67.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fortieth Day were adopted.

**Mr. Lautenschlager Presiding**

Mr. Ruhnke offered the following amendment which was adopted:

1. Amend the bill, section 9, line 46, by striking the word "sell" and inserting in lieu thereof "well".

**Speaker Pizer Presiding**

Mr. Thompson offered the following amendment which was adopted:

1. Amend new Section 13 inserted by Standing Committee amendment 5, by striking in line 6 the words "of his legal" and the word "residence" in line 7, and inserting in lieu thereof "or counties in which the affected real estate is situated".

**President Burney Presiding**

Advanced to E and R for review.

**Visitors**

Mr. Syas introduced Mrs. Mel Heggerness and twenty girls from the Central Park Girl's Scout Troop 291, Omaha.

**UNANIMOUS CONSENT—Consider LB 329**

Mr. Aufenkamp requested unanimous consent to place LB 329 at the head of General File for consideration at this time. No objections. So ordered.

**UNANIMOUS CONSENT—Executive Session**

Mr. Liebers, Chairman of the Budget Committee, requested unanimous consent for permission for the Budget Committee to hold an executive session at 1:30 p.m. today, March 23. No objections. So ordered.

**GENERAL FILE****LEGISLATIVE BILL 329. Considered.**

Mr. Aufenkamp offered the following amendments which were adopted:

1. Amend the bill, section 1, line 2, by striking "member of the Nebraska State Legislature" and inserting in lieu thereof "citizens of this state".
2. Amend the bill, section 1, line 3, by striking "member" and inserting in lieu thereof "citizen".
3. Amend the bill, section 1, line 5, by inserting the following after the word "state": ", whether completed, presently in process, or contemplated for future action,".

Advanced to E and R for review.

**STANDING COMMITTEE REPORTS****Labor and Public Welfare****LEGISLATIVE BILL 128. Placed on General File as amended.**

Standing Committee amendment to LB 128:

1. Amend the bill, section 2, line 3 by striking ", who shall" and by striking lines 4 and 5.

**LEGISLATIVE BILL 138.** Placed on General File as amended.

Standing Committee amendment to LB 138:

1. Amend section 1 of the bill, lines 8, 35, and 120 by striking "forty" and inserting "thirty-seven".

2. Amend section 2 of the bill, line 10, by striking "forty" and inserting "thirty-seven".

**LEGISLATIVE BILL 423.** Placed on General File.

**LEGISLATIVE BILL 544.** Placed on General File as amended.

Standing Committee amendments to LB 544:

1. Amend the bill, section 1, by inserting after the period in line 40:

*"Before voting on any proposal for an appropriation exceeding ten thousand dollars for the erection of any county building from funds collected under Chapter 77, article 20, the county board shall cause notice of such proposed appropriation and the purpose thereof to be published twice in a legal newspaper of general circulation throughout the county, the second publication to be not less than three nor more than ten days prior to the meeting at which a vote on such proposed appropriation is to be taken."*

2. Amend the title to conform.

**LEGISLATIVE BILL 382.** Indefinitely postponed.

**LEGISLATIVE BILL 397.** Placed on General File.

(Signed) Peter H. Claussen, Chairman

#### **Revenue**

**LEGISLATIVE BILL 485.** Placed on General File.

**LEGISLATIVE BILL 263.** Indefinitely postponed.

(Signed) Norman A. Otto, Chairman

#### **Adjournment**

At 11:56 a.m. on a motion by Mr. Claussen, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**FIFTY-SIXTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Tuesday, March 24, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Simmons and Tews who were excused.

**Corrections for the Journal**

Page 961, line 21, correct the spelling of "chauffeur's".

The Journal for the Fifty-fifth Day was approved as corrected.

**MESSAGES FROM THE GOVERNOR**

March 19, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on March 19, 1959, he approved LB 69, LB 124, LB 129, LB 195, LB 203, LB 215, LB 217, LB 218, LB 228, LB 250 and LB 252.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

March 21, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on March 20, 1959, he approved LB 242 and LB 244.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

### Communications

Letter from Mrs. D. F. Gruenhagen, President of the League of Women Voters of Nebraska, urging reconsideration of the Judiciary Committee decision to indefinitely postpone LB 354.

Letter from Lawrence W. Stevens, Omaha, favoring LB 613.

Resolution from the Executive Committee, Omaha Branch, National Association for the Advancement of Colored People, favoring LB 18.

### STANDING COMMITTEE REPORTS

#### Miscellaneous Subjects

**LEGISLATIVE BILL 379.** Placed on General File as amended.

Standing Committee amendment to LB 379:

1. Strike the period (.) at the end of line 13, page 2, of the bill and add the following: "*provided, however, that on the trial of such an action, without a jury, the judge shall not award an amount exceeding the policy limits, and on a trial of such an action with a jury, any judgment against such pilot exceeding the applicable policy limits shall be reduced by the judge to the amount of insurance available.*"

**LEGISLATIVE BILL 514.** Indefinitely postponed.

**LEGISLATIVE BILL 647.** Placed on General File.

(Signed) J. W. Burbach, Chairman

### Education

**LEGISLATIVE BILL 483.** Placed on General File as amended.

Standing Committee amendment to LB 483:

1. Amend the bill, Page 2, Section 1, Line 9 by inserting after the word "state": *"avoiding unnecessary duplication of courses offered by other educational institutions in such localities."*

**LEGISLATIVE BILL 484.** Placed on General File.

(Signed) George Syas, Chairman

#### Enrollment and Review

**LEGISLATIVE BILL 86.** Placed on Select File as amended.

E and R amendments to LB 86:

1. In section 1, line 5, strike *"received"* and insert *"receives"*.
2. In section 2, line 2, strike *"22"* and insert *"21"*; and in line 6 strike *"ba"* and insert *"be"*.
3. In Standing Committee Amendment 2, line 4, strike *"organizations"* and insert *"organization"*.
4. In the Carpenter General File Amendment, line 3, strike *"United States Code Annotated"* and insert *“, Internal Revenue Code of 1954”*.
5. In Standing Committee Amendment 3, strike line 3 and insert *"an annual renewal fee of ten dollars shall be payable thereafter on or before"*.
6. In section 4, line 9, strike *"subsection"* and insert *"sub-division"*; in line 11 strike *"corporations"* and insert *"corporation's"*; and in lines 19 and 25 strike *"22"* and insert *"21"*.
7. In Standing Committee Amendment 4, line 2, insert quotation marks before *"Such"*; and in line 4 insert a stricken period and quotations marks before the period.
8. In Standing Committee Amendment 7, line 3, strike *"not"*.
9. In renumbered section 12, line 2, insert an underscored comma after *"licensees"*.
10. In renumbered section 14, line 2, insert an underscored comma after *"tax"*; and in line 3, strike *"14"* and insert *"13"*.
11. In Standing Committee Amendment 9, line 3, strike the underscored comma after *"liquors"*.
12. In Standing Committee Amendment 10, line 4, strike *"The"* and insert *"Upon payment of an annual license fee of one dollar,*

*the*"; and in line 13, insert an underscored comma after the first "licensees".

13. In renumbered section 16, line 1, strike "officers" and insert "officer"; and in line 6, strike "their" and insert "his".

14. In renumbered section 17, line 2, strike "16" and insert "15".

15. In Standing Committee Amendment 12, line 13, strike "is" and insert "shall be".

16. In renumbered section 19, lines 2 and 9, strike "22" and insert "21".

17. In Standing Committee Amendment 13, line 3, strike "any" and insert "the violation of any of the".

18. In renumbered section 20, lines 5 and 8, insert an underscored comma after "city"; and in line 9, insert "or election commissioner" after "clerk".

19. In renumbered section 21, line 3, strike "22" and insert "21"; and in line 3, strike "form" and insert "forms".

20. In renumbered section 22, line 2, strike "22" and insert "21".

21. In renumbered section 23, line 9, strike "of" and insert "in" as in the statutes; and in line 18, strike "22" and insert "21".

22. In renumbered section 25, line 20, strike "22" and insert "21".

23. In renumbered section 26, line 23, strike "22" and insert "21".

24. In the title, line 13, insert "to" after the second semicolon; in line 14, insert "to provide for the issuance of permits by local governing bodies;" after the semicolon; in line 16, insert "to require reports;" after the semicolon; and in line 21, insert "to provide separability;" after the first semicolon.

**LEGISLATIVE BILL 347.** Placed on Select File as amended.

E and R amendments to LB 347:

1. In section 5, line 18, strike the colon and insert ": .".

2. In section 6, line 8, strike the semicolon and insert a comma as in the statutes.

3. In section 7, line 12, strike the colon and insert ": .".

4. In Standing Committee Amendment 3, line 4, insert a comma after "71-634"; and in lines 6 and 7 strike "Birth or death



certificate; correction of erroneous or incomplete; fees of Department of Health.”.

5. In Standing Committee Amendment 5, line 2, strike the period after “71-634” and insert a comma and also insert a period after the final quotation mark.

6. In the title, line 3, strike “and 71-630,” and insert “71-630, and 71-634,”; in line 6, strike “or” and insert “for”; in line 14, strike “and”; and in line 14, before the period, insert “; and to declare an emergency”.

**LEGISLATIVE BILL 134.** Correctly re-engrossed.

**LEGISLATIVE BILL 135.** Correctly engrossed.

**LEGISLATIVE BILL 166.** Correctly engrossed.

**LEGISLATIVE BILL 268.** Correctly engrossed.

**LEGISLATIVE BILL 331.** Correctly engrossed.

**LEGISLATIVE BILL 148.** Correctly enrolled.

**LEGISLATIVE BILL 494.** Correctly enrolled.

**LEGISLATIVE BILL 495.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 148 LB 494 LB 495

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 23.** Re: Memorializing Congress to Enact Legislation Relative to Water and Property Rights.

By Don Thompson, 33rd District; Hans O. Jensen, 25th District; and Harold B. Stryker, 17th District.

WHEREAS, recent decisions of the federal courts and recent assertions from the United States Department of Justice have deprived states and persons of rights which said states and persons previously enjoyed to regulate and control the use of the water in the respective states; and

WHEREAS, said decisions and assertions are further a part of a general pattern developing gradually into federal supremacy

and usurpation over water which, if continued, will destroy individual and state rights over water and substitute in lieu thereof an all powerful centralized government control thereover;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Congress and President of the United States and the representatives of Nebraska in the Congress of the United States be, and they are hereby urged and requested to take all necessary action to (a) preserve the water rights of the individual and the states and to prevent federal usurpation of those rights; (b) see that legislation is initiated and supported to recognize and protect rights of individuals and states which have been taken from them by the federal courts and the Department of Justice; and (3) in every way possible, to reaffirm, renew, and defend the concepts that water rights are property rights and that established rights to the use of water, by a state or an individual, should not be taken away without due process of law and adequate compensation.

2. That certified copies of this resolution be promptly transmitted to the President and Vice President of the United States, Speaker of the House of Representatives of the United States, Chairman of the United States Senate and House Committee of Interior and Insular Affairs, United States Senator Roman L. Hruska, United States Senator Carl T. Curtis, United State Representative Phil Weaver, United States Representative Glenn Cunningham, United States Representative Donald F. McGinley, and United States Representative Lawrence Brock.

#### FINAL READING

**LEGISLATIVE BILL 51.** Laid over.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 179.** With emergency.

A bill for an act relating to cities of the first and second classes and villages; to define terms; to provide for an annual audit of all of the accounts of such municipalities; to prescribe the type of audit; to prescribe where reports of such audit shall be filed; to prohibit premature disclosure by the accountant of information obtained as a result of the audit; to provide penalties; to provide for the civil liability of municipal authorities; to provide

for the construction of this act; to provide for payment of the expenses of such audit; and to declare an emergency.

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

Voting in the affirmative, 40:

Adams	Erlewine	McHugh	Ruhnke
Aufenkamp	Fenske	Moulton	Russillo
Bowen	Fulton	Munnelly	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Thompson
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams

Voting in the negative, 0.

Not voting, 3:

Nelson	Simmons	Tews
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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.

### LEGISLATIVE BILL 293.

A bill for an act to amend section 15-322, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to change and clarify the duties of the city attorney in a city of the primary class; to provide for the appointment of a deputy city attorney and one or more assistant city attorneys; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Carpenter	Erlewine	Jensen
Aufenkamp	Claussen	Fenske	Klaver
Bowen	Cooper	Fulton	Lautenschlager
Bridenbaugh	Diers	Gerdes	Liebers
Burbach	Donner	Hollenbeck	Marvel

McHugh	Otto	Ruhnke	Syas
Moulton	Peck	Russillo	Thompson
Munnelly	Pizer	Skarda	Vosoba
Nelson	Portsche	Stryker	Webb
Olinger	Romans	Swanson	Williams
Orme			

Voting in the negative, 0.

Not voting, 2:

Simmons                      Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 492.

A bill for an act to amend section 79-201, Reissue Revised Statutes of Nebraska, 1943, relating to education; to provide that every person in this state having legal or actual charge or control of any child of prescribed age and not a high school graduate shall cause such child to attend school each day that schools are open and in session except when excused by school authorities; and to repeal the original section.

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

Voting in the affirmative, 36:

Adams	Donner	McHugh	Ruhnke
Aufenkamp	Erlewine	Moulton	Russillo
Bowen	Fenske	Munnelly	Skarda
Bridenbaugh	Fulton	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Thompson
Cooper	Liebers	Pizer	Webb
Diers	Marvel	Portsche	Williams

Voting in the negative, 5:

Gerdes	Nelson	Romans	Vosoba
Hollenbeck			

Not voting, 2:

Simmons                      Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## NOTICE OF COMMITTEE HEARINGS

### Public Health

LB 694      Monday, April 6, 1959

2:00 p.m.

## STANDING COMMITTEE REPORTS

### Public Works

**LEGISLATIVE BILL 381.** Placed on General File as amended.

Standing Committee amendments to LB 381:

1. Amend the bill, section 1, line 4, by striking "forty-five" and inserting "forty".

2. Amend the bill, section 1, by striking lines 14 to 16 and inserting:

"(3) Combinations of vehicles, including straight trucks and full trailers, shall consist of not more than two vehicles *truck and full trailer; tractor semitrailer and trailer; truck, semitrailer, and trailer. All trailing units must be equipped with brakes on each wheel that can be operated from the driving position of the towing vehicle , and when so combined shall not*".

3. Amend the bill, section 2, by striking lines 94 to 96 and inserting:

"5	32,000
6	32,000
7	32,000".

(Signed) Arnold Ruhnke, Chairman

## SELECT FILE

**LEGISLATIVE BILL 55.**

Mr. Russillo moved that LB 55 be indefinitely postponed.

Mr. Lautenschlager requested a record vote.

Voting in the affirmative, 7:

Bridenbaugh  
Cooper

Gerdes  
Hollenbeck

McHugh  
Romans

Russillo

Voting in the negative, 33:

Adams	Fenske	Munnelly	Skarda
Aufenkamp	Fulton	Nelson	Stryker
Bowen	Jensen	Olinger	Swanson
Burbach	Klaver	Orme	Syas
Carpenter	Lautenschlager	Otto	Thompson
Claussen	Liebers	Pizer	Vosoba
Diers	Marvel	Portsche	Webb
Donner	Moulton	Ruhnke	Williams
Erlewine			

Not voting, 3:

Peck	Simmons	Tews
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The Russillo motion lost.

Mr. Klaver offered the following amendments which were adopted by unanimous consent:

1. Amend Enrollment and Review Amendment 1, line 11, by striking "Protests", showing the same as stricken, and inserting "*Written protests, in triplicate,*"; and by inserting, in line 12, after the period "Attached to each copy of such protest shall be a written statement of the reason or reasons why the requested reduction in assessment should be made or the protest shall be automatically dismissed."

2. Amend the bill, section 2, line 6, by striking "*ninety*" and inserting "*forty-five*".

3. Amend the bill by striking section 6.

4. Amend the title to conform.

Mr. Russillo requested unanimous consent that the following amendments be adopted:

1. Amend Section 1 of the bill by striking the italicized language.

2. Amend Section 2, page 4, by striking the following in lines 11 through 15: "*After an appeal has been initiated, the board shall have no power or authority to compromise, settle, or otherwise change the action it has taken with respect to such assessment, and exclusive jurisdiction thereof shall be vested in the district court.*"

3. Amend Section 3, page 5, by restoring the stricken language in lines 9 through 12, and by striking the following in lines 12 through 15: "*but the court shall affirm the action taken by the board unless evidence is adduced establishing that the action of the board was unreasonable or arbitrary.*"

Mr. Carpenter objected.

Mr. Russillo moved that LB 55 be returned to General File for the foregoing specific amendments.

Mr. Lautenschlager requested a record vote.

Voting in the affirmative, 8:

Bridenbaugh	Hollenbeck	Nelson	Romans
Cooper	McHugh	Pizer	Russillo

Voting in the negative, 30:

Adams	Fenske	Moulton	Stryker
Aufenkamp	Fulton	Munnelly	Swanson
Bowen	Gerdes	Orme	Syas
Burbach	Jensen	Otto	Thompson
Carpenter	Klaver	Portsche	Vosoba
Claussen	Lautenschlager	Ruhnke	Webb
Diers	Liebers	Skarda	Williams
Donner	Marvel		

Not voting, 5:

Erlewine	Peck	Simmons	Tews
Olinger			

The Russillo motion lost.

Advanced to E and R for engrossment.

#### Visitors

Mr. Moulton introduced Mrs. Richard P. Deaver, eighteen den mothers, three fathers, and eighty-one Cub Scouts from Pack 7, Omaha; Mrs. George Phillips, Brownie Leader, and sixteen Brownies from Troop 60, Fontenelle School, Omaha, and five sponsors; and Mrs. Frank Johnston, Guardian, and eleven Campfire Girls from Benson West School, Omaha, and three mothers.

**LEGISLATIVE BILL 54.** E and R amendment found in the Legislative Journal for the Fifty-fifth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 301.** E and R amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Mr. Ruhnke offered the following amendments which were adopted by unanimous consent:

1. Amend the bill by striking the Arnold Ruhnke amendments of March 16, 1959 and March 18, 1959, and Enrollment and Review amendment 3.

2. Amend the Standing Committee amendment 1, line 7 by inserting "*; Provided, no service charges shall be permitted on balances in excess of five hundred dollars*".

3. Amend the title to conform.

Laid over temporarily.

**LEGISLATIVE BILL 439.** E and R amendment found in the Legislative Journal for the Fifty-fifth Day was adopted.

Mrs. Orme offered the following amendments which were adopted by unanimous consent:

1. Amend the bill, section 1, line 8, by inserting "Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than twenty-five dollars." after the period.

2. Amend the title by inserting immediately after the word "exception", added by Enrollment and Review Amendment 1, "*; and to provide penalties*".

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 375.** E and R amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 182.** E and R amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 498.** E and R amendment found in the Legislative Journal for the Fifty-fifth Day was adopted.

Advanced to E and R for engrossment.



**LEGISLATIVE BILL 421.** E and R amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Advanced to E and R for engrossment.

#### **Visitors**

Mr. Carpenter introduced his wife, his daughter-in-law, Barbara, and his two sons, Gary and Michael.

**LEGISLATIVE BILL 301.** Advanced to E and R for engrossment.

### **STANDING COMMITTEE REPORTS**

#### **Revenue**

**LEGISLATIVE BILL 313.** Indefinitely postponed.

(Signed) Norman A. Otto, Chairman

#### **Visitors**

Mr. Peck introduced Mrs. Lowell Henggeler, Teacher, and fifteen students from School District 6, Genoa.

### **GENERAL FILE**

**LEGISLATIVE BILL 432.** Read and considered.

#### **Speaker Pizer Presiding**

Mr. Aufenkamp moved that the Standing Committee amendment found in the Legislative Journal for the Forty-fifth Day be adopted.

Mr. Lautenschlager requested a record vote.

Voting in the affirmative, 25:

Adams	Hollenbeck	Peck	Swanson
Aufenkamp	Jensen	Pizer	Syas
Burbach	Klaver	Portsche	Thompson
Carpenter	Marvel	Romans	Vosoba
Cooper	Moulton	Ruhnke	Webb
Erlewine	Otto	Stryker	Williams
Gerdes			

Voting in the negative, 11:

Bowen	Fenske	Liebers	Olinger
Diers	Fulton	McHugh	Orme
Donner	Lautenschlager	Nelson	

Not voting, 7:

Bridenbaugh	Munnelly	Simmons	Tews
Claussen	Russillo	Skarda	

The Standing Committee amendment was adopted.

Mr. Stryker moved that LB 432 be indefinitely postponed.

Mr. Marvel requested unanimous consent to bracket LB 432 and LB 639 on General File.

Mr. Fenske objected.

The Stryker motion lost with 16 ayes, 24 nays, and 3 not voting.

Advanced to E and R for review.

**LEGISLATIVE BILL 639.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Forty-ninth Day was adopted.

Mr. Vosoba offered the following amendments which were adopted:

1. Amend the bill, section 1, by striking "the effective date of this act" in line 5, and substituting in lieu thereof: "July 1, 1959".

2. Amend the title to conform.

Bracketed at the request of Mr. Thompson.

**Mr. Moulton Presiding**

**LEGISLATIVE BILL 619.** Read and considered.

Mr. Syas offered the following amendments which were adopted:

1. Add the emergency clause.

2. Amend the title to conform.

Mr. Lautenschlager moved that LB 619 be indefinitely postponed.

Motion pending.

Laid over.

### **Visitors**

Mr. Moulton introduced Mrs. William Jay, Troop Leader, Mmes. Rodney Smith, Arthur Hursh, Eldon Johnson, Delbert Zabel, and Clifford Heller, and fifty-one Girl Scouts from Walnut Hill School, Omaha.

### **Speaker Pizer Presiding**

Mr. Stryker introduced Mr. Gerihan, Teacher, and ten students from Rising City High School.

**LEGISLATIVE BILL 443.** Laid over until Tuesday, March 31, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 684.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 326.** Read and considered.

Advanced to E and R for review.

### **UNANIMOUS CONSENT—Cancel Hearing Dates**

Mr. Munnelly, Chairman of the Banking, Commerce and Insurance Committee, requested unanimous consent to cancel the hearing dates on LB 592 and LB 593. No objections. So ordered.

### **Member Excused**

Mr. Donner was excused for Wednesday, March 25, and Thursday, March 26.

### **UNANIMOUS CONSENT—Executive Session**

Mr. Liebers requested unanimous consent for permission for the Budget Committee hold an executive session at 1:30 p.m., Wednesday, March 25, 1959. No objections. So ordered.

### **Member Excused**

Mr. Bridenbaugh was excused for Wednesday, March 25, and Thursday, March 26, 1959.

## NOTICE OF COMMITTEE HEARINGS

## Banking, Commerce and Insurance

LB 626 Thursday, April 2, 1959

2:00 p.m.

## STANDING COMMITTEE REPORTS

## Judiciary

**LEGISLATIVE BILL 279.** Placed on General File.

(Signed) Joe T. Vosoba, Vice Chairman

## Education

**LEGISLATIVE BILL 538.** Indefinitely postponed.**LEGISLATIVE BILL 545.** Placed on General File as amended.

Standing Committee amendments to LB 545:

1. Amend the bill, Page 3, Sec. 2, by adding at the end of Line 11, "(3)" issue and renew, after July 1, 1965, the Nebraska Rural Elementary School Certificate;"; line 12 by striking "(4) (3)" and inserting "(4)"; line 13 by striking "(5) (4)" and inserting "(5)"; line 14 by striking "(6) (5)" and inserting "(6)"; line 15 by striking "(7) (6)" and inserting "(7)"; line 16 by striking "(8)" and inserting "(8)"; and line 17 by striking "(7)", and show as stricken.

2. Amend the bill by adding, immediately after Sec. 2 a new section to be known as Sec. 3 and to read as follows:

"Sec. 3. The Nebraska Rural Elementary School Certificate shall, after July 1, 1965, be valid in kindergarten to eighth grade inclusive for a period of five years in schools organized as Class I school districts. The requirements for this certificate shall be a recommendation as a rural elementary teacher and a minimum of sixty-four semester hours of college credit from a Nebraska standard institution of higher education. The College preparation shall include at least forty-five semester hours of college credit in the generally recognized subjects and areas of instruction taught in elementary grades and fifteen semester hours of education including not less than three semester hours of supervised teaching or the equivalent. This certificate may be renewed any number of times for a period of five years upon the presentation of eight additional semester hours of college credit applicable toward a baccalaureate degree from a standard institution of higher education."

3. Amend the bill by renumbering original sections 3 to 5 as sections 4 to 6, respectively.

4. Amend renumbered section 6, line 4, by striking "a" and show as stricken, and inserting the word, "an"; and line 10, by adding after the word, "States" the following, "*, nor shall any teachers certificate be issued to any alien.*"

5. Amend the bill by striking original section 6, and show stricken.

6. Amend the bill, Page 5, Sec. 7, Line 3, by striking "section 79-1210" and show as stricken. Substitute therefor the following: "*sections 79-1210 and 79-1267,*"

7. Amend the title to conform.

**LEGISLATIVE BILL 247.** Placed on General File as amended.

Standing Committee amendment to LB 247:

1. Amend the bill, section 1, by striking lines 31 to 45 and inserting "*(c) establish standards based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library facilities and materials, health and safety factors in buildings and grounds, and procedures for classifying, approving, and accrediting schools, including the establishment of minimum standards and procedures for approving the opening of new schools, for the continued legal operation of all schools, and for the approval of high schools for the collection of free high school tuition money in accordance with the standards provided for in this subdivision, (d) prescribe a uniform*".

(Signed) George Syas, Chairman

#### **Adjournment**

At 11:56 a.m., on a motion by Mr. Thompson, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

FIFTY-SEVENTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 25, 1959

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Bridenbaugh, Donner, and Tews who were excused, and Mr. Munnelly who was excused until 9:25 a.m.

The Journal for the Fifty-sixth Day was approved.

**Communications**

Letter from Fred I. Chase, Secretary of the Michigan Senate, enclosing a copy of Senate Concurrent Resolution No. 11, calling on Congress for repeal of the excise tax on motor vehicles.

Notice from Governor Ralph G. Brooks that all Departments and Constitutional Offices will be closed Friday, March 27, 1959.

**STANDING COMMITTEE REPORTS****Public Health**

**LEGISLATIVE BILL 435.** Placed on General File.

**LEGISLATIVE BILL 471.** Indefinitely postponed.

**LEGISLATIVE BILL 636.** Placed on General File.

**LEGISLATIVE BILL 664.** Placed on General File.

(Signed) Sam Klaver, Chairman

**Public Works**

**LEGISLATIVE BILL 411.** Placed on General File as amended.

Standing Committee amendments to LB 411:

1. Amend section 2 of the bill by striking the new matter beginning with the word "electric" in line 4 and ending with the word "with" in line 8, and in line 10 strike the new matter after the "period" and strike all of line 11.

2. Amend the title to conform.

**LEGISLATIVE BILL 344.** Placed on General File as amended.

Standing Committee amendments to LB 344:

1. Amend Section 1 of the bill, line 5, by inserting the word "conferred" after the word "benefits" and,

2. Amend Section 1 of the bill by striking the stricken matter in lines 10 to 15 and inserting: "The board of trustees of such district may find that any part of or all *the remainder of the cost* of such improvements made are of general benefit to the district and the costs thereof shall be paid from taxes levied against all the property in the district in the manner provided for by subsection (1) of section 39-1621."

3. Amend the title to conform.

**LEGISLATIVE BILL 340.** Placed on General File as amended.

Standing Committee amendments to LB 340:

1. Amend Section 1 of the bill, line 3, by striking the word "council" and show the same as stricken matter, and line 13, by inserting after the word "made" the following:

*"; Provided, the city shall not create a district outside the corporate limits of such city, when the district includes land already included within an existing district created under the provisions of Chapter 31, Article 7, without the consent of the trustees of such district".*

2. Amend Section 3 of the bill, lines 9 and 10, by striking "such municipality" and inserting "*such municipality the area*".

3. Amend the title to conform.

**LEGISLATIVE BILL 610.** Placed on General File as amended.

Standing Committee amendments to LB 610:

1. Amend section 1 of the bill by striking lines 29 to 48 and inserting:

"Whenever there shall exist within a rural fire protection district an area containing within its boundaries at least two hundred homes and which has an assessed valuation of at least one million dollars, such area is hereby authorized to withdraw from such rural fire protection district in the manner and under the terms and conditions as prescribed by section 35-515; Provided, that if there shall remain in such rural fire protection district after the withdrawal of such area an area equivalent to one township or more then the board of directors of such rural fire protection district shall be without power to withhold approval or to object to the withdrawal of such area from the rural fire protection district as provided in section 35-515. After withdrawal from a rural fire protection district such area may proceed to organize as a suburban fire protection district in the manner prescribed by law.

"In case of a separation of an area from a rural fire protection district as herein provided, all fire-fighting equipment, trucks, and other property belonging to the original rural fire protection district shall remain the property of such district. In the event that such rural fire protection district owes any indebtedness at the time of such separation, such indebtedness shall be pro rated between said original rural fire protection district and the newly created suburban fire protection district in proportion to the value of the taxable property, except intangible property, remaining in each district after the separation shall have been effected. Any indebtedness incurred in the purchase of equipment shall remain the obligation of the original district; Provided, if there is any other indebtedness it shall be pro rated between the original district and the newly created district."

2. Amend the title to conform.

(Signed) Arnold Ruhnke, Chairman

#### Government

**LEGISLATIVE BILL 23.** Placed on General File as amended.

Standing Committee amendments to LB 23:

1. Amend the bill, section 1, line 142, after the word "corporation" by inserting "*, whether located within any incorporated city or village or not,*" and in line 147 by striking the period after the word "taxes" and inserting the following: "*, as provided by section 501 (c) (7) and (8), United States Code Annotated.*"

2. Amend the bill, section 4, by striking line 86, showing same as stricken and inserting the following: "*the premises,*



which license shall not be issued to any corporation authorized by law to receive a license under the provisions of subdivision (5) C. of this section, one hundred dollars”.

3. Amend the bill, section 4, by striking line 98, and show same as stricken, and inserting the following:

“(9) *Bottle Club license*

<i>less than fifty members</i> .....	<i>\$ 25.00</i>
<i>more than fifty but less than one</i>	
<i>hundred members</i> .....	<i>\$ 75.00</i>
<i>one hundred members or more</i> .....	<i>\$100.00.”</i>

4. Amend the bill, section 5, line 1, by striking the word “authorized” and inserting in lieu thereof the word “described”.

5. Amend the bill, section 6, line 1, by striking “and renewal”; line 2, by striking “authorized” and inserting “described”; and by adding at the end of line 24 “*The commission may, in its discretion, waive such hearing and notice when such original application is submitted by a licensee holding a current license under the provisions of Chapter 53. The issuance of such license shall not be subject to the requirements of section 53-122.*”

6. Amend the bill, section 6, by adding at the end of line 32 the following: “*A license so issued may be renewed without formal application upon payment of the annual license fee. The payment of such fee shall be an affirmative representation and certification by the licensee that all answers contained in an application would be the same in all material respects as the answers contained in the last previous application. The commission, in its discretion, may, however, require the submission of a formal application for such renewal license.*”.

7. Amend the bill by inserting immediately after section 6 a new section to be known as section 7 and to read as follows:

“Sec. 7. That section 53-127, Revised Statutes Supplement, 1957, be amended to read as follows:

53-127. The commission may license the sale of alcoholic liquors at retail in the original package to applicants who reside in any county in which there is no incorporated city or village or in which the county seat is not located in an incorporated city or village; *Provided*, that the licensed premises be situated in an unincorporated village having a population of twenty-five inhabitants or more. The commission may license the sale of beer at retail to applicants who reside in any county outside the

corporate limits of any city or village therein. *This section shall not be construed to limit the commission in the issuance of licenses described in subdivision (5) G. or subdivision 9 of section 53-124.*"

8. Renumber original sections 7 to 9 as sections 8 to 10 respectively.

9. Amend the bill, renumbered section 8, line 14, by inserting "*, including nonprofit corporations, and bottle club licensees*" after the word "dealers".

10. Amend renumbered section 10, line 3, by striking the words "section 53-124" and inserting in lieu thereof the following "*sections 53-124 and 53-127.*"

11. Amend the title to conform.

**LEGISLATIVE BILL 338.** Placed on General File.

**LEGISLATIVE BILL 688.** Placed on General File as amended.

Standing Committee amendment to LB 688:

1. Amend section 1, line 6 of the bill by reinserting the word "to" after the word "thereof".

**LEGISLATIVE BILL 689.** Placed on General File.

**LEGISLATIVE BILL 517.** Indefinitely postponed.

**LEGISLATIVE BILL 414.** Indefinitely postponed.

(Signed) Dwain Williams, Chairman

#### Enrollment and Review

**LEGISLATIVE BILL 54.** Replaced on Select File as amended.

E and R amendments to LB 54:

1. In section 1, as amended by Enrollment and Review Amendment 1, adopted March 12, 1959, lines 11 and 12, strike "and in sections 77-1306 and 77-1307" and show the same as stricken.

2. In the Ruhnke General File Amendment 1, lines 12 and 15, strike "State".

**LEGISLATIVE BILL 178.** Placed on Select File as amended.

E and R amendments to LB 178:

1. In the Aufenkamp General File Amendment, line 2, insert an underscored comma after "*area*".

2. In section 1, line 9, strike the semicolon and insert an underscored comma.

3. In the title, line 2, strike "sections 17-559 and 17-948," and insert "section 17-559,"; in line 5, insert "powers, including the" before "eminent" and insert a comma after "power"; and in line 8 strike "sections" and insert "section".

**LEGISLATIVE BILL 262.** Placed on Select File as amended.

E and R amendments to LB 262:

1. In section 2, line 17, insert "*city of the*" after "*any*"; and in line 18, strike "*city*".

2. Add a new section immediately after section 3 to be known as section 4 and to read as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

3. In the title, line 3, insert "cities of the" after "to"; in line 4 strike "cities"; in line 9, strike "this act; and" and insert "such sections,"; and in line 10 insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 294.** Placed on Select File as amended.

E and R amendment to LB 294:

1. In section 1, line 15, strike "to".

**LEGISLATIVE BILL 291.** Placed on Select File as amended.

E and R amendment to LB 291:

1. In the title, line 4, strike "to"; strike lines 5 and 6; and strike all of line 7 except the word "and".

**LEGISLATIVE BILL 561.** Placed on Select File.

**LEGISLATIVE BILL 460.** Placed on Select File.

**LEGISLATIVE BILL 453.** Placed on Select File.

**LEGISLATIVE BILL 681.** Placed on Select File as amended

E and R amendment to LB 681:

1. In section 1, line 9, strike "in" and insert "an" as in the statutes.

**LEGISLATIVE BILL 239.** Placed on Select File as amended.

E and R amendments to LB 239:

1. In section 1, line 16, strike "*Wars*" and insert "*War*"; in line 16, insert an underscored comma after "*Insurrection*"; in line 24, strike "game birds and animals" and show the same as stricken; and in line 28, strike "*regulation*" and insert "*regulations*".

2. Strike Standing Committee Amendment 1.

3. In section 1, line 9, strike "*forty*" and insert "*fifty*".

4. In Standing Committee Amendment 2, line 2, insert ", showing the same as stricken," before "and", and in line 3, insert an underscored comma before "*except*".

5. In the title, line 6, after the first semicolon, insert "to provide an exception; to provide that disabled persons, as prescribed, may, without cost, be issued permits to hunt and fish from a vehicle except as prescribed;".

**LEGISLATIVE BILL 430.** Placed on Select File as amended.

E and R amendments to LB 430:

1. In section 1, line 1, strike "original"; and in line 9, strike the period.

2. In Standing Committee Amendment 1, lines 3 and 4, strike "and show same as stricken".

3. In the title, strike lines 4 to 8 and insert "to provide a presumption in the event that there is less grain in a warehouse than shown by outstanding receipts issued for such grain; to eliminate the provision for revocation of licenses upon conviction for violation of".

**LEGISLATIVE BILL 432.** Placed on Select File as amended.

E and R amendment to LB 432:

1. In section 2, line 5, strike "*salaries*" and insert "*salary*".

**LEGISLATIVE BILL 130.** Correctly engrossed.

**LEGISLATIVE BILL 176.** Correctly engrossed.

**LEGISLATIVE BILL 269.** Correctly engrossed.

**LEGISLATIVE BILL 275.** Correctly engrossed.

**LEGISLATIVE BILL 324.** Correctly engrossed.

**LEGISLATIVE BILL 417.** Correctly engrossed.

**LEGISLATIVE BILL 179.** Correctly enrolled.

**LEGISLATIVE BILL 293.** Correctly enrolled.

**LEGISLATIVE BILL 492.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**Speaker Pizer Presiding**

**Speaker Signs**

While the Legislature was in session and capable of transacting business, the Speaker signed: LB 179 LB 293 LB 492

## **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 23.**

LR 23 was adopted with 35 ayes, 2 nays, and 6 not voting.

## **Visitors**

Mr. Aufenkamp introduced Mrs. Chester Parker, Chairman, and seventy-five members of the Otoe County Extension Tour, and Messrs. William Gripenstroh, Timothy Crook and Alfred Wellensick.

## **FINAL READING**

**LEGISLATIVE BILL 51.** Laid over.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 80.** With emergency.

A bill for an act relating to crimes and punishments; to provide that any person who shall import livestock or cause livestock to be imported into the State of Nebraska in violation of

an embargo issued by the State Veterinarian shall be guilty of a felony; to provide penalties; 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, 37:

Adams	Gerdes	Nelson	Russillo
Bowen	Hollenbeck	Olinger	Simmons
Burbach	Jensen	Orme	Skarda
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams
Fulton			

Voting in the negative, 0.

Not voting, 6:

Aufenkamp	Donner	Stryker	Tews
Bridenbaugh	Munnelly		

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

#### LEGISLATIVE BILL 108.

A bill for an act to amend section 81-805, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 100, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the Game, Forestation and Parks Commission; to declare policy; to define terms; to provide for the regulation of motorboats and other vessels; to provide for the classification, registration, and licensing of motorboats; to provide safety requirements; to impose duties on anyone maintaining a boat livery; to impose duties in the event of collision; to provide for the holding of regattas, races, parades, tournaments, or exhibitions and the regulation thereof; to provide the effect of ordinances and local laws; to provide rules for determining liability for injury or damages resulting from the negligent operation of any vessel; to authorize the adoption of rules and regulations; to authorize the adoption of special rules and regulations for certain waters; to provide for

the enforcement of this act; to make certain acts unlawful; to provide penalties; to provide for fees; to establish the State Boating Fund and to prescribe the use thereof; to prohibit use of the State Game and Park Fund for prescribed purposes; and to repeal the original section.

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

Voting in the affirmative, 36:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Gerdes	Nelson	Skarda
Bowen	Jensen	Olinger	Stryker
Burbach	Klaver	Orme	Swanson
Carpenter	Lautenschlager	Otto	Syas
Claussen	Liebers	Peck	Thompson
Cooper	Marvel	Portsche	Vosoba
Diers	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams

Voting in the negative, 4:

Fulton	Hollenbeck	Pizer	Romans
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Not voting, 3:

Bridenbaugh	Donner	Tews
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 180. With emergency.**

A bill for an act to amend section 19-1101, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, particular classes; to provide that the annual statement required to be published by the treasurer of any village or city of prescribed population shall be published within sixty days following the close of the municipal fiscal year; 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	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Bridenbaugh      Donner      Tews

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

#### Visitors

Mr. Simmons introduced Mrs. Elizabeth Grant, Home Agent, and fifty ladies from Dodge County Home Extension Clubs.

#### LEGISLATIVE BILL 181. With emergency.

A bill for an act to amend section 19-1309, Revised Statutes Supplement, 1957, relating to cities and villages, particular classes; to provide that cities of the first and second classes and villages may make otherwise authorized extraordinary levies to service and pay bonded indebtedness and judgments in addition to the all purpose levy; 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, 36:

Adams	Cooper	Klaver	Munnelly
Aufenkamp	Fenske	Lautenschlager	Nelson
Bowen	Fulton	Liebers	Olinger
Burbach	Gerdes	Marvel	Orme
Carpenter	Hollenbeck	McHugh	Otto
Claussen	Jensen	Moulton	Peck



Pizer	Ruhnke	Skarda	Syas
Portsche	Russillo	Stryker	Webb
Romans	Simmons	Swanson	Williams

Voting in the negative, 4:

Diers	Erlewine	Thompson	Vosoba
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Not voting, 3:

Bridenbaugh	Donner	Tews
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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.

#### President Burney Presiding

#### LEGISLATIVE BILL 248.

A bill for an act to amend section 79-488, Reissue Revised Statutes of Nebraska, 1943, relating to education; to remove the provision that inspection of school buses shall be at the county seat at a time and place fixed by the Nebraska Safety Patrol; to eliminate the provision for giving notice of such time and place; to provide that school buses may be used for the transportation of pupils living outside of the district by which such buses are owned; to provide fees for such transportation; to provide for the preparation and filing of a schedule of such fees as prescribed; to provide how the cost of operation of a school bus shall be determined; to provide for personal liability of members of the school board for insufficiency of such fees; to provide an exception; and to repeal the original section.

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

Voting in the affirmative, 35:

Adams	Fulton	Moulton	Russillo
Aufenkamp	Gerdes	Munnelly	Simmons
Bowen	Hollenbeck	Nelson	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Webb
Diers	Marvel	Portsche	Williams
Fenske	McHugh	Romans	

Voting in the negative, 5:

Erlewine	Ruhnke	Thompson	Vosoba
Olinger			

Not voting, 3:

Bridenbaugh	Donner	Tews
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 493.

A bill for an act to amend section 79-601, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify the provisions with respect to election of officers in a Class I school district; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Bridenbaugh	Donner	Tews
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### UNANIMOUS CONSENT—Return LB 427 to Select File

Mr. Carpenter requested unanimous consent that LB 427 be recalled to Select File for the following specific amendments:

1. Strike the Carpenter Amendments adopted March 9, 1959 and March 12, 1959.
  2. Strike Enrollment and Review Amendments 1, 2, 3, and 6.
  3. Renumber original section 3 as section 5.
  4. Amend the title to conform.
- No objections. So ordered.

### SELECT FILE

**LEGISLATIVE BILL 427.** The pending Carpenter specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 86.** E and R amendments found in the Legislative Journal for the Fifty-sixth Day were adopted.

Advanced to E and R for engrossment with 30 ayes, 2 nays, and 11 not voting.

**LEGISLATIVE BILL 347.** E and R amendments found in the Legislative Journal for the Fifty-sixth Day were adopted.

Advanced to E and R for engrossment.

### NOTICE OF COMMITTEE HEARINGS

#### Salaries and Claims

LB 437	Tuesday, April 7, 1959	2:00 p.m.
LB 438	Tuesday, April 7, 1959	2:00 p.m.
LB 678	Tuesday, April 7, 1959	2:00 p.m.
LB 116	Thursday, April 9, 1959	2:00 p.m.
LB 407	Thursday, April 9, 1959	2:00 p.m.
LB 516	Thursday, April 9, 1959	2:00 p.m.
LB 238	Tuesday, April 14, 1959	2:00 p.m.
LB 525	Tuesday, April 14, 1959	2:00 p.m.
LB 280	Tuesday, April 14, 1959	2:00 p.m.
LB 282	Tuesday, April 14, 1959	2:00 p.m.
LB 283	Tuesday, April 14, 1959	2:00 p.m.
LB 535	Thursday, April 16, 1959	2:00 p.m.
LB 536	Thursday, April 16, 1959	2:00 p.m.

LB 563	Tuesday, April 21, 1959	2:00 p.m.
LB 646	Tuesday, April 21, 1959	2:00 p.m.
LB 679	Tuesday, April 21, 1959	2:00 p.m.
LB 644	Thursday, April 23, 1959	2:00 p.m.
LB 650	Thursday, April 23, 1959	2:00 p.m.

### GENERAL FILE

#### LEGISLATIVE BILL 619. Considered.

Mr. Lautenschlager withdrew his pending motion found in the Legislative Journal for the Fifty-sixth Day to indefinitely postpone LB 619.

Mr. Ruhnke offered the following amendments which were adopted with 34 ayes, 0 nays, and 9 not voting:

1. Amend section 1 of the bill, line 11 by inserting “; *Provided, such prisoner certifies to the warden in writing that he needs such financial assistance*” after the word “money”.

2. Amend the title to conform.

Mr. Nelson offered the following amendment which was adopted with 23 ayes, 14 nays, and 6 not voting:

1. Amend the bill, Section 1, line 11, by striking “*fifty*” and inserting in lieu thereof “*thirty*”.

Mr. Syas moved that LB 619 be advanced to E and R for review.

Mr. Lautenschlager requested a record vote.

Voting in the affirmative, 31:

Adams	Erlewine	Olinger	Skarda
Aufenkamp	Gerdes	Otto	Stryker
Bowen	Jensen	Peck	Swanson
Burbach	Klaver	Pizer	Syas
Carpenter	Liebers	Portsche	Thompson
Claussen	McHugh	Ruhnke	Vosoba
Cooper	Moulton	Russillo	Webb
Diers	Nelson	Simmons	

Voting in the negative, 7:

Fenske	Hollenbeck	Marvel	Williams
Fulton	Lautenschlager	Orme	

Not voting, 5:

Bridenbaugh      Munnelly      Romans      Tews  
Donner

The motion prevailed and LB 619 was advanced to E and R for review.

**UNANIMOUS CONSENT—Change of Order**

Mr. Liebers requested unanimous consent that LB 509 be returned to its original place on General File, immediately before LB 510. No objections. So ordered.

**UNANIMOUS CONSENT—Withdraw LB 32**

Mr. Moulton requested unanimous consent to withdraw LB 32. No objections. So ordered.

**UNANIMOUS CONSENT—Change of Order**

Mr. Moulton requested unanimous consent that LB 512 be placed at the head of General File on Wednesday, April 1, for the first order of business.

Mr. Carpenter objected.

Mr. Moulton moved that LB 512 be placed at the head of General File on Wednesday, April 1, for the first order of business.

The motion prevailed with 22 ayes, 11 nays, and 10 not voting.

**Visitors**

Mr. Syas introduced Mrs. D. H. Sorensen, Leader, and Sixty-four Cub Scouts sponsored by the First Presbyterian Church, Omaha, and eighteen sponsors.

Mr. Williams introduced Mr. Ted Forsythe from Broken Bow.

**UNANIMOUS CONSENT—Withdraw LB 650**

Mr. Portsche requested unanimous consent to withdraw LB 650. No objections. So ordered.

**Announcement—Recount Committee Meeting**

Mr. Portsche announced that there would be a meeting at 1:30 p.m. today, March 25, in the West Senate Lounge, of the committee appointed for the recount in the 21st Legislative District contest.

**GENERAL FILE****LEGISLATIVE BILL 470.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-seventh Day were adopted.

Advanced to E and R for review.

**Visitor**

Mr. Cooper introduced Miss Renee Polsky from Lincoln who is attending Minnesota University in Minneapolis.

**LEGISLATIVE BILL 631.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Fiftieth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 598.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-first Day were adopted.

Mr. Gerdes moved that LB 598 be indefinitely postponed.

The motion prevailed with 25 ayes, 5 nays, and 13 not voting.

**LEGISLATIVE BILL 58.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-third Day were adopted.

Mr. Cooper moved that LB 58 be indefinitely postponed.

Motion pending.

Laid over until Thursday, April 2, at the request of Mr. Klaver.

**Visitors**

Mr. Moulton introduced Mrs. K. R. Krabbenhoft, Guardian, and forty-one Campfire Girls from Omaha District 66.

**Presented to the Governor**

Presented to the Governor for approval on March 25, 1959,  
at 11:15 a.m.; LB 494 LB 495 LB 148

(Signed) Jo Fisher, Enrolling Clerk

## STANDING COMMITTEE REPORTS

## Judiciary

**LEGISLATIVE BILL 363.** Placed on General File as amended.

Standing Committee amendment to LB 363:

1. Amend the bill, section 1, line 15, by inserting after the word "property" the word ", where"; amend lines 15 and 16 by striking "constituting" and showing same as stricken and inserting "constitutes" in lieu thereof; further amend line 16 by inserting "the" after the word "of"; amend line 18 by inserting "which are" after the word "and"; amend line 23 by inserting "therein described" after the word "estate"; amend line 27 by inserting "are those which" after the second word "section," ; amend line 29 by inserting after the words "system or" the words "such fact shall be disclosed by an affidavit of"; amend line 30 by striking "has filed an affidavit" and showing same as stricken; further amend line 30 by adding after "effect" the word "filed".

**LEGISLATIVE BILL 369.** Placed on General File as amended.

Standing Committee amendment to LB 369:

1. Amend the bill, section 1, line 8, by striking "in case of" and inserting "during" in lieu thereof; amend line 18 by striking "In case of" and inserting "During" in lieu thereof.

**LEGISLATIVE BILL 370.** Placed on General File as amended.

Standing Committee amendments to LB 370:

1. Amend the bill, section 1, line 24, by inserting after the word "expenses" the following: *"except that such acting judge shall not pay into the judges' retirement fund nor be eligible for retirement benefits under the judges' retirement act"*.

2. Amend the title to conform.

**LEGISLATIVE BILL 371.** Placed on General File as amended.

Standing Committee amendments to LB 371:

1. Amend the bill, section 1, lines 17 and 18, by striking the new matter and inserting *"one and one-half times the maximum compensation rate for total disability."*

2. Amend the title to conform.

**LEGISLATIVE BILL 364.** Placed on General File.

**LEGISLATIVE BILL 357.** Placed on General File.

**LEGISLATIVE BILL 356.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

#### **Revenue**

**LEGISLATIVE BILL 408.** Placed on General File as amended.

Standing Committee amendments to LB 408:

1. Amend Section 2 of the bill, subdivision (6), page 4, lines 32 and 33, by striking the following: "mean existing state recreation grounds" and show the same as stricken and inserting in lieu thereof "*be those*".

2. Amend Section 6 of the bill, page 5, line 4, immediately following the word "means," add the following: "*except eminent domain,*".

3. Amend Section 10 of the bill, page 5, line 3, immediately following the word "service", add the word "*nature*".

4. Amend Section 10 of the bill, page 5, line 10, by striking the word "section" and inserting in lieu thereof the word "*act*".

5. Amend the title to conform.

**LEGISLATIVE BILL 685.** Placed on General File as amended.

Standing Committee amendments to LB 685:

1. Amend Section 1 of the bill, line 18, page 2 by striking "*or his*" and inserting in lieu thereof "*, Attorney General, and the Auditor of Public Accounts, or their*".

2. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

#### **Members Excused**

Messrs. Gerdes, Otto, McHugh, Moulton and Carpenter were excused for Thursday morning, March 26, 1959.

#### **UNANIMOUS CONSENT—Bills on Final Reading**

Mr. Ruhnke requested unanimous consent that the bills scheduled for Final Reading Thursday, March 26, 1959, be held over until after the Easter recess. No objections. So ordered.



**Adjournment**

At 11:54 a.m. on a motion by Mr. Fenske, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## FIFTY-EIGHTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Thursday, March 26, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Bridenbaugh, Donner, Gerdes, McHugh, Moulton, Munnelly, Otto, and Tews who were excused.

**Corrections for the Journal**

Page 988, line 5, delete "section" and insert "sections".

The Journal for the Fifty-seventh Day was approved as corrected.

**Communications**

Letter to Senator John Aufenkamp, Chairman, Salaries and Claims Committee, from W. L. Strong, Assistant Attorney for the Department of Roads, relative to accidents involving snowplows.

**UNANIMOUS CONSENT—Mimeograph LB 51**

Mr. Pizer requested unanimous consent to have LB 51 mimeographed with the proposed amendments incorporated. No objections. So ordered.

**Presented to the Governor**

Presented to the Governor for approval on March 25, 1959,  
at 4:30 p.m.: LB 293 LB 179 LB 492

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 55.** Replaced on Select File as amended.

E and R amendments to LB 55:

1. In the Klaver Unanimous Consent Amendment 1, strike line 1, and insert "1. Amend section 1, as amended by Enrollment and Review Amendment 3,".
2. In the title, line 4, after the semicolon, insert "to require the filing of written protests in triplicate with the county board of equalization, with a statement of the reasons for such protest; to provide for the automatic dismissal of protest;"; in line 21, insert "and" after the semicolon; and in line 24, strike "; and to declare an emergency".

**LEGISLATIVE BILL 316.** Placed on Select File as amended.

E and R amendments to LB 316:

1. In section 1, line 10, strike "himself" and insert "himself themselves".
2. In section 3, line 13, strike "paragraph three" and insert "paragraph three subdivision (3)".
3. In section 4, line 4, after "other" insert "person" as in the statutes.
4. In Standing Committee Amendment 2, lines 2 and 3, strike "and show the same as stricken matter".
5. In Standing Committee Amendment 4, lines 2 and 3, strike "and show the same as stricken matter".
6. In the Lautenschlager General File Amendment adopted March 18, line 1, strike "6" and insert "5"; in line 2, strike "9" and insert "8"; in line 3, strike "26" and insert "21"; and in line 3, strike "Servicing" and insert "servicing,".
7. In the title, line 11, strike "presented" and insert "prescribed".

**LEGISLATIVE BILL 301.** Replaced on Select File as amended.

E and R amendment to LB 301:

1. In the Ruhnke Unanimous Consent Amendment 2, line 2, insert "before the period" after "inserting".

**LEGISLATIVE BILL 109.** Placed on Select File as amended.

E and R amendments to LB 109:

1. In section 1, line 64, strike "therefor" and insert " , therefore,".
2. In section 2, line 95, strike the second "it" and insert "its"; in lines 11, 21, 36, 42, 49, 57, 59, 64, 67, 70, 73, 87, 91, 100, 103, 111, and 114, strike the period and insert a semicolon; in line 116, strike the period and insert "; and"; strike each of the semicolons in lines 121, 123, 124, and 125, and in each instance insert a comma; in line 1 of new subdivision (15) added by Standing Committee Amendment 2, strike the comma; and in line 4 of new subdivision (15) strike the period after "associations" and insert a semicolon.
3. In section 3, insert a comma after "of" in line 2.
4. In section 4, lines 3 and 4, strike "national system of interstate highways" and insert "National System of Interstate and Defense Highways".
5. In section 11, line 9, insert "the" after "by".
6. In section 14, line 8, strike the period; in line 9, strike "The department may: (1) Utilize" and insert " : (1) Utilization of"; in line 10, strike "utilize" and insert "utilization of"; in line 12, strike "contract" and insert "letting contracts for"; and in line 13, strike "utilize" and insert "utilization of".
7. In section 24, line 6, strike "their" and insert "his".
8. In section 26, line 24, strike "of purchase for" and insert "for purchase of".
9. In section 28, line 10, insert "holding or acquiring" after "state".
10. In section 29, line 8, strike the comma after "bridge".

**LEGISLATIVE BILL 256.** Placed on Select File as amended.

E and R amendments to LB 256:

1. In section 3, line 46, strike "However, if" and insert "If".
2. In section 6, line 14, strike the semicolon and insert a comma.
3. In section 7, line 11, strike "; and the" and insert ". The"; in lines 14 and 15 strike "State Civil Defense Director" and insert "Civil Defense Agency"; and in line 16, strike the semicolon and insert a comma.

4. In section 8, line 8, strike the semicolon and insert a comma.

5. In section 10, line 3, strike "place of session" and insert "regular place of session of the Legislature".

6. In section 18, line 8, insert "of this act" after "14".

**LEGISLATIVE BILL 257.** Placed on Select File as amended.

E and R amendments to LB 257:

1. In section 3, line 32, strike the comma; in line 32, strike "State"; and also in line 32 strike the period and insert a semicolon; and in line 72, insert "of this act" after "5".

2. In section 5, line 16, strike "that,".

3. In section 6, line 11, strike "necessarily".

4. In section 7, line 2, strike "direct;" and insert "directly,;" and in line 6, strike the semicolon and insert a comma.

5. In section 8, line 6, strike the semicolon and insert a comma; in line 7, strike the semicolon and insert a comma; and in lines 9 and 10 strike "but shall not subject such designee to the penalty prescribed in section 17 of this act".

6. In section 10, line 10, strike the semicolon and insert a comma.

7. In the title, line 14, strike "to prescribe a penalty;".

**LEGISLATIVE BILL 469.** Placed on Select File.

**LEGISLATIVE BILL 329.** Placed on Select File as amended.

E and R amendments to LB 329:

1. In section 1, line 8, strike "the" and insert "this".

2. In the Aufenkamp General File Amendment 1, line 3, strike "citizens" and insert "citizen".

3. In the title, lines 3 and 4, strike "member of the Nebraska State Legislature" and insert "citizen of this state"; in line 5 insert "as prescribed" after "project"; and in line 7 insert "to provide exceptions;" after the semicolon.

**LEGISLATIVE BILL 182.** Correctly engrossed.

**LEGISLATIVE BILL 375.** Correctly engrossed.

**LEGISLATIVE BILL 421.** Correctly engrossed.

**LEGISLATIVE BILL 498.** Correctly engrossed.

**LEGISLATIVE BILL 80.** Correctly enrolled.

**LEGISLATIVE BILL 108.** Correctly enrolled.

**LEGISLATIVE BILL 180.** Correctly enrolled.

**LEGISLATIVE BILL 181.** Correctly enrolled.

**LEGISLATIVE BILL 248.** Correctly enrolled.

**LEGISLATIVE BILL 493.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 304.** Placed on General File as amended.

Standing Committee amendments to LB 304:

1. Amend the bill, page 2, by inserting a new Section 1 to read as follows:

Section 1. That section 44-821, Revised Statutes Supplement, 1957, be amended to read as follows:

Section 44-821. No domestic assessment association organized after August 24, 1941, shall be authorized to transact the business of health or accident insurance until it shall have deposited with the Department of Insurance of the State of Nebraska the sum of ten thousand dollars in cash or securities of like value of the kind and character provided by sections 44-309 and 44-310. After January 1, 1958, each assessment hail association shall make a deposit in the sum of five thousand dollars before receiving a certificate of authority or renewal thereof.

2. Amend the bill, page 2, line 1, by striking the number "1" and inserting in place thereof the number "2".

3. Amend the bill, page 2, line 1, immediately following the word "association", by adding the following:

*“, contemplated by sections 44-813 through 44-820 inclusive,”.*

4. Amend the bill, page 2, line 2, by striking the word "being" and inserting, in place thereof, the word "begin".

5. Amend the bill, page 2, line 5, immediately following the word "sum", by adding the following:

“, in addition to the loss funds required by section 44-816, Reissue Revised Statutes of Nebraska, 1943,”.

6. Amend the bill, page 2, by adding a Section 3 to read as follows:

*Section 3. That the original section 44-821, Revised Statutes Supplement, 1957, is repealed.*

7. Section 4. Add the Emergency Clause.

8. Section 5. Amend the title to conform.

(Signed) John P. Munnelly, Chairman

#### **Government**

**LEGISLATIVE BILL 418.** Placed on General File.

**LEGISLATIVE BILL 412.** Placed on General File.

(Signed) Dwain Williams, Chairman

#### **Judiciary**

**LEGISLATIVE BILL 355.** Indefinitely postponed.

(Signed) Ray C. Simmons, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 80 LB 108 LB 180 LB 181 LB 248 LB 493 LR 23

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Judiciary**

LB 365 Wednesday, April 1, 1959

2:00 p.m.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Labor and Public Welfare be permitted to introduce a bill to provide for inclusion of employees of the civil defense agency in the merit system. (Signed) Peter H. Claussen, Chairman

Permission to introduce the bill granted with 24 ayes, 0 nays, and 19 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 697.** By Committee on Labor and Public Welfare, Peter H. Claussen, 16th District, Chairman.

A bill for an act to amend sections 81-829.31 and 81-8,107, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska civil defense agency; to require all personnel of the Nebraska civil defense agency except the state director, to become subject to the rules and regulations of the merit system for agencies receiving federal funds; to provide for participation in the merit system; to repeal the original sections; and to declare an emergency.

**SELECT FILE**

**LEGISLATIVE BILL 54.** E and R amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 178.** E and R amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 262.** E and R amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Laid over.

**LEGISLATIVE BILL 294.** E and R amendment found in the Legislative Journal for the Fifty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 291.** E and R amendment found in the Legislative Journal for the Fifty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 561.** Advanced to E and R for engrossment.



**LEGISLATIVE BILL 460.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 453.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 681.** E and R amendment found in the Legislative Journal for the Fifty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 239.** E and R amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 430.** E and R amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 432.** E and R amendment found in the Legislative Journal for the Fifty-seventh Day was adopted.

Advanced to E and R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 413.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-sixth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 265.** Read and considered.

Mr. Stryker moved that the Standing Committee amendments found in the Legislative Journal for the Fortieth Day be rejected. The motion prevailed.

Advanced to E and R for review.

**LEGISLATIVE BILL 157.** Laid over until Thursday, April 2, at the request of Mr. Ruhnke.

**LEGISLATIVE BILL 35.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Forty-first Day was adopted.

Mr. Syas offered the following amendment which was adopted:

1. Amend the bill by adding two new sections to the bill to be known as sections 2 and 3, and to read as follows:

"Sec. 2. If, for any of the reasons mentioned in Article IV section 16, of the Constitution of Nebraska, the Lieutenant Governor is unable to perform the duties that devolved on him, then the Speaker of the Legislature shall, upon his resignation as Speaker and as a member of the Legislature, become Governor; and if, for any of the reasons aforesaid, there be a vacancy in the office of Governor after the succession of the Speaker thereto, then the chairman of the several committees and in the order listed in section 1 of this act, shall, after resignation as such chairman and member of the Legislature, become Governor.

Sec. 3. The taking of the oath of office by an individual specified in section 1 of this act, except the Lieutenant Governor, shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as Governor."

Mr. Syas offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 258.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 259.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 308.** Laid over.**LEGISLATIVE BILL 386.** Laid over.**LEGISLATIVE BILL 543.** Read and considered.

Advanced to E and R for review.

**Member Excused**

Mr. Romans was excused for Thursday, April 9, 1959.

**GENERAL FILE**

**LEGISLATIVE BILL 431.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Forty-second Day was adopted.

Mr. Burbach offered the following amendment which was adopted:

1. Amend the title to conform.

**Speaker Pizer Presiding**

Advanced to E and R for review.

**Visitors**

Mr. Bowen introduced Rev. and Mrs. Leslie A. Moore from Gering.

**LEGISLATIVE BILL 339.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 160.** Laid over.

**LEGISLATIVE BILL 155.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-second Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 334.** Read and considered.

Advanced to E and R for review.

**MESSAGE FROM THE GOVERNOR**

March 24, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on March 25, 1959, he approved LB 142, LB 144, LB 149, LB 153, LB 154, LB 163, LB 172, LB 177, LB 191, LB 202, LB 221, LB 224, LB 225, LB 240, LB 253, LB 287, LB 300, LB 314, LB 383, LB 376, LB 398, LB 490.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
RBC:e

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Judiciary be permitted to introduce a bill, the purpose of which is set forth is the statement submitted herewith. (Signed) Ray C. Simmons, Chairman

#### **STATEMENT—Introduce Bill**

The bill was prepared and recommended by the Deputy Secretary of State and involves trade names. Under law, trade names may be registered with the Secretary of State for a fee of \$2.00 for an original registration and \$1.00 for a change in original registration, and are valid for twenty years. This means that the owner of a trade name is only paying ten cents per year for his right. The Deputy Secretary of State says that there has been an increase in cost of registering the trade names and in the other administrative costs.

This bill changes from \$2.00 to \$5.00 the cost of an original registration and from \$1.00 to \$2.00 the cost of a change in original registration. Also, it would reduce the length of the life of a trade name from 20 years to 10 years, at the expiration of which time the trade name may, of course, be renewed. The Deputy Secretary of State said that there are many old trade names long since abandoned. If the life were reduced from 20 to 10 years it would clear out considerable trade names no longer being used.

Finally, the bill would strike from the present statutes the requirement that the Secretary of State notify the registrant by registered mail at least ninety days before the expiration of his registration. Such notification is believed to be an unnecessary expense, particularly since it would require notification as to many trade names that have since been abandoned.

(Signed) Ray C. Simmons, Chairman

Permission to introduce the bill granted with 26 ayes, 1 nay, and 16 not voting.

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 698.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 87-204, Reissue Revised Statutes of Nebraska, 1943, relating to trade name; to increase the fee for registration and to change the original registration of trade names; to change the time when registration of trade names shall expire; to eliminate surplus language; and to repeal the original section.

### Visitors

Mr. Russillo introduced Messrs. Frank Stranad and Thompson Holtz, Sponsors, and fifty boys from Cub Scout Pack 88, Omaha.

### MOTION—Introduce Bill

Mr. President: I move that the Committee on Judiciary be permitted to introduce a bill, the purpose of which is set forth in the statement submitted herewith. (Signed) Ray C. Simmons, Chairman

### STATEMENT—Introduce Bill

This bill is recommended by the Deputy Secretary of State and deals with trade-marks. Under law, labels, trade-marks and other forms of advertisement may be filed for record in the office of the Secretary of State. The Secretary of State then will deliver to the person a certificate of record of the same upon the payment of a fee of \$2.00.

The only change that this bill proposes is that the fee be increased from \$2.00 to \$5.00 because of the increased cost in filing and preparing the certificate. The Deputy Secretary of State feels that the fee must be so increased if these operations are to be made on a pay-as-you-go basis.

(Signed) Ray C. Simmons, Chairman

Permission to introduce the bill granted with 28 ayes, 0 nays, and 15 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 699.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 87-108, Reissue Revised Statutes of Nebraska, 1943, relating to trade-marks; to increase the fee for certificate of record of trade-marks; and to repeal the original section.

**Member Excused**

Mr. Fenske was excused for Tuesday, March 31, 1959.

**UNANIMOUS CONSENT—Cancel Hearing Dates**

Mr. Portsche, Vice Chairman of the Revenue Committee, requested unanimous consent to cancel the hearing dates on LB 550, LB 551, and LB 552 which have been set by the Revenue Committee. No objections. So ordered.

**Visitors**

Mr. Portsche introduced his wife and Mrs. J. O. Peck.

**Adjournment**

At 11:25 a.m. on a motion by Mr. Swanson, the Legislature adjourned until 10:00 a.m. Tuesday, March 31, 1959.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**FIFTY-NINTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 31, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

The Journal for the Fifty-eighth Day was approved.

**MESSAGE FROM THE GOVERNOR**

March 26, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on March 26, 1959, he approved LB 47, LB 80, LB 293, LB 492, LB 494, and LB 495.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**Communications**

Resolution from the Fraternal Order of Eagles, Nebraska City, requesting legislation on the discriminatory employment policies now prevailing against persons over forty years of age.

Letter from Joe Longsine, Stromsburg, opposing LB 569.

Letter from the Nebraska Stock Growers Association, Alliance, favoring LB 560.

Letter of appreciation from the Nebraska Federation of Retail Associations including the list of present members of the Federation.

Letter from the Better Omaha Club, Omaha, opposing any amendments to LB 512.

### STANDING COMMITTEE REPORTS

#### Budget

**LEGISLATIVE BILL 676.** Placed on General File as amended.

Standing Committee amendments to LB 676:

1. Amend Section I of the bill by striking lines 7 and 8, and inserting "sum of fifteen thousand dollars to supplement the amount heretofore appro-"

2. Amend the title to conform.

(Signed) Otto H. Liebers, Chairman

#### Presented to the Governor

Presented to the Governor for approval on March 26, 1959, at 10:30 a.m.: LB 80 LB 108 LB 180 LB 181 LB 248 LB 493

(Signed) Jo Fisher, Enrolling Clerk

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 427.** Replaced on Select File as amended.

E and R amendments to LB 427:

1. Strike Enrollment and Review Amendment 7, adopted March 19.

2. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to amend sections 15-106, 15-901, and 15-902, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to require that the certificate of a registered land surveyor be appended to the plat of land within or contiguous to the corporate limits of a city of the primary class; to provide for



approval of such plat by the city council; to provide that no such plat shall be recorded in the office of the register of deeds or have any force or effect until it has been approved by the city council; to clarify provisions; to provide the authority of cities of the primary class to regulate subdivision"; and in line 10, after the semicolon, insert "to provide that the county board in any county in which is located a city of the primary class shall appoint an advisory committee for planning and zoning matters; to provide the composition of such committee, the terms of office of its members, and the duties of such committee;"

**LEGISLATIVE BILL 67.** Placed on Select File as amended.

E and R amendments to LB 67:

1. In Standing Committee Amendment 1, line 14, strike "(a)" and insert "(i)"; in line 17, strike "(b)" and insert "(ii)"; and in line 25, insert "and" after the semicolon.

2. In section 5, line 19, strike "stratum" and insert "strata"; in line 31, strike the comma after "pipelines" and insert "or"; in line 31, strike the comma after "systems"; in line 33, strike the comma after "produces" and insert "or"; and in line 33, strike the comma after "purchases".

3. In section 7, line 24, insert "or offering it to him for transportation" after "person".

4. In section 11, line 36, insert "or" before the first "the"; and in line 37, strike the first ", or" and insert "that".

5. In renumbered section 19, line 46, strike "21" and insert "20"; in line 53, strike the period and insert a semicolon; and in line 55, insert "or" after "gas".

6. In renumbered section 20, line 17, strike the comma after "commission"; in line 20, insert a comma after "waste"; and in line 21, strike "it".

7. In the title, line 8, insert "to require the ratable purchasing or taking of gas and oil for transportation;" after the semicolon; in line 13, insert "to provide for restraining orders as prescribed; to provide a limit of time for the bringing of actions;" after the second semicolon; and in line 17, insert ", including the levy of a tax as prescribed;" before the semicolon.

**LEGISLATIVE BILL 684.** Placed on Select File.

**LEGISLATIVE BILL 326.** Placed on Select File as amended.

E and R amendment to LB 326:

1. In section 1, lines 28 and 29, strike "subdivisions" and insert "subdivisions *subdivision*"; in line 29, strike "and" and insert "or" as in the statutes; in line 40 insert "*and*" before "*provided*"; and in line 56, insert "*Nebraska*" after "*the*".

**LEGISLATIVE BILL 619.** Placed on Select File as amended.

E and R amendments to LB 619:

1. In section 1, line 11, strike "*, with*" and insert "*and*".
2. Add a new section to be known as section 3 and to read as follows:

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

3. In the title, line 7, strike "and"; and in line 9, insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 470.** Placed on Select File as amended.

E and R amendments to LB 470:

1. In Standing Committee Amendment 1, line 3, insert an underscored comma before "*as*"; and in line 4, insert an underscored comma after "*acceptance*".
2. In the title, line 8, insert "to provide an exception;" after the semicolon.

**LEGISLATIVE BILL 631.** Placed on Select File.

**LEGISLATIVE BILL 271.** Correctly engrossed.

**LEGISLATIVE BILL 347.** Correctly engrossed.

**LEGISLATIVE BILL 439.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### Bills Referred to Standing Committees

LB	Committee
697.....	Labor and Public Welfare
698.....	Banking, Commerce and Insurance
699.....	Banking, Commerce and Insurance

(Signed) Dwight W. Burney  
Lieutenant Governor

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 51.** Laid over until Thursday, April 2, 1959, at the request of Mr. Thompson.

**Visitors**

Mr. Klaver introduced Mr. Louis Carnozzo and Mr. Todera.

**LEGISLATIVE BILL 64.** With emergency.

A bill for an act to amend section 60-407, Revised Statutes Supplement, 1957, as amended by section 3, Legislative Bill 215, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to motor vehicle operators' licenses; to provide for the issuance of a learner's permit to minors who have attained the age of fourteen years as prescribed; to provide how long such permit shall be valid; to prescribe the conditions under which such minors may operate a motor vehicle under such permit; 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, 36:

Aufenkamp	Fulton	Munnelly	Ruhnke
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Tews
Donner	Marvel	Portsche	Thompson
Erlewine	McHugh	Romans	Vosoba

Voting in the negative, 4:

Moulton	Russillo	Webb	Williams
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Not voting, 3:

Adams	Claussen	Fenske
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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.

### Visitors

Mr. Pizer introduced Reverend and Mrs. LaVern Hicks from North Platte.

### LEGISLATIVE BILL 79.

A bill for an act to amend sections 39-7,128, 39-7,129, 39-7,130, and 39-7,133, Revised Statutes Supplement, 1957, relating to the point system; to clarify the provisions of such sections; to provide that no points shall be assessed for muffler violations; to provide that points shall be assessed as of the date of the violation for which conviction is had; to provide that the notice of revocation shall state the dates of violations upon which convictions were had; to provide penalties for the operation of a motor vehicle after the license or privilege to do so has been revoked under the point system; to repeal the original sections; and to repeal section 39-7,131, Revised Statutes Supplement, 1957.

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

Voting in the affirmative, 42:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 1:

Fenske

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 167. With emergency.

A bill for an act to amend sections 37-215 and 37-215.02, Revised Statutes Supplement, 1957, relating to game and fish; to pro-

vide for the separate issuance of permits for the killing of deer only and permits for the killing of antelope only; to provide the basis of issuance of such permits; to remove the provisions that permits be disposed of by lot; to remove provisions granting priority in one year to an unsuccessful applicant the preceding year; to provide that residents shall have priority as prescribed; to provide separate fees for resident and nonresident permits; 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, 35:

Aufenkamp	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Swanson
Burbach	Jensen	Orme	Tews
Carpenter	Klaver	Otto	Thompson
Cooper	Lautenschlager	Peck	Vosoba
Diers	Liebers	Pizer	Webb
Donner	Marvel	Romans	Williams
Erlewine	McHugh	Ruhnke	

Voting in the negative, 6:

Claussen	Portsche	Stryker	Syas
Moulton	Simmons		

Not voting, 2:

Adams	Fenske
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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.

#### LEGISLATIVE BILL 385.

A bill for an act relating to school buses; to provide the maximum speed of school buses carrying any school child, as prescribed.

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

Voting in the affirmative, 41:

Adams	Gerdes	Nelson	Simmons
Aufenkamp	Hollenbeck	Olinger	Skarda
Bowen	Jensen	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Donner	Moulton	Ruhnke	Webb
Erlewine	Munnelly	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 2:

Carpenter          Fenske

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 387.** With emergency.

A bill for an act relating to deceased persons; to provide who shall have the right to control the disposition of the remains of deceased persons and have the duty of interment and liability for the reasonable costs thereof; to provide that any person may direct the disposition of his own remains to prescribed institutions or to any nonprofit blood bank, artery bank, eye bank, or other therapeutic service; to provide how such direction may be made; to provide that certain persons and institutions shall be free of liability as prescribed; to provide that similar disposition may be permitted by written authorization for autopsy; to provide duties for certain public officials; 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	Diers	Klaver	Nelson
Aufenkamp	Donner	Lautenschlager	Olinger
Bowen	Erlewine	Liebers	Orme
Bridenbaugh	Fulton	Marvel	Otto
Burbach	Gerdes	McHugh	Peck
Claussen	Hollenbeck	Moulton	Pizer
Cooper	Jensen	Munnelly	Portsche

Romans	Skarda	Syas	Vosoba
Ruhnke	Stryker	Tews	Webb
Russillo	Swanson	Thompson	Williams
Simmons			

Voting in the negative, 0.

Not voting, 2:

Carpenter	Fenske
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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.

### Visitors

Mr. Otto introduced Mrs. Bernice Weston, Teacher, and twenty students from Buffalo County School District 41, and six sponsors.

### LEGISLATIVE BILL 497.

A bill for an act to amend section 79-428, Reissue Revised Statutes of Nebraska, 1943, relating to education; to include in the oath of a person whose qualification to vote in a school district meeting or election is challenged a statement that he is a citizen of the United States; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Fenske	Stryker
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 521.** With emergency.

A bill for an act relating to municipal and county police officials; to provide when legal counsel shall be furnished for municipal and county police officials against whom an action for false arrest or imprisonment has been brought arising out of an arrest made in the apparent line of duty; 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:

Aufenkamp	Gerdas	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams
Fulton	Munnelly	Russillo	

Voting in the negative, 0.

Not voting, 4:

Adams	Carpenter	Fenske	Stryker
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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.

**LEGISLATIVE BILL 541.** With emergency.

A bill for an act to amend sections 74-608 and 74-609, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to provide that vegetation within the fenced right-of-way of railroads shall not be destroyed except as prescribed; to provide that the county board or board of supervisors may direct the spraying, mowing, or otherwise treating of such fenced right-of-way to kill or destroy vegetation; to provide that the county board or board of supervisors shall cause such right-of-way to be sprayed, mowed, or otherwise treated when the railroad neglects or refuses to do so



when directed to do so and for assessing the cost thereof; to prohibit hunting upon such fenced right-of-way except with permission as prescribed; to provide penalties; 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, 24:

Aufenkamp	Jensen	Moulton	Russillo
Burbach	Klaver	Munnelly	Syas
Claussen	Lautenschlager	Orme	Tews
Cooper	Liebers	Otto	Thompson
Fulton	Marvel	Portsche	Vosoba
Gerdes	McHugh	Ruhnke	Webb

Voting in the negative, 16:

Bowen	Erlewine	Peck	Skarda
Bridenbaugh	Hollenbeck	Pizer	Stryker
Diers	Nelson	Romans	Swanson
Donner	Olinger	Simmons	Williams

Not voting, 3:

Adams	Carpenter	Fenske
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Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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

Voting in the affirmative, 25:

Adams	Jensen	Moulton	Russillo
Aufenkamp	Klaver	Munnelly	Syas
Carpenter	Lautenschlager	Orme	Tews
Claussen	Liebers	Otto	Thompson
Cooper	Marvel	Portsche	Vosoba
Fulton	McHugh	Ruhnke	Webb
Gerdes			

Voting in the negative, 17:

Bowen	Erlewine	Peck	Skarda
Bridenbaugh	Hollenbeck	Pizer	Stryker
Burbach	Nelson	Romans	Swanson
Diers	Olinger	Simmons	Williams
Donner			

Not voting, 1:

Fenske

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

#### **LEGISLATIVE BILL 134.** With emergency.

A bill for an act to amend section 60-1001, Revised Statutes Supplement, 1957, relating to state-owned motor vehicles; to include motor vehicles used by inspectors employed by the Nebraska Liquor Control Commission in the list of vehicles not required to be distinctively marked; 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, 39:

Adams	Fulton	Nelson	Skarda
Aufenkamp	Gerdes	Olinger	Stryker
Bowen	Jensen	Orme	Swanson
Bridenbaugh	Klaver	Otto	Syas
Burbach	Lautenschlager	Peck	Tews
Carpenter	Liebers	Pizer	Thompson
Claussen	Marvel	Portsche	Vosoba
Cooper	McHugh	Ruhnke	Webb
Diers	Moulton	Russillo	Williams
Donner	Munnelly	Simmons	

Voting in the negative, 3:

Erlewine	Hollenbeck	Romans
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Not voting, 1:

Fenske

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

**LEGISLATIVE BILL 135.**

A bill for an act to amend section 39-7,108.01, Revised Statutes Supplement, 1957, relating to motor vehicles; to make it an offense to operate a motor vehicle upon any highway in such a manner as to endanger the safety of others or to cause immoderate wear or damage to a highway; to clarify the provisions thereof; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Gerdas	Nelson	Simmons
Aufenkamp	Hollenbeck	Olinger	Skarda
Bowen	Jensen	Orme.	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Carpenter	Liebers	Pizer	Tews
Claussen	Marvel	Portsche	Thompson
Cooper	McHugh	Romans	Vosoba
Diers	Moulton	Ruhnke	Webb
Donner	Munnelly	Russillo	Williams
Fulton			

Voting in the negative, 1:

Erlewine

Not voting, 1:

Fenske

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 166. With emergency.**

A bill for an act relating to cities and villages, particular classes; to authorize and empower cities of the first class, cities of the second class, and villages to regulate, by appropriate ordinance, the construction, installation, operation, and maintenance of wired or cabled television and radio systems and services within their corporate limits; to make it unlawful to construct, install, operate or maintain any such system within any such municipality without first having obtained a franchise to do so; to authorize the granting of franchises as prescribed; to authorize such municipalities to

require the filing of maps as prescribed; to authorize the levy of an annual occupation tax as prescribed; 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	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 1:

Fenske

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

#### LEGISLATIVE BILL 268.

A bill for an act to amend section 48-602, Revised Statutes Supplement, 1957, relating to unemployment compensation; to clarify the provisions thereof; to provide that vacation pay earned or accumulated at the time of layoff or separation from employment shall be excluded in determining wages; to harmonize the provisions thereof with previous legislation; and to repeal the original section.

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

Voting in the affirmative, 20:

Adams	Klaver	Orme	Syas
Aufenkamp	Liebers	Pizer	Tews
Burbach	Marvel	Portsche	Thompson
Carpenter	Moulton	Skarda	Vosoba
Jensen	Munnelly	Swanson	Webb

## Voting in the negative, 21:

Bowen	Fulton	Nelson	Ruhnke
Bridenbaugh	Gerdes	Olinger	Russillo
Cooper	Hollenbeck	Otto	Simmons
Diers	Lautenschlager	Peck	Stryker
Donner	McHugh	Romans	Williams
Erlewine			

## Not voting, 2:

Claussen	Fenske
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Having failed to receive a constitutional majority, the bill failed of passage.

**LEGISLATIVE BILL 331.**

A bill for an act to amend section 50-404, Reissue Revised Statutes of Nebraska, 1943, relating to the Legislative Council; to provide that committees of the Legislative Council may hold hearings only when a majority of the committee are present; and to repeal the original section.

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

## Voting in the affirmative, 30:

Adams	Erlewine	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Tews
Claussen	Lautenschlager	Peck	Thompson
Cooper	Liebers	Romans	Webb
Diers	Marvel	Ruhnke	Williams
Donner	McHugh		

## Voting in the negative, 12:

Burbach	Klaver	Pizer	Stryker
Carpenter	Munnelly	Portsche	Syas
Jensen	Olinger	Skarda	Vosoba

## Not voting, 1:

Fenske

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Member Excused**

Mr. Pizer was excused at 11:30 a.m. for the remainder of the day.

**Visitors**

Mr. Peck escorted Mr. Robert C. Brower, a former member of the Legislature from Fullerton, to the rostrum.

Mr. Brower addressed the Legislature briefly.

Mr. Cooper introduced his aunt, Mrs. George W. Segrist from Humboldt, and his wife, Virginia.

**Communication**

Letter to Mr. Jensen from J. Leroy Welsh, Omaha, in reply to the invitation extended by the Legislature on March 23, 1959, stating that a time for his appearance will be set the latter part of April.

**SELECT FILE****LEGISLATIVE BILL 262.**

Mr. Otto offered the following amendments which were adopted by unanimous consent:

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

"Section 1. That section 16-502, Revised Statutes Supplement, 1957, be amended to read as follows:

16-502. No officer of any city shall be interested, directly or indirectly, in any contract to which the corporation, or any one for its benefit, is a party, *when the consideration of the same is in an amount in excess of five hundred dollars in any one year, and no contract may be divided for the purpose of evading the requirements of this section;* and such interest in any such contract shall void the obligation thereof on the part of such corporation; *Provided, the receiving of deposits, cashing of checks, and buying and selling warrants and bonds of indebtedness of any such city by a financial institution shall not be considered a contract under the provisions of this section.* Nor shall any officer receive any pay or perquisites from the city other than his salary, as provided by ordinance and the law relating to cities of the first class, and the City Council shall not pay or appropriate any money or any valuable thing to any person not an officer for the performance of any act, service or duty, the doing or performance of which shall come within

the proper scope of the duties of any officer of such corporation, unless the same is specifically appropriated and ordered by a vote of three-fourths of all of the members elected to the council; *Provided*, that ownership of less than one per cent of the outstanding stock of any class in a corporation shall not constitute an interest, direct or indirect within the meaning of this section."

2. Amend the bill by renumbering sections 1 to 4 as sections 2 to 5, respectively.

3. Amend the title to conform.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 55.** E and R amendments found in the Legislative Journal for the Fifty-eighth Day were adopted.

Advanced to E and R for engrossment with 23 ayes, 14 nays, and 6 not voting.

**LEGISLATIVE BILL 316.** E and R amendments found in the Legislative Journal for the Fifty-eighth Day were adopted.

Mr. Ruhnke requested unanimous consent that the following amendments be adopted:

1. Amend the Lautenschlager Amendment adopted March 18, 1959, line 2 by striking "or an employee" and inserting "*or his farm or ranch operator*", and line 3 by striking "servicing" and inserting "*demonstrating*".

2. Amend section 4 of the bill, line 20 by striking "serums" and inserting "*biology*".

3. Amend the title to conform.

Mr. Hollenbeck objected.

Mr. Ruhnke moved that LB 316 be returned to General File for the foregoing specific amendments.

The motion lost with 12 ayes, 24 nays, and 7 not voting.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 301.** E and R amendment found in the Legislative Journal for the Fifty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 109.** E and R amendments found in the Legislative Journal for the Fifty-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 256.** E and R amendments found in the Legislative Journal for the Fifty-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 257.** E and R amendments found in the Legislative Journal for the Fifty-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 469.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 329.** E and R amendments found in the Legislative Journal for the Fifty-eighth Day were adopted.

Advanced to E and R for engrossment.

#### **Members Excused**

Messrs. Claussen and McHugh were excused for Wednesday, April 1, 1959.

#### **STANDING COMMITTEE REPORTS**

##### **Judiciary**

**LEGISLATIVE BILL 477.** Placed on General File.

**LEGISLATIVE BILL 692.** Placed on General File as amended.

Standing Committee amendments to LB 692:

1. Add the emergency clause.
2. Amend the title to conform.

**LEGISLATIVE BILL 539.** Indefinitely postponed.

(Signed) Ray C. Simmons, Chairman



**Adjournment**

At 11:55 a.m. on a motion by Mr. Lautenschlager, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION****SIXTIETH DAY**

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Legislative Chamber, Lincoln, Nebraska

Wednesday, April 1, 1959

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

Prayer was offered by the Chaplain.

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

**Corrections for the Journal**

Page 1027, line 32, delete "os" and insert "of".

The Journal for the Fifty-ninth Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

March 31, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body that on March 30, 1959, he approved LB 148 and LB 179.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
RBC:e

**Communication**

March 26, 1959

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

Dear Mr. Srb:

By way of clarification and supplementation this will advise that the list of bonded officers and employees forwarded to you on March 12, 1959, omitted those officers and employees whose bonds were in effect prior to the present bonding period and included only those bonds purchased at the beginning of this bonding period.

The enclosed list, together with the previous list, includes all officers and employees now bonded.

Very truly yours,  
(Signed) William E. Grubbs  
WILLIAM E. GRUBBS  
Director of Insurance

WEG:hg  
Encl.

Position	Total Number Of Employees In Each Position	Amount of Penalty For Each Bond
Nebraska Brand Committee		
Member of Brand Committee	2	\$ 1,000.00
Board of Control of State Institutions		
Member of Board of Control	2	25,000.00
Game, Forestation and Parks Commission		
Director of Commission	1	10,000.00
Commissioners	4	10,000.00
Supreme Court		
Clerk of the Supreme Court	1	10,000.00
Deputy Clerk of the Supreme Court	1	10,000.00
State Librarian	1	5,000.00
Deputy State Librarian	1	5,000.00
Nebraska Liquor Control Commission		
Member of Commission	2	25,000.00
Racing Commission		
Member of Commission	1	10,000.00
Tax Commission		
Tax Commissioner	1	50,000.00
Department of Veterans Affairs		
Member of Advisory Commission	3	5,000.00
Workmens Compensation Court		
Judges	2	5,000.00

## STANDING COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 86.** Replaced on Select File as amended.

E and R amendment to LB 86:

1. In section 5, line 3, strike "it" and insert "he".

**LEGISLATIVE BILL 413.** Placed on Select File as amended.

E and R amendments to LB 413:

1. In Standing Committee Amendment 2, line 2, insert "the" before "Historical".
2. In section 3, lines 14 and 15, strike ", Reissue Revised Statutes of Nebraska, 1943".
3. In the title, line 2, insert "82-203," before "82-204"; and in line 6, strike "Commission" and insert "Council".

**LEGISLATIVE BILL 265.** Placed on Select File as amended.

E and R amendment to LB 265:

1. In the title, line 5, strike "a".

**LEGISLATIVE BILL 35.** Placed on Select File as amended.

E and R amendments to LB 35:

1. In new section 2, added by the Syas General File Amendment, line 2, insert a comma after "IV"; and in line 4, strike "devolved" and insert "devolve".

2. Add a new section to be known as section 4 and to read as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

3. In the title, line 7, after "filled", insert "; to require that members of the Legislature shall resign therefrom before becoming Governor; to provide that the taking of the oath of office as Governor shall constitute the resignation of a member from the Legislature; and to declare an emergency".

**LEGISLATIVE BILL 258.** Placed on Select File as amended.

E and R amendments to LB 258:

1. In section 2, line 4, strike the period after "(1)"; in line 12 strike the period after "(2)"; and in line 20, strike the period after "(3)".
2. In section 3, line 27, strike the semicolon and insert a comma.
3. In section 5, line 1, strike the period after "(1)"; in line 12, strike the period after "(2)"; in line 41, strike the period after "(3)"; in line 42, insert a comma after "section"; in line 47, strike "State" and insert "the state"; and in line 47, strike the comma at the end of the line.
4. In section 7, line 3, strike the first "is" and insert "it".
5. In the title, line 4, insert "to define terms;" after the semicolon; and in line 11, insert "to provide separability;" after the semicolon.

**LEGISLATIVE BILL 259.** Placed on Select File as amended.

E and R amendments to LB 259:

1. In section 3, lines 11 and 21, strike the semicolon and insert a comma.
2. In section 4, line 6, strike "State".
3. In section 5, line 42, strike the comma.
4. In the title, line 4, insert "to define a term;" after the semicolon; in line 4, strike "renewal" and insert "removal"; and in line 10, insert "to provide separability;" after the semicolon.

**LEGISLATIVE BILL 543.** Placed on Select File as amended.

E and R amendment to LB 543:

1. In the title, line 7, strike "geriatric" and insert "geriatrics".

**LEGISLATIVE BILL 431.** Placed on Select File as amended.

E and R amendments to LB 431:

1. Add a new section to be known as section 3 and to read as follows:

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

2. In the title, line 4, strike "penalty" and insert "offense"; in line 7, strike "and"; and in line 8, insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 339.** Placed on Select File as amended.

E and R amendment to LB 339:

1. In the title, line 11, insert "to make an appropriation;" after the semicolon.

**LEGISLATIVE BILL 155.** Placed on Select File as amended.

E and R amendment to LB 155:

1. In the title, line 4, insert "until 1965" after "extend".

**LEGISLATIVE BILL 334.** Placed on Select File as amended.

E and R amendments to LB 334:

1. In section 1, line 8, strike "16-726" and insert "16-725" as in the statutes; and in line 18, strike "State" and insert "state" as in the statutes.

2. In the title, line 7, insert "and the circumstances under which such municipalities may borrow to meet such emergencies" before the semicolon.

**LEGISLATIVE BILL 54.** Correctly engrossed.

**LEGISLATIVE BILL 239.** Correctly engrossed.

**LEGISLATIVE BILL 291.** Correctly engrossed.

**LEGISLATIVE BILL 432.** Correctly engrossed.

**LEGISLATIVE BILL 681.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **Member's Birthday**

Mr. Marvel announced that today is Mr. Fenske's birthday, and the members sang Happy Birthday to him.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 130.**

A bill for an act to amend section 85-106, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 30, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the Board of Regents of the University of Nebraska; to authorize the board to establish a retirement system for the present and future employees of the university and to make contributions thereto; to prescribe certain features of and limitations on such system; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	Moulton	Ruhnke	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

McHugh              Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 176. With emergency.**

A bill for an act to amend section 53-132, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to liquors; to increase the time period for publication of notice of hearing on applications for liquor licenses; 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	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	McHugh	Syas
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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.

#### LEGISLATIVE BILL 269.

A bill for an act to amend section 48-627, Revised Statutes Supplement, 1957, relating to the Employment Security Law; to provide that no individual, who is otherwise eligible, shall be deemed ineligible, or unavailable for work, because he is on vacation without pay during such week as prescribed regardless of whether he or she has not been notified of said vacation at the time of his or her hiring; to eliminate obsolete provisions thereof; and to repeal the original section.

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

Voting in the affirmative, 24:

Adams	Klaver	Olinger	Syas
Aufenkamp	Lautenschlager	Orme	Tews
Burbach	Liebers	Pizer	Thompson
Cooper	Marvel	Portsche	Vosoba
Fenske	Moulton	Ruhnke	Webb
Jensen	Munnelly	Skarda	Williams



Voting in the negative, 16:

Bowen	Erlewine	Nelson	Russillo
Bridenbaugh	Fulton	Otto	Simmons
Diers	Gerdas	Peck	Stryker
Donner	Hollenbeck	Romans	Swanson

Not voting, 3:

Carpenter	Claussen	McHugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 275.

A bill for an act to amend section 60-335, Revised Statutes Supplement, 1957, relating to motor vehicles; to extend the exemption of registration fees to be charged motor vehicles owned by cities, villages, and United States government; to provide that state-owned motor vehicles not required to be distinctively marked may carry number plates of the same design, size, and contents as those prescribed for individuals; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdas	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	McHugh	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 324.**

A bill for an act relating to telephone and telegraph companies; to make it a misdemeanor fraudulently to obtain or attempt to obtain telephone service by use of a false, revoked, counterfeit or nonexistent credit card or by charging the price of such call to a false or nonexistent telephone number or an existing telephone number without the authority of the holder or to obtain transmission of a message by telephone without payment of the lawful charges therefor; and to provide penalties.

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

Voting in the affirmative, 41:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	Moulton	Ruhnke	Webb
Erlewine	Munnely	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Carpenter            McHugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 417.**

A bill for an act to amend section 1, Laws 1957, Chapter 251, Sixty-eighth Session, Nebraska State Legislature, relating to public lands; to provide that Lots forty-eight and forty-nine of irregular tracts in the northeast quarter of section fifteen, township ten, north, range seven east of the sixth principal meridian, located in Lancaster County, Nebraska may be sold or leased; to authorize the Governor to execute a lease; to provide the terms and conditions of the lease; to provide that a lease of such land may contain an option to purchase, as prescribed; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Donner	McHugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### SELECT FILE

**LEGISLATIVE BILL 427.** E and R amendments found in the Legislative Journal for the Fifty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 67.** E and R amendments found in the Legislative Journal for the Fifty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 684.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 326.** E and R amendment found in the Legislative Journal for the Fifty-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 619.** E and R amendments found in the Legislative Journal for the Fifty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 470.** E and R amendments found in the Legislative Journal for the Fifty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 631.** Advanced to E and R for engrossment.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 24.** Re: Adequate Compensation for Real Property for the Interstate Highway System.

Introduced by John P. Munnelly, 8th District.

WHEREAS, the Department of Roads is condemning real property for the building of the Interstate Highway System, and

WHEREAS, the Department of Roads has not been taking into consideration the damages to the landowner because of the destruction of the landowner's access and right of ingress and egress to the real estate taken or to be taken by the condemnation proceedings, and

WHEREAS, it is necessary for the landowners to expend money for court costs and attorney fees to protect his interest at condemnation hearings or on appeal from the appraiser's report of damages, and

WHEREAS, the general provisions to participate in federal funds permits severance or consequential damages resulting from a highway improvement upon an affirmative showing that the Department of Roads or other political subdivision of the state is obligated to pay such damages under state law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Department of Roads is directed to allow adequate and just compensation for the real estate taken and to consequential and severance damages to the lands remaining which compen-

sation shall include the adequate damages the landowner shall sustain because of the destruction of the landowner's access and right of ingress and egress to the real estate taken or to be taken by the condemnation proceedings.

#### **UNANIMOUS CONSENT—Return LB 316 to Select File**

Mr. Thompson requested unanimous consent to return LB 316 to Select File for the following specific amendment:

1. Amend the Lautenschlager Amendment 1, adopted March 18, 1959, line 2 by inserting "*who is regularly employed to perform the usual farm or ranch duties*" after "livestock".

Mr. Hollenbeck objected.

Mr. Thompson moved that LB 316 be returned to Select File for the foregoing specific amendment.

The motion lost with 12 ayes, 17 nays, and 14 not voting.

#### **Visitors**

Mr. Vosoba introduced Mrs. Berdene Busing, Teacher, and fifteen students from School District 19, and three sponsors, from Fairmont.

#### **UNANIMOUS CONSENT—Withdraw LB 608**

Mr. Munnelly requested unanimous consent to withdraw LB 608. No objections. So ordered.

#### **Visitors**

Mr. Olinger introduced Mr. Harry Newill from Tekamah, and Mr. Myron Christensen from Oakland.

President Burney introduced Mrs. Don Hanna, and son, Don Hanna, Jr., from Valentine.

Mr. Gerdes introduced Mr. Leslie Stull from Alliance.

Mr. Ruhnke introduced Mr. William Banaham, Jefferson County Commissioner, and Alma DeLong, Jefferson County Welfare Director.

## GENERAL FILE

**LEGISLATIVE BILL 512.** Read and considered.

Standing Committee amendments 1, 2, 3, and 4, found in the Legislative Journal for the Fifty-second Day were adopted.

Mr. Moulton offered the following amendments:

1. At Line 72, Second Amendment, immediately following the period, add the following complete sentence:

*In such cities, where a board has been heretofore appointed, the Mayor with the approval of the City Council shall by resolution redesignate the terms of the members of such board in accordance with the provisions of this Act, provided however, until such redesignation is made the terms shall stand as provided for in the original appointment.*

2. Amend Line 79 of the Second Amendment to insert after the comma:

*for incompetence, neglect of duty, or malfeasance in office*

and after the word "consent" the words:

*and approval*

3. In the Third Amendment, Page 6, delete the words commencing with the word "all" in Line 15 and ending with the word "cities" in Line 18.

4. To add to the Standing Committee Amendments an additional Section to L.B. 512 to be numbered Section 4. Renumber previously added Sections 4 and 5 as 5 and 6. Such added section to read as follows:

*This act shall be full authority for the creation of airport authorities by cities, and for the exercise of the powers herein granted to cities and to such authorities, and no action, proceeding or election shall be required prior to the creation of airport authorities hereunder or to authorize the exercise of any of the powers herein granted, any provision of law or of any city charter to the contrary notwithstanding, and the proceedings of the mayor and council of any city heretofore taken for the creation and establishment of an airport authority are hereby ratified, validated and confirmed.*

The Moulton amendments 1, 2, and 3 were adopted.

**Speaker Pizer Presiding**

**President Burney Presiding**

Mr. Klaver requested a record vote on the Moulton amendment 4.

Voting in the affirmative, 27:

Adams	Gerdes	Orme	Swanson
Bowen	Hollenbeck	Peck	Syas
Burbach	Jensen	Portsche	Tews
Cooper	Moulton	Romans	Thompson
Diers	Munnely	Ruhnke	Vosoba
Donner	Nelson	Russillo	Williams
Fulton	Olinger	Stryker	

Voting in the negative, 11:

Aufenkamp	Fenske	Liebers	Skarda
Carpenter	Klaver	Marvel	Webb
Erlewine	Lautenschlager	Pizer	

Not voting, 5:

Bridenbaugh	McHugh	Otto	Simmons
Claussen			

The amendment was adopted.

Mr. Carpenter offered the following amendment:

1. Amend the bill by inserting a new section immediately after section 3 as set out in Standing Committee Amendment 3 to be known as section 4 and to read as follows:

"Sec. 4. That section 3-513, Revised Statutes Supplement, 1957, be amended to read as follows:

3-513. Insofar as the provisions of this act are inconsistent with the provisions of any other act or of any city charter, if any, the provisions of this act *the city charter* shall be controlling."

Mr. Carpenter requested a record vote.

Voting in the affirmative, 13:

Carpenter	Lautenschlager	Orme	Ruhnke
Erlewine	Marvel	Otto	Skarda
Fenske	Nelson	Pizer	Webb
Klaver			

Voting in the negative, 25:

Adams	Gerdes	Olinger	Swanson
Bowen	Hollenbeck	Peck	Syas
Burbach	Jensen	Portsche	Tews
Cooper	Liebers	Romans	Thompson
Diers	Moulton	Russillo	Vosoba
Donner	Munnelly	Stryker	Williams
Fulton			

Not voting, 5:

Aufenkamp	Claussen	McHugh	Simmons
Bridenbaugh			

The Carpenter amendment lost.

Mr. Lautenschlager offered the following amendment:

1. Amend the bill, Section 1, by inserting after the word "deposited" in line 91 the following: *"; provided, however, no tax shall be levied for airport purposes unless and until such mill levy shall have been authorized by a vote of the people"*.

Amendment pending.

Laid over.

### Visitors

Mr. Klaver introduced Dr. Mary Ellen Patterson, Principal, Mr. Thor Strimple and Mrs. Louise Mandle, Teachers, and thirty-two students from Mason School, Omaha.

Mr. Bowen introduced Captain Larry Williams, who is in the United States Air Force.

Mr. Nelson introduced Rev. Turner, John Wood, Mrs. Marie Marlott, and Mrs. Lydia Brown who are from Rock, Brown, and Keya Paha Counties.

### LEGISLATIVE BILL 443. Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-second Day were adopted.

Advanced to E and R for review.

### LEGISLATIVE BILL 308. Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-first Day were adopted.



Mr. Russillo offered the following amendments which were adopted:

1. Amend Section 2, Line 6, by striking the word "otherwise" and inserting in lieu thereof, the words "bequest, such".

2. Amend Section 2, Line 12, by inserting the word "public" after the word "other".

3. Amend Section 3 by deleting the words, "and also Section 14-375, Reissue Revised Statutes of Nebraska, 1943,".

Mr. Russillo offered the following amendment which was adopted:

1. Amend the title to conform.

Mr. Carpenter moved that LB 308 be indefinitely postponed.

Mr. Carpenter requested unanimous consent that LB 308 be laid over until Wednesday, April 8, 1959.

Mr. Russillo objected.

Mr. Carpenter moved that LB 308 be laid over until Wednesday, April 8, 1959, with his motion to indefinitely postpone pending.

The motion prevailed with 18 ayes, 14 nays, and 11 not voting.

**LEGISLATIVE BILL 386.** Read and considered.

Laid over.

**LEGISLATIVE BILL 160.** Read and considered.

Advanced to E and R for review.

## **STANDING COMMITTEE REPORTS**

### **Miscellaneous Subjects**

**LEGISLATIVE BILL 373.** Indefinitely postponed.

**LEGISLATIVE BILL 506.** Indefinitely postponed.

(Signed) J. W. Burbach, Chairman

### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 284.** Placed on General File as amended.

Standing Committee amendments to LB 284:

1. On page 7, Section 10, lines 20 to 31, strike the new matter and insert in lieu thereof the following:

*"Corporations organized under the provisions of sections 8-401 to 8-417, may also borrow money from and rediscount paper with commercial banks and other corporate lenders and pledge collateral as security thereto; Provided, that the combined indebtedness of any industrial loan and investment company arising from the issuance of certificates of indebtedness and the money borrowed from banks and other corporate lenders shall at no time exceed the limit prescribed by section 8-411; and provided further, that the collateral pledged to any banks or other corporate lender shall at no time exceed one and one half times the amount of such obligation to such bank or corporate lender unless prior written consent of the department is obtained. Any industrial loan and investment company may also borrow money from a commercial bank or the corporate lender in any amount and pledge as security thereto direct obligations of the United States government in any amount and such indebtedness shall not be limited by the provisions of section 8-411 and the collateral pledged shall not be restricted to the limitations of this section. Any transfer of assets of an industrial".*

2. On page 7, Section 11, lines 3 through 24, strike entirely substituting the following:

*"8-432. If the industrial loan and investment company shall willfully fail to comply with any of the provisions of sections 8-418 to 8-433, in the making or collection of any loan which is subject to said sections, the loan shall be void and the lender shall have no right to collect and receive any principal, interest or charges the lender shall be entitled to collect, receive and retain only that part of the total principal, and accrued interest on such loans as shall exceed one thousand dollars, provided nothing in this section shall apply and there shall be no penalty in the case of clerical errors or where interest is inadvertently charged for a period not to exceed one week. Any industrial loan and investment company and any of the several members, officers, directors, agents and employees thereof who shall willfully violate or participate in the willful violation of said sections shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars and not less than one hundred dollars or by imprisonment for not less than thirty days or more than six months.*

(Signed) John P. Munnelly, Chairman

**Judiciary**

**LEGISLATIVE BILL 607.** Placed on General File as amended.

Standing Committee amendments to LB 607:

1. Amend the bill, section 1, by reinstating the stricken matter in lines 9 through 18.
2. Amend the title to conform.

**LEGISLATIVE BILL 372.** Placed on General File as amended.

Standing Committee amendments to LB 372:

1. Amend the bill, section 1, by striking the new matter in lines 9 through 11, and by inserting "23-107" in lieu thereof.
2. Amend line 7 by inserting after the comma the words "*or have otherwise acquired title to real estate in satisfaction of an old age assistance lien,*"
3. Amend the title to conform.

(Signed) Ray C. Simmons, Chairman

**Enrollment and Review**

- LEGISLATIVE BILL 64.** Correctly enrolled.
- LEGISLATIVE BILL 79.** Correctly enrolled.
- LEGISLATIVE BILL 167.** Correctly enrolled.
- LEGISLATIVE BILL 385.** Correctly enrolled.
- LEGISLATIVE BILL 387.** Correctly enrolled.
- LEGISLATIVE BILL 497.** Correctly enrolled.
- LEGISLATIVE BILL 521.** Correctly enrolled.
- LEGISLATIVE BILL 134.** Correctly enrolled.
- LEGISLATIVE BILL 135.** Correctly enrolled.
- LEGISLATIVE BILL 166.** Correctly enrolled.
- LEGISLATIVE BILL 331.** Correctly enrolled.
- LEGISLATIVE BILL 541.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 64 LB 79 LB 167 LB 385  
LB 387 LB 497 LB 521 LB 134 LB 135 LB 166 LB 541  
LB 331

**NOTICE OF COMMITTEE HEARINGS****Banking, Commerce and Insurance**

LB 590	Thursday, April 9, 1959	2:00 p.m.
LB 634	Thursday, April 9, 1959	2:00 p.m.
LB 635	Thursday, April 9, 1959	2:00 p.m.
LB 680	Thursday, April 9, 1959	2:00 p.m.
LB 651	Tuesday, April 14, 1959	2:00 p.m.
LB 657	Tuesday, April 14, 1959	2:00 p.m.
LB 660	Tuesday, April 14, 1959	2:00 p.m.
LB 698	Tuesday, April 14, 1959	2:00 p.m.

**Member Excused**

Mr. Ruhnke was excused for Thursday, April 2, 1959.

**Adjournment**

At 11:58 a.m., on a motion by Mr. Nelson, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**SIXTY-FIRST DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 2, 1959

Pursuant to adjournment the Legislature met at 9:01 a.m.,  
President Burney presiding.

Prayer was offered by the Chaplain.

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

**Corrections for the Journal**

Page 1044, line 23, delete "expand" and insert "expend".

The Journal for the Sixtieth Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

March 31, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body  
that on March 31, 1959, he approved LB 180, LB 181 and LB 493.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
RBC:e

**Presented to the Governor**

Presented to the Governor for approval on April 1, 1959, at  
4:15 p.m.: LB 64 LB 79 LB 167 LB 385 LB 387 LB 497  
LB 521 LB 134 LB 135 LB 166 LB 331 LB 541

(Signed) Jo Fisher, Enrolling Clerk

## STANDING COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 262.** Replaced on Select File as amended.

E and R amendments to LB 262:

1. In the Otto Unanimous Consent Amendment 1, line 7, strike the comma after "party" and insert "; "; in line 11, strike "interest" and insert "~~interests~~ *interest*"; in line 27, strike the third "of" to correspond to the statute; and in line 31 insert a comma before "within" as in the statutes.

2. In renumbered section 2, line 1, strike "Section" and insert "Sec.".

3. In renumbered section 3, line 17, insert "*first or*" before "second".

4. In renumbered section 4, line 1, strike "17-611" and insert "16-502, 17-611".

5. In the title, line 2, strike "17-611" and insert "16-502, 17-611"; in lines 3 and 4, strike "cities of the second class and villages" and insert "municipalities"; in line 4, after the semicolon, insert "to harmonize provisions respecting contracts between a city of the first class and an officer thereof with provisions respecting contracts of a city of the second class or village;"; and in line 7, insert "first or" before "second".

**LEGISLATIVE BILL 178.** Replaced on Select File as amended.

E and R amendment to LB 178:

1. In the title, strike lines 5 and 6 and insert "enlarge the powers, including the power of eminent domain, of cities of the second class and villages, including the exercise thereof outside".

**LEGISLATIVE BILL 443.** Placed on Select File as amended.

E and R amendments to LB 443:

1. In Standing Committee Amendments 1 and 2, line 2, strike "and show as stricken".

2. Add a new section to be known as section 3 and to read as follows:

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

3. In the title, strike lines 7 to 9, and insert "not be required that his widow shall have been married to him for the last four years in order to"; in line 10, strike "and"; and in line 11, insert "and to declare an emergency" before the period.

**LEGISLATIVE BILL 160.** Placed on Select File.

**LEGISLATIVE BILL 55.** Correctly engrossed.

**LEGISLATIVE BILL 294.** Correctly engrossed.

**LEGISLATIVE BILL 430.** Correctly engrossed.

**LEGISLATIVE BILL 453.** Correctly engrossed.

**LEGISLATIVE BILL 460.** Correctly engrossed.

**LEGISLATIVE BILL 561.** Correctly engrossed.

**LEGISLATIVE BILL 130.** Correctly enrolled.

**LEGISLATIVE BILL 176.** Correctly enrolled.

**LEGISLATIVE BILL 269.** Correctly enrolled.

**LEGISLATIVE BILL 275.** Correctly enrolled.

**LEGISLATIVE BILL 324.** Correctly enrolled.

**LEGISLATIVE BILL 417.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **Miscellaneous Subjects**

**LEGISLATIVE BILL 420.** Placed on General File as amended.

Standing Committee amendments to LB 420:

1. Amend Section 2 of the bill, line 3 by inserting "81-876. No broker's or salesman's license shall be issued to any person who has not attained the age of twenty-one years, or to any person who is not a citizen of the United States."

2. Amend Section 3 of the bill, line 25 by inserting "Any check presented to the Commission as a fee for either an original or renewal license or for examination for license, which is returned to the State Treasurer, unpaid, shall be cause for revocation or denial of license." after the word "cause."

3. Amend Section 4 of the bill, line 56 by striking the word "special" and substituting the word "separate" therefore, also on line 56 strike the comma after the word "account" and strike the words "separate and apart from personal or other business accounts," which follow.

4. Amend Section 4 of the bill, line 61 by striking "(16) the broker or salesman shall have been convicted of felony" and adding *"(16) failure to include a fixed date of expiration in any written listing agreement and failure to leave a copy of such agreement with the principal. (17) failure to deliver, within a reasonable time, a completed copy of any purchase agreement or offer to buy and sell real estate to the buyer and to the seller. (18) failure by a broker to deliver to the seller in every real estate transaction wherein he acts as a real estate broker, at the time such transaction is consummated, a complete, detailed closing statement, showing all of the receipts and disbursements handled by such broker for the seller; also failure to deliver to the buyer a complete statement showing all monies received in the transaction from such buyer and how and for what the same were disbursed; the broker shall retain true copies of such statements in his files. (19) the broker or salesman shall have been convicted of a felony."*

5. Add the Emergency Clause.

**LEGISLATIVE BILL 611.** Placed on General File as amended.

Standing Committee amendments to LB 611:

1. Section 1, Line 7, page 2, strike the comma (,) after the word "lottery".

2. Sec. 1, Line 9, page 2, strike the word "for" and insert in lieu thereof the word "or".

3. Sec. 2, Line 7, by striking "lottery" and inserting "certain lotteries".

4. Amend the title to conform.

(Signed) J. W. Burbach, Chairman

**Visitors**

Mr. Tews introduced Mr. Roger Miller, Superintendent, Agnes Hoffman, Teacher, and thirty-one students from Pierce High School.



**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 130 LB 176 LB 269 LB 275 LB 324 LB 417

**RESOLUTIONS****LEGISLATIVE RESOLUTION 24.**

Mr. Munnelly moved that LR 24 be adopted.

Mr. Thompson requested unanimous consent that LR 24 be laid over.

Mr. Munnelly objected.

Mr. Lautenschlager requested unanimous consent to lay over LR 24 until Monday, April 6, 1959. No objections. So ordered.

**Visitors**

Mr. Romans introduced Mr. Greely Price, Superintendent, and sixteen seniors from Wheeler County High School, Bartlett.

**STANDING COMMITTEE REPORTS****Government**

**LEGISLATIVE BILL 295.** Placed on General File.

**LEGISLATIVE BILL 655.** Placed on General File as amended.

Standing Committee amendments to LB 655:

1. Amend section 1, line 9 of the bill by inserting after the second comma, the words "*or any fire protection district authorized under Sections 35-501 to 35-518, Revised Statutes Supplement, 1957,*" and by striking the words "sanitary or road improvement", and showing the same as stricken; amend line 14 by striking the words "except as provided in section 4 of this act," and show same as stricken; amend line 21 by striking the word "or" wherever it appears, supplying a comma in lieu thereof, and inserting after the word "assess," the words "*re-levy or re-assess,*" and after the word "assessed," the words "*re-levied or re-assessed,*"; amend line 24 by striking the word "and", supplying a comma in lieu thereof, and inserting after the word "assessed" the words "*, re-levied or re-assessed*".

2. Amend section 2 of the bill by striking it in its entirety and substituting in lieu thereof the following:

*"Sec. 2. The trustees shall within thirty days of the effective date of the merger submit to the city a written accounting of all assets and liabilities (contingent or fixed) of the district. Unless the city or village within thirty days thereafter brings an action against the trustees of the district for an accounting or for damages for breach of duty, the trustees shall be discharged of all further duties and liabilities and their bonds exonerated. If the city or village brings such an action and does not recover judgment in its favor, the taxable costs may include reasonable expenses incurred by the trustees in connection with such suit and a reasonable attorney's fee for the trustees' attorney. The city or village shall represent the district and all parties who might be interested in such an action. The city or village and said trustees shall be the only necessary parties to such action."*

3. Amend the bill, section 4, by striking it in its entirety.

4. Renumber sections 5 and 6 of the bill as sections 4 and 5.

5. Amend renumbered section 4 of the bill, line 2, by striking the word "or", and supplying a comma in lieu thereof, and by inserting in line 3 after the word "district" the words "*or any fire protection district*"; amend line 6 by striking the word "and" and supplying a comma in lieu thereof, and by inserting in line 7 after the word "liabilities" the words "*, maintenance or other obligations*"; amend line 15 by inserting after the word "exonerated" the words "*as hereinabove provided*"; amend line 18 by striking the second "district" and inserting in lieu thereof, the word "*county*"; amend lines 27 and 28 by striking the word "district" hyphenated at the end of line 27 and continued on line 28, inserting in lieu thereof the word "*county*"; amend line 33 following the word "parties" by striking the period and inserting in lieu thereof a semi-colon, and adding the following:

*"provided that in every case, such decree or order shall require a change of the district boundaries so as to exclude from the district that portion of the territory of the district which has been annexed. Such change of boundaries shall become effective on the date of entry of such decree."*

6. Amend renumbered section 5 of the bill by inserting in line 2 after the word "and" the words "*sections 35-515, 35-516.01 and*".

7. Amend the bill by adding a new section 6 as follows:

*"Sec. 6. Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval according to law."*

8. Amend the title to conform.

**LEGISLATIVE BILL 297.** Indefinitely postponed.

**LEGISLATIVE BILL 341.** Indefinitely postponed.

**LEGISLATIVE BILL 299.** Indefinitely postponed.

**LEGISLATIVE BILL 298.** Indefinitely postponed.

**LEGISLATIVE BILL 480.** Indefinitely postponed.

(Signed) Dwain Williams, Chairman

### Judiciary

**LEGISLATIVE BILL 553.** Indefinitely postponed.

(Signed) Ray C. Simmons, Chairman

### BILLS ON FINAL READING

#### **LEGISLATIVE BILL 51.**

Mr. Carpenter moved that LB 51 be returned to Select File for the following specific amendments. The motion prevailed with 38 ayes, 0 nays, and 5 not voting.

1. Amend the bill by striking Standing Committee Amendments 2 and 3.

2. Amend section 1 of the bill, line 23, by striking the comma and inserting “;” after the word “taxation”; then strike balance of language in line 23, and all of line 24 and show the same as stricken matter.

3. Amend the Carpenter General File Amendment 1, line 2, by striking “found due; and”, and insert “; *Provided, that*”.

4. In the Carpenter General File Amendment 1, line 7, strike the period and insert “;”, and then add the following:

*“and provided further, that any tangible property omitted and not returned commencing with the year 1959, or omitted or not returned for any year thereafter shall be placed upon the tax rolls, and the tax thereon computed at the same rate as would have been imposed had it been properly returned for taxation, and to such tax shall be added interest at seven per cent per annum from the date the tax would have been due if it had been returned for taxation, plus a penalty of fifty per cent of the amount so found due.”.*

5. Amend the bill by adding two new sections to be known as sections 2 and 3 and, to read as follows:

"Sec. 2. That section 77-318, Reissue Revised Statutes, 1943, as amended by section 2, Legislative Bill 42, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

77-318. If, upon check of the inventory, it is found that any personal property, either tangible or intangible, was not returned by the deceased during the five prior taxing periods or any taxing period included therein, the county assessor shall compute the tax for the year or years, during which the payment of taxes on the personal property was avoided within the five taxable years prior to the year the deceased died, at the same tax rate as would have been imposed upon the property in the governmental subdivision of the State of Nebraska in which the property should have been returned for taxation, and shall certify the years unpaid and the amount thereof to the county treasurer of such county, *and to the tax so found due shall be added interest at the rate of seven per cent per annum from the date the tax would have been due if the property had been returned for taxation; Provided, any tangible or intangible property omitted or not returned for the year 1959, or omitted or not returned for any year thereafter, shall be placed upon the tax rolls and taxed at the rate of tangible property in accordance with the procedure contemplated by this section, regardless of the number of years which may have elapsed since such property should have been reported for taxation; and to the tangible tax shall be added interest at the rate of seven per cent per annum from the date the tax would have been due if the property had been returned for taxation, plus a penalty of fifty per cent on the amount so found due; and to the tax on intangible property there shall be added a penalty in the amount of the rate for tangible property as fixed at the time of the last preceding levy. any intangible property omitted and not returned commencing with the year 1959, or omitted or not returned for any year thereafter, shall be placed upon the tax rolls and to the tax on such omitted or not returned property shall be added a penalty in the amount of the rate for tangible property as fixed at the time of the last preceding levy; and provided further, that any tangible property omitted and not returned commencing with the year 1959, or omitted or not returned for any year thereafter shall be placed upon the tax rolls, and the tax thereon computed at the same rate as would have been imposed had it been properly returned for taxation, and to such tax shall be added interest at seven per cent per annum from the date the tax would have been due if it had been returned for taxation, plus a penalty of fifty per cent of the amount so found due.*

Sec. 3. That section 77-716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-716. Where a taxpayer domiciled within a county has failed to file a return for intangible property or has omitted any intangible property from his separate intangible tax return, a notice by either registered or certified mail shall be sent to such taxpayer to appear before the Tax Commissioner or his duly authorized agent at a designated time and place, within fifteen days, in the county in which the taxpayer resides, for examination as to ownership of intangible property. The intangible property not returned in accordance with the laws of this state, or omitted, *during the five previous taxing periods or any taxing period included therein*, shall thereupon be taxed at the rate of tangible property. In like manner any intangible property omitted from the taxpayer's separate intangible return shall be assessed at the rate for tangible property in his taxing district. *same rate as would have been imposed if it had been properly returned, plus interest at the rate of seven per cent per annum from the date such tax would have been due; Provided, any intangible property omitted and not returned commencing with the year 1959, or omitted or not returned for any year thereafter, shall be placed upon the tax rolls and to the tax on such omitted or not returned property shall be added a penalty in the amount of the rate for tangible property as fixed at the time of the last preceding levy.*"

6. Amend the bill by striking section 2 and inserting:

"Sec. 4. That original sections 77-413 and 77-716, Reissue Revised Statutes of Nebraska, 1943, and section 77-318, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 42, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed."

7. Renumber section 3 as section 5.

8. Amend the title of the bill by striking lines 2 to 6 and all amendments thereto and inserting the following:

"FOR AN ACT to amend sections 77-413 and 77-716, Reissue Revised Statutes of Nebraska, 1943, and section 77-318, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 42, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to revenue and taxation; to clarify the provisions thereof; to extend from three to five years the period for which personal property omitted or not returned for taxation for 1958 and prior years shall be certified to the county treasurer for collection, and to provide a uniform penalty therefor; to remove the statute of limitations for the assessment of taxes on personal property omitted or not returned for taxation for the year 1959 and thereafter and to increase the penalty for omission or failure to return such property; to repeal the original sections; and to declare an emergency."

**Visitors**

Mr. Lautenschlager introduced Mrs. Eli Thompson, Chairman, and ninety-five members of the Hall County Extension Club Tour.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 182.**

A bill for an act to amend section 75-224, Reissue Revised Statutes of Nebraska, 1943, relating to State Railway Commission; to exempt from the jurisdiction of the State Railway Commission vehicles owned and operated by farmers or ranchers hauling gravel or other road building material under contract with or in agreement with the county board for use upon the public roads when compensation for such hauling is limited as prescribed; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fulton	Munnelly	Simmons
Aufenkamp	Gerdes	Nelson	Skarda
Bowen	Hollenbeck	Olinger	Stryker
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Carpenter          Ruhnke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Member Excused**

Mr. Jensen was excused at 10:25 a.m. for the remainder of the morning.

### Visitors

Mr. Aufenkamp introduced Mrs. Ester Peters, Teacher, and twenty-one students from School District 23, and Mrs. Fred Guyer, from Johnson.

### LEGISLATIVE BILL 375.

A bill for an act relating to state-owned motor vehicles; to provide for reports by each operator of a state-owned motor vehicle; to prescribe the contents of such report and when and to whom it shall be made; to provide for transmission of such reports to the Purchasing Agent; to provide that such reports shall be open to public inspection; to provide when such reports may be destroyed; and to provide exceptions.

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

Voting in the affirmative, 40:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Jensen	Ruhnke
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 421. With emergency.

A bill for an act to amend section 12-101, Reissue Revised Statutes of Nebraska, 1943, relating to cemeteries; to provide for the appointment of the trustees of Wyuka Cemetery; to provide for terms of office of such trustees; 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	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Jensen	Ruhnke
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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.

#### LEGISLATIVE BILL 498.

A bill for an act to amend section 79-431, Reissue Revised Statutes of Nebraska, 1943, relating to education; to provide that the cash reserve to be included in a school district budget shall be in an amount to be fixed by the board of education or school board but not to exceed fifty per cent of the budget of the previous fiscal year; and to repeal the original section.

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

Voting in the affirmative, 38:

Adams	Cooper	Gerdes	McHugh
Aufenkamp	Diers	Hollenbeck	Moulton
Bowen	Donner	Klaver	Munnelly
Bridenbaugh	Erlewine	Lautenschlager	Olinger
Burbach	Fenske	Liebers	Orme
Claussen	Fulton	Marvel	Otto



Peck	Simmons	Syas	Vosoba
Pizer	Skarda	Tews	Webb
Portsche	Stryker	Thompson	Williams
Russillo	Swanson		

Voting in the negative, 2:

Nelson                      Romans

Not voting, 3:

Carpenter                  Jensen                      Ruhnke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### SELECT FILE

**LEGISLATIVE BILL 51.** Laid over temporarily.

**LEGISLATIVE BILL 86.** E and R amendment found in the Legislative Journal for the Sixtieth Day was adopted.

Advanced to E and R for engrossment with 33 ayes, 5 nays, and 5 not voting.

### Visitors

Mr. Aufenkamp introduced Mrs. Marion Sisco, Teacher, and thirty students from Otoe Grade School District 78, and seven sponsors.

### Speaker Pizer Presiding

**LEGISLATIVE BILL 51.**

The Carpenter pending specific amendments found in this Day's Journal were adopted with 35 ayes, 0 nays, and 8 not voting.

### Visitors

Mr. Portsche introduced Sister Mary Aloisa, B.V.M., Sister Mary Bernard Ann, B.V.M., and fifty-two students from Cathedral Junior High School, Lincoln.

Mr. Klaver requested unanimous consent that the following amendment be adopted:

1. Wherever the words "plus a penalty of fifty per cent" are stated in the bill, that "fifty per cent" be stricken and "twenty-five per cent" be inserted in lieu thereof.

Mr. Burbach objected.

Mr. Klaver moved that LB 51 be returned to General File for the foregoing specific amendment.

The motion lost with 9 ayes, 24 nays, and 10 not voting.

Mr. Russillo moved that LB 51 be recommitted to the Revenue Committee for a public hearing and further action by the committee.

#### Member Excused

Mr. Aufenkamp was excused at 11:20 a.m. for the remainder of the morning.

Mr. Carpenter requested a record vote on the Russillo motion.

Mr. Russillo requested a Call of the House.

A Call of the House was ordered and showed 39 members present.

Mr. Fenske moved that the Call be raised. The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

Voting in the affirmative, 20:

Bridenbaugh	Fulton	Moulton	Romans
Claussen	Gerdes	Nelson	Russillo
Cooper	Hollenbeck	Orme	Simmons
Diers	Klaver	Peck	Stryker
Fenske	McHugh	Pizer	Swanson

Voting in the negative, 16:

Bowen	Lautenschlager	Olinger	Tews
Burbach	Liebers	Portsche	Thompson
Carpenter	Marvel	Skarda	Vosoba
Donner	Munnelly	Syas	Webb

Not voting, 7:

Adams	Erlewine	Otto	Williams
Aufenkamp	Jensen	Ruhnke	

The Russillo motion lost.

Mr. Russillo moved that LB 51 be indefinitely postponed.

Motion pending.

Laid over until Monday, April 6, 1959, at the request of Mr. Simmons.

**President Burney Presiding**

**LEGISLATIVE BILL 413.** E and R amendments found in the Legislative Journal for the Sixtieth Day were adopted.

Advanced to E and R for engrossment.

**UNANIMOUS CONSENT—Consideration of Bills**

Mr. Vosoba requested unanimous consent that bills scheduled for Final Reading Friday, April 3, be laid over until Monday, April 6, and that noncontroversial bills be considered on General File. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 265.** E and R amendment found in the Legislative Journal for the Sixtieth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 35.** E and R amendments found in the Legislative Journal for the Sixtieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 258.** E and R amendments found in the Legislative Journal for the Sixtieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 259.** E and R amendments found in the Legislative Journal for the Sixtieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 543.** E and R amendment found in the Legislative Journal for the Sixtieth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 431.** E and R amendments found in the Legislative Journal for the Sixtieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 339.** E and R amendment found in the Legislative Journal for the Sixtieth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 155.** E and R amendment found in the Legislative Journal for the Sixtieth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 334.** E and R amendments found in the Legislative Journal for the Sixtieth Day were adopted.

Advanced to E and R for engrossment.

#### **Member Excused**

Mr. Klaver was excused for Friday, April 3, 1959.

### **STANDING COMMITTEE REPORTS**

#### **Miscellaneous Subjects**

**LEGISLATIVE BILL 346.** Placed on General File as amended.

Standing Committee amendments to LB 346:

1. Amend Section 1, line 8, by striking the word "ten" and inserting in lieu thereof the word "eight".
2. Amend Sec. 2, line 7, by striking the word "ten" and inserting in lieu thereof the word "eight".
3. Amend the title to conform.

**LEGISLATIVE BILL 377.** Placed on General File as amended.

Standing Committee amendments to LB 377:

1. Amend the bill by striking section 1 and by inserting two new sections to be known as sections 1 and 2 and to read as follows:

"Section 1. After the effective date of this act no new motor vehicle shall be permitted to be registered in this state (1) unless the head lamps thereon are so arranged that the operator may, by manual operation, select between different distributions of light (a) the uppermost distribution of which shall be so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of driving and (b) the lowermost distribution of which shall be so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead and such that on a straight, level road under any condition of loading none of the high-intensity portion of the beam shall be so directed as to strike the eyes of an approaching driver, and (2) unless such vehicle is equipped with a beam indicator which shall be lighted whenever the uppermost distribution from the head lamps is in use, and at no other time, and which indicator shall be so designed and located that when so lighted it shall be readily visible without glare to the operator of such vehicle.

Sec. 2. During the hours of darkness the operator of a motor vehicle following or overtaking another motor vehicle, except while actually engaged in the act of passing, shall tilt the beams of his head lamps to the lowermost distribution of light, as described in section 1 (b) of this act, while the vehicle ahead is within the range of the uppermost distribution of lights of such following vehicle, unless a portion of the head lamps has been covered with paint as provided in section 39-733, Reissue Revised Statutes of Nebraska, 1943. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than fifty dollars.

2. Amend the title to conform.

(Signed) J. W. Burbach, Chairman

**Adjournment**

At 11:50 a.m. on a motion by Mr. Diers, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**SIXTY-SECOND DAY**

---

Legislative Chamber, Lincoln, Nebraska

Friday, April 3, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Klaver and Tews who were excused.

The Journal for the Sixty-first Day was approved.

**MOTION—Memorial Day Recess**

Mr. President: I move that when we adjourn at noon on Thursday, May 28, we adjourn until 10:00 a.m. Monday, June 1, 1959. (Signed) William Moulton.

Mr. Carpenter moved that the Moulton motion be amended to adjourn at noon on Friday, May 29, until 10:00 a.m. Monday, June 1. The motion lost with 17 ayes, 19 nays, and 7 not voting.

The Moulton motion prevailed.

**Members' Birthday**

Mr. Romans announced that today is Mr. Hollenbeck's birthday, and the members sang Happy Birthday to him.

Mr. Moulton announced that Sunday is Mr. Burbach's birthday, and the members sang Happy Birthday to him.

**NOTICE OF COMMITTEE HEARINGS****Revenue**

LB 550	(Reset)	Monday, April 13, 1959	2:00 p.m.
LB 551	(Reset)	Monday, April 13, 1959	2:00 p.m.
LB 552	(Reset)	Monday, April 13, 1959	2:00 p.m.

**Presented to the Governor**

Presented to the Governor for approval on April 2, 1959, at  
4:00 p.m.: LB 417      LB 324      LB 275      LB 269      LB 176  
LB 130

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 86.** Correctly engrossed.

**LEGISLATIVE BILL 301.** Correctly engrossed.

**LEGISLATIVE BILL 316.** Correctly engrossed.

**LEGISLATIVE BILL 469.** Correctly engrossed.

**LEGISLATIVE BILL 182.** Correctly enrolled.

**LEGISLATIVE BILL 375.** Correctly enrolled.

**LEGISLATIVE BILL 421.** Correctly enrolled.

**LEGISLATIVE BILL 498.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 182    LB 375    LB 421    LB 498

**MOTION—Change of Order**

Mr. President: I move that the following bills now on General File, be placed at the head of said file as of Monday, April 6, 1959: LB 676, LB 639, LB 58, LB 174, LB 175, LB 75, LB 665, LB 589, LB 137, LB 60, LB 128, LB 381, LB 23, LB 485, and LB 408.  
(Signed) Otto H. Liebers, Budget Committee Chairman

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

**Visitors**

Mr. Otto introduced Mr. and Mrs. Martin Dunklow and twenty-seven students from Gibbon High School.

Mr. Ruhnke introduced Miss Leona Loomis, Teacher, and fifteen students from Thayer County School District 11, and ten sponsors.

Mr. Fenske introduced Mrs. Gene Bulger, Teacher; Mrs. Richardson, sponsor; and seven students from Morrill County School District 63, Bridgeport.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Agriculture be permitted to introduce a bill to provide for the appointment of a commissioner or commissioners to represent the State in the negotiation of a water compact between the States of Kansas and Nebraska. (Signed) Hans O. Jensen, Chairman

Permission to introduce the bill granted with 36 ayes, 0 nays, and 7 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 700.** By Committee on Agriculture, Hans O. Jensen, 25th District, Chairman.

A bill for an act relating to water compacts; to provide for the appointment of a commissioner or commissioners to act on behalf of the State of Nebraska to negotiate a compact between the States of Kansas and Nebraska; to provide for an equitable division and apportionment between the states of the water of the Big Blue River and Little Blue River and their tributaries; to provide certain powers for such commissioner or commissioners; to provide when such compact shall become binding upon the states involved or the citizens thereof.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Banking, Commerce and Insurance be permitted to introduce a bill relating to the taxation of building and loan associations. (Signed) John P. Munnely, Chairman



Permission to introduce the bill granted with 34 ayes, 0 nays, and 9 not voting.

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 701.** By Committee on Banking, Commerce and Insurance, John P. Munnely, 8th District, Chairman.

A bill for an act to amend sections 8-329, 77-706, and 77-707, Reissue Revised Statutes of Nebraska, 1943, relating to taxation of building and loan associations; to clarify the manner and method of taxation of the stock or shares of building and loan associations; to except the stock or shares of building and loan associations from the method of determination of the value of stock of corporations generally; to prescribe the mill rate at which the stock or shares of building and loan associations shall be taxed; and to repeal the original sections.

### SELECT FILE

**LEGISLATIVE BILL 262.** E and R amendments found in the Legislative Journal for the Sixty-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 178.** E and R amendment found in the Legislative Journal for the Sixty-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 443.** E and R amendments found in the Legislative Journal for the Sixty-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 160.** Advanced to E and R for engrossment.

### STANDING COMMITTEE REPORTS

#### Education

**LEGISLATIVE BILL 671.** Indefinitely postponed.

(Signed) George Syas, Chairman

**Revenue**

**LEGISLATIVE BILL 315.** Placed on General File.

**LEGISLATIVE BILL 406.** Placed on General File.

(Signed) Norman A. Otto, Chairman

**GENERAL FILE**

**LEGISLATIVE BILL 157.** Laid over.

**LEGISLATIVE BILL 512.** Considered.

Mr. Lautenschlager requested unanimous consent to withdraw his pending amendments found in the Legislative Journal for the Sixtieth Day and to substitute the following amendments in lieu thereof. No objections. So ordered.

1. Amend section 1 of the bill, line 91 by inserting after "deposited" the following:

*"; Provided, that no levy shall be made under the provisions of this section if a tax is being levied under the provisions of section 18-1505".*

2. Amend the title to conform.

The amendments were rejected with 11 ayes, 18 nays, and 14 not voting.

Mr. Williams requested unanimous consent for permission for the Clerk to read an opinion from the Attorney General, and that it be printed in the Journal. No objections. So ordered.

The Clerk read the following opinion:

April 2, 1959

Hon. Dwain Williams  
State Senator  
State Legislature  
Building

Dear Senator:

You have asked our opinion as to the effect of the proposed amendment to Sec. 3-504 (12) which deals with the Cities Airport

Authorities Act. To begin with Sec. 18-1505, R. R. S. 1943, has for many years provided that any city may without a vote of the electors levy an annual tax of not to exceed one mill for the purpose of construction, leasing, improving, maintaining and managing an aviation field.

The Cities Airport Authorities Act is permissive legislation which authorizes a city, at its option, to create an airport authority.

The purpose of Sec. 3-504 (12) is to provide that if a city elects to create an airport authority then the airport authority shall certify annually to the city council the amount of tax to be levied for airport purposes. This tax, to be certified to the city council by the airport authorities must be within the limits and pursuant to the provisions of existing laws authorizing the cities to levy taxes for airport purposes. The existing law on that subject is Sec. 18-1505 mentioned above.

You have asked whether this would permit the city to levy a tax and the airport authority to levy, or order the levy, of an additional tax. The answer is definitely in the negative. The effect of the law is simply to authorize the airport authority, if one is created, to notify the city council how much of a tax it should levy under Sec. 18-1505 not exceeding of course the one mill limit imposed by Sec. 18-1505.

The proposed amendment consists simply of striking the words "and expended by the authority for the purposes set forth in said laws." The effect of this amendment is simply this: As the law now reads the airport taxes when collected and turned over to the authority could be expended only for the purposes specified in Sec. 18-1505, that is, for construction, leasing, improving, maintaining and managing the airport.

The effect of taking out the above quoted language would be simply to remove that limitation on the power of the airport authority and permit cities (except metropolitan cities) to use money derived from the levy of one mill or less, made in accordance with Sec. 18-1505, to pay interest or principal on revenue bonds issued by the authority for the improvement, etc. of the airport.

You have also requested our opinion concerning certain other amendments to this Act. All of these amendments deal with the situation in Omaha and have no effect whatever upon the main purpose of L. B. 512. They deal principally with the creation of an Authority in Omaha and the terms of the members of the Omaha Airport Authority.

Very truly yours,

CLARENCE S. BECK

Attorney General

(Signed) Rush C. Clarke  
Rush C. Clarke  
Assistant Attorney General

RCC:dnj

Standing Committee amendments 5 and 6 found in the Legislative Journal for the Fifty-second Day were adopted.

Advanced to E and R for review.

#### Visitors

Mr. Portsche introduced Mrs. Clara Munger, Teacher, and eight students from Madison County School District 44, Meadow Grove.

#### LEGISLATIVE BILL 386. Considered.

Mr. Moulton moved that LB 386 be advanced to E and R for review.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 21:

Adams	Marvel	Peck	Skarda
Carpenter	Moulton	Pizer	Swanson
Claussen	Munnely	Portsche	Syas
Fulton	Orme	Russillo	Thompson
Gerdes	Otto	Simmons	Vosoba
Liebers			

Voting in the negative, 13:

Burbach	Jensen	Olinger	Stryker
Diers	Lautenschlager	Romans	Webb
Fenske	Nelson	Ruhnke	Williams
Hollenbeck			

Not voting, 9:

Aufenkamp	Cooper	Erlewine	McHugh
Bowen	Donner	Klaver	Tews
Bridenbaugh			

The motion prevailed and LB 386 was advanced to E and R for review.

**LEGISLATIVE BILL 513.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 496.** Read and considered.

Laid over temporarily.

**LEGISLATIVE BILL 272.** Read and considered.

Mr. Cooper offered the following amendments:

1. Amend page 2 of the bill, Section 3, line 5, by inserting "except as provided in Section 6 of this Act" after "villages".

2. Amend the bill by adding a new section immediately after Section 5 to be known as Section 6 and to read as follows:

"Section 6. Public corporations or political subdivisions of the state which have borrowed from and owe money to the United States Rural Electrification Administration, but do not have any other unpaid loan shall not make any payment under Section 3 of this Act. If this exception to the provisions of Section 3 is declared invalid or unconstitutional, such declaration of invalidity or unconstitutionality shall not effect the validity of any other section of this Act, and the provisions of Section 3 shall operate without this exception."

3. Renumber Section 6 as Section 7.

4. Amend the title to conform.

Amendments pending.

Laid over.

**LEGISLATIVE BILL 57.** Laid over.

**LEGISLATIVE BILL 409.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-fifth Day were adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.

2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 496.** Considered.

Standing Committee amendments found in the Legislative Journal for the Forty-third Day were adopted.

Advanced to E and R for review.

**Visitors**

Mr. Portsche introduced Mrs. Ben Henry, Teacher, and sixteen students from School District 12, Meadow Grove.

Mrs. Orme introduced R. B. Hughes, Teacher, and thirty students from Irving Junior High School, Lincoln.

Mr. Bowen introduced Mr. and Mrs. Norris Augustin and ten students from Campbell High School.

**LEGISLATIVE BILL 479.** Read and considered.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 466.** Read and considered.**Speaker Pizer Presiding**

Standing Committee amendment found in the Legislative Journal for the Forty-fifth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 434.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 327.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Forty-fifth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 534.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Forty-sixth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 292.** Laid over until Wednesday, April 8, 1959, at the request of Mr. Marvel.

**LEGISLATIVE BILL 289.** Laid over temporarily.

**LEGISLATIVE BILL 424.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 289.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 509.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-sixth Day were adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 510.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-sixth Day were adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Laid over.

**LEGISLATIVE BILL 560.** Laid over until Monday, April 13, 1959, at the request of Mr. Simmons.

**LEGISLATIVE BILL 569.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-seventh Day were adopted.

Mr. Stryker moved that LB 569 be indefinitely postponed.

**President Burney Presiding**

The motion prevailed with 23 ayes, 14 nays, and 6 not voting.

**Visitors**

Mr. Adams introduced Mr. S. Wilfred Blalock, National President, Student National Education Association, who is attending the Winston-Salem Teachers College at Winston-Salem, North Carolina.

**NOTICE OF COMMITTEE HEARINGS****Labor and Public Welfare**

LB 697      Wednesday, April 8, 1959

2:00 p.m.

**STANDING COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 596.** Placed on General File as amended.

Standing Committee amendments to LB 596:

1. On page 2, Section 1, lines 1 through 6, strike in its entirety and insert the following:

*"Section 1. No policy or contract of insurance, including renewals thereof shall be made, issued, used or delivered by any insurer in this state unless it states on its face whether it is a stock, mutual, reciprocal, assessment or fraternal company; provided that any insurer organized under special charter provisions may so indicate upon its policy and may add a statement of the plan under which it operates in this state."*

2. Amend the title to conform.

**LEGISLATIVE BILL 597.** Indefinitely postponed.

(Signed) John P. Munnelly, Chairman



**Agriculture**

**LEGISLATIVE BILL 348.** Placed on General File as amended.

Standing Committee amendments to LB 348:

1. On Page 2, Section 1, strike lines 13 and 14 and show same as stricken.

2. Renumber Sec. 3 to 8, inclusive, as 2 to 7.

3. On Page 3, Sec. 2, strike lines 4 through 24, inclusive, and show same as stricken and insert in lieu thereof the following: "2-943. The supervisors may employ a field supervisor or manager and other help, the supervisors may purchase and trade such equipment as may be deemed necessary for the effective operation of the district, and lease, purchase, or sell sites and buildings for offices and housing of equipment when authorized at any annual or special meeting of the district. The chairman, when authorized by a majority vote of the supervisors, may execute leases, bill of sale, and deeds on behalf of the district. The supervisor may purchase weedicides or herbicides, for the treatment of noxious weed infested lands in the district, and shall charge the landowner a price not lower than the price suggested by the manufacturer of the weedicide or herbicide used, and shall make such charge for the use of machines or other equipment and operators, at prices not lower than those established by other local, commercial operators. In case there are any unpaid amounts, except".

4. On page 4, Sec. 2, line 43, following the word "weeds", insert a period and strike the words "or pests." and show same as stricken.

5. On Page 5, Sec. 4, strike line 5 and show same as stricken and insert in lieu thereof the following: "Any kind containing viable noxious weed seed shall be trans-".

6. On Page 5, Sec. 4, strike the semi-colon following the word "thereof" on Line 10 and insert a period and strike the remaining portion of line 10 and lines 11 through 22 to the word "described." and show as stricken and insert in lieu thereof the following: "In no instance shall material of any kind, which is infested with viable noxious weed seed, be sold or furnished as seed, until such materials have been cleaned and processed in such a manner as to remove all noxious weed seed, nor sold as livestock feed, except when sold or furnished, for the purpose of being processed in such a manner so as to destroy the viability of all noxious weed seed present in the material and the purchaser of such material so notified, in writing, by the seller."

7. On Page 7, Sec. 6, line 12, reinstate the stricken word "ten" and on line 13, strike the word "fifty" and show same as stricken.

8. Amend the title to conform.

**LEGISLATIVE BILL 415.** Indefinitely postponed.

(Signed) Hans O. Jensen, Chairman

**Adjournment**

At 11:59 a.m., on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**SIXTY-THIRD DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Monday, April 6, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present.

The Journal for the Sixty-second Day was approved.

**MESSAGE FROM THE GOVERNOR**

April 1, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 1, 1959, he approved LB 108.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**Communications**

Letter from Theodore Redfield, Lincoln, opposing drivers tests every four years.

Letters from U. S. Representative Glenn Cunningham; U. S. Senator Roman L. Hruska; Wilton B. Persons, Assistant to the President; and Wayne N. Aspinall, Chairman, House Committee on Interior and Insular Affairs, acknowledging receipt of Legislative Resolution 23, and a copy of S. 1416 from Senator Hruska.

Postal Card from E. S. DeSpain, Omaha, opposing LB 58.

Letter from John H. Schmer, Harvard, favoring either LB 604 or LB 658.

### STANDING COMMITTEE REPORTS

#### Salaries and Claims

**LEGISLATIVE BILL 404.** Indefinitely postponed.

**LEGISLATIVE BILL 566.** Indefinitely postponed.

**LEGISLATIVE BILL 530.** Indefinitely postponed.

(Signed) John Aufenkamp, Chairman

#### Banking, Commerce and Insurance

**LEGISLATIVE BILL 626.** Placed on General File.

(Signed) John P. Munnely, Chairman

#### Government

**LEGISLATIVE BILL 629.** Placed on General File as amended.

Standing Committee amendments to LB 629:

1. Amend section 1, line 22, of the bill by striking the word "four" and inserting the word "six"; amend line 26 by striking the word "six" and inserting in lieu thereof the word "nine".

2. Amend the bill by adding a new section following section 2 to read as follows:

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

(Signed) Dwain Williams, Chairman

#### Presented to the Governor

Presented to the Governor for approval on April 3, 1959, at 4:15 p.m.: LB 498 LB 421 LB 375 LB 182

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 258.** Replaced on Select File as amended.

E and R amendment to LB 258:

1. In section 3, line 2, strike "from".

**LEGISLATIVE BILL 386.** Placed on Select File.

**LEGISLATIVE BILL 513.** Placed on Select File.

**LEGISLATIVE BILL 409.** Placed on Select File as amended.

E and R amendments to LB 409:

1. Add a new section to be known as section 3 and to read as follows:

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

2. In the title, strike line 5 and insert "weighing station except as prescribed; to repeal the original section; and to declare an emergency."

**LEGISLATIVE BILL 479.** Placed on Select File as amended.

E and R amendments to LB 479:

1. In section 5, line 1, strike "Sec. 5" and insert "Sec. 4".
2. Add a new section to be known as section 5 and to read as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

3. In the title, line 9, strike "and"; and in line 10, insert "and to declare an emergency" before the period.

**LEGISLATIVE BILL 326.** Correctly engrossed.

**LEGISLATIVE BILL 329.** Correctly engrossed.

**LEGISLATIVE BILL 470.** Correctly engrossed.

**LEGISLATIVE BILL 619.** Correctly engrossed.

**LEGISLATIVE BILL 631.** Correctly engrossed.

**LEGISLATIVE BILL 684.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**MOTION—Introduce Bill**

Mr. President: I move that the Government Committee be allowed to introduce a bill relating to elections. (Signed) Dwain Williams, Chairman

Permission to introduce the bill granted with 37 ayes, 0 nays, and 6 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 702.** By Committee on Government, Dwain Williams, 35th District, Chairman.

A bill for an act to amend sections 32-401, 32-402, 32-524, 32-525, 32-526, 32-533, 32-812, 46-531, 70-610, and 70-611, Reissue Revised Statutes of Nebraska, 1943, and sections 32-210, 32-403, 32-496, 32-4105, 32-4108, 32-504, 32-514, 32-518, 32-519, 32-519.01, 32-522, 32-528, 32-535, 32-537, 32-538, and 32-815, Revised Statutes Supplement, 1957, relating to elections; to increase the time now allowed voters and officials in conducting and voting at elections as prescribed; to change the qualifications of election officials; and to repeal the original sections.

**Bills Referred to Standing Committees**

LB	Committee
700.....	Agriculture
701.....	Banking, Commerce and Insurance

(Signed) Dwight W. Burney  
Lieutenant Governor

**MOTION—Introduce Bill**

Mr. President: I move that the Judiciary Committee be permitted to introduce a bill, the purpose of which is set forth in the attached statement. (Signed) Ray C. Simmons, Chairman

**STATEMENT—Introduce Bill**

This bill was recommended to the Judiciary Committee by Senator McHugh and would raise from a maximum of \$5.00 to a maximum of \$10.00 per day the amount that a court bailiff shall receive for his service in counties having a population of 60,000 inhabitants or less. Jurors now receive \$6.00 per day under Sec. 33-107. Bailiffs receive \$5.00 per day. It is believed that the bailiff who has charge of the jury should at least receive as much as the jurors and that the amount paid the bailiff should be more in keeping with the present cost of living.

(Signed) Ray C. Simmons, Chairman

Permission to introduce the bill granted with 26 ayes, 8 nays, and 9 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 703.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act to amend section 33-107, Reissue Revised Statutes of Nebraska, 1943, relating to district court bailiffs; to increase the maximum compensation that may be paid to bailiffs in counties having a population of sixty thousand inhabitants or less; to provide when the same may become operative; and to repeal the original section.

**Visitors**

Mr. Marvel introduced Mrs. Carl Starr, leader of the Adams County Extension Club, and fifty members.

**MOTION—Introduce Bill**

Mr. President: I move that the Judiciary Committee be permitted to introduce a bill, the purpose of which is set forth in the attached statement. (Signed) Ray C. Simmons, Chairman

**STATEMENT—Introduce Bill**

Under present law where a person brings suit for personal injuries the defendant can take the plaintiff's deposition and ask him about the nature of or extent of his injuries. However, the defendant cannot take the deposition of the plaintiff's doctor if the plaintiff or doctor insists upon the doctor's privilege, which prevents

him from being required to testify as to what he learned about the plaintiff's physical condition. At the trial, later held, the doctor can testify in full about the plaintiff's condition and the defendant would have no way of knowing previously what the doctor's testimony would be.

This bill is recommended by the Lincoln Bar Association and provides that once a person has brought suit for personal injuries, that by so doing he automatically waives the doctor's privilege so that the defendant can take the doctor's deposition. This would permit the defendant to know in advance of trial the nature of the plaintiff's injuries and what the doctor's testimony would be. The Lincoln Bar Association feels that this bill is desirable since it is a part of the growing trend of permitting parties to learn in advance of trial what the testimony of opponents will be, and to prevent surprise at trials.

(Signed) Ray C. Simmons, Chairman

Permission to introduce the bill rejected with 15 ayes, 20 nays, and 8 not voting.

## NOTICE OF COMMITTEE HEARINGS

### Budget

LB 696      Monday, April 13, 1959

2:00 p.m.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

### LEGISLATIVE BILL 271.

A bill for an act to amend sections 2-1501, 2-1503, 2-1507, 2-1508, 2-1509, 2-1510, 2-1511, 2-1512, 2-1515, 2-1516, 2-1517, 2-1518, 2-1519, 2-1520, 2-1521, 2-1525, 2-1526, 2-1528, 2-1529, 2-1530.01, 2-1543, 2-1544, 2-1546, 2-1547, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1504, 2-1551, 2-1552, 2-1553, 2-1554, 2-1555, 2-1556, 2-1557, 2-1558, 2-1559, 2-1560, 2-1563, 2-1564, and 2-1565, Revised Statutes Supplement, 1957, relating to soil conservation districts and water conservancy districts; to change the manner in which sections 2-1501 to 2-1547, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, may be cited; to redesignate soil conservation districts as soil and water conservation districts; to enlarge the powers of soil and water conservation districts; to provide that taxpayers to vote and sign petitions must be of legal voting age; to provide conditions for dissolution of such districts; to provide for financial support to such districts from counties as prescribed;



to provide for a change of number of directors in watershed conservancy districts; to provide for publications to be made in newspapers having a general circulation in the county; to provide for placing funds in escrow account in the state treasury upon dissolution of a district as prescribed; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 347.** With emergency.

A bill for an act to amend sections 71-612, 71-614, 71-615, 71-623, 71-626, 71-627, 71-628, 71-630, and 71-634, Reissue Revised Statutes of Nebraska, 1943, relating to vital statistics; to change the fees to be paid to the Department of Health for certified copies of records of vital statistics or searches made at applicant's request; to change the date for marriage, divorce and annulment reports to the Department of Health; to change the type of birth certificate to be issued for adopted children or children born out of wedlock; to provide the manner of showing correction of erroneous or incomplete birth or death records; 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, 42:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske	Munnely		

Voting in the negative, 0.

Not voting, 1:

Carpenter

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

#### LEGISLATIVE BILL 439.

A bill for an act relating to motor vehicles; to prohibit the operation of motor vehicles with any object, except equipment of the vehicle, placed therein or thereon so as to obstruct or interfere with the view of the operator as prescribed; to provide an exception; and to provide penalties.

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

Voting in the affirmative, 42:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske	Munnely		

Voting in the negative, 0.

Not voting, 1:

Carpenter

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 54.** With emergency.

A bill for an act to amend sections 77-1311 and 77-1314, Reissue Revised Statutes of Nebraska, 1943, section 77-1301, Reissue Revised Statutes of Nebraska, 1943, as amended by section 20, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 77-1315, Reissue Revised Statutes of Nebraska, 1943, as amended by section 22, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to revenue and taxation; to provide that the provisions for employing a real estate and personal property classification and reappraisal committee shall apply to all counties; to provide that county assessors shall obey all rules and regulations made and instructions sent out by the Tax Commissioner; to provide that notices to be sent to owners for changes to a higher figure be based on assessed value; to provide duties for the county surveyor for adding new lands to the tax rolls due to the activity of any river, stream, or other body of water, as prescribed; to provide for adding of such land where the county has no county surveyor or where the county surveyor fails to perform his duties; to eliminate employment of experts to determine values of real estate and buildings and to aid in valuation of real estate and buildings for assessment purposes in counties having a population of more than two hundred thousand inhabitants; to eliminate duties for Auditor of Public Accounts in listing lands becoming taxable for the first time; to repeal the original sections, and also sections 77-1302, 77-1306, 77-1307, 77-1308, and 77-1319, Reissue Revised Statutes of Nebraska, 1943; 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, 36:

Adams	Burbach	Donner	Klaver
Aufenkamp	Carpenter	Erlewine	Lautenschlager
Bowen	Claussen	Fulton	Liebers
Bridenbaugh	Diers	Jensen	Marvel

McHugh	Orme	Ruhnke	Syas
Moulton	Otto	Simmons	Thompson
Munnelly	Peck	Skarda	Vosoba
Nelson	Pizer	Stryker	Webb
Olinger	Portsche	Swanson	Williams

Voting in the negative, 6:

Cooper	Gerdes	Romans	Russillo
Fenske	Hollenbeck		

Not voting, 1:

Tews

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

#### **LEGISLATIVE BILL 239. With emergency.**

A bill for an act to amend section 37-214.03, Revised Statutes Supplement, 1957, relating to game and fish; to exempt veterans of wars, as specified, from payment of fees for the privilege of fishing or hunting in Nebraska; to provide an exception; to provide that disabled persons, as prescribed, may, without cost, be issued permits to hunt and fish from a vehicle except as prescribed; to provide for rules and regulations; 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	Fenske	Moulton	Ruhnke
Aufenkamp	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Swanson
Burbach	Jensen	Orme	Syas
Carpenter	Klaver	Otto	Tews
Claussen	Lautenschlager	Peck	Thompson
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Portsche	Webb
Donner	McHugh	Romans	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Simmons                      Stryker

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

#### LEGISLATIVE BILL 291.

A bill for an act to amend section 88-159, Reissue Revised Statutes of Nebraska, 1943, relating to warehousemen; to provide uniform fees for warehouse licenses; and to repeal the original section.

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

Voting in the affirmative, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 432. With emergency.

A bill for an act to amend section 50-112, Revised Statutes Supplement, 1957, relating to the Legislature; to increase the salary of the first assistant clerk; to provide when such increase in salary of the first assistant clerk shall become operative; 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, 25:

Adams	Klaver	Portsche	Syas
Aufenkamp	McHugh	Romans	Tews
Carpenter	Moulton	Russillo	Thompson
Claussen	Munnelly	Simmons	Vosoba
Cooper	Peck	Skarda	Webb
Gerdes	Pizer	Swanson	Williams
Jensen			

Voting in the negative, 18:

Bowen	Erlewine	Liebers	Orme
Bridenbaugh	Fenske	Marvel	Otto
Burbach	Fulton	Nelson	Ruhnke
Diers	Hollenbeck	Olinger	Stryker
Donner	Lautenschlager		

Not voting, 0.

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

Voting in the affirmative, 25:

Adams	Klaver	Portsche	Syas
Aufenkamp	McHugh	Romans	Tews
Carpenter	Moulton	Russillo	Thompson
Claussen	Munnelly	Simmons	Vosoba
Cooper	Peck	Skarda	Webb
Gerdes	Pizer	Swanson	Williams
Jensen			

Voting in the negative, 18:

Bowen	Erlewine	Liebers	Orme
Bridenbaugh	Fenske	Marvel	Otto
Burbach	Fulton	Nelson	Ruhnke
Diers	Hollenbeck	Olinger	Stryker
Donner	Lautenschlager		

Not voting, 0.

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

#### LEGISLATIVE BILL 681.

A bill for an act to amend section 23-1203, Reissue Revised Statutes of Nebraska, 1943, relating to county officers; to eliminate the provision that before the county board may employ additional counsel in civil matters, there shall be a petition of ten freeholders of the county requesting such employment; and to repeal the original section.

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

Voting in the affirmative, 38:

Adams	Gerdes	Nelson	Skarda
Aufenkamp	Hollenbeck	Orme	Stryker
Bowen	Jensen	Otto	Swanson
Bridenbaugh	Klaver	Peck	Syas
Burbach	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portschke	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Russillo	Webb
Donner	Moulton	Simmons	Williams
Fulton	Munnely		

Voting in the negative, 4:

Erlewine	Fenske	Olinger	Ruhnke
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Not voting, 1:

Carpenter

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### RESOLUTIONS

#### LEGISLATIVE RESOLUTION 24.

Messrs. Thompson and Vosoba offered the following amendment which was adopted.

Strike paragraph 2 and substitute the following:

"WHEREAS, there is some question about the policy of the Department of Roads in taking into consideration, in negotiation and before condemnation proceedings are commenced, the damages to the landowner because of the destruction of the landowner's access and right of ingress and egress, and severance damages, to the real estate taken or to be taken by the condemnation proceedings, and"

In the sixth paragraph, strike:

"1. That the Department of Roads is directed to allow adequate and just compensation"

and substitute:

"1. That it is the policy of the State of Nebraska, which the Department of Roads is directed to follow, to allow adequate and just compensation, in negotiation and before condemnation proceedings are commenced,"

LR 24 was adopted as amended with 23 ayes, 10 nays, and 10 not voting.

**LEGISLATIVE RESOLUTION 25.** Re: Legislative Council Study of Legislative Operations.

Introduced by Ray C. Simmons, 11th District.

WHEREAS, the Legislature at each session is confronted with an ever increasing number of bills of constantly more complicated nature; and

WHEREAS, the volume of legislative work is such that members find it is difficult to give the time to legislative matters which the latter require; and

WHEREAS, various proposals are made from time to time to change the makeup and mode of operation of the Legislature, including the providing of more technical assistance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to conduct a full and complete study of the operations of the Legislature as to its organization, functions, and method of operation. That the committee report its findings and recommendations to the next regular session of the Legislature.

**Speaker Pizer Presiding**



**STANDING COMMITTEE REPORTS****Public Works**

**LEGISLATIVE BILL 554.** Placed on General File as amended.

Standing Committee amendments to LB 554:

1. Amend section 2 of the bill, line 5 by inserting "and geographical" before "evaluation", and lines 9 and 10 by striking "approval of the" and inserting "their advice on such".

2. Amend section 4 of the bill, line 3 by inserting "and boundaries thereof" after "district".

3. Amend section 5 of the bill, line 9 by striking "two" and inserting "three", and line 11 by striking "second" and inserting "third".

4. Amend section 6 of the bill, line 5 by inserting "and geographical" after "hydrologically".

5. Amend section 7 of the bill, line 11 by inserting after the period the following:

"All resident land owners of legal voting age shall be qualified to vote."

6. Amend section 12 of the bill, line 3 by striking "regulation" and inserting "registration".

7. Amend section 12 of the bill by striking lines 1 and 2 and inserting in lieu thereof:

"Sec. 12. At least a majority of the members of the board of directors shall be resident owner-operators of irrigation wells".

8. Amend section 12, line 5 by striking "He" and inserting "Each member of the board".

9. Amend section 13 of the bill, line 4 by striking "public power districts" and inserting "irrigation districts as provided in sections 46-109 to 46-111, Reissue Revised Statutes of Nebraska, 1943".

10. Amend section 16 of the bill, line 8 by striking "governmental" and inserting "state", and lines 11 and 12 by striking "publication, or by press, radio, or television release, or otherwise" and inserting "technical".

11. Amend section 18 by striking lines 4 and 5 and inserting:

"mill on the dollar of the assessed value of all taxable real property within such dis-".

12. Amend section 19 of the bill, line 14 by inserting after the period the following:

"The indebtedness of the district shall never exceed the amount to be raised within one year by the proposed levy."

13. Amend section 20 of the bill, lines 4 and 6 by striking "Secretary of State" and inserting "election commissioner or county clerk of the county in which such proposed district is located or of the county having the greatest area within the district when the district includes land lying in two or more counties".

**LEGISLATIVE BILL 436.** Placed on General File as amended.

Standing Committee amendments to LB 436:

1. Amend Section 1 of the bill, line 3, by striking the word "shall" after "board" and inserting "*shall may*".

2. Amend Section 1, line 4, by inserting "*county*" after "of".

3. Amend Section 1, line 10, by inserting, after "*tax*", "*collected within cities or villages*".

4. Amend the title to conform.

**LEGISLATIVE BILL 537.** Placed on General File as amended.

Standing Committee amendments to LB 537:

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

"Section 1. That section 31-801, Revised Statutes Supplement, 1957, be amended to read as follows:

"31-801. Whenever, *in an area in which is located a city of the primary class*, it will be conducive to the public health, convenience, or welfare (1) to drain any wet land, (2) to drain any land subject to overflow by water, or any land subject to overflow by water, or any land which will be improved by drainage, (3) to build or construct any dike, levee, or reservoir for storage to prevent overflow by water, (4) to construct, straighten, widen, deepen, or alter any ditch, drain, stream, or water course, (5) to riprap or otherwise protect the bank of any stream or ditch, (6) to construct, enlarge, extend, improve, or maintain any system of drainage, (7) to construct, enlarge, extend, improve, or maintain any system of control of surface or running water, (8) to estab-

lish and maintain, and cooperate with soil and water conservation districts and other appropriate agencies in connection therewith, a coordinated program of on-the-land water conservation, erosion control, and flood abatement for the watershed as a whole beginning on the land and in the upper tributaries, (9) to develop wildlife habitat and recreational facilities, without additional cost to the landowners, in connection with moisture conservation and flood abatement, or (10) to do any two or more of said things jointly, then a watershed district may be formed and may proceed, as provided in sections 31-801 to 31-832, for the purpose of inaugurating, constructing, controlling, and maintaining such work or works of public improvement. Any improvements made to carry out the purposes of sections 31-801 to 31-832 shall be dedicated to public use."

2. Renumber sections 1 to 16 of the bill as sections 2 to 17, respectively.

3. Amend the bill, renumbered section 10, by striking all of the section and substituting the following:

"Sec. 10. That section 31-815, Revised Statutes Supplement, 1957, be amended to read as follows:

"31-815. The board of directors shall file with the Director of Water Resources a copy of any maps and profiles of the survey and plans described in section 31-814 with an estimate of the cost of making the proposed improvements. It shall be the duty of the director to examine such maps, profiles of the survey, and the plan. He shall then call to his aid the Director of the Department of Agriculture and Inspection and the state soil conservation committee. Thereafter, they shall either approve the plan or submit recommendations for modification therein. No plan shall be placed in operation by the board of directors or submitted to a vote of the landowners of the district, unless first approved by the director. Upon final approval, the certified plan shall be filed in the office of the county clerk of each county in which land of the district is located. *the State Soil and Water Conservation Committee a general description of the proposed improvements within the district, and the State Soil and Water Conservation Committee shall review the program for improvements and may submit its comments to the board of directors. The board of directors shall also comply with other applicable provisions of law, including those of section 46-257.*"

4. Amend the bill, renumbered section 11, line 3, by showing as stricken the words "final approval", and by adding after said stricken words the following "review".

5. Amend the bill, renumbered section 15, line 35, by striking "one" and inserting "*three-fourths*", line 62 by striking "one" and inserting "*three-fourths*".

6. Amend renumbered section 17, line 1, by inserting "31-801," after "sections".

7. Amend the title to conform.

**LEGISLATIVE BILL 546.** Indefinitely postponed.

(Signed) Arnold Ruhnke, Chairman

### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Revenue be permitted to introduce a bill to correct an error made when LB 48 was correlated with LB 68 wherein the date for returning of assessment blanks was erroneously typed as February 15 rather than March 1 and the new material adopted in LB 48 permitting the Tax Commissioner, County Assessor, or County Clerk to extend the time was omitted. (Signed) Norman A. Otto, Chairman

Permission to introduce the bill granted with 31 ayes, 0 nays, and 12 not voting.

### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 704.** By Committee on Revenue, Norman A. Otto, 34th District, Chairman

A bill for an act to amend section 77-1229, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 68, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to revenue and taxation; to harmonize the date for listing of property for taxation with previous legislation; to provide for extension of such time as prescribed; to repeal the original section; and to declare an emergency.

### **MESSAGE FROM THE GOVERNOR**

April 6, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks requests permission to address your Honorable Body at 10:00 A.M., on Tuesday, April 7, 1959.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**MOTION—Committee to Wait on Governor**

Mr. President: I move that the request of the Governor be honored and that a committee be designated to notify him and escort him to the Chamber at 10:00 a.m., April 7, 1959. (Signed) Norman A. Otto.

The motion prevailed and the Speaker appointed the following to serve on said committee: Otto, Chairman; Cooper, Carpenter.

**SELECT FILE**

**LEGISLATIVE BILL 51.** Laid over.

**MOTION—Send Slip Laws**

Mr. President: I move to send all slip laws after final reading to each County Clerk, including those enacted to date. (Signed) David D. Tews

Motion pending.

Laid over until Thursday, April 9, at the request of Mr. Marvel.

**GENERAL FILE**

**LEGISLATIVE BILL 676.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-ninth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 639.** Considered.

Mr. Stryker moved that LB 639 be indefinitely postponed.

Mr. Tews requested a record vote.

Voting in the affirmative, 9:

Diers	Fulton	Moulton	Orme
Donner	Lautenschlager	Nelson	Stryker
Erlewine			

Voting in the negative, 28:

Aufenkamp	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	McHugh	Ruhnke	Vosoba
Fenske	Munnelly	Russillo	Webb
Gerdes	Olinger	Skarda	Williams

Not voting, 6:

Adams	Bridenbaugh	Romans	Simmons
Bowen	Marvel		

The Stryker motion lost.

Advanced to E and R for review.

### **Adjournment**

At 11:56 a.m. on a motion by Mr. Cooper, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**SIXTY-FOURTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 7, 1959

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

Prayer was offered by the Rev. Lawrence D. Boyer of Western, Nebraska.

The roll was called and all members were present.

**Corrections for the Journal**

Page 1098, line 37, correct the spelling of "improve".

Page 1099, line 42, correct the spelling of "bill".

The Journal for the Sixty-third Day was approved as corrected.

**MOTION—Journal Correction**

Mr. President: I move that the paging of the first page of the Legislative Journal for the Fifty-ninth Day, March 31, 1959, be changed from 1015 to 1016A and the second page of the Fifty-ninth Day from 1016 to 1016B. (Signed) Sam Klaver

The motion prevailed.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 512.** Placed on Select File as amended.

E and R amendments to LB 512:

1. Renumber original section 1 as section 2 and renumber section 2, as amended by Standing Committee Amendment 2, as section 1.

2. In renumbered section 1, line 1, insert "Section 1." before "That".

3. In renumbered section 2, line 1, strike "Section 1." and insert "Sec. 2."; in line 63, strike the period and insert a semicolon as in the statutes; and in line 92, reinstate the stricken semicolon.

4. In renumbered section 1, line 11, strike "*PROVIDED*," and insert "*Provided*," as in the statutes; and in line 48, insert a comma after "office" as in the statutes.

5. In section 3, line 1, insert "Sec. 3." before "That"; and in line 22, insert "*plan*" after "*pension*".

6. In the Moulton Amendment 1, line 6, strike ", *provided however*," and insert "; *Provided*,".

7. In the Moulton Amendment 2, line 3, insert an underscored comma after "*office*".

8. In the Moulton Amendment 3, line 1, strike "Page 6" and insert "page 5".

9. In section 4, added by the Moulton Amendment 4, line 1, strike "*This act*" and insert "Sec. 4. *Sections 3-501 to 3-514*"; and in line 3 strike "*herein*" and insert "*therein*".

10. Strike renumbered sections 5 and 6 and insert:

"Sec. 5. That original sections 3-502, 3-504, and 3-505, Revised Statutes Supplement, 1957, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

11. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT to amend sections 3-502, 3-504, and 3-505, Revised Statutes Supplement, 1957, relating to airport authorities; to change the method of selection and removal of the members of the board of an airport authority in cities of the metropolitan class; to clarify provisions relating to the tax levy for airport authority purposes; to provide for inclusion of the employees of an airport authority established in a city of the metropolitan class in the social security system, pension plan, or retirement plan of such city, as prescribed; to clarify the authority for the creation of an airport authority and the exercise of its powers; to ratify previous acts; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 496.** Placed on Select File as amended.

E and R amendments to LB 496:



1. In section 1, line 3, reinsert the stricken section number.
2. In Standing Committee Amendment 2, line 4, insert "the" after "meeting"; strike the period at the end of line 4, and insert "and insert 'The';"; strike lines 5 to 7 and insert "and in line 15, insert 'also' after 'shall'".
3. In the title, strike lines 4 to 7 and insert "to clarify the provisions; to extend the time for filing of certain reports by Class III, IV, and V school districts; and to repeal the".

**LEGISLATIVE BILL 434.** Placed on Select File.

**LEGISLATIVE BILL 327.** Placed on Select File as amended.

E and R amendments to LB 327:

1. In Standing Committee Amendment 1, line 4, insert a comma after "dollars".
2. In the title, line 2, after "submission" insert "of reports".

**LEGISLATIVE BILL 534.** Placed on Select File as amended.

E and R amendments to LB 534:

1. Strike Standing Committee Amendment 1.
2. In section 1, line 10, after "club" and line 15, after "*restaurant*" insert "*holding a Class C liquor license*".
3. In the title, line 6, insert "to limit the extension of credit by clubs to those holding a Class C liquor license;" after the semicolon.

**LEGISLATIVE BILL 257.** Correctly engrossed.

**LEGISLATIVE BILL 427.** Correctly engrossed.

**LEGISLATIVE BILL 432.** Correctly enrolled.

**LEGISLATIVE BILL 271.** Correctly enrolled.

**LEGISLATIVE BILL 347.** Correctly enrolled.

**LEGISLATIVE BILL 439.** Correctly enrolled.

**LEGISLATIVE BILL 54.** Correctly enrolled.

**LEGISLATIVE BILL 239.** Correctly enrolled.

**LEGISLATIVE BILL 291.** Correctly enrolled.

**LEGISLATIVE BILL 681.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 432 LB 271 LB 347 LB 439 LB 54 LB 239 LB 291 LB 681 LR 24

**MOTION—Memorial Day Program**

Mr. President: I move that we have a Memorial Day program on Thursday, May 28, 1959, at 11:30 a.m. (Signed) Harry L. Pizer

The motion lost.

**Bills Referred to Standing Committees**

LB	Committee
702.....	Government
703.....	Judiciary
704.....	Revenue

(Signed) Dwight W. Burney  
Lieutenant Governor

**BILLS ON FINAL READING****LEGISLATIVE BILL 55.**

Mr. Russillo moved that LB 55 be returned to Select File for the purpose of striking the enacting clause.

The motion lost with 13 ayes, 28 nays, and 2 not voting.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 55.**

A bill for an act to amend sections 77-1510, 77-1511, and 77-1514, Reissue Revised Statutes of Nebraska, 1943, section 77-1502, Reissue Revised Statutes of Nebraska, 1943, as amended by section 25, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to revenue and taxation; to require the filing of written protests in triplicate with the county board of equalization, with a statement of the reasons for such protest; to provide for the automatic dismissal of protests; to provide for a separate written report as to each action taken in respect to

equalization of values of property by the county board of equalization and contents thereof; to provide a copy of such report shall be sent certain taxing officers, as prescribed; to provide for time for appeals from county board of equalization and jurisdiction of such board after appeal has been initiated; to provide for refunds by county treasurer upon receiving a certified copy of final order on appeal; to provide procedure in district court on appeal from county board of equalization; to eliminate certain information from abstract of assessment; to eliminate provisions for equalization between taxing districts by county board of equalization; to eliminate provisions for holding tax funds during the time an appeal is pending; and to repeal the original sections, and also section 77-1505 and 77-1512, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 30:

Adams	Fulton	Olinger	Swanson
Bowen	Jensen	Orme	Syas
Burbach	Klaver	Otto	Tews
Carpenter	Lautenschlager	Peck	Thompson
Claussen	Liebers	Portsche	Vosoba
Diers	Marvel	Skarda	Webb
Donner	Moulton	Stryker	Williams
Erlewine	Munnely		

Voting in the negative, 13:

Aufenkamp	Gerdes	Nelson	Ruhnke
Bridenbaugh	Hollenbeck	Pizer	Russillo
Cooper	McHugh	Romans	Simmons
Fenske			

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 294.**

A bill for an act to amend section 15-701, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to provide that when any street, avenue, alley, or lane in a city of the primary class is vacated title thereto may be retained by

such city in the vacation ordinance; to provide that such property may be leased or sold; and to repeal the original section.

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

Voting in the affirmative, 42:

Adams	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Visitors**

Mr. McHugh introduced Mrs. Patricia Brown and Mrs. Margaret Oliver, Teachers, and thirty-three students from Portal School District 22 and Bell School District 18, and fourteen sponsors; and Mrs. Ralph Ransford, Teacher, and twenty-three students from School District 104, Eagle.

### **NOTICE OF COMMITTEE HEARINGS**

#### **Agriculture**

LB 700

Tuesday, April 14, 1959

2:00 p.m.

### **STANDING COMMITTEE REPORTS**

#### **Government**

**LEGISLATIVE BILL 572.** Placed on General File as amended.

Standing Committee amendments to LB 572:

1. Amend section 1 of the bill, line 4, by striking the word "trainees" and inserting the words "*one trainee from each fire company as*"; amend lines 8 and 9 by striking the comma at the end of line 8 and inserting a period, and striking line 9 in its entirety.

2. Amend the title to conform.

**LEGISLATIVE BILL 573.** Placed on General File as amended.

Standing Committee amendments to LB 573:

1. Amend section 1, lines 9, 19 and 28 of the bill by striking the word "county" and inserting the words "*city or village*" in lieu thereof.

2. Amend the title to conform.

(Signed) Dwain Williams, Chairman

#### **Salaries and Claims**

**LEGISLATIVE BILL 643.** Placed on General File as amended.

Standing Committee amendments to LB 643:

1. Amend section 1 of the bill, line 6, by adding after the word "provided", that the item of expense for the examination shall include a salary for each examiner of not to exceed thirty-five dollars per day plus his actual expenses.

2. Add the emergency clause.

3. Amend the title to conform.

(Signed) John Aufenkamp, Chairman

#### **Public Works**

**LEGISLATIVE BILL 612.** Indefinitely postponed.

(Signed) Arnold Ruhnke, Chairman

#### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 25.** Referred to Legislative Council Executive Board.

**STANDING COMMITTEE REPORTS****Miscellaneous Subjects****LEGISLATIVE BILL 380.** Indefinitely postponed.

(Signed) J. W. Burbach, Chairman

At 10:00 a.m., the committee appointed to wait upon the Governor, escorted Governor Ralph G. Brooks to the rostrum where he delivered the following:

**MESSAGE OF GOVERNOR RALPH G. BROOKS — APRIL 7, 1959**

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

I have asked permission to come before your honorable body today to discuss with you the important subject of money.

I am coming before you at this time because I know that, through what I personally, and all Nebraska acknowledges to be an intensely dedicated effort on your part, you have progressed with your legislative deliberations to such a point that you are now beginning to consider revenue bills and bills calling for the disbursement of public moneys.

In this connection, permit me to respectfully submit that the budget for the previous biennium from all sources was in the sum of \$338,049,309.51 of which \$48,548,956.02 resulted from the imposition of a tax on the property of our people. The budget for the present biennium, recommended by my predecessor, was in the sum of \$351,136,572.63 or \$13,287,263.12 higher than that of the previous biennium and called for the levy of \$57,255,858.98 in property taxes. Your attention is also invited to the fact that, of the total budget recommendation of \$345,301,128.85 made by this administration, of which \$51,469,351.20 was to be raised in property taxes, and that this budget figure, although \$5,786,507.78 below that recommended by my predecessor, nevertheless represents an overall increase in the budget of the State of Nebraska over the previous biennium of \$7,251,819.34.

In addition to the recommendation set forth in the budget, however, it has been brought to my attention that you have pending before you legislation calling for, at the present time, additional disbursements in the sum of over 12 million dollars. It is with reference to these particular items that I wish to make myself abundantly clear.

Almost without exception, no provision is made in these revenue measures for the necessary funds with which to furnish the services represented by the legislation or the additional amount of money to be appropriated. Under these circumstances, we can only assume that it is intended that these sums of money are proposed to be levied through the General Fund.

Members of the Legislature, it is only fair that I inform you that, insofar as expenditures above and beyond those called for in my budgetary message are concerned, those additional measures which call for an additional number of dollars to be levied through the General Fund cannot have the approval of my office. This, I might add, also extends to the budget message itself although I am pleased to inform you that, at this writing, the Budget Committee and my office are reportedly in substantial agreement concerning the disbursement of moneys for the operation of state government during the ensuing biennium.

By the same token, there are additional measures before you for the raising of revenue. It is the sincere hope of my office that any revenue so derived will be credited directly to the General Fund and will not be earmarked for any specific purpose in order that our property taxpayers can obtain some measure of property tax relief. At the same time, such new sources of revenue should not be the subject of exploration as to an appropriate new place for the expenditure of this money but should be applied toward deferring present expenses of government.

You have done an exceptionally responsible piece of work thus far in this legislative session. You are to be saluted for it. I hope that, by observation of the conservatively realistic principles I have here mentioned, you can continue to perform that significant task for the property taxpayers of our State.

The increases represented by my budgetary recommendations over that of the previous biennium demonstrate a recognition of the fact that Nebraska agencies have been starved for several years by virtue of hardtack proposals. I do not think we can fulfill our duties as responsible government leaders, by curtailing of services of such agencies when demanded by our people. As a result, we have increases in the budget in some of the departments under the Governor, as well as in other areas of our government. In those areas where my previous budgetary recommendation has appeared to be inadequate, I have sent special word to the Budget Committee apprising them of any new appraisal of my position with reference to the amount of money which should be appropriated for a particular agency during the coming biennium.

In summary, therefore, I respectfully urge you (1) to examine closely any legislative item calling for the disbursement of funds; (2) make sure that such legislative proposal provides the source of such funds so proposed to be disbursed and make certain that it is not expected that they will be raised through the imposition of an additional property tax and (3) where new sources of revenue are devised, that such revenue, when realized, will be credited to the the General Fund to relieve our property taxpayers rather than seeking new areas and new ways in which to spend the new revenue so realized.

Each of us has a responsibility to see that Nebraska's government is administered prudently and economically. A key to our entire prudent and economic tax structure will lie in the assessment of property. I should like to say to you, at this time also, that as Governor, I expect to enforce the tax laws with which you have provided the Tax Commissioner and that I expect the Tax Commissioner to implement that tax legislation, wherever necessary, with appropriate regulations. I expect the tax laws to be enforced at every level. We have an additional time in this assessment period in which, if any taxpayer has reason to believe that he has incompletely listed his property, he may go in and amend his schedule. Whether that taxpayer goes in and amends his schedule or not is, at this moment, a matter of concern primarily to him. I make this statement to you at this time in order that there may be no mistake among you concerning my intentions with reference to the enforcement of the tax laws and that there may be no mistaken idea among our taxpayers that this administration does not intend to enforce the tax laws to the fullest, to see that all property is listed for taxation, and that they cannot later say that they did not realize that this administration did so intend.

Thank you.

Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks  
GOVERNOR

The committee escorted the Governor from the Chamber.

#### **Members Excused**

Mr. Romans was excused for a short period.

Mr. Peck was excused for Wednesday afternoon, April 8, 1959.



### Member's Birthday

Mr. Swanson announced that today is Mr. Diers' birthday, and the members sang Happy Birthday to him.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 430.

A bill for an act to amend section 88-211, Reissue Revised Statutes of Nebraska, 1943, relating to public grain warehouses; to provide a presumption in the event that there is less grain in a warehouse than shown by outstanding receipts issued for such grain; to eliminate the provision for revocation of licenses upon conviction for violation of this section; and to repeal the original section.

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

Voting in the affirmative, 39:

Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Munnelly	Skarda
Bridenbaugh	Gerdes	Nelson	Stryker
Burbach	Hollenbeck	Olinger	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Otto	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Ruhnke	Williams
Erlewine	McHugh	Russillo	

Voting in the negative, 0.

Not voting, 4:

Adams	Peck	Romans	Webb
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 453.

A bill for an act to amend section 29-2020, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide the manner of obtaining a bill of exceptions in a criminal case;

to prescribe the method of preparation thereof; to provide for automatic ordering of a bill of exceptions in cases where the sentence is capital punishment; and to repeal the original section.

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

Voting in the affirmative, 41:

Aufenkamp	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Adams                      Romans

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 460.**

A bill for an act to amend sections 25-1140 and 25-1140.08, Reissue Revised Statutes of Nebraska, 1943, relating to procedure in civil cases; to provide the manner of ordering a bill of exceptions upon appeal from the district court to the Supreme Court; to prescribe that the procedure for preparation, settlement, signature, allowance, certification, filing, and amendment of a bill of exceptions shall be regulated and governed by rules of practice prescribed by the Supreme Court; to provide that a bill of exceptions of proceedings before any officer, board, or tribunal other than the district court may be ordered by filing a praecipe therefor; to prescribe that the procedure for preparation, settlement, signature, allowance, certification, filing, and amendment of a bill of exceptions shall also be regulated and governed by rules of practice prescribed by the Supreme Court; and to repeal the original sections and also sections 25-1140.01, 25-1140.02, 25-1140.05, 25-1140.06, and

25-1140.07, Reissue Revised Statutes of Nebraska, 1943, and sections 25-1140.03, 25-1140.04, and 25-1140.09, Revised Statutes Supplement, 1957.

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

Voting in the affirmative, 41:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Lautenschlager	Peck	Tews
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Portsche	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Klaver	Romans
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 561.

A bill for an act to amend section 29-2412, Reissue Revised Statutes of Nebraska, 1943, and section 18-206, Revised Statutes Supplement, 1957, relating to crimes and punishments; to increase the rate per day a prisoner shall be credited on his fine and costs when imprisoned until such fine and costs are paid; and to repeal the original sections.

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

Voting in the affirmative, 38:

Adams	Carpenter	Diers	Fulton
Aufenkamp	Claussen	Donner	Gerdes
Bridenbaugh	Cooper	Fenske	Hollenbeck

Jensen	Munnelly	Ruhnke	Syas
Klaver	Nelson	Russillo	Tews
Lautenschlager	Olinger	Simmons	Thompson
Liebers	Orme	Skarda	Vosoba
Marvel	Otto	Stryker	Webb
McHugh	Peck	Swanson	Williams
Moulton	Pizer		

Voting in the negative, 4:

Bowen	Burbach	Erlewine	Portsche
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Not voting, 1:

Romans

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### SELECT FILE

#### LEGISLATIVE BILL 51.

Mr. Carpenter requested unanimous consent that the following amendments be adopted:

1. Amend section 1 of the bill, by striking lines 4 to 34 and all amendments thereto and insert in lieu thereof the following:

"77-413. If the county assessor from examining and checking the returns of the personal property, the investigation, examination and inspection of property of the taxpayer and from the examination of the taxpayer under oath as to his books, records and papers shall find that any personal property, either tangible or intangible, was not returned for taxation during the three previous taxing periods or any taxing period included therein, *for the year 1959 or for any taxing period thereafter*, he shall compute the tax for the year or years during which the payment of taxes on personal property was avoided, *and the interest and penalties, in the manner following*: Within the three taxable years prior thereto at the same rate as would have been imposed upon the property in the governmental subdivisions of the State of Nebraska in which the property should have been returned for taxation, and shall certify the years unpaid and the amount thereof to the county treasurer of such county. To the tax shall be added interest at seven per cent per annum from the date the tax would have been due, if the property had been returned for taxation, plus a penalty of ten per cent of the

amount due on tangible property and fifty per cent of the amount due on intangible property. This interest and penalty shall be included in the amount certified to by the county assessor, as above provided. (1) Any intangible property omitted and not returned commencing with the year 1959, or omitted or not returned for any year thereafter, shall be placed upon the tax rolls and taxed at the same rate as would have been imposed had it been properly returned for taxation, and to such tax shall be added a penalty computed by multiplying the actual value of such omitted or not returned property by the total rate for tangible property as fixed at the time of the last preceding levy for the taxing districts in which such property should have been returned; and, (2) any tangible property omitted and not returned commencing with the year 1959, or omitted or not returned for any year thereafter shall be placed upon the tax rolls, and the tax thereon computed at the same rate as would have been imposed had it been properly returned for taxation, and to such tax shall be added interest at seven per cent per annum from the date the tax would have been due if it had been returned for taxation, plus a penalty of fifty per cent of the amount so found due. The county assessor shall certify to the county treasurer the years unpaid and the amount thereof, including interest and penalties, computed in the manner provided herein."

2. Amend the bill, by striking the Carpenter Amendments 5 and 8 adopted April 2, 1959.

3. Amend the bill, by adding two new sections immediately after section 1 to be known as sections 2 and 3 and to read as follows:

"Sec. 2. That section 77-318, Reissue Revised Statutes, of Nebraska, 1943, as amended by section 2, Legislative Bill 42, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

77-318. If, upon check of the inventory, it is found that any personal property, either tangible or intangible, was not returned by the deceased for the year 1959 or for any year thereafter, during the five prior taxing periods or any taxing period included therein, the county assessor shall compute the tax for the year or years, during which the payment of taxes on the personal property was avoided within the five taxable years prior to the year the deceased died, at the same tax rate as would have been imposed upon the property in the governmental subdivision of the State of Nebraska in which the property should have been returned for taxation, and shall certify the years unpaid and the amount thereof to the county treasurer of such county; Provided,

any tangible or intangible property omitted or not returned for the year 1959, or omitted or not returned for any year thereafter, shall be placed upon the tax rolls and taxed at the rate of tangible property in accordance with the procedure contemplated by this section, regardless of the number of years which may have elapsed since such property should have been reported for taxation; and to the tangible tax shall be added interest at the rate of seven per cent per annum from the date the tax would have been due if the property had been returned for taxation, plus a penalty of fifty per cent on the amount so found due; and to the tax on intangible property there shall be added a penalty in the amount of the rate for tangible property as fixed at the time of the last preceding levy, and the interest and penalties, in the manner following: (1) Any intangible property omitted and not returned commencing with the year 1959, or omitted or not returned for any year thereafter, shall be placed upon the tax rolls and taxed at the same rate as would have been imposed had it been properly returned for taxation, and to such tax shall be added a penalty computed by multiplying the actual value of such omitted or not returned property by the total rate for tangible property as fixed at the time of the last preceding levy for the taxing districts in which such property should have been returned; and, (2) any tangible property omitted and not returned commencing with the year 1959, or omitted or not returned for any year thereafter shall be placed upon the tax rolls, and the tax thereon computed at the same rate as would have been imposed had it been properly returned for taxation, and to such tax shall be added interest at seven per cent per annum from the date the tax would have been due if it had been returned for taxation, plus a penalty of fifty per cent of the amount so found due. The county assessor shall certify to the county treasurer the years unpaid and the amount thereof, including interest and penalties, computed in the manner provided herein."

"Sec. 3. That section 77-716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-716. Where a taxpayer domiciled within a county has failed for the year 1959 or for any year thereafter to file a return for intangible property or has omitted any intangible property from his separate intangible tax return, a notice by either registered or certified mail shall be sent to such taxpayer to appear before the Tax Commissioner or his duly authorized agent at a designated time and place, within fifteen days, in the county in which the taxpayer resides, for examination as to ownership of intangible property. The intangible property not returned in accordance with the laws of this state, or omitted,

for the year 1959 or any year thereafter, shall thereupon be taxed at the rate of tangible property. In like manner any intangible property omitted from the taxpayer's separate intangible return shall be assessed at the rate for tangible property in his taxing district. , and shall be subject to penalties, in the manner following: Any intangible property omitted and not returned commencing with the year 1959, or omitted or not returned for any year thereafter, shall be placed upon the tax rolls and taxed at the same rate as would have been imposed had it been properly returned for taxation, and to such tax shall be added a penalty computed by multiplying the actual value of such omitted or not returned property by the total rate for tangible property as fixed at the time of the last preceding levy for the taxing districts in which such property should have been returned. The Tax Commissioner shall compute the amount of tax due and the penalties, and shall certify the amount so found due to the appropriate county treasurer for collection in the same manner as other intangible taxes."

4. Amend the title to conform.

Amendments pending.

Mr. Carpenter requested unanimous consent that the following amendments be adopted:

1. Amend the Carpenter Amendment 1 of April 7, 1959, by adding after the word "herein" in the last line the following: " ; Provided, that if the county assessor upon approval of the Tax Commissioner finds from the evidence submitted that any such omission or failure to return was the result of an innocent mistake, and could not in any way be deemed to be the result of an intent to avoid the filing of a lawful return or the payment of a tax lawfully due, the penalty in each such case shall be one half of the amount of the penalty above provided".

2. Amend the Carpenter Amendment 3 of April 7, 1959, section 2, line 53 by adding after the word "herein" the following: " ; Provided, that if the county assessor upon approval of the Tax Commissioner finds from the evidence submitted that any such omission or failure to return was the result of an innocent mistake, and could not in any way be deemed to be the result of an intent to avoid the filing of a lawful return or the payment of a tax lawfully due, the penalty in each such case shall be one half of the amount of the penalty above provided".

3. Amend the Carpenter Amendment 3 of April 7, 1959, section 3, line 32, by adding after the word "taxes" the following:

*“; Provided, that if the Tax Commissioner finds from the evidence submitted that any such omission or failure to return was the result of an innocent mistake, and could not in any way be deemed to be the result of an intent to avoid the filing of a lawful return or the payment of a tax lawfully due, the penalty in each such case shall be one half of the amount of the penalty above provided”.*

Amendments pending.

**Speaker Pizer Presiding**

Laid over.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 26.** Re: Legislative Intent of LB 42 and LB 51.

By Terry Carpenter, 42nd District.

WHEREAS, the Sixty-ninth Session of the Legislature of Nebraska has duly enacted legislation in the form of Legislative Bill 42 and is considering the enacting legislation in the form of Legislative Bill 51, amending appropriate sections of the laws of Nebraska relative to the collection of taxes and the imposing of penalties in connection therewith, and

WHEREAS, concern has been expressed that the law so amended and about to be amended might be construed to authorize and direct the Tax Commissioner, the State Board of Equalization and Assessment, or county assessors to impose penalties upon taxpayers for tax years prior to 1959, and

WHEREAS, it is the intent of the Legislature in the enactment of the said statutes to encourage full disclosure by taxpayers for tax years after 1958 and in no way to create a deterrent to such full disclosure by threat of penalties relative to tax years prior to 1959, and

WHEREAS, it is of importance to the courts and administrative officers of the state in the construction and interpretation of the said enactments that they have a clear statement of the legislative intent of this Legislature in the adoption of the said enactments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:



1. That it is the expressed intention of this Legislature in enacting Legislative Bill 42 and Legislative Bill 51 to prescribe and impose penalties for willful omission of property from tax returns of taxpayers only prospectively and not retroactively, it being the considered opinion of this Legislature that it is to the best interests of the state and the residents and taxpayers thereof that every encouragement be given to the full and complete return of property by taxpayers for the tax year 1959 and thereafter without fear of imposition of penalties in connection with returns made prior to the year, 1959.

#### **UNANIMOUS CONSENT—Consideration of LR 26**

Mr. Carpenter requested unanimous consent that LR 26 be laid over and read immediately prior to Final Reading of LB 51. No objections. So ordered.

#### **SELECT FILE**

**LEGISLATIVE BILL 258.** E and R amendment found in the Legislative Journal for the Sixty-third Day was adopted.

Advanced to E and R for engrossment.

#### **LEGISLATIVE BILL 386.**

Mr. Jensen moved that LB 386 be indefinitely postponed.

The motion lost with 17 ayes, 23 nays, and 3 not voting.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 513.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 409.** E and R amendments found in the Legislative Journal for the Sixty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 479.** E and R amendments found in the Legislative Journal for the Sixty-third Day were adopted.

Advanced to E and R for engrossment.

## STANDING COMMITTEE REPORTS

## Revenue

**LEGISLATIVE BILL 658.** Placed on General File as amended.

Standing Committee amendments to LB 658:

1. Amend section 1 of the bill, line 21, by striking "fifteen" and inserting "*twelve and one half*".

2. Amend section 3 of the bill, by striking lines 4 and 5 and inserting "*shall not be taxed, and (2) any*", line 6 by striking "five" and inserting "*one*", line 7 by striking "six" and inserting "*two and one half*" and by striking line 10 and inserting "*the state general fund*".

3. Amend the bill by striking section 4 and inserting:

"Sec. 4. *The State Tax Commissioner shall verify the amount of the tax that is due the state as provided by this act.*"

4. Amend the bill, by adding a new section immediately after section 5 to be known as section 6 and to read as follows:

"Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

5. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

## NOTICE OF COMMITTEE HEARINGS

## Banking, Commerce and Insurance

LB 690	Thursday, April 16, 1959	2:00 p.m.
LB 699	Thursday, April 16, 1959	2:00 p.m.
LB 701	Thursday, April 16, 1959	2:00 p.m.
LB 592	Tuesday, April 21, 1959	2:00 p.m.
LB 593	Tuesday, April 21, 1959	2:00 p.m.
LB 695	Tuesday, April 21, 1959	2:00 p.m.

## GENERAL FILE

**LEGISLATIVE BILL 58.** Laid over.

**LEGISLATIVE BILL 174.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Fifty-fourth Day was adopted.

**President Burney Presiding**

Mr. Romans moved that LB 174 be indefinitely postponed.

**MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) A. A. Fenske  
The motion lost.

Mr. Klaver requested a record vote on the Romans motion.

Voting in the affirmative, 24:

Aufenkamp	Fenske	Marvel	Ruhnke
Bowen	Fulton	McHugh	Simmons
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Diers	Lautenschlager	Peck	Thompson
Erlewine	Liebers	Romans	Vosoba

Voting in the negative, 13:

Adams	Moulton	Pizer	Syas
Carpenter	Munnelly	Portsche	Tews
Gerdes	Otto	Russillo	Webb
Klaver			

Not voting, 6:

Claussen	Donner	Skarda	Williams
Cooper	Nelson		

The motion prevailed and LB 174 was indefinitely postponed.

**NOTICE OF COMMITTEE HEARINGS****Judiciary**

LB 703      Monday, April 13, 1959

2:00 p.m.

**Adjournment**

At 12:03 p.m. on a motion by Mr. Stryker, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

SIXTY-FIFTH DAY

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Legislative Chamber, Lincoln, Nebraska

Wednesday, April 8, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Bowen who was excused, and Mr. Tews who was excused until 11:00 a.m.

**Corrections for the Journal**

Page 1108, line 32, delete "April 15" and insert "April 14".

Page 1112, line 31, delete "no" and insert "not".

Page 1119, line 3, show the word "at" as stricken.

The Journal for the Sixty-fourth Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

April 7, 1959

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

I am, herewith, returning to you LB 331 without my signature. I am returning the bill for the following reasons:

(1) The work of the committees of the Legislative Council constitutes a distinct contribution to the background and material upon which legislative deliberations are based. In my opinion, it would be an undue restriction upon the work of these important committees were it required that a majority of the committee be present at each sitting of the same.

(2) I further feel that committees of the Legislative Council, acting with reference to specialized matters assigned to them, should have the privilege of making their own rules and I note from the

records of the Legislative Council that these rules have been prescribed by such committees at the outset of its hearings.

(3) I do not feel the State of Nebraska should suffer by virtue of the inability of a majority of the Legislative Council Committee to be present and that committee activity by less than a majority of the committee, when conducted in accordance with the rules of that committee, should be encouraged when the best interests of Nebraska can be served.

(4) The work of the committees of the Legislative Council has functioned admirably without this limitation since 1937 and this office can see no purpose in the imposition of a restriction at this late time.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
RALPH G. BROOKS  
GOVERNOR

RGB:RBC/b

#### Communications

Postal card from Mrs. G. D. Grissom, Omaha, favoring LB 384.

#### Presented to the Governor

Presented to the Governor for approval on April 7, 1959, at 4:20 p.m.: LB 432 LB 271 LB 347 LB 439 LB 54 LB 239 LB 291 LB 681

(Signed) Jo Fisher, Enrolling Clerk

#### STANDING COMMITTEE REPORTS

##### Enrollment and Review

**LEGISLATIVE BILL 109.** Replaced on Select File as amended.

E and R amendments to LB 109:

1. In section 14, line 11, strike "rent, lease, or purchase" and insert "rental, lease, or purchase of".
2. In section 25, line 26, insert "of this act" after "17".

**LEGISLATIVE BILL 466.** Placed on Select File.

**LEGISLATIVE BILL 424.** Placed on Select File as amended.

E and R amendments to LB 424:

1. In section 1, line 6, strike "prescribed" and insert "described".
2. In the title, line 3, insert "a" before "lease"; and in line 3, insert "; to declare an emergency" before the period.

**LEGISLATIVE BILL 289.** Placed on Select File as amended.

E and R amendments to LB 289:

1. In section 1, line 6, strike the first "the".
2. In the title, line 9, strike "the".

**LEGISLATIVE BILL 509.** Placed on Select File as amended.

E and R amendments to LB 509:

1. In section 1, line 1, reinstate "Section 1.", stricken by Standing Committee Amendment 1.
2. In Standing Committee Amendment 1, line 3, Standing Committee Amendment 2, line 2, and Standing Committee Amendment 3, line 2, strike "and show as stricken".
3. Add a new section to be known as section 2 and to read as follows:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

4. In the title, line 5, insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 35.** Correctly engrossed.

**LEGISLATIVE BILL 178.** Correctly engrossed.

**LEGISLATIVE BILL 256.** Correctly engrossed.

**LEGISLATIVE BILL 259.** Correctly engrossed.

**LEGISLATIVE BILL 265.** Correctly engrossed.

**LEGISLATIVE BILL 55.** Correctly enrolled.

**LEGISLATIVE BILL 294.** Correctly enrolled.

**LEGISLATIVE BILL 430.** Correctly enrolled.

**LEGISLATIVE BILL 453.** Correctly enrolled.

**LEGISLATIVE BILL 460.** Correctly enrolled.

**LEGISLATIVE BILL 561.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### **NOTICE OF COMMITTEE HEARINGS**

#### **Revenue**

LB 704      Monday, April 13, 1959      2:00 p.m.

#### **Government**

LB 702      Monday, April 20, 1959      2:00 p.m.

### **STANDING COMMITTEE REPORTS**

#### **Budget**

**LEGISLATIVE BILL 323.** Indefinitely postponed.

(Signed) Otto H. Liebers, Chairman

#### **Communication**

Letter to President Burney from Wm. J. Loeffel, Chairman, Department of Animal Husbandry, University of Nebraska, announcing that the 47th Annual Livestock Feeders Day at the Agricultural College will be on April 17. A program and personal invitation will be sent to each member.

### **UNANIMOUS CONSENT—Executive Session**

Mr. Claussen, Chairman of the Labor and Public Welfare Committee, requested unanimous consent for permission for the Labor and Public Welfare Committee to hold an executive session at 1:15 p.m., today, April 8. No objections. So ordered.

### **UNANIMOUS CONSENT—LB 560 Special Order**

Mr. Simmons requested unanimous consent to have LB 560 scheduled as the first order of business on Monday, April 13, 1959. No objections. So ordered.

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 55 LB 294 LB 430 LB 453 LB 460 LB 561

**BILLS ON FINAL READING****LEGISLATIVE BILL 86.**

Mr. Adams moved that LB 86 be returned to Select File for the purpose of striking the enacting clause.

The motion lost with 9 ayes, 30 nays, and 4 not voting.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 86. With emergency.**

A bill for an act to amend sections 28-941, 28-945, 28-961, and 28-962, Reissue Revised Statutes of Nebraska, 1943, relating to games of chance; to define terms; to prohibit the conducting of bingo except by licensees; to prohibit the playing of bingo except when conducted by a licensee; to provide who shall be eligible for a license; to provide for the application and issuance of licenses; to provide for the division of the gross proceeds of any game of bingo; to provide duties for various public officers; to provide fees; to provide for the regulation of bingo; to authorize the imposition of taxes; to provide for the issuance of permits by local governing bodies; to authorize law enforcement officers to enter places where bingo is being played, as prescribed; to require reports; to provide for complaints and the investigation thereof; to provide for the suspension or revocation of licenses; to provide for local option; to authorize the adoption of rules and regulations; to provide penalties; to provide separability; 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, 32:

Aufenkamp	Fulton	Munnelly	Russillo
Bridenbaugh	Gerdes	Nelson	Simmons
Burbach	Hollenbeck	Orme	Skarda
Carpenter	Klaver	Otto	Stryker
Claussen	Lautenschlager	Peck	Swanson
Diers	Marvel	Pizer	Syas
Erlewine	McHugh	Portsche	Vosoba
Fenske	Moulton	Ruhnke	Williams



Voting in the negative, 9:

Adams	Jensen	Olinger	Thompson
Cooper	Liebers	Romans	Webb
Donner			

Not voting, 2:

Bowen	Tews
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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.

### Visitors

Mr. Marvel introduced Mr. Neal Grubb, Superintendent, Mrs. Harley Cole, Teacher, and thirty-five students from Minden Junior High School, Minden.

Mr. Peck introduced Mrs. Melvin Aerni, Teacher, and fourteen students from School District 2, Platte County, and five sponsors.

### LEGISLATIVE BILL 301.

A bill for an act relating to retail selling and financing of goods; to define terms; to prescribe conditions for revolving charge agreements; to provide for charges; and to provide penalties.

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

Voting in the affirmative, 38:

Aufenkamp	Fulton	Munnelly	Ruhnke
Bridenbaugh	Gerdes	Nelson	Russillo
Burbach	Hollenbeck	Olinger	Simmons
Carpenter	Jensen	Orme	Skarda
Claussen	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Webb
Erlewine	McHugh	Romans	Williams
Fenske	Moulton		

Voting in the negative, 2:

Stryker	Vosoba
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Not voting, 3:

Adams                      Bowen                      Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Members Excused

Mr. Munnelly and Mr. Skarda were excused at 9:55 a.m. for one hour.

#### LEGISLATIVE BILL 316.

Mr. Stryker moved that LB 316 be returned to Select File for the purpose of striking the enacting clause, at the request of Mr. Willard Waldo.

The motion lost with 14 ayes, 23 nays, and 6 not voting.

#### LEGISLATIVE BILL 316.

A bill for an act to amend sections 71-1,148, 71-1,149, 71-1,150, and 71-1,152, Reissue Revised Statutes of Nebraska, 1943, relating to veterinary medicine and surgery; to redefine the practice of veterinary medicine and surgery; to change the requirements for a license to practice veterinary medicine and surgery; to redefine accredited school of veterinary medicine and surgery; to provide that the provisions of sections 71-1,148 to 71-1,152 shall not apply to certain persons, as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 22:

Bridenbaugh	Erlewine	Olinger	Simmons
Burbach	Gerdes	Orme	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Romans	Webb
Cooper	McHugh	Russillo	Williams
Diers	Nelson		

Voting in the negative, 16:

Aufenkamp	Hollenbeck	Moulton	Ruhnke
Donner	Jensen	Otto	Stryker
Fenske	Liebers	Pizer	Thompson
Fulton	Marvel	Portsche	Vosoba

Not voting, 5:

Adams	Munnelly	Skarda	Tews
Bowen			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 469.

A bill for an act to amend sections 25-2103, 25-2119, and 77-2407, Reissue Revised Statutes of Nebraska, 1943, relating to procedure; to provide for the arbitration of disputes arising out of a contract with the Department of Roads; to remove the limitation on the compensation of arbitrators; to provide for the submission to arbitration when the Auditor of Public Accounts and Secretary of State have disallowed a claim arising out of a contract with the Department of Roads without the necessity of lodging an appeal in the district court; and to repeal the original sections.

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

Voting in the affirmative, 31:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Swanson
Burbach	Jensen	Orme	Syas
Carpenter	Klaver	Otto	Thompson
Claussen	Liebers	Peck	Webb
Cooper	Marvel	Pizer	Williams
Donner	McHugh	Portsche	

Voting in the negative, 8:

Diers	Gerdes	Romans	Stryker
Erlewine	Lautenschlager	Ruhnke	Vosoba

Not voting, 4:

Bowen	Munnelly	Skarda	Tews
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### SELECT FILE

#### LEGISLATIVE BILL 51.

Mr. Russillo withdrew his pending motion found in the Legislative Journal for the Sixty-first Day to indefinitely postpone LB 51.

Mr. Carpenter requested unanimous consent to add the name of Sam Klaver to his second pending amendments found in the Legislative Journal for the Sixty-fourth Day. No objections. So ordered.

The pending Carpenter amendments found in the Legislative Journal for the Sixty-fourth Day were adopted by unanimous consent.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 512.** E and R amendments found in the Legislative Journal for the Sixty-fourth Day were adopted.

Mr. Klaver moved that LB 512 be returned to General File for the following specific amendment:

1. Amend the bill by reinserting the stricken matter in lines 2 to 8, and striking the new matter which changes the election of members of the airport of metropolitan cities to appointment of same.

The motion lost with 12 ayes, 19 nays, and 12 not voting.

Advanced to E and R for engrossment.

### Visitors

President Burney introduced Dr. John E. Simpson, Director of Church Relations, Professor James Dunn, and a chorus of sixteen students from Monmouth College, Monmouth, Illinois.

The group rendered four musical selections.

**LEGISLATIVE BILL 496.** E and R amendments found in the Legislative Journal for the Sixty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 434.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 327.** E and R amendments found in the Legislative Journal for the Sixty-fourth Day were adopted.

Mr. Stryker offered the following amendments which were adopted by unanimous consent:

1. Add the emergency clause.

2. Amend the title to conform.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 534.** E and R amendments found in the Legislative Journal for the Sixty-fourth Day were adopted.

Advanced to E and R for engrossment.

## STANDING COMMITTEE REPORTS

### Public Works

**LEGISLATIVE BILL 322.** Placed on General File as amended.

Standing Committee amendments to LB 322:

1. Amend section 4 of the bill, line 14 by striking "33" and inserting "32".

2. Amend section 5 of the bill, line 10 by striking "21" and inserting "22".

3. Amend the bill by striking section 7.

4. Amend the bill by renumbering sections 8 to 35 as sections 7 to 34, respectively.

5. Amend renumbered section 7, line 4 by striking "if" and inserting "is", by striking the period at end of line 9, by striking line 10 and inserting ", the board" and line 11 by striking "Commissioner,".

6. Amend renumbered section 8, lines 2 and 3 by striking "the drainage commissioner" and inserting "it".

7. Amend renumbered section 11 of the bill, line 6 by striking "11" and inserting "10".

8. Amend renumbered section 12, line 2 by striking "12" and inserting "11".

9. Amend renumbered section 18, lines 4 and 12 by striking "10" and inserting "9", line 9 by striking "11" and inserting "10", lines 10 and 18 by striking "12" and inserting "11".

10. Amend renumbered section 19, line 12 by striking "becuase" and inserting "because".

11. Amend renumbered section 20, line 3 by striking "20" and inserting "19".

12. Amend renumbered section 21, line 5 by striking "21" and inserting "20".

13. Amend renumbered section 23, line 13 by striking "8 to 21" and inserting "7 to 20", line 19 by striking "17" and inserting "16", and line 21 by striking "12" and inserting "11".

14. Amend renumbered section 26, line 1 by striking "and" and inserting a comma, and line 2 by inserting ", and others" after "attorneys".

15. Amend renumbered section 28, line 4 by striking "8 to 19" and inserting "7 to 18".

16. Amend renumbered section 30, line 8 by striking "10" and inserting "9".

17. Amend the title to conform.

(Signed) Arnold Ruhnke, Chairman

**Speaker Pizer Presiding**

#### **GENERAL FILE**

**LEGISLATIVE BILL 58.** Laid over temporarily.

**LEGISLATIVE BILL 175.** Read and considered.

Mr. Olinger offered the following amendment which was adopted:

1. Section 1, Subsection (1), page 2, line 10, add the following after the word "school": *"and maintaining satisfactory grades in all his or her classes"*.

Laid over until Tuesday, April 14, at the request of Mr. Fenske.

#### **UNANIMOUS CONSENT—LB 381 Special Order**

Mr. Otto requested unanimous consent to have LB 381 scheduled for first order of business on Wednesday, April 15, 1959. No objections. So ordered.

#### **GENERAL FILE**

**LEGISLATIVE BILL 75.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fourth Day were adopted.

Mr. Lautenschlager offered the following amendment which was adopted:

1. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 58.** Considered.

Mr. Cooper renewed his pending motion found in the Legislative Journal for the Fifty-seventh Day to indefinitely postpone LB 58.

**President Burney Presiding**

Mr. Lautenschlager requested unanimous consent to have LB 58 laid over.

Mr. Cooper objected.

Mr. Lautenschlager moved that LB 58 be laid over until Wednesday, April 15.

The motion lost with 18 ayes, 23 nays, and 2 not voting.

The Cooper motion prevailed with 23 ayes, 19 nays, and 1 not voting, and LB 58 was indefinitely postponed.

**MESSAGE FROM THE GOVERNOR**

April 6, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 6, 1959, he approved LB 134, LB 166, LB 167, LB 176, LB 182, LB 248, LB 275, LB 324, LB 385, LB 497, LB 498, LB 521, LB 541.

Respectfully submitted,

(Signed) Robert B. Conrad

ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
RBC:e

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Banking, Commerce and Insurance be permitted to introduce a bill relating to elections and to provide for the use of voting machines in certain municipalities. (Signed) John P. Munnelly, Chairman

Permission to introduce the bill granted with 34 ayes, 4 nays, and 5 not voting.

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 705.** By Committee on Banking, Commerce and Insurance, John P. Munnely, 8th District, Chairman.

A bill for an act relating to elections; to provide for the use of voting machines as prescribed; to provide for the purchase or rental of voting machines; to prescribe salaries; to provide conditions for voting machines; to provide for instruction in the use of such machines; and to repeal sections 32-463.01, 32-463.02, 32-463.03, and 32-463.04, Reissue Revised Statutes of Nebraska, 1943.

### STANDING COMMITTEE REPORTS

#### Salaries and Claims

**LEGISLATIVE BILL 438.** Indefinitely postponed.

**LEGISLATIVE BILL 437.** Placed on General File as amended.

Standing Committee amendments to LB 437:

1. Amend section 1 of the bill, line 11 by striking "four" and inserting "five", line 12 by striking "1957" and inserting "1961", and line 13 by striking "five" and inserting "six".

2. Amend the title to conform.

**LEGISLATIVE BILL 678.** Placed on General File.

(Signed) John Aufenkamp, Chairman

### MOTION—Adjournment

Mr. President: I move we adjourn. (Signed) Peter H. Claussen  
The motion lost.

### GENERAL FILE

**LEGISLATIVE BILL 665.** Read and considered.

Mr. Burbach offered the following amendment which was adopted:



1. Amend Standing Committee Amendment 1, line 3, by striking the word "*fifty*" and inserting "*twenty-five*" in lieu thereof.

Standing Committee amendments found in the Legislative Journal for the Fifty-fourth Day were adopted as amended.

Mr. Stryker offered the following amendment:

1. Amend the bill, section 2, page 4, line 40, by striking the word "*five*" and inserting the word "*two*" in lieu thereof.

Amendment pending.

### **Adjournment**

At 12:05 p.m. on a motion by Mr. Stryker, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## SIXTY-SIXTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Thursday, April 9, 1959

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

Prayer was offered by the Rev. Carroll H. Lemon, Secretary, Nebraska Council of Churches, Lincoln.

The roll was called and all members were present except Messrs. Adams and Romans who were excused.

The Journal for the Sixty-fifth Day was approved.

**Members Excused**

Mr. Hollenbeck was excused for this afternoon, April 9, and for Friday, April 10.

Messrs. Erlewine, Syas, and Klaver were excused for Friday, April 10.

**Communications**

Letter from U. S. Senator Carl T. Curtis, acknowledging receipt of Legislative Resolution 23.

**MESSAGES FROM THE GOVERNOR**

April 7, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 7, 1959, he approved LB 64, LB 79, LB 130, LB 135, LB 375, LB 387, and LB 421.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

April 8, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body  
that on April 8, 1959, he approved LB 269.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

## **STANDING COMMITTEE REPORTS**

### **Enrollment and Review**

**LEGISLATIVE BILL 676.** Placed on Select File as amended.

E and R amendment to LB 676:

1. In the title, strike lines 2 and 3 and insert:

"FOR AN ACT to appropriate the sum of fifteen thousand dollars  
to".

**LEGISLATIVE BILL 639.** Placed on Select File.

**LEGISLATIVE BILL 51.** Correctly re-engrossed.

**LEGISLATIVE BILL 339.** Correctly engrossed.

**LEGISLATIVE BILL 413.** Correctly engrossed.

**LEGISLATIVE BILL 431.** Correctly engrossed.

**LEGISLATIVE BILL 543.** Correctly engrossed.

**LEGISLATIVE BILL 316.** Correctly enrolled.

**LEGISLATIVE BILL 469.** Correctly enrolled.

**LEGISLATIVE BILL 301.** Correctly enrolled.

**LEGISLATIVE BILL 86.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 316 LB 469 LB 301 LB 86

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Government be allowed to introduce a new bill pertaining to hospitals. (Signed) Dwain Williams, Chairman

Permission to introduce the bill granted with 39 ayes, 0 nays, and 4 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 706.** By Committee on Government, Dwain Williams, 35th District, Chairman.

A bill for an act relating to hospitals; to provide for the formation of local hospital districts; to provide how such districts may be formed; to provide for a board of directors for such districts and the selection of the members thereof; to provide for the scheduling, calling, and conducting of district elections; to provide for the annexation of area or the withdrawal of area from such districts; to provide for the dissolution of such districts; to provide the powers and duties of such districts, their boards of directors, and their officers; to provide how the affairs of such districts shall be conducted; to provide penalties; to provide that such districts shall have the power to levy taxes, as prescribed; and to provide how this act shall be cited.

**MOTION—Introduce Bill**

Mr. President: I move that the Revenue Committee be allowed to introduce a bill to provide for appeals from assessments made by the Tax Commissioner and to provide for the procedure for such appeals. (Signed) Norman A. Otto, Chairman

Permission to introduce the bill granted with 33 ayes, 0 nays, and 10 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 707.** By Committee on Revenue, Norman A. Otto, 34th District, Chairman.

A bill for an act relating to revenue and taxation; to provide for appeals from assessments made by the Tax Commissioner under the provisions of sections 77-716 to 77-718, Reissue Revised Statutes of Nebraska, 1943, and amendments thereof; and to provide for the procedure for such appeals.

**Presented to the Governor**

Presented to the Governor for approval on April 9, 1959, at 8:30 a.m.: LB 294 LB 55 LB 561 LB 460 LB 453 LB 430

(Signed) Jo Fisher, Enrolling Clerk

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 326.**

A bill for an act to amend section 80-301, Reissue Revised Statutes of Nebraska, 1943, relating to Nebraska Soldiers' and Sailors' Home; to establish the Soldiers' and Sailors' Home Building Fund; to provide how such fund shall be used; and to repeal the original section.

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

Voting in the affirmative, 36:

Aufenkamp	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Diers	Lautenschlager	Peck	Thompson
Donner	Marvel	Pizer	Vosoba
Erlewine	McHugh	Portsche	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 2:

Liebers                      Stryker

Not voting, 5:

Adams	Cooper	Romans	Tews
Claussen			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 329.

A bill for an act relating to highways; to require the Department of Roads, on request of any citizen of this state, to disclose full information concerning any highway project as prescribed and to permit the inspection of plans, specifications and records concerning such project; to provide exceptions; and to provide that any person willfully failing to disclose such information or permit such inspection shall be guilty of official misconduct.

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

Voting in the affirmative, 34:

Aufenkamp	Gerdes	Munnelly	Russillo
Bridenbaugh	Hollenbeck	Nelson	Skarda
Burbach	Jensen	Olinger	Swanson
Carpenter	Klaver	Orme	Syas
Claussen	Lautenschlager	Otto	Thompson
Donner	Liebers	Peck	Vosoba
Erlewine	Marvel	Portsche	Webb
Fenske	McHugh	Ruhnke	Williams
Fulton	Moulton		

Voting in the negative, 4:

Bowen	Diers	Pizer	Stryker
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Not voting, 5:

Adams	Romans	Simmons	Tews
Cooper			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 470.

Mr. Peck moved that LB 470 be returned to Select File for the following specific amendments:

1. Amend the bill, section 1, line 12, by striking "The" and inserting "If the contractor has furnished the department all required records and reports, the".

2. Amend the bill, section 1, by striking Standing Committee Amendment 2.

3. Amend the bill, section 1, by striking lines 19 to 24.

4. Amend the title by striking Enrollment and Review Amendment 2.

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

### LEGISLATIVE BILL 619. With emergency.

A bill for an act to amend section 83-426, Reissue Revised Statutes of Nebraska, 1943, relating to penal and correctional institutions; to increase the amount paid to prisoners on their release from a state penal institution; to harmonize the provisions thereof with previous legislation; to repeal the original section, and also section 29-2627, Reissue Revised Statutes of Nebraska, 1943; 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, 26:

Aufenkamp	Klaver	Peck	Skarda
Bowen	McHugh	Pizer	Swanson
Bridenbaugh	Moulton	Portsche	Syas
Burbach	Munnely	Ruhnke	Tews
Carpenter	Nelson	Russillo	Webb
Claussen	Olinger	Simmons	Williams
Gerdes	Otto		

Voting in the negative, 14:

Diers	Fulton	Liebers	Stryker
Donner	Hollenbeck	Marvel	Thompson
Erlewine	Jensen	Orme	Vosoba
Fenske	Lautenschlager		

Not voting, 3:

Adams	Cooper	Romans
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Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

## Voting in the affirmative, 22:

Bowen	McHugh	Peck	Simmons
Burbach	Moulton	Pizer	Skarda
Carpenter	Munnely	Portsche	Swanson
Claussen	Nelson	Ruhnke	Syas
Gerdes	Olinger	Russillo	Webb
Klaver	Otto		

## Voting in the negative, 14:

Diers	Fulton	Liebers	Stryker
Donner	Hollenbeck	Marvel	Thompson
Erlewine	Jensen	Orme	Vosoba
Fenske	Lautenschlager		

## Not voting, 7:

Adams	Bridenbaugh	Romans	Williams
Aufenkamp	Cooper	Tews	

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

**Visitors**

Mr. Carpenter introduced Mr. and Mrs. W. C. Strey, Sponsors, Mr. Glenn Nelson, Vocational Agriculture Instructor, and fourteen F.F.A. boys from Mitchell.

Mr. Pizer introduced Mr. Elmer Schrag, Leader, Mr. Ted Turpin, and twenty F.F.A. boys from North Platte.

Mr. Stryker introduced Mrs. Clarence Votava, Teacher, and eighteen students from Abie Public School District 25, Abie, and four sponsors.

**LEGISLATIVE BILL 631.**

A bill for an act relating to motor vehicles; to require the driver of any motor vehicle upon meeting or overtaking any school bus to reduce speed under prescribed conditions or to come to a complete stop under prescribed conditions; to provide when such driver shall proceed; to provide an exception; to provide for the posting of signs, as prescribed; to authorize the Department of Roads to furnish signs at cost to school districts; and to provide a penalty.

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



Voting in the affirmative, 40:

Aufenkamp	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Cooper	Romans
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Explanation of Vote

Mr. President: Had I been present Wednesday, April 8, 1959, I would have voted "nay" on the postponement of LB 58. (Signed) Kenneth L. Bowen

#### LEGISLATIVE BILL 684.

A bill for an act relating to revenue and taxation; to provide for the appointment of an assistant attorney general or assistant attorneys general for the Tax Commissioner, as prescribed; and to provide the compensation for such assistant or assistants.

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

Voting in the affirmative, 40:

Aufenkamp	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Adams                      Erlewine                      Romans

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Explanation of Vote**

Mr. President: Had I been present, I would have voted Aye on the below listed bills on Final Reading: LB 326, LB 329, LB 619, and LB 631. (Signed) John R. Cooper

#### **MOTION—Place LB 404 on General File**

Mr. President: I move to place LB 404 on General File.  
(Signed) David D. Tews

Mr. Tews requested a Call of the House.

A Call of the House was ordered and showed 40 members present.

Mr. Jensen moved that the Call be raised. The motion lost with 19 ayes, 19 nays, and 5 not voting.

Mr. Lautenschlager moved that the Call be raised. The motion prevailed with 38 ayes, 1 nay, and 4 not voting.

The Tews motion lost with 20 ayes, 18 nays, and 5 not voting.

#### **MOTION—Place LB 530 on General File**

Mr. President: I move to place LB 530 on General File.  
(Signed) Stanley L. Portsche

The motion lost with 18 ayes, 19 nays, and 6 not voting.

#### **Bills Referred To Standing Committees**

LB                      Committee

705.....Government

(Signed) Dwight W. Burney  
Lieutenant Governor

**STANDING COMMITTEE REPORTS**

**Government**

**LEGISLATIVE BILL 579.** Placed on General File.

**LEGISLATIVE BILL 663.** Indefinitely postponed.

**LEGISLATIVE BILL 489.** Indefinitely postponed.

(Signed) Dwain Williams, Chairman

**Revenue**

**LEGISLATIVE BILL 332.** Placed on General File as amended.

Standing Committee amendments to LB 332:

1. Amend section 2 of the bill, page 4, line 43 by striking the period after the word "year" and add the following: "*when the license fee exceeds two hundred ten dollars.*"

2. Amend section 2 of the bill, page 4, line 44, by striking "receipt" and inserting "*certificate and plates furnished by the Department of Motor Vehicles*", and line 46 by inserting after the period the following: "*In addition to the registration fee the Department shall collect a sufficient fee to cover the cost of issuing the certificate and plates.*"

3. Amend the title to conform.

**LEGISLATIVE BILL 19.** Indefinitely postponed.

**LEGISLATIVE BILL 672.** Indefinitely postponed.

**LEGISLATIVE BILL 604.** Indefinitely postponed.

(Signed) Norman A. Otto, Chairman

**Education**

**LEGISLATIVE BILL 504.** Placed on General File.

**LEGISLATIVE BILL 500.** Placed on General File.

**LEGISLATIVE BILL 374.** Indefinitely postponed.

**LEGISLATIVE BILL 303.** Placed on General File.

(Signed) George Syas, Chairman

**Visitors**

Mr. Bridenbaugh introduced Mr. Bill Clark, Teacher, and sixteen students from Parks School District 22, Rosalie, and four sponsors.

**SELECT FILE**

**LEGISLATIVE BILL 470.** Laid over.

**LEGISLATIVE BILL 109.** E and R amendments found in the Legislative Journal for the Sixty-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 466.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 424.** E and R amendments found in the Legislative Journal for the Sixty-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 289.** E and R amendments found in the Legislative Journal for the Sixty-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 509.** E and R amendments found in the Legislative Journal for the Sixty-fifth Day were adopted.

Advanced to E and R for engrossment.

**Visitors**

Mr. Klaver introduced Mrs. Marie Kavan, Principal; Harriett Deeds, Teacher; and thirty-two students from Jackson School, Omaha.

Mr. Portsche introduced Virginia Hansen, Chairman of the Women's Division of the Lincoln Chamber of Commerce, and twenty extension club presidents from Lancaster, Cass, Seward, Otoe, and York Counties.

Mr. Williams introduced Mr. Churchill and Mr. Strong from Taylor.

**GENERAL FILE**

**LEGISLATIVE BILL 665.** Laid over.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 589.** Read and considered.

Laid over until Monday, April 13, at the request of Mr. Klaver.

**LEGISLATIVE BILL 137.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

**President Burney Presiding**

Advanced to E and R for review.

**MOTION—Reconsider Action**

Mr. President: I move we reconsider our action on LB 404.  
(Signed) Terry Carpenter

The motion prevailed with 24 ayes, 8 nays, and 11 not voting.

The Tews motion prevailed with 25 ayes, 9 nays, and 9 not voting, and LB 404 was placed on General File.

**Visitors**

Mr. Donner introduced Messrs. Duane Grossnicklaus and Roy Pelster.

Mr. Simmons introduced Mr. Emil Schaaf from Fremont.

**GENERAL FILE**

**LEGISLATIVE BILL 60.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Mr. Lautenschlager offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 128.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Fifty-fifth Day was adopted.

Mr. Otto offered the following amendment which was adopted:

1. Amend the bill, section 2, line 15, by striking the word "No"; strike lines 16 and 17 of section 2; and amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 23.** Laid over until Wednesday, April 15, at the request of Mr. Carpenter.

**UNANIMOUS CONSENT—Lay Over Bills**

Mr. Otto requested unanimous consent to lay over LB 384 on General File until Monday, April 13, and to lay over LB 485 and LB 408 on General File until Thursday, April 16. No objections. So ordered.

**STANDING COMMITTEE REPORTS****Government**

**LEGISLATIVE BILL 426.** Placed on General File as amended.

Standing Committee amendment to LB 426:

1. Amend the bill by adding two new sections immediately after section 1 to be known as sections 2 and 3 and to read as follows:

*"Sec. 2. Any planning board or commission of a city of the metropolitan or primary class as now existing or as hereafter constituted under applicable state law or local charter, is hereby declared to be a metropolitan or regional planning body within the meaning and intent of sections 2-1909 to 2-1911, Revised Statutes Supplement, 1957.*

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

**LEGISLATIVE BILL 667.** Placed on General File as amended.

Standing Committee amendments to LB 667:

1. Amend section 2 of the bill, line 9 by adding after the period the following:

*"If the proper officers of any municipality shall fail to cause such annual municipal election to be held, they shall severally be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars, or imprisoned in the county jail of the county not to exceed ninety days, or both, such fine and imprisonment."*

2. Amend section 8 of the bill, line 4 by inserting after "municipality" the following:

*", or of the ward if elected by the electors of a ward, except that in first-class cities the candidates to be elected at large may be nominated by a petition signed by two hundred legal voters of such city".*

3. Amend section 21 of the bill, line 4 by striking "shall" and inserting "may" and line 5 by striking "fifteen" and inserting "ten".

4. Amend section 23 of the bill, line 3 by striking "and sub-ject to", and by striking lines 4 to 6 and inserting a period.

5. Amend section 24 of the bill, line 14 by striking "municipality" and inserting "villages".

6. Amend section 53 of the bill, line 7 by inserting "and ten days within the ward" after the word "months".

7. Amend the title to conform.

(Signed) Dwain Williams, Chairman

#### Judiciary

**LEGISLATIVE BILL 349.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

#### Members Excused

Messrs. Otto and Tews were excused for Friday, April 10, 1959.

Mr. Stryker was excused for Wednesday, Thursday, and Friday, April 15, 16 and 17.

#### Adjournment

At 12:05 p.m., on a motion by Mr. Claussen, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## SIXTY-SEVENTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Friday, April 10, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Hollenbeck, Klaver, Otto, Syas, and Tews who were excused.

The Journal for the Sixty-sixth Day was approved.

**Visitors**

Mr. Pizer introduced Mr. and Mrs. Bob Long, Miss Jo Mann, and Miss Mary Ann Romans from North Platte.

Mr. Nelson introduced his grandson, Gerald Kaczor from O'Neill.

Mrs. Orme introduced Mrs. Kathryn Hurst, Principal; Mrs. Childress, Miss John, Mrs. Shafer, Mr. Rathe, Mrs. Howe, and Mr. Sorenson, Teachers; and two hundred 9th grade students from Mil-lard Lefler Junior High School, Lincoln.

**MESSAGE FROM THE GOVERNOR**

April 8, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 8, 1959 he approved LB 417.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e



**Communications**

Telegram to President Burney from Lewis B. Maytag, Jr., President of Frontier Airlines, Inc., desiring stabilization of the State Aeronautics Department in behalf of continued development of air service in Nebraska.

Letter from U. S. Senator Carl T. Curtis, enclosing copies of S. 1592 and a copy of the Congressional Record.

**NOTICE OF COMMITTEE HEARINGS****Government**

LB 705      Monday, April 20, 1959

2:00 p.m.

**STANDING COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 526.** Indefinitely postponed.

(Signed) John P. Munnelly, Chairman

**Presented to the Governor**

Presented to the Governor for approval on April 10, 1959, at 8:10 a.m.: LB 86 LB 301 LB 469 LB 316

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 67.** Replaced on Select File as amended.

E and R amendment to LB 67:

1. In Enrollment and Review Amendment 7, line 8, strike the semicolon after "prescribed".

**LEGISLATIVE BILL 424.** Replaced on Select File as amended.

E and R amendment to LB 424:

1. In Enrollment and Review Amendment 2, line 2, insert "and" after the semicolon.

**LEGISLATIVE BILL 75.** Placed on Select File as amended.

E and R amendments to LB 75:

1. In section 2, line 9, insert an underscored comma after "imprisoned"; in line 13, insert an underscored comma after "Vehicles"; and in line 15, insert an underscored comma after "one".

2. In line 6 of section 4, added by Standing Committee Amendment 3, strike "operator's" and insert "operators".

3. In the title, line 11, insert "whether conviction is had under any law of this state or any city or village ordinance" before the semicolon; and in line 13, insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 109.** Correctly engrossed.

**LEGISLATIVE BILL 160.** Correctly engrossed.

**LEGISLATIVE BILL 258.** Correctly engrossed.

**LEGISLATIVE BILL 334.** Correctly engrossed.

**LEGISLATIVE BILL 326.** Correctly enrolled.

**LEGISLATIVE BILL 329.** Correctly enrolled.

**LEGISLATIVE BILL 631.** Correctly enrolled.

**LEGISLATIVE BILL 684.** Correctly enrolled.

**LEGISLATIVE BILL 619.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 326 LB 329 LB 631 LB 684  
LB 619

**Bills Referred to Standing Committees**

LB	Committee
706.....	Public Health
707.....	Judiciary

(Signed) Dwight W. Burney  
Lieutenant Governor

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 257.**

A bill for an act to provide generally for continuity of the operations of the state government and of the governments of the political subdivisions of the state in the event of an enemy attack upon the United States, or the immediate threat thereof; to provide for emergency interim succession to the offices of the state, with certain exceptions, and to the offices of any and all political subdivisions which shall elect to invoke the provisions of this act therein; to authorize such invocation by any political subdivision of this state, and to prescribe the time this act shall become effective therein if so invoked; to make certain acts unlawful; and to prescribe the conditions under which, and the time when, this act shall become effective.

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

Voting in the affirmative, 36:

Adams	Erlewine	Moulton	Ruhnke
Aufenkamp	Fenske	Munnelly	Russillo
Bowen	Fulton	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Claussen	Lautenschlager	Peck	Thompson
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Portsche	Webb
Donner	McHugh	Romans	Williams

Voting in the negative, 0.

Not voting, 7:

Carpenter	Klaver	Skarda	Tews
Hollenbeck	Otto	Syas	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Explanation of Vote**

Mr. President: If I had been present, I would have voted "aye" on LB 257. (Signed) William R. Skarda, Jr.

**LEGISLATIVE BILL 427.**

A bill for an act to amend sections 15-106, 15-901, and 15-902, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to require that the certificate of a registered land surveyor be appended to the plat of land within or contiguous to the corporate limits of a city of the primary class; to provide for approval of such plat by the city council; to provide that no such plat shall be recorded in the office of the register of deeds or have any force or effect until it has been approved by the city council; to clarify provisions; to provide the authority of cities of the primary class to regulate subdivision of land which is in such a city or within three miles of the corporate limits, as prescribed; to define terms; to provide for building regulations, as prescribed; to provide for zoning regulations, as prescribed; to provide that the county board in any county in which is located a city of the primary class shall appoint an advisory committee for planning and zoning matters; to provide the composition of such committee, the terms of office of its members, and the duties of such committee; and to repeal the original sections, and also section 15-903, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 38:

Adams	Erlewine	Munnelly	Russillo
Aufenkamp	Fenske	Nelson	Simmons
Bowen	Fulton	Olinger	Skarda
Bridenbaugh	Gerdas	Orme	Stryker
Burbach	Jensen	Peck	Swanson
Carpenter	Lautenschlager	Pizer	Thompson
Claussen	Liebers	Portsche	Vosoba
Cooper	Marvel	Romans	Webb
Diers	McHugh	Ruhnke	Williams
Donner	Moulton		

Voting in the negative, 0.

Not voting, 5:

Hollenbeck	Otto	Syas	Tews
Klaver			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Visitors**

Mr. Thompson introduced Mr. George Pearson and four F.F.A. members from McCook.

Mr. Marvel introduced Mr. Gerald Holmberg, Superintendent, and fourteen students from School District 31, Juniata, and three mothers.

Mr. Cooper introduced Mrs. Viola Shuey, Teacher, and twenty-eight students from School District 69, Pawnee County, and four sponsors.

**SELECT FILE****LEGISLATIVE BILL 470.**

The pending Peck amendments found in the Legislative Journal for the Sixty-sixth Day were adopted with 33 ayes, 0 nays, and 10 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 676.** E and R amendment found in the Legislative Journal for the Sixty-sixth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 639.** Advanced to E and R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 665.** Laid over.

**LEGISLATIVE BILL 308.** Considered.

Mr. Skarda requested unanimous consent to hold LB 308 over until Monday, April 13, 1959.

Mr. Russillo objected.

Mr. Carpenter renewed his pending motion, found in the Legislative Journal for the Sixtieth Day, to indefinitely postpone LB 308.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 15:

Burbach	Fulton	Pizer	Swanson
Carpenter	Lautenschlager	Portsche	Vosoba
Diers	Marvel	Ruhnke	Webb
Erlewine	Olinger	Skarda	

Voting in the negative, 22:

Adams	Donner	Moulton	Russillo
Aufenkamp	Fenske	Nelson	Simmons
Bowen	Gerdas	Orme	Stryker
Bridenbaugh	Jensen	Peck	Thompson
Claussen	Liebers	Romans	Williams
Cooper	McHugh		

Not voting, 6:

Hollenbeck	Munnelly	Syas	Tews
Klaver	Otto		

The Carpenter motion lost.

Advanced to E and R for review.

### Visitors

Mr. Simmons introduced Mrs. Barbara Olson, Teacher, and eight students from District 4, Washington County, Arlington, and four mothers.

Mr. Stryker introduced the following F.F.A. members from Rising City: Curtis Burgess, Valdean Kopke, Murray Lecklater, Gary Hartman, Larry Rathje, Alton Crook, and Harry Crook, and Mr. Hiekes, Sponsor.

### MOTION—Consideration of Bills

Mr. President: I move we consider the following bills on General File: LB 510, LB 565, LB 402, LB 392, LB 286, LB 522, LB 403, LB 532, LB 568, and LB 336. (Signed) Terry Carpenter

The motion prevailed.

### GENERAL FILE

**LEGISLATIVE BILL 510.** Considered.

Mr. Vosoba offered the following amendments:

1. Amend the bill, section 1, line 15, by adding the words "suspend or" before the word "revoke".

2. Amend section 1 by adding at the end of line 23: "*For the first such offense, the permit or certificate shall be suspended for a period of ten days, and for a second offense, the permit or certificate shall be revoked.*".

3. Amend section 2, line 7, by striking "*set for hearing not*" and substituting in lieu thereof "*heard not less than three nor*".

4. Amend the title to conform.

Amendments pending.

Laid over temporarily.

**LEGISLATIVE BILL 565.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-seventh Day were adopted.

Mr. Thompson offered the following amendment which was adopted:

1. Amend renumbered section 11, line 8, by striking "*district*" and inserting in lieu thereof "*distinct*".

Mr. Thompson offered the following amendments which were adopted:

1. Strike renumbered sections 18 and 19 and renumber the following sections accordingly.

2. Amend renumbered section 19, lines 3 and 4, by striking "74-609, 77-1611".

3. Amend the title to conform.

Mr. Thompson offered the following amendments which were adopted:

1. Amend the bill by adding a new section immediately after section 12 to be known as section 13 and to read as follows:

"Sec. 13. That section 39-1522, Revised Statutes Supplement, 1957, be amended to read as follows:

39-1522. The payment of damages for the right-of-way of any public road and the payment for services of county highway superintendent, surveyor, chainmen, and other persons engaged in locating, establishing, or altering any public road, if the road be finally estab-

lished or altered as provided by law, shall be paid by the county treasurer out of the general road fund of the county upon warrants drawn thereon in the manner provided by law for the other payments out of such fund. *Where cities and villages are located within the boundaries of any township, one half of all money collected from the levy provided in section 23-259 on property within the corporate limits of such cities and villages, shall be paid by the county treasurer to the treasurer of such city or village, and such money when paid to the treasurer thereof shall be expended by the proper officers thereof for maintenance and repair of the streets and alleys of such city or village.*"

2. Amend the bill by renumbering sections 13 to 22 as sections 14 to 23 respectively.

3. Amend renumbered section 23, line 5 by striking "and 39-1520" and inserting, "39-1520, and 39-1522,".

Advanced to E and R for review.

#### Visitors

Mr. Erlewine introduced Terry Cook, Dennis Ferguson, and Bob Peck, F.F.A. members, from Grant.

Mr. Stryker introduced Mrs. Lee, Teacher, and eleven students from School District 56, Wahoo, and three mothers.

Mr. Olinger introduced Mrs. Vivan Nelson, Teacher, and eighteen students from District 44, and two mothers, and Mrs. Claus Sass, Teacher, and eighteen students from District 43, and three mothers, from Lyons.

**LEGISLATIVE BILL 402.** Read and considered.

Advanced to E and R for review.

#### Speaker Pizer Presiding

**LEGISLATIVE BILL 392.** Read and considered.

Mr. Carpenter offered the following amendment which was adopted:

1. Strike Standing Committee Amendment 3, and on line 7, section 1, after the word "coverage" insert "not to exceed one thousand dollars".

Standing Committee amendments found in the Legislative Journal for the Forty-ninth Day were adopted as amended.



Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 286.** Read and considered.

Mr. McHugh offered the following amendment which was adopted:

1. Amend the title of the bill, line 5, by adding the word "person" after the word "deceased".

Advanced to E and R for review.

**LEGISLATIVE BILL 522.** Read and considered.

Mr. Portsche moved that the Standing Committee Amendment found in the Legislative Journal for the Forty-ninth Day be rejected. The motion prevailed.

Advanced to E and R for review.

**Visitors**

Mr. Carpenter introduced Charles Johnson, Teacher, and seven Industrial Arts students from Gering High School.

**LEGISLATIVE BILL 403.** Read and considered.

Mr. Munnelly offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**President Burney Presiding**

**Visitors**

Mr. Diers introduced Mrs. Frieda Goertzen, Teacher, and twenty-eight students from Henderson School No. 95, York County, and four parents.

Mr. Donner introduced Ira Twiner from Des Moines, Iowa.

## MESSAGE FROM THE GOVERNOR

April 9, 1959

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

I respectfully request your permission to introduce legislation which has been publicly declared to be necessary by all of the affected segments of the important area of Nebraska's economy which this legislative proposal is designed to regulate.

During the studies and hearings of the committee appointed by your excellent Legislative Council, testimony was elicited to the effect that Nebraska is in need of a State Labor Relations Law. This pronouncement was made by responsible representatives of both management and labor.

As a matter of fact, the committee of your distinguished Legislative Council announced as its objective in the public press of November 20, 1958 and in its official report, the enactment of a State Labor Relations Act but, subsequently, stated in the public press of February 1, 1959 that the committee had not been able to agree on a proposed law that the committee felt would be fair to everyone, according to the statement of the committee chairman, and that the committee did not want to offer anything that was not absolutely fair to all sides.

In order that the expressed need for a State Labor Relations Law, as voiced by both management and labor may be met in a manner that is fair to every concerned segment of industry, I am respectfully requesting permission to introduce a State Labor Relations Act. This proposed legislation will:

- (1) apply to that area of activity where state law can operate within the limits of our Constitution, that is, the area of intra-state commerce;
- (2) guarantee the right of employees to join or refuse to join labor organizations without retaliation by management or by labor organizations;
- (3) define employer "unfair labor practices" such as
  - (a) interference with membership or
  - (b) partiality, or
  - (c) discrimination, or
  - (d) refusal to bargain;

- (4) define union "unfair labor practices" such as
  - (a) interference with membership
  - (b) interference with an employer's freedom of choice of bargaining representatives,
  - (c) forcing self-employed persons to join a union,
  - (d) causing employers to discriminate against non-union employees or applicants for employment,
  - (e) refusal to bargain collectively,
  - (f) striking to force recognition of a union other than the certified bargaining representative,
  - (g) engaging in secondary picketing without describing the identity of the employer in dispute,
  - (h) picketing within one year after losing a valid representation election and
  - (i) requesting the payment of initiation fees and dues not uniformly required of all members;
- (5) provide for secret impartial representative elections under a Commissioner of Elections who would administer the election procedure and for which judicial appeals would be available.

This proposal also provides that persons injured by unfair labor practices may seek both damages and the remedy of injunction with provision for preliminary injunctions and temporary restraining orders before trial available in exceptional cases.

This legislative proposal also seeks to substitute orderly procedure for economic combat and provides that an employer and a union can agree to submit to arbitration any issue which is a proper subject of collective bargaining.

I know that this Legislature is sincere in its effort in this field. I respectfully submit to you that a State Labor Relations Law, along the lines of this proposal, is the only available avenue if we are to be fair to all parties concerned and by all parties, I mean not only our management interests and our labor interests, but also our consumer interests.

I hope that any legislation adopted in this field will be straightforward, direct and objective. I consider this proposal to fit that description. In addition, I believe it to be beyond the suspicion of unconstitutionality and to be within the jurisdictional confine of our legislative and administrative authority.

I respectfully urge its enactment.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC

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### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 708.** By Terry Carpenter of Legislative District 42, upon recommendation of the Governor.

A bill for an act relating to fair labor practices; to define terms; to provide for collective bargaining as prescribed; to define unfair labor practice for an employer; to provide for representatives and elections; to provide legal remedies and appeals; to provide the manner this act may be cited; to amend sections 25-206, 25-1063, 25-2103, and 25-2119, Reissue Revised Statutes of Nebraska, 1943, and section 25-1065, Revised Statutes Supplement, 1957; to provide a severability clause; and to repeal the original sections.

### **GENERAL FILE**

**LEGISLATIVE BILL 510.** Considered.

The pending Vosoba amendments found in this Day's Journal were adopted.

Advanced to E and R for review.

### **STANDING COMMITTEE REPORTS**

#### **Public Works**

**LEGISLATIVE BILL 463.** Placed on General File as amended.

Standing Committee amendments to LB 463:

1. Amend Page 2, Section 2, line 2, by inserting after the word "district" the words "or public power and irrigation district".
2. Amend the title to conform.

**LEGISLATIVE BILL 311.** Indefinitely postponed.

**LEGISLATIVE BILL 578.** Placed on General File as amended.

Standing Committee amendment to LB 578:

1. Amend the bill, page 2, Section 1, lines 2 and 3, by striking "Section 75-240" and inserting in lieu thereof: "Sections 75-222 to 75-250, inclusive".

(Signed) Arnold Ruhnke, Chairman

#### **Salaries and Claims**

**LEGISLATIVE BILL 116.** Placed on General File as amended.

Standing Committee amendment to LB 116:

1. Amend section 1 of the bill, lines 7 and 8 by striking the words, "seventy-two hundred" and adding the words, "*six-thousand*."

**LEGISLATIVE BILL 516.** Placed on General File as amended.

Standing Committee amendment to LB 516:

1. Amend section 1 of the bill, line 5 by striking "ninety-six" and inserting "*eighty-five*".

**LEGISLATIVE BILL 407.** Placed on General File as amended.

Standing Committee amendment to LB 407:

1. Amend section 1 of the bill, line 6 by striking "seventy-eight" and adding "*seven thousand*".

(Signed) John Aufenkamp, Chairman

#### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 474.** Placed on General File as amended.

Standing Committee amendments to LB 474:

1. Amend the bill by striking sections 1 to 7 and inserting in lieu thereof the following:

"Section 1. That section 60-301, Revised Statutes Supplement, 1957, be amended to read as follows:

60-301. As used in sections 60-301 to 60-344, and in section 3 of this act, unless the context otherwise requires:

(1) Motor vehicles shall include motorcycles and all vehicles propelled by any power other than muscular power, except farm

tractors, farm tractors used occasionally outside of general farm usage, road rollers, and any vehicles which run only on rails or tracks;

(2) Highways shall include public streets, roads, turnpikes, parks, parkways, drives, alleys, and other public ways used for the passage of road vehicles;

(3) Trucks shall include motor vehicles equipped or used to carry anything other than passengers;

(4) Trailer shall include every vehicle without motor power carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(5) Semitrailer shall mean every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle;

(6) Cabin trailer shall mean every vehicle without motive power designed for living quarters and for being drawn by a motor vehicle; and

(7) Truck-tractor shall mean every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load being drawn;

(8) *Owner shall mean a person, firm or corporation who holds a legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event while a vehicle is subject to a lease of thirty days or more with an immediate right of possession vested in such lessee, or in event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this act;*

(9) *Vehicle shall be every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; and*

(10) *Fleet shall include only those commercial vehicles which actually travel a portion of their total miles in the state. A fleet must include three or more commercial vehicles.*

Sec. 2. That section 60-305.03, Revised Statutes Supplement, 1957, be amended to read as follows:

60-305.03. (1) In case a foreign state or territory is not reciprocal as to license fees on commercial trucks, truck-tractors, semitrailers, trailers, or buses, the owners of such nonresident vehicles from those states or territories will be required to pay the same license fees as are charged residents of this state in such foreign state or territory. In case no fees are charged in Nebraska on trucks, truck-tractors, semitrailers, trailers, or buses, other than license fees, and the reciprocity law of any other foreign state or territory does not act to exempt Nebraska trucks, truck-tractors, semitrailers, trailers, or buses operating in that state from payment of all fees whatsoever, the owners of such foreign trucks, truck-tractors, semitrailers, trailers, or buses shall be required to pay a fee in an amount equal to the fee of whatever character, other than license fee, is charged by such other state to foreign trucks, truck-tractors, semitrailers, trailers, or buses; *Provided*, that the owners of all foreign trucks, truck-tractors, semitrailers, trailers, or buses, doing intrastate hauling in this state, shall be required to pay the same registration fees as those required to be paid by residents of this state, *unless such vehicles are registered as a part of a fleet in interstate commerce, as provided in section 3 of this act*. In no case shall the fee charged to an owner of a foreign motor vehicle exceed the total fees required to be paid on like vehicles by residents of this state. The Department of Motor Vehicles shall remit all such fees collected to the State Treasurer, who shall place such money in the Highway Cash Fund.

(2) In order to effect the purposes of section 60-305.02 and subsection (1) of this section, the Department of Motor Vehicles shall have authority to enter into reciprocal agreements with the responsible officers of other states, provinces, or countries as to licenses and permit fees, under which motor vehicles, trucks, truck-tractors, semitrailers, trailers, or buses properly licensed or registered in other states, provinces, or countries may be operated in interstate commerce in this state without a Nebraska registration or the payment of permit fees or taxes; *Provided*, that like provisions are accorded to vehicles owned by Nebraska citizens when operated in such other state, provinces, or countries. *In order to effect the purposes of section 60-305.02 and subsection (1) of this section, and section 3 of this act, the Director of Motor Vehicles shall have the power, duty and authority to enter into reciprocal agreements with the duly authorized representatives of other jurisdictions, including states, districts, territories or possessions of the United States, and foreign countries, states or provinces granting to vehicles or owners of vehicles which are properly registered or licensed in such jurisdictions, and for which evidence of compliance is supplied, benefits,*

privileges and exemptions from the payment, wholly or partially, of any fees, or other charges imposed upon such vehicles or owners with respect to the operations or ownership of such vehicles under the laws of this state. Such agreements or arrangements shall provide that vehicles registered or licensed in this state when operated upon the highways of such other jurisdictions shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to vehicles from such jurisdictions in this state. The director may withdraw from any agreement when he determines that it shall be for the best interest of the State of Nebraska upon thirty days notice.

Notwithstanding any provisions of the Nebraska statutes to the contrary or inconsistent herewith, such agreements may provide with respect to resident or nonresident fleets of three or more commercial vehicles which are engaged in interstate and intrastate commerce, that the registrations of such fleets can be apportioned between this state and other states in which such fleets operate in accordance with the method set out in section 3 of this act.

(3) In the absence of an agreement of arrangement with any jurisdiction, the Director of Motor Vehicles is authorized to examine the laws and requirements of such jurisdiction and to declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles registered in such jurisdiction, or to the owners or operators of such vehicles.

Where no written agreement or arrangement has been entered into with another jurisdiction, or declaration issued pertaining thereto, any vehicle properly registered in such jurisdiction, and for which evidence of compliance is supplied, may be operated in this state and shall receive the same exemptions, benefits and privileges granted by such other jurisdiction to vehicles registered in this state.

(4) Where a trailer or semitrailer has been duly registered in any jurisdiction, no registration or license fee therefor shall be required in this state when such trailer or semitrailer is operated in combination with any tractor or truck properly licensed or registered in accordance with this act or agreements, arrangements or declarations pursuant to this act.

(5) All agreements, arrangements, declarations and amendments authorized by this act shall be in writing and shall become effective when filed in the office of the Director of Motor Vehicles.

(6) Agreements or arrangements entered into or declarations issued under the authority herein granted may contain provisions denying exemptions, benefits and privileges granted thereunder to any vehicle which is in violation of conditions stated therein.



(7) *Properly registered shall mean a vehicle licensed or registered in one of the following:*

(a) *The jurisdiction where the person registering the vehicle has his legal residence, or*

(b) *The jurisdiction in which a commercial vehicle is registered, where the operation in which such vehicle is used has a principal place of business therein, and from or in which the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, and the vehicle is assigned to such principal place of business, or*

(c) *The jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the person registering the commercial vehicle has licensed the vehicle as required by said jurisdiction.*

(8) *It shall be unlawful to operate trucks, truck-tractors, semitrailers, trailers, or buses owned by nonresidents who are not in compliance with the provisions of subsections (1) and (2) of this section and with section 60-305.02, or any agreement executed under the authority granted hereunder.*

Sec. 3. (1) *Any owner engaged in operating a fleet of three or more vehicles in this state in interstate commerce may, in lieu of registration of such vehicles under the general provisions of sections 60-301 to 60-344, register and license such fleet for operation in this state by filing a sworn statement with the Department of Motor Vehicles, which shall be in such form and contain such information as the department shall require, declaring the total mileage operated by such vehicles in all states and in this state during the preceding year and describing and identifying each such vehicle to be operated in this state during the ensuing license year. Upon receipt of such statement, the department shall determine the total fee payment which shall be equal to the amount obtained by applying the proportion of instate fleet miles to total fleet miles, as reported in said states, to the fees which would otherwise be required for total fleet registration in this state, and shall notify the applicant of the amount so determined. The applicant shall then proceed to register a proportion of his fleet in Nebraska, as provided in sections 60-302 and 60-303, so that the total fees paid for such vehicle registration shall be at least equal to the amount of fees determined to be due by the department. At the time of applying for such registration, the applicant shall present the determination of the department of the amount of fees due to the county treasurer from which he seeks registration of his vehicles, and the county treasurer, upon completion of such registration shall notify the department of such*

registration, and the total amount of registration fees paid by such applicant.

Upon receipt of reports of county treasurers that the applicant has registered a sufficient number of vehicles in Nebraska so that the aggregate fees paid are equal to or greater than the amount of fees determined to be due, the department shall issue to the applicant a sufficient number of distinctive number plates, or stickers or tags for each of the vehicles of his fleet, identifying it as a part of an interstate fleet proportionally registered.

The vehicles so registered shall be exempt from all further registration and license fees under sections 60-301 to 60-344 for movement or operation in the State of Nebraska. The proportional registration and licensing provision of this section shall apply to vehicles added to said fleets and operated in this state during the license year.

The right of applicants to proportional registration hereunder shall be subject to the terms and conditions of any reciprocity agreement, contract or consent made by the Department of Motor Vehicles.

When a nonresident fleet owner has registered his vehicles on an apportionment basis, his vehicles shall be considered as fully registered for interstate and intrastate commerce. Each vehicle of a fleet registered by a resident of Nebraska on an apportionment basis shall be considered as fully registered for interstate commerce and intrastate commerce.

(2) Mileage proportions for interstate fleets not operated in this state during the preceding year will be determined by the department upon the sworn application of the applicant on forms to be supplied by the department which will show the operations of the preceding year in other states and estimated operations in Nebraska, or if no operations were conducted the previous year, a full statement of the proposed method of operation.

(3) Any owner complying with and being granted proportional registration shall preserve the records on which the application is made for a period of four years following the year upon which said application is based. Upon request of the department, the owner agrees to make such records available to the department at its office for audit as to accuracy of computation and payments, or to pay the costs of an audit at the home office of the owner by duly appointed representative of the department. The department may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such owner. All payments received to cover the costs of an audit shall

be paid by the department into the state treasury and the State Treasurer shall credit the same to the state General Fund.

(4) If it is determined by the Department of Motor Vehicles that the owner should have paid a greater amount of fee under the provisions of this act than was paid the department shall deny the owner the right to further registration for a fleet license until such additional amount fee is paid.

(5) In those cases where it is necessary to secure a title to a vehicle to be registered under the provisions of this act, the application for such title shall be made to the department, and the department is authorized to issue such title upon the payment of the fee prescribed by law.

(6) This section shall become operative with respect to fees due and payable without regard to this section on and after January 1, 1960, but this shall not prevent the department from taking such administrative action prior to such operative date as will facilitate the operation of this section.

(7) Every applicant who shall license any vehicles under the provisions of this act which by law are subject to assessment for taxation in this state shall exhibit proof by tax receipt or otherwise as provided by section 60-303.

Sec. 4. Nothing in this act shall affect the validity or operation of any reciprocity agreement or arrangement presently existing and in effect between Nebraska and any other jurisdiction, and all such agreements or arrangements shall continue until specifically cancelled by the Director of Motor Vehicles or replaced by a new agreement or arrangement in accordance with the provisions of this act.

Sec. 5. That original sections 60-301 and 60-305.03, Revised Statutes Supplement, 1957, are repealed.

2. Amend the title to conform.

**LEGISLATIVE BILL 475.** Indefinitely postponed.

(Signed) John P. Munnelly, Chairman

#### **GENERAL FILE**

**LEGISLATIVE BILL 532.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 568.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Forty-ninth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 336.** Read and considered.

Advanced to E and R for review.

**Adjournment**

At 11:57 a.m., on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION****SIXTY-EIGHTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Monday, April 13, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present.

**Corrections for the Journal**

Page 1162, line 15, correct the spelling of "distinguished".

Page 1162, line 22, delete "no" and insert "not".

The Journal for the Sixty-seventh Day was approved as corrected.

**Communications**

Telegram from the Lincoln Chamber of Commerce Business Expansion Committee and Lincoln Industrial Development Corporation, favoring LB 560.

**Bills Referred to Standing Committees**

LB	Committee
708.....	Labor and Public Welfare

(Signed) Dwight W. Burney  
Lieutenant Governor

**STANDING COMMITTEE REPORTS****Public Health**

**LEGISLATIVE BILL 588.** Placed on General File as amended.

Standing Committee amendment to LB 588:

1. Amend section 2, page 5, of the bill by striking lines 51 to 55.

**LEGISLATIVE BILL 694.** Placed on General File as amended.

Standing Committee amendment to LB 694:

1. Amend section 2, lines 4 and 9, page 2, by inserting after the word "nurse" "*, under the direction of a physician,*".

(Signed) Sam Klaver, Chairman

**Presented to the Governor**

Presented to the Governor for approval on April 10, 1959, at 3:40 p.m.: LB 684 LB 631 LB 619 LB 326 LB 329

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review****LEGISLATIVE BILL 60.** Placed on Select File as amended.

E and R amendments to LB 60:

1. In renumbered section 2, line 1, strike "Section" and insert "Sec."; in line 2, insert "as amended by section 1, Legislative Bill 79, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; and in line 47, strike "then" and insert "than" as in the statutes.

2. For correlation purposes, in renumbered section 2, line 50, strike "licensee" and insert "operator"; in line 53, insert ", muffler violations," after "violations"; after line 53 insert a new paragraph to read as follows:

"All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had."; and in line 56, strike "licensee" and insert "operator".

3. In renumbered section 3, strike lines 1 and 2 and insert:

"Sec. 3. That original section 39-762.01, Reissue Revised Statutes of Nebraska, 1943, and also section 39-7,128, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 79, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed."

4. Add a new section to be known as section 4 and to read as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

5. In the title, line 2, insert "39-762.01, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; in line 3, insert "as amended by section 1, Legislative Bill 79, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; and in line 8, strike "and to repeal the original section" and insert "to change the penalty for failing to stop and furnish prescribed information after an accident; to repeal the original sections; and to declare an emergency".

**LEGISLATIVE BILL 128.** Placed on Select File as amended.

E and R amendments to LB 128:

1. In section 1, insert a comma at the end of line 19.
2. In the title, line 8, insert "and" after the semicolon; in line 9, strike "; and to"; strike lines 10 to 13; and in line 14, strike "committee".

**LEGISLATIVE BILL 510.** Placed on Select File as amended.

E and R amendments to LB 510:

1. In Standing Committee Amendment 1, line 2, and Standing Committee Amendment 3, line 2, strike "and show as stricken".
2. In the Vosoba General File Amendment 2, line 2, strike "of" and insert "or".
3. In section 3, line 4, strike the comma after "strikes" and show the same as stricken.
4. Add a new section to be known as section 5, and to read as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

5. In the title, line 7, insert a semicolon after "delivery"; and strike lines 8 and 9 and insert "to provide when hearing shall be had and decision rendered on such complaint; to change the provisions relating to the suspension of motor carrier service without approval of the State Railway Commission; to repeal the original sections; and to declare an emergency".

**LEGISLATIVE BILL 155.** Correctly engrossed.

**LEGISLATIVE BILL 262.** Correctly engrossed.

**LEGISLATIVE BILL 289.** Correctly engrossed.

**LEGISLATIVE BILL 434.** Correctly engrossed.

**LEGISLATIVE BILL 443.** Correctly engrossed.

**LEGISLATIVE BILL 513.** Correctly engrossed.

**LEGISLATIVE BILL 257.** Correctly enrolled.

**LEGISLATIVE BILL 427.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### President Signs

While the Legislature was in session and capable of transacting business, the President signed: LB 257 LB 427

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 35.** With emergency.

A bill for an act relating to the Governor; to provide that in case of vacancy in the office of Governor and there be no Lieutenant Governor or Speaker of the Legislature, the duties of the office shall be performed as prescribed until the vacancy is filled; to require that members of the Legislature shall resign therefrom before becoming Governor; to provide that the taking of the oath of office as Governor shall constitute the resignation of a member from the Legislature; 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	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Munnelly	Skarda
Bowen	Gerdes	Nelson	Stryker
Bridenbaugh	Hollenbeck	Olinger	Swanson
Burbach	Jensen	Orme	Syas
Carpenter	Klaver	Otto	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams



Voting in the negative, 0.

Not voting, 3:

Claussen	Peck	Simmons
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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.

**LEGISLATIVE BILL 178.** With emergency.

A bill for an act to amend section 17-559, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to enlarge the powers, including the power of eminent domain, of cities of the second class and villages, including the exercise thereof outside the limits of such city or village; 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, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

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

**LEGISLATIVE BILL 256.**

A bill for an act to provide generally for the continuity of the State Legislature in the event of an enemy attack upon the

United States, or the immediate threat thereof; and to prescribe the conditions under which, and the time when, this act shall become effective.

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

Voting in the affirmative, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 259.

A bill for an act to authorize the establishment of an emergency location or locations for the seat of state government; to define a term; to provide for the removal of the state government thereto in the event of enemy attack or imminent threat thereof; to authorize and validate the exercise of governmental powers and functions thereat during such emergency period; to authorize certain planning and preparations prior to any such emergency period; to provide separability; and to prescribe the conditions under which, and the time when, this act shall become effective.

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

Voting in the affirmative, 43:

Adams	Bowen	Burbach	Claussen
Aufenkamp	Bridenbaugh	Carpenter	Cooper

Diers	Lautenschlager	Otto	Stryker
Donner	Liebers	Peck	Swanson
Erlewine	Marvel	Pizer	Syas
Fenske	McHugh	Portsche	Tews
Fulton	Moulton	Romans	Thompson
Gerdes	Munnely	Ruhnke	Vosoba
Hollenbeck	Nelson	Russillo	Webb
Jensen	Olinger	Simmons	Williams
Klaver	Orme	Skarda	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 265.

A bill for an act to amend section 60-332, Revised Statutes Supplement, 1957, relating to motor vehicles; to exempt farm trailers pulled behind a motor vehicle or farm tractor in local farm-to-farm hauling from paying a registration fee; and to repeal the original section.

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

Voting in the affirmative, 42:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske	Munnely		

Voting in the negative, 1.

Donner

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Visitors**

Mr. Olinger introduced his son, Kenneth Olinger from Lincoln, and Mr. John R. Burt of Omaha.

**MOTION—Suspend Rules**

Mr. President: I move that we suspend the rules and read the bills today, which are scheduled for Final Reading for Tuesday, April 14, and also Resolution 26. (Signed) Terry Carpenter

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

**Visitor**

Mr. Romans introduced his son, Ronald Romans.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 26.**

Mr. Carpenter requested a record vote.

Voting in the affirmative, 35:

Adams	Donner	McHugh	Russillo
Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Munnelly	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Jensen	Orme	Syas
Carpenter	Klaver	Otto	Tews
Claussen	Lautenschlager	Peck	Webb
Cooper	Liebers	Pizer	Williams
Diers	Marvel	Portsche	

Voting in the negative, 3:

Hollenbeck	Ruhnke	Vosoba
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Not voting, 5:

Erlewine	Romans	Swanson	Thompson
Nelson			

LR 26 was adopted.

**Visitors**

Mr. Moulton introduced Mrs. Margaret Price and Mrs. Edna Elvers, Teachers, and forty-nine students from School District 33, and two mothers.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 51.** With emergency.

A bill for an act to amend sections 77-413 and 77-716, Re-issue Revised Statutes of Nebraska, 1943, and section 77-318, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 42, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to revenue and taxation; to clarify the provisions thereof; to remove the statute of limitations for the assessment of taxes on personal property omitted or not returned for taxation for the year 1959 and thereafter and to increase the penalty for omission or failure to return such property and to make such penalty uniform except as provided; 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, 33:

Aufenkamp	Fulton	Moulton	Simmons
Bowen	Gerdes	Munnelly	Skarda
Bridenbaugh	Jensen	Olinger	Stryker
Burbach	Klaver	Orme	Swanson
Carpenter	Lautenschlager	Otto	Syas
Claussen	Liebers	Peck	Tews
Cooper	Marvel	Portsche	Webb
Diers	McHugh	Russillo	Williams
Donner			

Voting in the negative, 9:

Erlewine	Nelson	Romans	Thompson
Fenske	Pizer	Ruhnke	Vosoba
Hollenbeck			

Not voting, 1:

Adams

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

**Visitors**

Mr. Claussen introduced Miss Wilma Peterson, Teacher, and nineteen students from School District 2, Schuyler.

**LEGISLATIVE BILL 339.** With emergency.

A bill for an act to amend sections 54-1101, 54-1122, and 54-1123, Reissue Revised Statutes of Nebraska, 1943, relating to livestock sales rings; to define terms; to provide the manner of appointing and the compensation of inspectors for livestock sales rings; to provide qualifications for such inspectors; to authorize the Director of the Department of Agriculture and Inspection to adopt rules and regulations; to create the Livestock Sales Revolving Fund; to provide for expenditure of such fund; to make an appropriation; 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	Fenske	Moulton	Simmons
Aufenkamp	Fulton	Munnelly	Skarda
Bowen	Gerdes	Nelson	Stryker
Bridenbaugh	Hollenbeck	Olinger	Swanson
Burbach	Jensen	Orme	Syas
Carpenter	Klaver	Otto	Tews
Claussen	Lautenschlager	Peck	Thompson
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Portsche                  Romans

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

**Explanation of Vote**

Mr. President: Had I been present, I would have voted "aye" on LB 339. (Signed) Stanley L. Portsche

**LEGISLATIVE BILL 413.**

A bill for an act to amend sections 82-201, 82-202, 82-203, 82-204, and 82-205, Reissue Revised Statutes of Nebraska, 1943,

relating to historical land markers; to change the Historical Land Mark Committee to the Historical Land Mark Council; to provide for the members thereof, their appointment, term of office, and compensation; to provide powers and duties; and to repeal the original sections.

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

Voting in the affirmative, 42:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Fenske	Munnelly		

Voting in the negative, 1:

Erlewine

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 431. With emergency.**

A bill for an act to amend section 88-213, Reissue Revised Statutes of Nebraska, 1943, relating to public grain warehouses; to change the offense from a misdemeanor to a felony for violating the provisions of sections 88-201 to 88-218, Reissue Revised Statutes of Nebraska, 1943; 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, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

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

#### LEGISLATIVE BILL 543.

A bill for an act to amend section 77-2032, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to permit the expenditure of inheritance tax funds for the relief of incapacitated or indigent persons through the construction of convalescent or geriatrics units; and to repeal the original section.

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

Voting in the affirmative, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.



A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### NOTICE OF COMMITTEE HEARINGS

#### Judiciary

LB 707      Monday, April 20, 1959      2:00 p.m.

#### Public Health

LB 706      Monday, April 20, 1959      2:00 p.m.

### STANDING COMMITTEE REPORTS

#### Government

**LEGISLATIVE BILL 630.** Placed on General File as amended.

Standing Committee amendments to LB 630:

1. Amend the bill by striking sections 1 to 4 and inserting in lieu thereof the following:

“Section 1. As used in this act, unless the context otherwise requires:

Cabin trailer shall mean every vehicle without motive power designed for living quarters and for being drawn by a motor vehicle.

Sec. 2. Except as otherwise provided in this act, the owner of every cabin trailer which is located in this state for a period of thirty days or more shall obtain a permit therefor, in the manner hereinafter prescribed; provided however, that no such permit shall be required for cabin trailers which are registered for operation upon the highways in the state in accordance with Chapter 60, article 3, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, or for cabin trailers owned by dealers or manufacturers which are unoccupied and held for sale or resale.

Sec. 3. Every owner of such a cabin trailer shall make application for a permit to the county treasurer of the county in which said owner resides or is domiciled or conducts a bona fide business; or, if such owner is not a resident of this state, such application shall be made to the county treasurer of the county in which such owner actually lives or conducts a bona fide business, except as otherwise expressly provided. Any person, firm, association or corporation who is neither a resident of this state nor

domiciled herein, but who desires to obtain a permit for such a cabin trailer owned by such person, firm or association or corporation, may register the same in any county of this state. The application shall contain a statement of the name, post-office address and place of business or employment of the applicant, a description of the cabin trailer, including the name of the maker, the number, if any, affixed or assigned thereto by the manufacturer, the weight and length of the vehicle, the year, model and the trade name or other designation given thereto by the manufacturer, if any. Every applicant for permit, at the time of making such application, shall exhibit to the county treasurer the certificate of title to such cabin trailer. Contemporaneously with such application, the applicant shall pay a permit fee in the amount of two dollars, which shall be credited to the general fund of the county. Upon proper application being made and the payment of the permit fee and the tax provided in section 6 of this act, the applicant shall be issued a serially numbered written permit.

Sec. 4. The county shall, in each even numbered year, furnish to every owner of a cabin trailer for which a permit is issued a number plate bearing the permit number assigned to such cabin trailer, in figures not less than two inches in height. In each odd numbered year, in lieu of furnishing such a plate, the county shall furnish to every person for whose cabin trailer a permit has been issued, a renewal tab which shall bear the year for which furnished and be so constructed as to permit the same to be permanently affixed to the number plate. The number plate assigned and issued to each cabin trailer which is registered hereunder shall be conspicuously displayed at the rear exterior thereof.

Sec. 5. Such permit shall be renewed annually in the same manner and upon the payment of the same fee as provided for original issuance. Such renewal shall become due on the first day of January of each year and delinquent on March 1 of each year. On making an application for renewal, the permit for the preceding year must be presented with the application. In case such permit is not presented, the county treasurer shall not issue the renewal permit until a sworn statement shall be made stating what disposition has been made of the previous permit; and an additional fee of one dollar shall be charged. The plate furnished by the county shall be valid during the calendar year for which issued and, when renewal tabs are issued and have been affixed thereto, they shall also be valid for the calendar year designated by such renewal tab.

Sec. 6. In addition to the permit fee provided by this act, there is hereby imposed upon such cabin trailers a motor vehicle

tax, which shall be assessed, computed, collected, allocated and subject to refund, in the same manner prescribed by Chapter 77, article 12, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the taxation of motor vehicles registered for operation upon the public highways of this state.

Sec. 7. In issuing such permits or renewals, the county treasurer shall neither receive nor accept such application nor permit fee nor issue any permit for any such cabin trailer, unless the applicant shall first exhibit proof by tax receipt or otherwise (1) that he has paid all applicable personal taxes upon such cabin trailer based on the computation thereof made in the preceding year for which such application for permit is made, (2) that he was the owner of another cabin trailer, or other motor vehicles, on which he paid the personal taxes during such year, or (3) that he owned no cabin trailer or other motor vehicle upon which personal taxes might have been levied during such year.

Sec. 8. The owner, lessee or manager of a land upon which is parked or located a cabin trailer for a period of thirty days, shall immediately thereafter report to the county assessor in the county in which such land is located, the name, post-office address and place of business or occupation of the owner or occupant thereof, the make, year model, length and trade name or other designation given thereto by the manufacturer, if any, and the date the cabin trailer was first parked or located on such land.

Sec. 9. It shall be unlawful for any person to own or occupy any cabin trailer located in this state for more than thirty days unless a current permit or renewal therefor has been issued, and a number plate is displayed thereon, in compliance with this act.

Sec. 10. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined in a sum not to exceed fifty dollars.

Sec. 11. That sections 81-2,198, 81-2,199, 81-2,200, 81-2,201, 81-2,202, 81-2,203, 81-2,204, 81-2,205, 81-2,206, 81-2,207, 81-2,208, 81-2,209, 81-2,210, Reissue Revised Statutes of Nebraska, 1943, are hereby repealed."

2. Amend the title to conform.

(Signed) H. K. Diers, Vice Chairman

#### Public Works

**LEGISLATIVE BILL 378.** Placed on General File as amended.

Standing Committee amendments to LB 378:

1. Amend section 2 of the bill, line 13 by striking "6" and inserting "8".

2. Amend section 5 of the bill, line 4 by striking "as" and inserting "a", line 7 by inserting ", and may include part or all of any street which lies one half in the city and one half in the abutting county" after "city", and striking lines 15 to 25 and inserting "or highway bond funds."

3. Amend section 6 of the bill, line 8 by striking "or" after the word "alleys".

4. Amend section 8 of the bill by striking lines 15 to 18 and inserting "within such districts. In addition to the creation of districts lying wholly within the corporate limits, the city may create such districts on streets lying one half within the city and one half without the corporate limits."

5. Amend section 9 of the bill by striking lines 14 to 17.

6. Amend section 10 of the bill by striking line 5 and "miles thereof; such" in line 6 and inserting "or part thereof. Such", and by striking lines 23 and 24.

7. Amend section 11 of the bill, lines 4 and 5 by striking "within the corporate limits or within three miles thereof".

8. Amend section 15 of the bill, line 9 by striking "especially" and inserting "specially".

9. Amend section 17 of the bill, line 18 by striking "authority" and inserting "authority".

10. Amend section 18 of the bill, line 9 by striking "aggrieved" and inserting "aggrieved", and line 12 by striking "city" and inserting "property".

11. Amend section 19 of the bill by striking line 8 and inserting "ment thus", line 11 by inserting ", and shall give additional notice to the property owners in the district or proposed district as required by the provisions of section 25-520.01, Revised Statutes Supplement, 1957" after "thereby", by striking lines 15 to 20 and inserting "such project, such work shall not be done. In the absence", and line 27 by inserting "to be" before "made".

13. Amend section 23 of the bill, line 5 by striking "abutting" and inserting "abutting".

14. Amend section 24 of the bill, line 4 by striking "twenty-five" and inserting "seventy-five".

15. Amend section 27 of the bill, line 3 by striking "the County of Douglas" and inserting "any county".

16. Amend section 28 of the bill by striking lines 17 and 18 and inserting "for grading in a street or alley and no bid is re-".

17. Amend section 30 of the bill, line 7 by striking "alley, or boulevard" and inserting "or alley".

18. Amend section 31 of the bill, line 4 by striking "direct" and inserting "prescribe".

19. Amend section 38 of the bill, line 23 by inserting "shall be required and such supplemental petition" before "need".

20. Amend the title to conform.

(Signed) Arnold Ruhnke, Chairman

#### **MOTION—Introduce Bill**

Mr. President: I move that the Judiciary Committee be permitted to introduce a bill relating to the Department of Aeronautics. (Signed) Ray C. Simmons, Chairman

Mr. Tews requested a Call of the House.

A Call of the House was ordered and showed 41 members present.

Mr. Carpenter moved that the Call be raised. The motion prevailed with 41 ayes, 0 nays, and 2 not voting.

Permission to introduce the bill rejected with 18 ayes, 20 nays, and 5 not voting.

#### **Visitors**

Mr. Moulton introduced Sister Mary Miriam, Sister Mary Kathryn, and fifty-two students from Christ the King School, Omaha, and four mothers.

#### **SELECT FILE**

**LEGISLATIVE BILL 67.** E and R amendment found in the Legislative Journal for the Sixty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 424.** E and R amendment found in the Legislative Journal for the Sixty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 75.** E and R amendments found in the Legislative Journal for the Sixty-seventh Day were adopted.

Advanced to E and R for engrossment.

### Visitors

Mr. Ruhnke introduced Mr. Dale Jantze, Superintendent, and six students from Diller Rural High School.

Mr. McHugh introduced Sherry Nothwehr, Teacher, and ten students from the First Lutheran School, Papillion, and two sponsors.

Mr. Gerdes introduced his sister-in-law, Mrs. Francis Gerdes, and Mrs. Martin Brennan from Alliance.

### GENERAL FILE

**LEGISLATIVE BILL 560.**

Mr. Jensen moved that LB 560 be held on General File until LB 708 can be printed, assigned and heard in committee, and disposed of by the committee to which it is assigned.

Mr. Simmons requested a record vote.

Voting in the affirmative, 14:

Burbach	Marvel	Otto	Skarda
Carpenter	Munnelly	Pizer	Syas
Jensen	Olinger	Portsche	Vosoba
Klaver	Orme		

Voting in the negative, 29:

Adams	Erlewine	McHugh	Simmons
Aufenkamp	Fenske	Moulton	Stryker
Bowen	Fulton	Nelson	Swanson
Bridenbaugh	Gerdes	Peck	Tews
Claussen	Hollenbeck	Romans	Thompson
Cooper	Lautenschlager	Ruhnke	Webb
Diers	Liebers	Russillo	Williams
Donner			

Not voting, 0.

The Jensen motion lost.

Section 1 read and considered.

**Speaker Pizer Presiding**

**Visitors**

Mr. McHugh introduced Mr. Merl Benton, Superintendent, and four students from Murdock.

Mr. Erlewine introduced Mrs. Karl MacKinnon from Grand Island.

Mr. Bowen introduced his daughter, Marilyn Bowen, and Mr. Glen Ely from Red Cloud.

Mr. Simmons offered the following amendments:

1. Amend the bill, by striking sections 1 to 3 and inserting in lieu thereof five new sections to be known as sections 1 to 5 and to read as follows:

“Section 1. The public policy of the state as to employment relations in the furtherance of which this act is passed is declared to be as follows:

(1) It recognizes that there are three major interests involved, namely: That of the public, the employee, and the employer. These three interests are to a considerable extent interrelated. It is the policy of the state to protect and promote each of these interests with due regard to the situation and to the rights of the others.

(2) Industrial peace, regular and adequate income for the employee, and uninterrupted production of goods and services are promotive of all of these interests. They are largely dependent upon the maintenance of fair, friendly and mutually satisfactory employment relations and the availability of suitable machinery for the peaceful adjustment of whatever controversies may arise. It is recognized that certain employers, including farmers and farmer cooperatives, in addition to their general employer problems, face special problems arising from perishable commodities and seasonal production which require adequate consideration. It is also recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding employment relations, they should not be permitted, in

the conduct of their controversy, to intrude directly into the primary rights of third parties to earn a livelihood, transact business and engage in the ordinary affairs of life by any lawful means and free from molestation, interference, restraint or coercion.

(3) Negotiations of terms and conditions of work should result from voluntary agreement between employer and employee. For the purpose of such negotiation an employee has the right, if he desires, to associate with others in organizing and bargaining collectively through representatives of his own choosing, without intimidation or coercion from any source.

(4) It is the policy of the state, in order to preserve and promote the interests of the public, the employee, and the employer alike, to establish standards of fair conduct in employment relations and to provide a convenient and expeditious method through the courts by which these interests may have their respective rights and obligations adjudicated. While limiting individual and group rights of aggression and defense, the state substitutes processes of justice for the more primitive methods of trial by combat.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Labor organization in this act, shall mean any organization, association or group of any kind, or any agency or employee representation committee or plan, whether incorporated or unincorporated, which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(2) Labor dispute shall mean any controversy between an employer and the majority of his employees concerning the right or process or details of collective bargaining or the designation of an employee representative. Any organization with which either the employer or such majority is affiliated may be considered a party to the labor dispute;

(3) Employer shall mean a person who engages the services of an employee, and includes any person acting on behalf of an employer within the scope of his authority, express or implied, but shall not include the state or any political subdivision thereof, or any labor organization or anyone acting in behalf of such organization other than when it is acting as an employer in fact;

(4) Person shall include one or more individuals, partnerships, associations, corporations, legal representatives, trustees or receivers; and



(5) Secondary boycott shall mean combining or conspiring to cause or threaten to cause injury to one with whom no labor dispute exists, whether by (a) withholding patronage, labor, or other beneficial business intercourse, or by intentionally and unreasonably hindering or delaying the same, (b) picketing, (c) refusing to handle, install, use or work on particular materials, equipment or supplies, or (d) by any other unlawful means, in order to bring him against his will into a concerted plan to coerce or inflict damage upon another.

Sec. 3. It shall be unlawful for any person to engage in a secondary boycott as herein defined, notwithstanding the provisions of any contract to the contrary; or to hinder or prevent, by threats, intimidation, force, coercion or sabotage, the obtaining, use or disposition of materials, equipment or services; or to combine or conspire to hinder or prevent, by any means whatsoever, the obtaining, use or disposition of materials, equipment or services; *Provided*, that nothing herein shall prevent sympathetic strikes in support of those in similar occupations working for other employers in the same craft.

Sec. 4. Employees shall have the right of self-organization and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection; and such employees shall also have the right to refrain from any or all of such activities.

Sec. 5. Any person injured in his business, property or person by reason of any unlawful act as defined in section 3 of this act, may sue therefor in the district courts of this state, and shall recover the damages sustained by him, trebled, his reasonable attorneys' fees and the cost of the litigation."

2. Amend the bill, by renumbering sections 4 to 8 as sections 6 to 10 respectively.

3. Amend renumbered section 6 of the bill, line 4 by striking "2" and inserting "3", and line 5 by striking "2" and inserting "5".

4. Amend the bill, by inserting two new sections immediately after renumbered section 10 to be known as sections 11 and 12, and to read as follows:

"Sec. 11. Except as otherwise specifically provided, nothing contained in this act shall be construed so as to interfere with or impede or diminish in any way the right to strike or the right

of individuals to work; nor shall anything in this act be so construed as to invade unlawfully the right to freedom of speech.

Sec. 12. It is the intention of the Legislature that this act shall operate according to its terms to the full extent permitted by the Constitution of the State of Nebraska and of the United Statutes of America. In event any section or part of this act, or the application thereof to any person or situation shall be held unconstitutional, the act shall nevertheless continue in full effect with respect to all parts and applications thereof not so held to be unconstitutional."

5. Amend the bill, by renumbering section 9 as section 13.

6. Amend the title to conform.

Amendments pending.

#### MOTION—Adjournment

Mr. President: I move we adjourn. (Signed) Joe T. Vosoba

Mr. Carpenter requested a record vote.

Voting in the affirmative, 21:

Adams	Liebers	Orme	Skarda
Burbach	Marvel	Otto	Syas
Cooper	McHugh	Peck	Tews
Fenske	Moulton	Pizer	Thompson
Jensen	Munnely	Portsche	Vosoba
Klaver			

Voting in the negative, 21:

Aufenkamp	Donner	Lautenschlager	Russillo
Bowen	Erlewine	Nelson	Stryker
Bridenbaugh	Fulton	Olinger	Swanson
Carpenter	Gerdes	Romans	Webb
Claussen	Hollenbeck	Ruhnke	Williams
Diers			

Not voting, 1:

Simmons

The motion lost.

#### Adjournment

At 12:09 p.m., on a motion by Mr. Fenske, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**SIXTY-NINTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 14, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present.

**Corrections for the Journal**

Page 1188, line 6, delete "lie" and insert "lies".

Page 1191, line 34, insert a comma after the first word "problems".

Page 1192, line 40, delete the period and insert a semicolon  
after the word "fact".

The Journal for the Sixty-eighth Day was approved as corrected.

**Communications**

Copy of the Congressional Record from U. S. Senator Carl T.  
Curtis, containing Legislative Resolution 23.

**STANDING COMMITTEE REPORTS**

**Miscellaneous Subjects**

**LEGISLATIVE BILL 328.** Indefinitely postponed.

(Signed) J. W. Burbach, Chairman

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 570.** Placed on General File as amended.

Standing Committee amendments to LB 570:

1. On page 3, Section 2, line 22, amend the bill by striking  
the word "not" and inserting in lieu thereof the word "no".

2. On page 4, Section 2, line 48, amend the bill by inserting after the lined out word "insurance" the lined word "and".

3. On page 5, Section 3, line 22, amend the bill by striking the word "commissioner" and inserting in lieu thereof the words "Department of Insurance".

4. On page 5, Section 3, line 34, amend the bill by striking the word "Director" and inserting in lieu thereof the words "Department of Insurance".

**LEGISLATIVE BILL 591.** Placed on General File as amended.

Standing Committee amendments to LB 591:

1. On page 2, Section 1, line 13, amend the bill by striking the ",".

2. On page 2, Section 1, line 16, amend the bill by inserting a "," after the word "Law)" and a "," after the word "and".

3. On page 2, Section 1, line 20, amend the bill by striking the word "not" and inserting in lieu thereof the word "net".

4. On page 2, Section 1, line 31, amend the bill by striking the second word "or" following the word "supplementary" and inserting in lieu thereof the word "to".

5. On page 3, Section 1, line 59, amend the bill by striking the words "per cent".

6. On page 4, Section 1, line 72, amend the bill by striking the Roman numeral "vi" and inserting in lieu thereof the Roman numeral "iv".

7. On page 4, Section 1, line 88, amend the bill by inserting after the word "used" the words "shall not be higher than the corresponding rate or rates of interest used".

**LEGISLATIVE BILL 595.** Placed on General File as amended.

Standing Committee amendments to LB 595:

1. On page 2, Section 1, line 11, amend the bill by striking the word "sixty" and inserting in lieu thereof the word "thirty".

2. On page 2, Section 1, line 13, amend the bill by inserting after the word "thereto" the following:

*"Provided, said thirty day period may be extended by the director for an additional period, not to exceed thirty days. Notice of such extension shall be mailed to the insurer involved."*

3. Amend the title to conform.

(Signed) John P. Munnelly, Chairman

#### **Government**

**LEGISLATIVE BILL 620.** Indefinitely postponed.

(Signed) Dwain Williams, Chairman

#### **Presented to the Governor**

Presented to the Governor for approval on April 14, 1959, at  
8:30 a.m.: LB 257 LB 427

(Signed) Jo Fisher, Enrolling Clerk

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 137.** Placed on Select File as amended.

E and R amendments to LB 137:

1. In section 1, line 36, strike "the"; in line 53, strike "60-560" and insert "60-569" as in the statutes; and strike lines 75 and 76 and insert:

*"(13) The forfeiture of bail, not vacated, or of collateral deposited to secure an appearance for trial shall be regarded as equivalent to conviction of the offense charged."*

2. In Standing Committee Amendment 1, line 2, insert "the first" after "striking".

3. In section 2, lines 29 and 31, strike the new matter and reinstate the stricken matter.

4. In section 4, line 1, strike "is".

5. In section 5, insert an underscored comma at the end of line 19.

6. In section 9, line 17, strike "; *Provided,*" and insert "*and*"; in line 23, strike "*, provided*" and insert "*and*"; in lines 53 and 54, strike "*, provided*" and insert "*and*"; and in line 62, strike "subsection" and insert "subsection subdivision".

7. In section 10, line 20, strike "*such*"; and in line 34, strike the semicolon and insert an underscored comma.

8. In section 11, line 20, strike "his" and insert "~~his~~ the"; and in line 21, insert "*of the director*" after "ment".

9. In section 13, line 27, strike "*five*" and insert "*three*"; in line 28, strike "*subdivision*" and insert "*subsection*"; in line 32, insert "*an*" after "*effect*"; and after line 38, insert:

"(3) Whenever a person whose license has been suspended or revoked and he has been committed to or incarcerated in a state institution, penal or otherwise, for a period of longer than one year, such person shall be entitled to have his operator's license restored to him upon his release from the institution by passing a satisfactory examination for obtaining an operator's license."

10. In section 14, line 10, strike "*sent*" and insert "*send*"; in line 24, strike "*provided*" and insert "*if*"; in line 34, strike the second "*of*"; in lines 36 and 38, strike "*subdivision*" and insert "*subsection*"; and strike line 42 and 47 and in each instance insert "*under subsection (1) of this section or, if subject to subsection (2) of this section,*".

11. In section 15, line 5, insert "*such*" after "*act*"; and in lines 11 and 12, strike the new matter and reinstate the stricken matter.

12. In section 16, line 9, strike "*and*" and insert "*an*" as in the statutes.

13. The amendment proposed by section 17 having been stricken by Standing Committee Amendment 4, strike section 17 and renumber original sections 18 to 21 as sections 17 to 20 respectively.

14. In renumbered section 20, line 3, strike "*60-527,*".

15. In the title, line 4, strike "*60-527,*"; strike line 16, and insert "*suspensions of a nonresident's operating privilege and the effect*"; in line 17, insert "*to provide for certification of suspensions or revocations by other states and the effect thereof,*" after the semicolon; and in lines 19 and 20, strike "*to extend the time security shall be required,*".

**LEGISLATIVE BILL 308.** Placed on Select File as amended.

E and R amendments to LB 308:

1. In section 2, line 6, strike the comma before "*real*"; and in line 14, strike the comma after "*enlarging*", showing the same as stricken.

2. Strike Standing Committee Amendment 2.

3. In section 2, strike lines 17 to 20 and insert "ministrative, institutional, educational, and all other public uses, and for reservations in, and about, and along, and or leading to any or all of the same. After the estab-".

4. In the title, line 13, insert a period after "sections", and strike the balance of line 13 and all of line 14.

**LEGISLATIVE BILL 402.** Placed on Select File as amended.

E and R amendment to LB 402:

1. In the title, line 7, insert "to eliminate the requirement that ordinances providing for certain of such expenditures be ratified by a vote of the people;" after the semicolon.

**LEGISLATIVE BILL 392.** Placed on Select File as amended.

E and R amendments to LB 392:

1. In Standing Committee Amendment 1, insert a comma after "law".

2. In Standing Committee Amendment 2, line 3, insert a comma after "body".

3. In section 1, line 3, strike the comma after "participate"; and in line 3, insert a comma after "in".

4. In section 2, line 1, insert ", municipal corporation, public body, or agency," after "subdivision"; in line 2, insert a comma after "act"; and strike the period at the end of line 9.

5. In section 3, line 7, insert "municipal corporation, public body, or agency," after the comma.

6. Add two new sections to be known as sections 4 and 5 and to read as follows:

"Sec. 4. That section 44-1612, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

7. In the title, beginning with "to" in line 8, strike through the first semicolon in line 11; in line 13, strike "and"; in line 16,

strike "employer" and insert "employee"; and in line 17, insert "to repeal section 44-1612, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency" before the period.

**LEGISLATIVE BILL 286.** Placed on Select File as amended.

E and R amendments to LB 286:

1. In section 1, line 8, strike "is" and insert "was".
2. In the title, line 2, insert "any" after "authorize"; in line 3 strike "banks" and insert "bank"; and in line 5, insert "of the estate" before "of".

**LEGISLATIVE BILL 522.** Placed on Select File.

**LEGISLATIVE BILL 403.** Placed on Select File as amended.

E and R amendments to LB 403:

1. In section 1, line 13, reinstate "foxes, except mutation foxes,".
2. Add a new section to be known as section 4 and to read as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."
3. In the title, line 8, strike "and", and insert "and to declare an emergency" before the period.

**LEGISLATIVE BILL 532.** Placed on Select File as amended.

E and R amendments to LB 532:

1. In section 1, strike line 3, and insert:

"2-910. As used in this act, unless the context otherwise requires:

  - (1) Noxious weeds shall mean and include".
2. In section 2, line 22, strike "subsection" and insert "sub-section subdivision"; in line 22, insert "the" before "Department"; and in line 46, strike "include" and insert "includes" as in the statutes.



LEGISLATIVE BILL 386. Correctly engrossed.  
LEGISLATIVE BILL 409. Correctly engrossed.  
LEGISLATIVE BILL 496. Correctly engrossed.  
LEGISLATIVE BILL 512. Correctly engrossed.  
LEGISLATIVE BILL 534. Correctly engrossed.  
LEGISLATIVE BILL 35. Correctly enrolled.  
LEGISLATIVE BILL 51. Correctly enrolled.  
LEGISLATIVE BILL 178. Correctly enrolled.  
LEGISLATIVE BILL 256. Correctly enrolled.  
LEGISLATIVE BILL 259. Correctly enrolled.  
LEGISLATIVE BILL 265. Correctly enrolled.  
LEGISLATIVE BILL 339. Correctly enrolled.  
LEGISLATIVE BILL 413. Correctly enrolled.  
LEGISLATIVE BILL 431. Correctly enrolled.  
LEGISLATIVE BILL 543. Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 35 LB 51 LB 178 LB 256  
LB 259 LB 265 LB 339 LB 413 LB 431 LB 543 LR 26

#### **STANDING COMMITTEE REPORTS**

##### **Public Works**

LEGISLATIVE BILL 531. Placed on General File as amended.

Standing Committee amendments to LB 531:

1. Amend section 1 of the bill, line 14 by inserting “, research and tests made for traffic and highway purposes,” after bridges,

and line 18 by inserting "two and one half per cent of registration fees paid into the state General Fund," after "fees,".

2. Amend section 2 of the bill, lines 7 and 8 by striking "motor vehicle license fees", line 8 by inserting "and motor vehicle license fees except two and one half per cent paid into state General Fund" before "shall", and line 11 by inserting "research and tests made for traffic and highway purposes", before "and".

**LEGISLATIVE BILL 520.** Placed on General File as amended.

Standing Committee amendments to LB 520:

1. Amend the bill by striking section 1 of the bill.

2. Amend section 2 of the bill, line 1 by striking "Sec. 2" and inserting "Section 1", and lines 4, 6, 7, and 12 to 18 by reinstating the stricken matter, line 6 by striking the reinstated "and", and 7 by inserting "*semitrailers and buses, one number plate,*" before "upon".

3. Amend section 3 of the bill, line 1 by striking "3" and inserting "2", by reinstating the stricken matter in lines 3, 4, 9, 11, 12, and 18 to 25, and line 9 by inserting "*semitrailers, buses*" before "motor".

4. Amend the bill by striking sections 4 and 6 and renumbering section 5 as section 3.

5. Amend the bill by adding one new section immediately after renumbered section 3 to be known as section 4 and to read as follows:

"Sec. 4. That original section 83-122, Reissue Revised Statutes of Nebraska, 1943, and sections 60-311 and 60-311.04, Revised Statutes Supplement, 1957, are repealed."

(Signed) Arnold Ruhnke, Chairman

#### SELECT FILE

**LEGISLATIVE BILL 60.** E and R amendments found in the Legislative Journal for the Sixty-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 128.** E and R amendments found in the Legislative Journal for the Sixty-eighth Day were adopted.

Mr. Jensen requested unanimous consent that the following amendments be adopted:

1. Amend section 2 of the bill line 17 by inserting after the period the following:

“That in the absence of a report from the committee, the Legislature shall consider requests from groups seeking to have retirement plans established for them and such other legislation as is pertinent to present retirement problems introduced to that session”.

2. Amend the title to conform.

Amendments pending.

Laid over until Monday, April 20, 1959, at the request of Mr. Ruhnke.

**LEGISLATIVE BILL 510.** E and R amendments found in the Legislative Journal for the Sixty-eighth Day were adopted.

Advanced to E and R for engrossment.

#### **UNANIMOUS CONSENT—Change Hearing Date**

Mr. Williams, Chairman of the Government Committee, requested unanimous consent to change the hearing date for LB 705 from Monday, April 20, to Monday, April 27, 1959, at 2:00 p.m. No objections. So ordered.

#### **Visitors**

Mr. Pizer introduced Dusan Vuckovic, Chief Forester, State of Montenegro, Yugoslavia; H. P. Gaylor, Forest Supervisor of the Nebraska National Forest; and Bill McGeachin from Lincoln.

#### **GENERAL FILE**

**LEGISLATIVE BILL 560.** Considered.

Mr. Marvel offered the following amendment:

Amend Section 2, sub-section (5) (a) after the word “intercourse” by striking “or by intentionally and unreasonably hindering or delaying the same,” before sub-section (b).

Mr. Simmons requested a record vote.

Voting in the affirmative, 14:

Adams	Marvel	Pizer	Skarda
Gerdes	Moulton	Portsche	Syas
Klaver	Munnelly	Ruhnke	Vosoba
Liebers	Otto		

Voting in the negative, 25:

Aufenkamp	Donner	McHugh	Russillo
Bridenbaugh	Fenske	Nelson	Simmons
Burbach	Fulton	Olinger	Stryker
Carpenter	Hollenbeck	Orme	Swanson
Claussen	Jensen	Peck	Thompson
Cooper	Lautenschlager	Romans	Webb
Diers			

Not voting, 4:

Bowen	Erlewine	Tews	Williams
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The Marvel amendment was rejected.

The pending Simmons amendments found in the Legislative Journal for the Sixty-eighth Day were adopted with 32 ayes, 8 nays, and 3 not voting.

Mr. Carpenter moved that LB 560 be indefinitely postponed.

### Speaker Pizer Presiding

Mr. Carpenter requested a record vote.

Voting in the affirmative, 7:

Carpenter	Munnelly	Portsche	Syas
Klaver	Pizer	Skarda	

Voting in the negative, 35:

Adams	Fenske	Moulton	Simmons
Aufenkamp	Fulton	Nelson	Stryker
Bowen	Gerdes	Olinger	Swanson
Bridenbaugh	Hollenbeck	Orme	Tews
Burbach	Jensen	Otto	Thompson
Cooper	Lautenschlager	Peck	Vosoba
Diers	Liebers	Romans	Webb
Donner	Marvel	Ruhnke	Williams
Erlewine	McHugh	Russillo	

Not voting, 1:

Claussen

The Carpenter motion lost.

Advanced to E and R for review.

#### **Explanation of Vote**

Mr. President: Had I been present, I would have voted "nay" on the motion to indefinitely postpone LB 560. (Signed) Peter H. Claussen

#### **Visitors**

Mr. Claussen introduced Mrs. Bess J. Waring, Superintendent, one hundred fifty students, and forty-two teachers from Stanton County.

Mr. Bowen introduced Mr. Earl Carpenter, a former member of the Legislature, and Mrs. Fannie Grice.

Mr. Fulton introduced Mrs. Charles Malicky, Teacher, and twenty-four students from District 74, Odell, and one mother.

Mr. Bowen introduced Gene Danaley, Russell Latta, and Don Post from Webster County.

#### **MESSAGE FROM THE GOVERNOR**

April 9, 1959

The President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

This letter is to respectfully request permission of your honorable body to introduce legislation to harmonize and coordinate existing procedures for determining our state boundaries.

At this time, we have three boundary commissions. One deals with boundaries between Nebraska and South Dakota; a second with boundary problems between Iowa and Nebraska; and a third with those between Nebraska and Missouri.

With these three different commissions and three different sets of commissioners, it is inescapable that variances in philosophy and

policy have developed concerning boundary determination. As a result, we determine our boundary by the middle of the stream under the views of one commission; we determine it by references to landmarks and practices in the views of another commission.

Therefore, it is respectfully requested that this proposed legislation be introduced for the purpose of abolishing existing commissions and creating one new commission which, by an analysis of the factual questions presented, can develop a policy of boundary determination that will be consistent in all respects and in all cases and thereby contribute to a more stable and positive solution of the important decisions these matters present.

Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks

RALPH G. BROOKS

GOVERNOR

RGB:RBC

#### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 709.** By George Syas of Legislative District 4, J. W. Burbach of Legislative District 14, and John R. Cooper of Legislative District 1, upon recommendation of the Governor.

A bill for an act relating to boundary lines between South Dakota, Iowa, and Missouri, and Nebraska; to provide for the appointment of commissioners to act on behalf of the State of Nebraska to negotiate a compact between the States of South Dakota, Iowa, and Missouri, and Nebraska; to provide powers for such commission; to provide when such compact shall become binding upon the states involved; to repeal Laws 1957, Chapters 243, 244, and 245, Sixty-eighth Session, Nebraska State Legislature; and to declare an emergency.

#### Visitors

Mr. Skarda introduced Mr. Thor Strimple and Mrs. Winifred Willett, Teachers, and twenty-eight students from Windsor School, Omaha.

Mr. Russillo introduced Mrs. C. Kent and Mrs. S. Firbas, Teachers, and seventeen students from Pratt School, Omaha.

**MOTION—Introduce Bill**

Mr. President: The Committee on Revenue requests permission to introduce a bill for a Constitutional Amendment which would legalize dog racing. (Signed) Norman A. Otto, Chairman.

**Member Excused**

Mr. Romans was excused at 11:00 a.m. for the remainder of the day.

Mr. Fulton requested a record vote.

Voting in the affirmative, 16:

Burbach	Fulton	Lautenschlager	Skarda
Carpenter	Gerdes	Otto	Syas
Diers	Hollenbeck	Pizer	Tews
Donner	Jensen	Portsche	Vosoba

Voting in the negative, 21:

Adams	Liebers	Olinger	Simmons
Aufenkamp	Marvel	Orme	Stryker
Bridenbaugh	McHugh	Peck	Swanson
Claussen	Moulton	Ruhnke	Thompson
Cooper	Nelson	Russillo	Webb
Fenske			

Not voting, 6:

Bowen	Klaver	Romans	Williams
Erlewine	Munnelly		

Permission to introduce the bill rejected.

**STANDING COMMITTEE REPORTS****Labor and Public Welfare**

**LEGISLATIVE BILL 542.** Placed on General File.

**LEGISLATIVE BILL 476.** Indefinitely postponed.

(Signed) Peter H. Claussen, Chairman

**President Burney Presiding**

## GENERAL FILE

**LEGISLATIVE BILL 175.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 589.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fourth Day were adopted.

Laid over.

**LEGISLATIVE BILL 384.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 665.** Laid over.**LEGISLATIVE BILL 292.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-sixth Day were adopted.

Mr. Marvel offered the following amendments which were adopted:

1. Amend Section 1, line 2, by inserting after the word "contract" the words "*which is required to be let by advertising for sealed bids*".

2. Amend Section 1, line 7, by striking the period and adding at the end thereof the words "provided that this act shall not apply to contracts for the sale of securities."

3. Amend the title to conform.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.

2. Amend the title to conform.

Advanced to E and R for review.

**Visitors**

Mr. Pizer introduced Don R. Cantrell, Teacher, and forty students from Maplewood Academy, Hutchinson, Minnesota, and three teachers.



**LEGISLATIVE BILL 157.** Laid over.

**LEGISLATIVE BILL 272.** Considered.

Mr. Cooper withdrew his pending amendments found in the Legislative Journal for the Sixty-second Day.

Advanced to E and R for review.

**MESSAGES FROM THE GOVERNOR**

April 13, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 10, 1959, he approved LB 54, LB 239, LB 271, LB 291, LB 347, LB 432, LB 439, LB 681, LB 55, LB 294, LB 430, LB 453, LB 460 and LB 561.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

April 13, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 11, 1959 he approved LB 301, LB 326, LB 329, LB 469, LB 619 and LB 631.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**STANDING COMMITTEE REPORTS****Miscellaneous Subjects**

**LEGISLATIVE BILL 624.** Placed on General File as amended.

Standing Committee amendments to LB 624:

1. Amend the bill, section 1, by striking lines 7 to 24 and inserting:

"Sec. 5. The Legislature shall consist of sixty-five members. At the regular session of the Legislature held in the year nineteen hundred and sixty-one the Legislature shall by law divide the state into Legislative Districts. The entire state shall first be divided into twenty-two Legislative Districts as nearly equal in size as possible and without regard to population. After the creation of such districts, beginning in nineteen hundred sixty-two and every two years thereafter, one member of the Legislature shall be elected from each such District. The entire state shall further be divided into forty-three Legislative Districts composed of contiguous and compact territory and as nearly equal in population as possible based on population, excluding aliens, as shown by the next preceding federal census. After the creation of such districts, beginning in nineteen hundred sixty-two and every two years thereafter, one member of the Legislature shall be elected from each such district. Commencing with the decennial federal census for the year 1970 and every twenty years thereafter, the Legislature shall, by redistricting the state, correct any inequalities in the population of those districts established on a basis of population.

Sec. 6. The sessions of the Legislature shall be biennial except as otherwise provided by this Constitution or as may be otherwise provided by law.

Sec. 7. Beginning in the year 1962, members of the Legislature from the odd-numbered districts shall be elected for a term of four years, and members of the Legislature from the even-numbered districts shall be elected for a term of two years commencing at noon on the first Tuesday in January in the year next ensuing the general election at which they were elected; in the year 1964, members of the Legislature from the even-numbered districts shall be elected for a term of four years. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of one hundred fifty dollars

per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.”.

2. Amend the title to conform.

**LEGISLATIVE BILL 310.** Placed on General File as amended.

Standing Committee amendments to LB 310:

1. Amend the bill by adding a new section immediately after section 1 to be known as section 2 and to read as follows:

“Sec. 2. That section 29-724, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-724. When the punishment of the crime shall be confinement of the criminal in the penitentiary, the expenses shall be paid out of the State Treasury on certificate of the Governor and warrant of the Auditor of Public Accounts. In all other cases they shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses shall be the fees paid to the officers of the state on whose Governor the requisition is made, and not exceeding five *eight* cents per mile for all necessary travel in returning such prisoner, together with such additional expenses for subsistence in making such return.”.

2. Renumber sections 2 to 5 as sections 3 to 6, respectively.
3. Amend renumbered Section 3 of the bill, line 22, by striking “fifteen” and inserting “*eight*”.
4. Amend renumbered Section 4 of the bill, line 7, by striking “fifteen” and inserting “*eight*”.
5. Amend renumbered Section 6 of the bill, line 19, by striking “fifteen” and inserting “*eight*”.
6. Amend the bill by adding, immediately after renumbered section 6, a new section to be known as section 7 and to read as follows:

“Sec. 7. *The county board may purchase, for installation on motor vehicles owned by the sheriff or his deputies, specialized equipment such as, but not limited to, short wave radios, flashing*

lights, or spot lights whenever such equipment is necessary for law enforcement work. Any equipment so purchased and installed shall remain the property of the county and shall be removed and returned to the county upon termination of the term of office of such sheriff or deputy. The county board may also reimburse any such sheriff or deputy for any damage to any such privately-owned motor vehicle peculiarly incident to and actually arising out of the use of such motor vehicle for law enforcement work, such as but not limited to, bullet holes, blood stains, or damage to the interior caused by unruly prisoners, but not including collision or upset. Reimbursement for such damage shall be paid as other claims against the county.”.

7. Renumber original sections 6 and 7 as sections 9 and 10, respectively.

8. Amend renumbered section 9, line 1, by inserting “29-724” after “sections”.

9. Amend the title to conform.

**LEGISLATIVE BILL 410.** Placed on General File as amended.

Standing Committee amendments to LB 410:

1. Amend section 1 of the bill, line 10 by inserting after the word “service” the following:

“; *Provided, that if more than thirty years of service is claimed, not more than sixteen years credit shall be allowed for service prior to the year 1945; and provided further, that if credit is claimed for more than thirty years of service, such claim shall not exceed a total of thirty-five years*”.

2. Amend section 2 of the bill, line 6 by striking the new matter and reinstating the stricken matter, and line 11 by striking the period and inserting “*with the provision that he may within sixty days after the effective date of this act or within sixty days after first being employed by a public school of this state, elect to deposit five per cent of all compensation not exceeding thirty-six hundred dollars for services as a school employee performed after becoming a member of the retirement system. Such election shall be in writing on forms prescribed by the Retirement Board and shall be final, unless after five years the member notifies his employer and the retirement board in writing to revert to five per cent of twenty-four hundred dollars.*”.

3. Amend the title to conform.

**LEGISLATIVE BILL 616.** Placed on General File as amended.

Standing Committee amendments to LB 616:

1. Amend the bill by striking sections 1 to 5 and inserting in lieu thereof the following:

"Section 1. The State Railway Commission, grain warehouse department, shall enforce the provisions of this act. It shall make or cause to be made, all inspections and shall have authority to establish tolerances and specifications for grain moisture measuring devices similar to the tolerances and specifications recommended or used by the Grain Branch of the United States Department of Agriculture, which shall have for their object the establishment of more accurate grain moisture measuring in the State of Nebraska. It shall have authority to charge a fee to cover the cost of inspecting grain moisture measuring devices.

Sec. 2. When not otherwise provided by law, the supervisor of the grain warehouse department of the State Railway Commission, or his inspectors, shall have the power, and it shall be their duty to inspect, make comparative tests and ascertain if correct, every grain moisture measuring device used or employed by any proprietor, agent or lessee or employee in proving or ascertaining the moisture of grain offered for sale, sold, purchased or in the process of being purchased. Such inspector shall use as a standard for making such comparative tests a grain moisture measuring device meeting the tolerances and specifications established pursuant to the provisions of section 1 of this act.

Sec. 3. Whenever the supervisor of the grain warehouse department of the State Railway Commission, or his inspectors, compares grain moisture tests of the device being tested with the standard grain moisture measuring device and finds that they correspond or causes them to correspond with the standard he shall seal or mark such grain moisture measuring testing device with appropriate seals or works. Any such grain moisture measuring testing device which upon such inspection shall be found to be defective shall be sealed or marked with appropriate seal indicating such device to be defective and the owner or user of such device shall be notified of such defection by the supervisor of the grain warehouse department of the State Railway Commission on appropriate inspection form on date of such inspection.

Sec. 4. Within one year from date of enactment of this act any person who, by himself or by his agent or as agent of another person shall use in buying or selling grain any grain moisture measuring device which has not been tested and approved for use by the supervisor of the grain warehouse department of the State Railway

Commission of his inspectors shall be guilty of a misdemeanor. Except that the use of a newly purchased grain moisture measuring device in the buying or selling of grain prior to regular inspection and approval shall not be considered a misdemeanor if the user of such device has notified the supervisor of the grain warehouse department of the State Railway Commission of the purchase and intended use of such new device. Notice shall be on appropriate form and by registered mail not later than ten days from date of such intended use.

Sec. 5. Penalties for violations of any of the provisions of this act shall be as provided in section 89-141, Reissue Revised Statutes of Nebraska, 1943.”.

2. Amend the title to conform.

**LEGISLATIVE BILL 633.** Placed on General File as amended.

Standing Committee amendments to LB 633:

1. Amend the bill, section 2, line 5, by striking “fifteen” and inserting “twelve”.

2. Amend the bill by striking section 15 and substituting therefor:

“Sec. 15. The board of directors shall annually elect a president, vice president, secretary, treasurer, and such other officers as may be necessary. Such board shall hold regular meetings in its office at least once each calendar quarter and such special meetings as may be required for the proper transaction of business. Notice of all meetings of the board must be published in a newspaper of general circulation in the district not less than seven nor more than fourteen days prior to the holding of such meeting, which notice shall state the time, date, and place thereof, and, in case of a special meeting, the purpose thereof. The board shall cause to be kept accurate minutes of its meetings and accurate records and books of account, conforming to approved methods of bookkeeping, clearly setting out and reflecting the operation, management, and business of the district. Such books and records shall be kept at the offices of the district and shall be open to public inspection during normal business hours. The board shall cause to be published at the close of each regular or special meeting a brief statement of the proceedings thereof in a newspaper of general circulation in the district. At the close of each year's business, the board shall cause an audit of the books, records, and financial affairs of the district to be made by a certified public accountant or firm of such accountants, who shall be selected by

the board, and, the report of such audit shall be kept on file at the districts office for inspection by any interested party.”.

3. Amend the bill by striking section 21 and substituting therefor:

“Sec. 21. The board of directors may, on its own motion, or the board shall, on a written request signed by not less than twelve resident owners of land in each of a majority of the precincts lying wholly or partly within the district, request of the Secretary of State that the question of dissolution of such district be submitted to a vote of the electors, as set forth in this act, of the district, and the Secretary of State shall fix the date of such election, notice of which shall be given and which shall be conducted in the same manner as elections for the formation of such districts. If a majority of those voting on such question vote in favor of dissolution, the Secretary of State shall certify such result to the board of directors of such district. If the district has no debts outstanding at the time such result is certified to the board by the Secretary of State, such district shall thereupon stand dissolved. If the district has debts outstanding at the time such result is certified to the board by the Secretary of State and there are not sufficient funds in the hands of the treasurer of the district or in the hands of the county treasurer or treasurers to the credit of the district, to pay such debts, or if at the time of such certification, the district is under contract for any program of weather control as authorized herein, the board of directors of such district shall have authority to: (1) Levy the taxes necessary to pay such outstanding debts; (2) complete, in accordance with the contract, any program of weather control, or in the alternative, to negotiate and enter into a settlement of such contract with the contractor or contractors; (3) levy the taxes necessary to pay any obligations due or to become due under any such contract for any such program of weather control or to pay the cost of settlement thereof; and (4) wind up the affairs of the district and to levy the taxes necessary to pay the cost thereof, and upon payment of such debts, the completion or settlement of such contract or contracts for any such program of weather control and the payment of the obligations due under any such contract or the settlement thereof, and the payment of the costs incurred in winding up the affairs of the district, the district shall thereupon stand dissolved. In case a district is dissolved, any funds on hand or to be collected, in excess of the funds necessary to pay the outstanding obligations of the district and the costs of winding up the affairs of the district, shall be held by the treasurer of the district, and the directors shall petition the district court of the county in which the main office is located for an order approving the distribution of funds to the taxpayers of the district on the same basis as collected. The question of

dissolution shall not be submitted more often than once every twelve months.”.

4. Amend the bill, section 23, lines 3 and 4, by striking “and such district has acted as a weather control district prior to the adoption of this act”.

5. Amend the title to conform.

(Signed) J. W. Burbach, Chairman

#### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 594.** Placed on General File as amended.

(Signed) John P. Munnelly, Chairman

#### **UNANIMOUS CONSENT—Standing Committee Amendments**

Mr. Munnelly, Chairman of the Banking, Commerce and Insurance Committee, requested unanimous consent to have the Standing Committee Amendments to LB 594 mimeographed and placed in the members bill books rather than printed in the Journal, as the amendments strike the bill in its entirety and insert a new bill in lieu thereof.

No objections. So ordered.

#### **STANDING COMMITTEE REPORTS**

##### **Labor and Public Welfare**

**LEGISLATIVE BILL 22.** Placed on General File as amended.

Standing Committee amendments to LB 22:

1. Amend section 2 of the bill, line 19 by striking the comma and inserting a semicolon, by striking lines 20, 32, and 33, line 34 by striking “(j)” and inserting “(i)”, and line 36 by striking “(k)” and inserting “(j)”.

2. Amend section 3 of the bill, line 3 by striking “one dollar” and inserting “seventy-five cents”.

3. Amend section 5 of the bill, by striking lines 1 to 7 commencing with “(1)” in line 1 and renumbering subsections (2), (3) and (4) as subsections (1), (2) and (3), by striking line 15 and inserting “be.”, and by striking the word “In” in line 26 and by striking lines 27 to 30.



4. Amend the bill by striking section 7 and renumbering section 8 as section 7.
5. Amend the title to conform.

**LEGISLATIVE BILL 416.** Placed on General File as amended.

Standing Committee amendments to LB 416:

1. Amend section 1 of the bill, line 17 by striking "father" and inserting "*father parent*", by striking line 26 commencing with the word "In" by striking lines 27 to 31 and show the same as stricken matter, and lines 43 and 45 by reinstating the stricken matter and by striking the new matter.

2. Amend the title to conform.

(Signed) Peter H. Claussen, Chairman

#### **Adjournment**

At 12:05 p.m., on a motion by Mr. Carpenter, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## SEVENTIETH DAY

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 15, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

**Corrections for the Journal**

Page 1196, line 34, delete the period and insert a colon after "following".

Page 1197, line 29, delete the comma after "strike".

The Journal for the Sixty-ninth Day was approved as corrected.

**Invitation**

Invitation to an open house Saturday, April 18, from 2:00 until 4:00 p.m., celebrating the 50th anniversary of Otto Kotouc, Sr., in banking and insurance in Humboldt.

**Presented to the Governor**

Presented to the Governor for approval on April 15, 1959, at 8:30 a.m.: LB 35 LB 51 LB 178 LB 256 LB 259 LB 265  
LB 339 LB 413 LB 431 LB 543

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 67.** Replaced on Select File as amended.

E and R amendments to LB 67:

1. In renumbered section 15, lines 35 to 37, strike "legalize any illegal oil, illegal gas or illegal product involved in the violation for which the penalty is imposed, or to".
2. In renumbered section 16, insert a period after "rant" in line 14 and strike the balance of line 14 and all of lines 15 to 19.

**LEGISLATIVE BILL 565.** Placed on Select File as amended.

E and R amendments to LB 565:

1. In section 1, line 14, strike "expedious" and insert "*expedious expeditions*".
2. In section 6, lines 26 and 33, strike "*officers*" and insert "*officer*".
3. In section 8, line 7, insert "*or other such officer*" after "*overseer*".
4. In renumbered section 11, line 4, insert an underscored comma after "*villages*"; and in line 13, strike "*create*" and insert "*creates*".
5. Renumber section 13, added by the Thompson General File Amendment, as section 12.
6. Strike the Thompson General File Amendment 2 which renumbered original sections 13 to 22.
7. Renumber renumbered sections 12 to 17 as sections 13 to 18 respectively.
8. In re-renumbered section 13, line 31, insert an underscored comma after "*overseer*"; in line 32, insert an underscored comma after "*superintendent*"; and in line 46, insert an underscored comma after "*seer*" and at the end of the line.
9. In re-renumbered section 18, line 19, insert "*shall*" after "*they*".
10. Renumber original sections 21 and 22 as sections 19 and 20 respectively.
11. In renumbered section 19, line 11, strike "*respecting*" and insert "*respective*".
12. In renumbered section 20, line 1, strike "2-1064,"; in line 4, strike the comma before "and"; and strike line 5 and insert "1943, and sections 2-1064, 39-1520, and 39-1522, Revised Statutes".

13. In the title, line 2, strike "2-1064,"; in lines 4 and 5, strike "74-609, 77-1611,"; and in line 6, strike "39-1519 and 39-1520," and insert "2-1064, 39-1520, and 39-1522,".

**LEGISLATIVE BILL 568.** Placed on Select File as amended.

E and R amendments to LB 568:

1. In section 1, line 13, insert "*the*" before "Nebraska".

2. Add a new section to be known as section 3 and to read as follows:

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

3. In the title, line 4, strike "and"; and in line 5, insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 336.** Placed on Select File.

**LEGISLATIVE BILL 327.** Correctly engrossed.

**LEGISLATIVE BILL 466.** Correctly engrossed.

**LEGISLATIVE BILL 479.** Correctly engrossed.

**LEGISLATIVE BILL 509.** Correctly engrossed.

**LEGISLATIVE BILL 639.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **Bills Referred to Standing Committees**

LB Committee

709.....Miscellaneous Subjects

(Signed) Dwight W. Burney  
Lieutenant Governor

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Labor and Public Welfare**

LB 708      Wednesday, April 22, 1959

2:00 p.m.

**UNANIMOUS CONSENTS—Withdraw Bills**

Mr. Erlewine requested unanimous consent to withdraw LB 562.  
No objections. So ordered.

Mr. Liebers requested unanimous consent to withdraw LB 601.  
No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 109.**

A bill for an act relating to interstate bridges; to state the legislative intent; to define terms; to provide the application of the act; to authorize the Department of Roads to enter into agreements with adjoining states and the United States; to provide for funds and costs; to provide for the acquiring of property; to provide for construction and maintenance of interstate bridges; to provide for acquisition of boundary bridges; to provide for regulation of public utilities; to provide for rules and regulations; to provide a severability clause; to provide how this act shall be known and cited; and to repeal sections 39-845.01, 39-845.02, 39-845.03, 39-845.04, 39-877, 39-878, 39-879, 39-880, 39-881, 39-882, 39-883, 39-884, 39-885, 39-886, 39-887, 39-888, 39-889, 39-890, and 66-425, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 40:

Adams	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Klaver	Stryker
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 160.

A bill for an act relating to inheritance taxes; to repeal section 77-2015, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 41:

Adams	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Carpenter                      Stryker

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Visitors

Mr. Russillo introduced Mr. James Peterson from Lincoln.

Mr. McHugh introduced Mrs. Helen Rose, Extension Club Leader, and sixteen ladies from Murdock.

#### LEGISLATIVE BILL 258.

A bill for an act to authorize any political subdivision of this state to establish an emergency location or locations for its local seat of government; to define terms; to provide for the removal of the local government thereto in event of an enemy attack or im-

mediate threat thereof; to authorize and validate the exercise of governmental powers and functions thereat during any such emergency period; to authorize certain planning and preparations prior to any such emergency period; to provide separability; and to prescribe the conditions under which, and the time when, this act shall become effective.

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

Voting in the affirmative, 39:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams
Fenske	Munnelly	Russillo	

Voting in the negative, 0.

Not voting, 4:

Bridenbaugh	Carpenter	Klaver	Stryker
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 334. With emergency.**

A bill for an act to amend sections 16-706 and 17-708, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first and second classes and villages; to redefine the circumstances under which an emergency appropriation may be made by such municipalities and the circumstances under which such municipalities may borrow to meet such emergencies; 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, 42:

Adams	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Stryker

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

#### UNANIMOUS CONSENT—Read and Print Telegram

Mr. Romans requested unanimous consent for permission for the Clerk to read a telegram from U. S. Senator Carl T. Curtis, and that it be printed in the Journal. No objections. So ordered.

The Clerk read the following telegram:

April 14, 1959, 11:42 A.M.

Hon. Jack Romans  
State House

Just advised FCC announcing today a request for legislation from the Congress under which they can proceed to license VHF-X boosters. The grace period is being extended from June 30 to September 30 in order to give Congress sufficient time to enact the legislation. Re-examination by Commission has shown that equipment can be operated without creating interference. Congress is being requested to amend two sections of the Communications Act under which Commission can adopt certain minimum requirements.

Senator Carl T. Curtis

#### Visitors

Mr. Liebers introduced Mrs. Esther Lanning, Leader of the O.S.C. Club of Eagle, and nine members.



**STANDING COMMITTEE REPORTS****Agriculture**

**LEGISLATIVE BILL 549.** Placed on General File as amended.

Standing Committee amendments to LB 549:

1. Strike sections 1 through 8 inclusive and show same as stricken and insert in lieu thereof the following:

"Section 1. That section 2-2315, Revised Statutes Supplement, 1957, be amended to read as follows:

2-2315. (1) The purchaser, at the time of settlement therefor, shall make and deliver separate invoices for each purchase to the grower. Such invoices shall be on forms approved by the Department of Agriculture and Inspection showing (a) the name and address of the grower and seller, (b) the name and address of the purchaser, (c) the number of bushels of wheat sold, and (d) the date of the purchase deduct the wheat excise tax as provided in section 2-2311 and shall maintain the necessary record of the excise tax for each purchase of wheat on the grain settlement form or check stub showing payment to the grower for each purchase. Such records maintained by the purchaser shall provide the following information: (a) name and address of the grower and seller; (b) the date of the purchase; (c) the number of bushels of wheat sold; and (d) the amount of wheat excise tax collected on each purchase. Such records shall be open for inspection and audit by authorized representatives of the Department of Agriculture and Inspection during normal business hours observed by the purchaser.

(2) The purchaser shall render and have on file with the Department of Agriculture and Inspection by the fifteenth day of each calendar month following any calendar month in which he shall purchase wheat of a grower, beginning on the fifteenth day of the month after September 10, 1955, on forms prescribed by the department, a sworn statement of the number of bushels of wheat purchased in Nebraska. At the time the sworn statement is filed, the purchaser shall pay and remit to the department the tax as provided for in section 2-2311. In order to save needless expense, any purchaser who bought less than four thousand bushels of wheat in any calendar month may report and remit the tax with the following month's return, except that all tax collected must be remitted at least once each calendar quarter. If the amount of tax collected in any one calendar month is ten dollars or more, it shall be reported and remitted by the fifteenth of the following month.

(3) The invoices, referred to in subsection (1) of this section, shall be legibly written and have no corrections or erasures on the face thereof. Any person who shall alter any part of any invoice shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as is provided by section 2-2319.

Sec. 2. That original section 2-2315, Revised Statutes Supplement, 1957 is repealed.

2. Amend Sec. 9 of the bill by striking "Sec. 9" and showing same as stricken and inserting in lieu thereof "Sec. 3".

3. Add the Emergency Clause.

4. Amend the title to conform.

**LEGISLATIVE BILL 700.** Placed on General File.

(Signed) Hans O. Jensen, Chairman

#### SELECT FILE

**LEGISLATIVE BILL 137.** E and R amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 308.** E and R amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 402.** E and R amendment found in the Legislative Journal for the Sixty-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 392.** E and R amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 286.** E and R amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 522.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 403.** E and R amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 532.** E and R amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for engrossment.

## **STANDING COMMITTEE REPORTS**

### **Judiciary**

**LEGISLATIVE BILL 362.** Placed on General File as amended.

Standing Committee amendment to LB 362:

1. Amend the bill, Section 1, line 10, by inserting after "regulation," the word "or" and by striking the new matter in lines 10 through 12.

**LEGISLATIVE BILL 454.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

## **GENERAL FILE**

**LEGISLATIVE BILL 381.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-sixth Day were adopted.

Mr. Pizer moved that LB 381 be indefinitely postponed.

Mr. Peck moved the previous question. The motion prevailed with 32 ayes, 5 nays, and 6 not voting.

The Pizer motion lost with 14 ayes, 26 nays, and 3 not voting.

Advanced to E and R for review.

### Visitors

Mr. Syas introduced Mrs. George Newshem, Leader, and ten ladies of the Ashland Extension Club District 41.

Mr. Moulton introduced Mrs. Hazel Crull, Teacher, and nineteen students from District 15, Douglas County, and six mothers.

Mr. Lautenschlager introduced Messrs. Dick Evans, William Rush, Richard Kranig, Gene Scarborough, and Ed Slips.

**LEGISLATIVE BILL 23.** Laid over until Tuesday, April 21, 1959, at the request of Mr. Carpenter.

## STANDING COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 653.** Placed on General File as amended.

Standing Committee amendments to LB 653:

1. Amend the bill, Section 1, line 11, by striking "*there*" and inserting "*thereof*" in lieu thereof.

2. Amend the bill, Section 1, line 16, by striking the word "*urban*".

3. Amend the title to conform.

**LEGISLATIVE BILL 533.** Placed on General File as amended.

Standing Committee amendments to LB 533:

1. Amend the bill by striking sections 1 to 5 and 7 to 11 and by renumbering original sections 6 and 12 as 1 and 2 respectively.

2. Amend renumbered section 1, line 1, by striking "Sec." and inserting "Section" and by striking lines 5 to 7 and inserting "and the full statutory period provided by law for answering plaintiff's petition shall have expired, *but in no event shall such*

*suit be heard or tried until sixty days after the filing of plaintiff's petition."*

3. Amend renumbered section 2, line 1, by striking "sections 25-501, 25-503," by striking line 2, and by striking "and 42-340," in line 3 and inserting "section 42-305.02," and line 4 by striking "are" and inserting "is".

4. Amend the title to conform.

**LEGISLATIVE BILL 693.** Placed on General File.

(Signed) Ray C. Simmons, Chairman

**Speaker Pizer Presiding**

#### **GENERAL FILE**

**LEGISLATIVE BILL 589.** Considered.

Laid over until Monday, April 20, 1959, at the request of Mr. Aufenkamp.

#### **Visitors**

Mr. Tews introduced Messrs. William Rounfeldt, Lloyd Mittelscaedt, Lyle Nelson, Chic Bussey, and Donald Luebe from Norfolk.

Mr. Ruhnke introduced Messrs. George Mackay and Harold Soathoff from Fairbury.

#### **STANDING COMMITTEE REPORTS**

##### **Education**

**LEGISLATIVE BILL 281.** Placed on General File as amended.

Standing Committee amendments to LB 281:

1. Amend section 1 of the bill, line 3 by inserting "*of persons from birth to twenty-one years*" after the word "training".

2. Amend section 8 of the bill, line 3 by reinstating the stricken matter and striking the new matter, line 12 by inserting "*more than twenty-one years of age*" after the word "persons", by striking line 13, and by striking "Blind" in line 13 and showing the same as stricken matter.

3. Amend the bill by striking sections 9, 10, 11, 12, and 13 and renumbering sections 14 to 26 as sections 9 to 21, respectively.

4. Amend renumbered section 9, line 8 by striking "between the ages of five and" and inserting "between the ages of five and from birth to".

5. Amend renumbered section 10, line 6 by striking "such pupils" and inserting "*such blind pupils from birth to twenty-one years*".

6. Amend renumbered section 21, lines 3 and 4 by striking "81-210, 83-210.01, 83-210.02, 83-211, 83-211.07, and 83-212" and inserting "and 83-210".

7. Amend the title to conform.

(Signed) George Syas, Chairman

#### **Salaries and Claims**

**LEGISLATIVE BILL 282.** Placed on General File.

(Signed) John Aufenkamp, Chairman

#### **Education**

**LEGISLATIVE BILL 425.** Indefinitely postponed.

(Signed) George Syas, Chairman

#### **Adjournment**

At 11:54 a.m., on a motion by Mr. Donner, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**SEVENTY-FIRST DAY**

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Legislative Chamber, Lincoln, Nebraska  
Thursday, April 16, 1959

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Otto and Stryker who were excused, and Mr. Adams who was excused until 10:00 a.m.

**Corrections for the Journal**

Page 1226, delete lines 21 through 24.

The Journal for the Seventieth Day was approved as corrected.

**Communications**

Letter from the Omaha Public Power District, enclosing a copy of their 1958 annual report.

Copy of a letter from Representative Donald F. McGinley to Representative Phil Weaver, supporting legislation relating to the apportionment of the waters of the Big Blue River and its tributaries.

**STANDING COMMITTEE REPORTS**

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 652.** Placed on General File as amended.

Standing Committee amendments to LB 652:

1. Amend the bill by striking Sections 1 to 13 and inserting the following:

Section 1. This act may be cited as the Nebraska Installment Sales Act.

Sec. 2. When used in this act unless the context otherwise requires:

(1) Goods shall mean all personal property including motor vehicles. Goods shall not include money or things in action but shall include goods which, at the time of sale or subsequently are so affixed to realty as to become part thereof whether or not severable therefrom.

(2) Motor vehicle shall mean any automobile, mobile home, motorcycle, truck, trailer, semitrailer, truck-tractor primarily designed or used to transport persons or property on a public highway, road or street.

(3) Retail buyer or buyer shall mean a person who buys goods from a retail seller under a retail installment contract and not for the purpose of resale.

(4) Retail seller or seller shall mean a person engaged in the business of selling goods to a retail buyer under a retail installment contract.

(5) Retail installment contract or contract shall mean an agreement evidencing a retail installment sale entered into in this state pursuant to which a buyer promises to pay in one or more deferred installments the time sale price of goods and pursuant to which the title to or a lien upon the goods is retained or taken by the seller as security for the payment of the retail installment contract. The term includes a conditional sale contract, a chattel mortgage, a lien instrument, or a bailment or leasing by which the bailee or lessee contracts to pay a sum substantially equivalent to the value of the goods and by which it is agreed the bailee or lessee is bound to become or has the option of becoming the owner of such goods.

(6) Cash sale price shall mean the price stated in a retail installment contract for which the seller would have sold to the buyer and the buyer would have bought from the seller goods which are the subject matter of the contract, if such sale had been a sale for cash instead of a time sale. The cash price may include, if itemized, any taxes, registration, certificate of title and license fees and costs for accessories and for the installation, delivery or servicing of goods.

(7) Basic time price shall mean the cash sale price of the goods which are the subject matter of the contract plus the amount, if any, included in the contract if a separate identified charge is made therefor, for insurance, minus the buyer's down payment in money or goods.

(8) Time price differential shall mean the amount, as limited herein, to be added to the basic time price.



(9) Time sales price shall mean the total of the cash sale price of the goods, plus the amount, if any, included for insurance, if a separate identified charge is made therefor, and the time price differential.

(10) Sales finance company shall mean a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more sellers. The term includes but is not limited to a bank, trust company, investment company, savings and loan association or small loan licensee, if so engaged.

(11) Director shall mean the Director of Banking.

Sec. 3. Each retail installment contract shall be in writing, shall be signed by both the buyer and the seller and shall contain the following items and a copy thereof shall be delivered or mailed to the buyer: (1) The cash sale price of the goods; (2) the amount of the buyer's down payment, and whether made in money or goods, or partly in money and partly in goods, including a brief description of any goods traded in; (3) the difference between subdivisions (1) and (2) of this section; (4) the amount, if any, included for insurance if a separate charge is made therefor, specifying the types of coverages; (5) the basic time price, which is the sum of subdivisions (3) and (4) of this section; (6) the time price differential; (7) the amount of the time price balance, which is the sum of subdivisions (5) and (6) of this section, payable in installments by the buyer to the seller; (8) the number, amount and due date or period of each installment; and (9) the time sales price.

The above items need not be stated in the sequence or order set forth above. Additional items may be included to explain the computations made in determining the amount to be paid by the buyer.

No retail installment contract shall be signed by the buyer or proffered by seller when it contains blank spaces to be filled in after execution except, that if delivery of the goods is not made at the time of the execution of the contract, the identifying numbers or marks of the goods, or similar information, and the due date of the first installment may be inserted in the contract after its execution.

Upon written request from the buyer the holder of a retail installment contract shall give or forward to the buyer a written statement of the dates and amounts of payments and the total amount unpaid under such contract. A buyer shall be given a written receipt for any payment when made in cash.

After payment of all sums for which the buyer is obligated under a contract, the holder shall deliver or mail to the buyer at his last-known address one or more good and sufficient instruments to acknowledge payment in full and shall release all security in the goods.

Sec. 4. The amount, if any, included for insurance, which may be purchased by the holder of the contract, shall not exceed the applicable premium rates chargeable in accordance with filings, if any, with the Department of Insurance. If dual interest insurance on the goods is purchased by the holder it shall, within thirty days after execution of the retail installment contract, send or cause to be sent to the buyer a policy or policies or certificate of insurance, written by an insurance company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance, the coverages and all the terms and conditions of the contract or contracts of insurance. If any insurance is cancelled, or the premium adjusted, any refund of the insurance premium plus the unearned price differential thereon received by the holder shall be credited to the next maturing installments of the contract except to the extent applied toward payment for similar insurance protecting the interests of the buyer and the holder or either of them.

Sec. 5. (a) Notwithstanding the provisions of any other law, the time price differential shall not exceed the following schedules:

(1) As to motor vehicles:

CLASS 1. Any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made - eight dollars per one hundred dollars per year.

CLASS 2. Any new motor vehicle not in Class 1 and any used motor vehicle designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made - ten dollars per one hundred dollars per year.

CLASS 3. Any used motor vehicle not in Class 2 and designated by the manufacturer by a year model not more than four years prior to the year in which the sale is made - thirteen dollars per one hundred dollars per year.

CLASS 4. Any used motor vehicle not in Class 2 or Class 3 and designated by the manufacturer by a year model more than four years prior to the year in which the sale is made - fifteen dollars per one hundred dollars per year.

(2) As to goods other than motor vehicles: (i) On so much of the basic time price as does not exceed three hundred dollars,

twelve dollars per one hundred dollars per year; (ii) if the basic time price exceeds three hundred dollars, but is one thousand dollars or less, ten dollars per one hundred dollars per year on that portion over three hundred dollars; and (iii) if the basic time price exceeds one thousand dollars, eight dollars per one hundred dollars per year on that portion over one thousand dollars.

(b) When the retail installment contract is payable in substantially equal and consecutive monthly installments, the time price differential in subsection (a) hereof shall be computed on the basic time price of each contract, as determined in section 3 of this act, from the date of the contract until the due date of the final installment, notwithstanding that the time price balance is required to be paid in installments. When the basic time price is less than one hundred dollars and the contract life does not exceed twelve months, a time price differential of seventy-five cents per each five dollars or portion thereof may be charged, received and collected.

(c) When a retail installment contract provides for payment other than in substantially equal and consecutive monthly installments, the time price differential may be at a rate which will provide the same return as is permitted on substantially equal monthly payment contracts under subsections (a) and (b), having due regard for the schedule of payments.

(d) Every contract payable in two or more installments shall provide for payment of such installments at approximately equal periodic intervals of time and be so arranged that no installment is substantially greater in amount than any preceding installment; *Provided*, that in order to facilitate payment in accordance with the buyer's seasonal or intermittent income a contract may reduce or omit payments over any period or periods in which the buyer's income is reduced or suspended.

Sec. 6. Where a buyer makes any subsequent purchases of goods, other than motor vehicles, from a seller from whom he has previously purchased goods under one or more retail installment contracts and the amounts under such contract or contracts to the extent of cash sale price thereof have not been fully paid the subsequent purchases may be included in and consolidated with one or more of the prior contract or contracts. A memorandum of such additional purchases shall be prepared by the seller inserted in or attached to the seller's counterpart of the contract and shall set forth:

(1) The names of the seller and the buyer and a description of the additional goods sold and all the information with

respect to the additional purchase required by section 3 of this act to be included in a retail installment contract;

(2) The consolidated time price balance to be paid by the buyer; and

(3) The revised payments.

A copy of said memorandum shall be delivered to the buyer as provided in and subject to the provisions of section 3 of this act. When such subsequent purchases are made, the entire amount of all payments made prior to such subsequent purchases shall be deemed to have been applied on previous purchases.

Each payment, thereafter made on a consolidated retail installment contract in connection with which the seller has retained title or other security interest in any of the goods purchased under any one of the retail installment contracts included in such consolidation, shall be deemed to be allocated to all of the various purchases in the same ratio or proportion as the original cash sale prices of the various purchases bear to one another. Where the amount of each deferred payment is increased in connection with such subsequent purchase, the subsequent payments, at the seller's option, may be deemed to be allocated as follows: An amount equal to the original installment payment to the previous purchase, the balance to the subsequent purchase. However, the amount of any initial payment or down payment on the subsequent purchase shall be allocated in its entirety to such subsequent purchase. The provisions of this section shall not apply to cases involving equipment, parts, or to other merchandise attached or affixed to goods previously purchased, or to repairs or services in connection therewith rendered by the seller at the buyer's request.

Sec. 7. Retail installment contracts other than motor vehicles negotiated and entered into by mail without personal solicitation by salesmen or other representatives of the seller and based upon the catalog of the seller or other printed solicitation of business, which is distributed and made available generally to the public, if such catalog or other printed solicitation clearly sets forth the cash and time sale prices and other terms of sales to be made through such medium, may be made as provided in this section. All provisions of this act shall apply to such sales except that the seller shall not be required to deliver a copy of the contract to the buyer as provided in section 3 of this act and if the contract when received by the seller contains any blank spaces the seller may insert in the appropriate blank space the amounts of money and other terms which are set forth in the seller's catalog or other printed solicitation which

is then in effect. In lieu of sending the buyer a copy of the contract as provided in section 3 of this act, the seller shall furnish to the buyer a written statement of any items inserted in the blank spaces in the contract received from the buyer.

Sec. 8. A retail installment contract may provide and the holder thereof may collect a delinquency charge on each installment in default for a period not less than ten days an amount not in excess of five per cent of each installment or five dollars, whichever is less, or in lieu thereof interest after maturity on each such installment not exceeding the highest permissible contract rate.

Sec. 9. Notwithstanding the provisions of any contract to the contrary, any buyer may prepay in full or in part at any time before maturity the obligation of any contract and in so paying such obligation shall receive a refund credit thereon for such anticipation of payments. The amount of such refund shall represent at least as great a proportion of the time price differential as the sum of the monthly time balances after the month prepayment is made, bears to the sum of all the monthly time balances under the schedule of payments in the contract. Where the amount of credit is less than one dollar no refund need be made.

Sec. 10. Any person who shall knowingly violate any provision of this act or engage in the business of a sales finance company in this state without a license therefor as provided in this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

Sec. 11. If any seller or sales finance company, in the making or collection of an installment contract shall directly or indirectly, contract for, take, or receive, charges in excess of those authorized by this act, such contract shall be void and uncollectible as to (1) all of the excessive portion of the time price differential, (2) the first one thousand dollars on the time price differential authorized by section 5, and (3) the first four thousand dollars of the principal balance of the contract. If any seller or sales finance company violates any provision of this act, other than the violations described above, except as a result of an accidental and bona fide error, such installment contract shall be void and uncollectible as to (1) the first five hundred dollars of the time price differential and the first one thousand dollars of the principal of such contract. If any of such money has been paid by the buyer, such buyer or his assignee may recover under this act in a civil

suit brought within one year after the due date, or any extension thereof, of the last installment of the contract.

Sec. 12. (1) No person shall engage in the business of a sales finance company in this state without obtaining a license therefor from the Department of Banking as provided in this act; *Provided*, that no bank, trust company, industrial loan, investment companies or small loan licensee authorized to do business in this state shall be required to obtain a license under this act but shall comply with all of the other provisions of this act.

(2) (a) Within sixty days after the effective date of this act each place of business operating under a license under this act shall have and properly display therein, a nontransferable and nonassignable license. The same person may obtain additional licenses upon compliance with this act as to each license. Application for a license shall be on a form prescribed and furnished by the director. A licensee may move his place of business from one place to another within a county without obtaining a new license, provided he gives written notice thereof to the director at least ten days prior to such removal. (b) The director shall after an application has been filed for a license under this act investigate the facts, and, if he shall find that the experience, character and general fitness of the applicant and of the members thereof if the applicant be a corporation or association, and of the officers and directors thereof if the applicant be a corporation, are such as to warrant belief that the business will be operated honestly, fairly and efficiently within the purposes of this act, the director shall issue and deliver a license to the applicant to do business as a sales finance company in accordance with the license and the provisions of this act. The director shall have the power to reject any application for a license. The director shall, within his discretion, make an examination and inspection concerning the propriety of the issuance of a license to any applicant. The cost of such examination and inspection shall be borne by the applicant.

(3) Submitted with each application shall be one hundred dollars as a license fee. The license year shall begin on October 1 of each year. Each license shall remain in force until surrendered.

(4) All money collected under the authority of this act shall be paid into the state treasury by the director and shall be credited by the State Treasurer to the "Retail Installment Sales Fund" and which fund when appropriated by the Legislature shall be available to the director for the purpose of paying the cost of administering and enforcing the provisions of this act, and any duties imposed upon the department by any other law.

(5) Every licensee shall, on or before the first day of October, pay to the director the sum of one hundred dollars for each license held as a license fee for the succeeding year. Failure to pay such license fee within the time prescribed shall automatically revoke such license.

(6) (a) Any sales finance company in business on the date this act takes effect may continue in operation but must obtain a license within sixty days from said date in accordance with the provisions of this act. (b) No license shall be granted to any person unless and until such applicant therefor, shall file with the director a designation in writing that appoints the director to act as applicant's agent, upon whom all judicial and other process or legal notices directed to such applicant may be served. Service upon the agent, so designated, shall be equivalent to personal service on the applicant or licensee. Copies of such appointment, certified by the director, shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. In such written designation, the licensee shall agree that any lawful process against licensee, which is served upon such attorney or agent, shall be of the same legal force and validity as if served upon the licensee, and that the authority shall continue in force so long as any liability remains outstanding in this state. (c) Service shall be made in duplicate upon the director, and shall be deemed sufficient service upon such licensee. No such service shall be valid or binding against such licensee when licensee is required thereunder to file answer, pleading or defense within ten days from the date of mailing the copy of such service to such licensee. When legal process against any such licensee is served upon the director, it shall forthwith, by registered mail, send one of the duplicate copies prepaid and directed to licensee.

(7) Renewal of a license originally granted under this act may be denied, or a license may be suspended or revoked by the director on the following grounds: (a) Material misstatement in the application for license; (b) Wilful failure to comply with any provision of this act relating to retail installment contracts; (c) Defrauding any retail buyer to the buyer's damage; and (d) Fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under this act.

(8) If a licensee is a partnership, association or corporation, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed association or corporation, or any member of a licensed partnership, has

so acted or failed to act as would be cause for suspending or revoking a license to such party as an individual.

(9) No license shall be denied, suspended or revoked except after hearing thereon. The director shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of such hearing by certified mail addressed to the principal place of business in this state of such licensee. The said notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking such license shall recite the grounds upon which the same is based. The order shall be entered upon the records of the director and shall not be effective until after thirty days' written notice thereof given after such entry forwarded by certified mail to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee.

(10) Any person, licensee, or applicant considering himself aggrieved by an order of the director may within thirty days from the entry of the order complained of, take an appeal to the district court of Lancaster County, Nebraska, by serving upon the director a written notice of such appeal and a demand in writing for a certified transcript of all papers on file in his office affecting or relating to such order, and the payment of the fee therefor. The appeal shall be prosecuted and perfected in the same manner as appeals are taken from the action of the Auditor of Public Accounts in the disallowance of claims. The court shall hear the appeal de novo as in equity and without a jury, and shall render judgment and apportion costs as may be equitable.

(11) The director or his duly authorized representative shall have the power to make such investigations as he shall deem necessary and, to the extent necessary for this purpose, he may examine such licensee or any other person and shall have the power to compel the production of all relevant books, records, accounts and documents. The expenses of the director incurred in the examination of the books and records of licensees shall be charged to the licensees so examined by the director as soon as reasonably possible. Each licensee shall be billed by the director for the amount so charged to such licensee. If said charge is not paid within thirty days after the mailing of such bill, the license of said licensee may be suspended or revoked.

(12) The director shall have the power to make such general rules and regulations and specific rulings, demands and findings as may be necessary for the proper conduct of the business li-



censed under this act, and the enforcement of said act, in addition thereto and not inconsistent therewith.

(13) Whenever the director has reasonable cause to believe that any person is violating or is threatening to or intends to violate any of the provisions of this act, it may, in addition to all actions provided for in this act and without prejudice thereto, enter an order requiring such person to desist or to refrain from such violation. An action may also be brought, on the relation of the Attorney General and the director, to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance thereof.

(14) In any such action an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court, in which such action is brought, shall have power and jurisdiction to impound and appoint a receiver for the property and business of the defendant, including books, papers, documents and records pertaining thereto or so much thereof as the court may deem reasonably necessary to prevent violations of this act through or by means of the use of said property and business. Such receiver, when so appointed and qualified, shall have such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as shall, from time to time, be conferred upon the said receiver by the court.

Sec. 13. The Director of the Department of Banking for his services with respect to administration of sections 1 to 12 of this act shall receive the sum of five thousand dollars per annum, payable monthly, to be paid out of the Retail Installment Sales Fund, in addition to the salary set out in section 8-101, Revised Statutes Supplement, 1957.

Sec. 14. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or the application of the act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared severable.

2. Amend the title of the bill by striking lines 2 to 14 and inserting the following:

*"FOR AN ACT relating to and regulating the retail installment selling of goods, including motor vehicles; to define terms; to prescribe and regulate the form and content of contracts covering the retail installment sale of goods; to regulate the inclusion of insurance in a retail installment sale; to limit the time price dif-*

*ferential; to regulate subsequent purchases and catalogue installment sales; to regulate delinquency charges; to require a partial refund of such time price differential on prepayment; to provide penalties for violations; to require the licensing of sales finance companies; to vest the administration and enforcement of this act in the Department of Banking; to prescribe the powers, duties, authority and jurisdiction of such department with respect to this act; to authorize the adoption and promulgation of rules and regulations; to provide a salary for the Director of Banking; to provide how this act may be cited; and to provide severability."*

**LEGISLATIVE BILL 651.** Placed on General File.

**LEGISLATIVE BILL 657.** Indefinitely postponed.

(Signed) John P. Munnely, Chairman

#### Judiciary

**LEGISLATIVE BILL 468.** Indefinitely postponed.

(Signed) Joe T. Vosoba, Vice Chairman

#### Enrollment and Review

**LEGISLATIVE BILL 560.** Placed on Select File as amended.

E and R amendments to LB 560:

1. In section 2, line 3, strike "in this act,"; in line 30, strike "unreasonable" and insert "unreasonably"; in line 33, strike "by" and insert "using"; and in line 33, strike the comma.

2. In renumbered section 6, line 3, strike "defined" and insert "provided".

3. In section 12, line 4, insert "the" after "In".

4. In the title, line 2, insert "to declare policy;" after the first semicolon; in line 8, insert "to provide rights of employees;" after the first semicolon; and in line 8, insert "to provide how this act shall be construed; to provide severability;" after the second semicolon.

**LEGISLATIVE BILL 175.** Placed on Select File as amended.

E and R amendments to LB 175:

1. In section 1, line 10, strike the comma.

2. In the title, line 6, strike the comma and insert "and maintaining satisfactory grades in all his or her classes".

**LEGISLATIVE BILL 384.** Placed on Select File as amended.

E and R amendments to LB 384:

1. In section 6, line 12, strike "imprisoned" and insert "*imprisoned by imprisonment*".

2. In section 8, line 3, strike "71-132.36" and insert "71-1,132.36".

**LEGISLATIVE BILL 292.** Placed on Select File as amended.

E and R amendments to LB 292:

1. In the Marvel General File Amendment 2, lines 2 and 3, strike "provided" and insert "; *Provided,*".

2. Add a new section to be known as section 3 and to read as follows:

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

3. In the title, line 6, strike "bid or"; in line 6 strike "contracts" and insert "a contract which is required to be let by advertising for sealed bids"; in line 9, insert "to provide an exception;" after the first semicolon; in line 10, strike "and"; and in line 10, insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 272.** Placed on Select File.

**LEGISLATIVE BILL 381.** Placed on Select File as amended.

E and R amendments to LB 381:

1. In section 1, line 6, strike the comma after "load" and show the same as stricken.

2. Strike lines 3 to 8 of Standing Committee Amendment 2 and insert:

"(3) Combinations of vehicles, *all trailing units of which must be equipped on each wheel with brakes that can be operated from the driving position of the towing vehicle, including straight trucks and full trailers, shall consist of not more than two vehicles truck and full trailer; tractor, semitrailer, and trailer; or truck, semitrailer, and trailer, and when so combined shall not*".

3. In the title, line 5, after the semicolon, insert "to require brakes on trailing vehicles as prescribed;".

**LEGISLATIVE BILL 60.** Correctly engrossed.  
**LEGISLATIVE BILL 75.** Correctly engrossed.  
**LEGISLATIVE BILL 424.** Correctly engrossed.  
**LEGISLATIVE BILL 470.** Correctly re-engrossed.  
**LEGISLATIVE BILL 510.** Correctly engrossed.  
**LEGISLATIVE BILL 676.** Correctly engrossed.  
**LEGISLATIVE BILL 109.** Correctly enrolled.  
**LEGISLATIVE BILL 160.** Correctly enrolled.  
**LEGISLATIVE BILL 258.** Correctly enrolled.  
**LEGISLATIVE BILL 334.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 109 LB 160 LB 258  
LB 334

#### **Visitors**

Mr. Tews introduced Mrs. E. L. Reeker, Leader, and nineteen members of the Ace High Bridge Club and guests, from Norfolk.

Mr. Gerdes introduced James Sheaffer, Professor of Political Science, and nine students from Chadron State Teachers College.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

##### **LEGISLATIVE BILL 155.**

A bill for an act to amend section 85-172.03, Reissue Revised Statutes of Nebraska, 1943, relating to the University of Nebraska; to extend until 1965 the tax levied for the University of Nebraska College of Medicine and University Hospital Building Fund and to remove the dollar limitation therefrom; and to repeal the original section.

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

Voting in the affirmative, 37:

Aufenkamp	Fenske	McHugh	Simmons
Bowen	Fulton	Moulton	Skarda
Bridenbaugh	Gerdes	Munnelly	Swanson
Burbach	Hollenbeck	Nelson	Syas
Carpenter	Jensen	Orme	Tews
Claussen	Klaver	Peck	Thompson
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Ruhnke	Williams
Erlewine			

Voting in the negative, 1:

Romans

Not voting, 5:

Adams	Otto	Russillo	Stryker
Olinger			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 262.** With emergency.

A bill for an act to amend sections 16-502, 17-611, and 18-301, Revised Statutes Supplement, 1957, relating to municipalities; to harmonize provisions respecting contracts between a city of the first class and an officer thereof with provisions respecting contracts of a city of the second class or village; to provide that receiving of deposits, cashing of checks, and buying and selling warrants and bonds of indebtedness of any city of the first or second class or village by a financial institution shall not be considered a contract under the provisions of such sections; 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, 39:

Aufenkamp	Claussen	Fulton	Lautenschlager
Bowen	Diers	Gerdes	Liebers
Bridenbaugh	Donner	Hollenbeck	Marvel
Burbach	Erlewine	Jensen	McHugh
Carpenter	Fenske	Klaver	Moulton

Munnelly	Pizer	Simmons	Thompson
Nelson	Portsche	Skarda	Vosoba
Olinger	Romans	Swanson	Webb
Orme	Ruhnke	Syas	Williams
Peck	Russillo	Tews	

Voting in the negative, 0.

Not voting, 4:

Adams	Cooper	Otto	Stryker
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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.

### LEGISLATIVE BILL 289.

A bill for an act relating to foreign corporations; to provide that foreign corporations failing to comply with the requirements of Chapter 21, article 12, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto shall be denied the right to maintain any suit or action, either legal or equitable, in any of the courts of this state, upon any demand, whether arising out of contract or tort.

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

Voting in the affirmative, 40:

Aufenkamp	Fenske	Moulton	Russillo
Bowen	Fulton	Munnelly	Simmons
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Hollenbeck	Olinger	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Otto	Stryker
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 434.**

A bill for an act to amend section 18-102, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, all; to provide a standard to determine the number of signatures of voters required for an initiative proposal; and to repeal the original section.

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

Voting in the affirmative, 40:

Aufenkamp	Fenske	Moulton	Russillo
Bowen	Fulton	Munnelly	Simmons
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Hollenbeck	Olinger	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Otto	Stryker
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 443. With emergency.**

A bill for an act to amend section 60-452.01, Revised Statutes Supplement, 1957, relating to the Nebraska Safety Patrol; to provide that when a retired patrolman's death results from accident or injury arising out of and in the scope of employment it shall not be required that his widow shall have been married to him for the last four years in order to qualify for survivorship benefits; 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, 40:

Aufenkamp	Fenske	Moulton	Russillo
Bowen	Fulton	Munnelly	Simmons
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Hollenbeck	Olinger	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Otto	Stryker
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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.

### LEGISLATIVE BILL 513.

A bill for an act to amend section 71-1330, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to change the qualification for a funeral director's license; and to repeal the original section.

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

Voting in the affirmative, 40:

Aufenkamp	Fenske	Moulton	Russillo
Bowen	Fulton	Munnelly	Simmons
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Hollenbeck	Olinger	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Otto	Stryker
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **SUSPEND RULES—Bills on Final Reading**

Mr. President: I move we suspend the rules and take up the bills at this time, which are scheduled for Final Reading for Friday, April 17. (Signed) J. W. Burbach

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

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 386. With emergency.**

A bill for an act to amend section 48-626, Reissue Revised Statutes of Nebraska, 1943, and sections 48-624 and 48-669, Revised Statutes Supplement, 1957, relating to the Employment Security Law; to change the unemployment benefit table; to increase the maximum weekly benefit amount and the maximum duration of benefits payable in a benefit year; to provide transition from former law; 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, 30:

Aufenkamp	Klaver	Peck	Swanson
Bowen	Liebers	Pizer	Syas
Burbach	Marvel	Portsche	Tews
Carpenter	McHugh	Ruhnke	Thompson
Claussen	Moulton	Russillo	Vosoba
Donner	Munnelly	Simmons	Webb
Fulton	Olinger	Skarda	Williams
Gerdes	Orme		

Voting in the negative, 10:

Bridenbaugh	Erlewine	Jensen	Nelson
Cooper	Fenske	Lautenschlager	Romans
Diers	Hollenbeck		

Not voting, 3:

Adams	Otto	Stryker
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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.

**LEGISLATIVE BILL 409.** With emergency.

A bill for an act to amend section 60-1308, Revised Statutes Supplement, 1957, relating to weighing stations; to provide that a bus need not stop at a state weighing station except as prescribed; 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:

Aufenkamp	Fenske	Moulton	Russillo
Bowen	Fulton	Munnelly	Simmons
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Hollenbeck	Olinger	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Otto	Stryker
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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.

**LEGISLATIVE BILL 496.**

A bill for an act to amend section 79-451, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify the provisions; to extend the time for filing of certain reports by Class III, IV, and V school districts; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Swanson
Burbach	Jensen	Orme	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Otto                      Stryker

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 512. With emergency.

A bill for an act to amend sections 3-502, 3-504, and 3-505, Revised Statutes Supplement, 1957, relating to airport authorities; to change the method of selection and removal of the members of the board of an airport authority in cities of the metropolitan class; to clarify provisions relating to the tax levy for airport authority purposes; to provide for inclusion of the employees of an airport authority established in a city of the metropolitan class in the social security system, pension plan, or retirement plan of such city, as prescribed; to clarify the authority for the creation of an airport authority and the exercise of its powers; to ratify previous acts; 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, 33:

Adams	Cooper	Gerdes	Marvel
Aufenkamp	Diers	Hollenbeck	McHugh
Bridenbaugh	Erlewine	Jensen	Moulton
Burbach	Fenske	Lautenschlager	Nelson
Claussen	Fulton	Liebers	Olinger

Orme	Romans	Swanson	Thompson
Peck	Russillo	Syas	Webb
Pizer	Simmons	Tews	Williams
Portsche			

Voting in the negative, 6:

Bowen	Klaver	Skarda	Vosoba
Carpenter	Ruhnke		

Not voting, 4:

Donner	Munnelly	Otto	Stryker
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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.

#### LEGISLATIVE BILL 534.

A bill for an act to amend section 53-183, Reissue Revised Statutes of Nebraska, 1943, relating to liquor; to authorize restaurants to permit checks or statements for liquor to be signed by regular guests and charged to the accounts of such guests; to limit the extension of credit by clubs to those holding a Class C liquor license; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Erlewine	Marvel	Romans
Aufenkamp	Fenske	McHugh	Russillo
Bowen	Fulton	Moulton	Simmons
Bridenbaugh	Gerdes	Munnelly	Skarda
Burbach	Hollenbeck	Nelson	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Webb
Diers	Liebers	Portsche	Williams
Donner			

Voting in the negative, 4:

Olinger	Ruhnke	Thompson	Vosoba
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Not voting, 2:

Otto	Stryker
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Banking, Commerce and Insurance be permitted to introduce a bill relating to eminent domain procedure. (Signed) John P. Munnelly, Chairman

Permission to introduce the bill granted with 31 ayes, 7 nays, and 5 not voting.

### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 710.** By Committee on Banking, Commerce and Insurance, John P. Munnelly, 8th District, Chairman.

A bill for an act to amend sections 76-711 and 76-719, Reissue Revised Statutes of Nebraska, 1943, relating to eminent domain; to provide for withdrawal of the money deposited by the condemner in the county court, or any part thereof by order of the county judge as prescribed; to provide for a deficiency; to provide for interest; and to repeal the original sections.

### **NOTICE OF COMMITTEE HEARINGS**

#### **Miscellaneous Subjects**

LB 709      Thursday, April 23, 1959

2:00 p.m.

### **STANDING COMMITTEE REPORTS**

#### **Government**

**LEGISLATIVE BILL 622.** Placed on General File.

**LEGISLATIVE BILL 618.** Placed on General File as amended.

Standing Committee amendment to LB 618:

1. Amend section 1 of the bill line 14 following the word "exceeding" by removing the stricken matter "~~one-half of~~" and inserting in lieu thereof the words "*three-fourth of*".

**LEGISLATIVE BILL 625.** Placed on General File.

(Signed) Dwain Williams, Chairman

## SELECT FILE

**LEGISLATIVE BILL 67.** E and R amendments found in the Legislative Journal for the Seventieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 565.** E and R amendments found in the Legislative Journal for the Seventieth Day were adopted.

Mr. Williams offered the following amendment which was adopted by unanimous consent:

1. Amend section 1 of the bill, by striking lines 3 and 4 and inserting in lieu thereof the following:

*"the State of Nebraska upon any state-owned lands and any landowner to totally exterminate such prairie dogs upon any lands owned by him to totally exterminate such prairie dogs by November 1 of each year,".*

Laid over temporarily.

## Visitors

Mr. Diers introduced Milo Navratil, Principal, and nineteen students from District 93, Bee, and two mothers and one father.

**LEGISLATIVE BILL 568.** E and R amendments found in the Legislative Journal for the Seventieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 336.** Advanced to E and R for engrossment.

## UNANIMOUS CONSENT—Consider LB 128

Mr. Ruhnke requested unanimous consent to consider LB 128 on Select File at this time. No objections. So ordered.

## SELECT FILE

**LEGISLATIVE BILL 128.**

Mr. Jensen requested unanimous consent to withdraw his pending amendments found in the Legislative Journal for the Sixty-ninth Day. No objections. So ordered.

Mr. Jensen offered the following amendments which were adopted by unanimous consent:

1. Amend the bill by striking sections 1 and 2 and substituting three new sections to be known as sections 1 to 3 and to read as follows:

"Section 1. The Executive Board of the Legislative Council shall, at the close of each session of the Legislature, appoint three members of the Legislature to serve, together with the Chairman of the Legislative Council and the Chairman of the Committee on Committees, on a committee to be known as the Nebraska Retirement Systems Advisory Committee. Such committee shall serve until the close of the next succeeding session of the Legislature. Any vacancy on such committee occasioned by the fact that any member thereof is not a member of the next succeeding Legislature shall be filled by appointment from among the members of such Legislature.

Sec. 2. The committee created by section 1 of this act shall study any legislative proposal, bill, or amendment, other than an amendment proposed by the Committee on Enrollment and Review, affecting any public retirement system, existing or proposed, established by the State of Nebraska or any political subdivision thereof and report the results of such study to the Legislature, which report shall, when applicable, include an actuarial analysis and cost estimate and the recommendation of the committee regarding passage of any bill or amendment. To assist it in the performance of such duties, such committee may consult with and utilize the services of any officer, department, or agency of the state and may from time to time engage the services of a qualified and experienced actuary.

In the absence of any report from such committee, the Legislature shall consider requests from groups seeking to have retirement plans established for them and such other proposed legislation as is pertinent to existing retirement systems.

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

2. Amend the title to conform.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 565.** Advanced to E and R for engrossment.

**Speaker Pizer Presiding**

**Member Excused**

Mr. Klaver was excused for Friday, April 17, 1959.

**Visitor**

Mr. Marvel introduced Mr. Fred Duven from Hastings.

**GENERAL FILE**

**LEGISLATIVE BILL 485.** Laid over until Monday, April 20, 1959, at the request of Mr. Gerdes.

**UNANIMOUS CONSENT—Consider LB 685**

Mr. Carpenter requested unanimous consent to place LB 685 at the head of General File for consideration at this time. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 685.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Mr. Carpenter offered the following amendments:

1. Amend section 1 of the bill, lines 16 and 17 by striking the new material, line 18 by striking "or his agents only." and inserting:

*"Each corporation required to report according to the provisions of this section shall attach a statement to its schedule showing the financial condition of the corporation according to its books at the close of the last fiscal year, which statement shall be kept by the assessor in a place where only taxing officials may have access thereto."*

2. Amend the bill by adding a new section immediately after section 1 to be known as section 2 and to read as follows:

*"Sec. 2. Returns of intangible personal property filed by the taxpayer with the county assessor shall be kept by the assessor in a place where only taxing officials may have access thereto except upon good cause shown."*

3. Amend the bill by renumbering sections 2 and 3 as sections 3 and 4 respectively.



4. Amend the title to conform.

Amendments pending.

Laid over.

#### Visitors

Mr. Skarda introduced Mr. and Mrs. Blon Kenship from Omaha.

Mr. Simmons introduced Bertha Marr, Teacher, twenty-three students and twelve mothers from Fort Calhoun.

**LEGISLATIVE BILL 408.** Laid over until Monday, April 20, 1959, at the request of Mr. Portsche.

**LEGISLATIVE BILL 665.** Considered.

Mr. Burbach offered the following amendment which was adopted:

1. Amend section 1 of the bill, line 18, by inserting the word "packaged" after the word "any", lines 19 and 20, strike the words "containing less than eighteen per cent available plant food," and show the same as stricken matter, strike lines 23 to 30 commencing with the word "and" in line 23 and show the old matter as stricken, and then insert the following after the word "purposes" in line 23:

*"; and dealer in specialty fertilizer shall mean a person who sells only specialty fertilizers and who does not hold himself out as being in the business of selling fertilizer in quantity for commercial application and does not engage in the business of selling fertilizer on such basis."*

Mr. Ruhnke offered the following amendment which was adopted:

1. Amend section 2 of the bill, by striking lines 29 to 34 commencing with the word "The" in line 29, and show the old matter as stricken, and also strike Standing Committee Amendment 1 and the Burbach Amendment of April 8, 1959; then insert the following after the period in line 29:

*"The annual permit fee for any person selling bulk fertilizer shall be ten dollars, and such person shall also furnish a bond as required by subsection (4) of this section. The annual permit fee for all other persons selling commercial fertilizer who do not sell bulk fertilizer shall be three dollars; Provided, that dealers in*

*specialty fertilizers only are exempted from obtaining a permit and paying the tonnage tax fee as set forth in section 81-2,162.06.*", and by inserting the following at the end of line 35: "to sell bulk fertilizer".

Mr. Ruhnke offered the following amendment which was adopted:

1. Amend the Ruhnke amendment, line 7, by striking "ten" and inserting in lieu thereof "twenty".

The Stryker amendment found in the Legislative Journal for the Sixty-fifth Day pending.

Laid over.

#### President Burney Presiding

#### Visitors

Mr. Burbach introduced Mrs. Velma Weir, Superintendent, Naomi Rasmussen and Opal Sutton, Teachers, and forty students from Obert Makell Consolidated School District R-1.

#### LEGISLATIVE BILL 157. Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-first Day were adopted.

Mr. Donner offered the following amendment:

1. Amend section 1 of the bill, line 6 by striking "Antelope" and inserting "That part of Antelope described as follows:

*Tax lot eight of out-lot K in the east one half of section eleven, township twenty-three north, range seven west of the sixth principal meridian in Elgin, Nebraska, a tract comprising eighteen and seventy-seven hundredths acres in the west one half of the northwest one-quarter of the southwest one-quarter of section sixteen north, range six west of the sixth principal meridian, at or near Neligh, Nebraska, and the south two hundred fifty-two feet of tax lots five, nine, and ten and the south eighty-nine feet of tax lot twelve, in the north half of the northwest quarter of section ten, township twenty-seven north, range eight west of the sixth principal meridian, at or near Orchard, Nebraska."*

Amendment pending.

Mr. Nelson requested unanimous consent that LB 157 be laid

over until Wednesday, April 22, and that it be made the first order of business on that date.

Mr. Donner objected.

Mr. Nelson moved that LB 157 be laid over on General File until Wednesday, April 22, and that it be made the first order of business on that date. The motion prevailed.

#### **Member Excused**

Mr. Burbach was excused for Friday, April 17.

#### **MOTION—Flowers**

Mr. President: I move that the Legislature send flowers to the open house of former Senator Otto Kotouc, Sr. (Signed) John Adams, Sr.

The motion prevailed.

#### **Announcements**

President Burney announced that on Friday, April 17, at 10:30 a.m., a practice evacuation of the Capitol Building will be held.

President Burney announced that on Friday, April 17, at 11:15 a.m., General Hershey will appear and address the Legislature.

### **STANDING COMMITTEE REPORTS**

#### **Education**

**LEGISLATIVE BILL 505.** Placed on General File as amended.

Standing Committee amendments to LB 505:

1. Amend the bill by adding a new section to be known as Section 1 and to read as follows:

“Section 1. That section 79-420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-420. When, for a period of one school term, a district (1) shall have less than three legal voters residing therein, or (2) shall either fail to maintain a public elementary school within the district, in which are enrolled and in regular attendance for at least one hundred fifty-five days one or more pupils of school age residing in the district or does not contract for the tuition

and transportation of pupils of such district with another district or districts and have pupils attending school regularly for at least one hundred fifty-five days under such contract or contracts, it shall be the duty of the county superintendent of the county in which such district lies to dissolve such district and attach the territory of such district to one or more neighboring school districts; *Provided*, that before dissolving a district under the provisions of this section, the county superintendent or Commissioner of Education as the case may be, shall fix a time for a hearing and shall notify each legal resident of the district of such action at least fifteen days before such action is taken hearing. Notification shall be by mail or by publication in a newspaper of general circulation in the area. *If the county superintendent shall find that the district shall be dissolved, he shall enter an order dissolving the district and attach the territory of such district to one or more neighboring school districts.* Appeals from the action of the county superintendent may be made to the district court of the county of the official concerned. The county superintendent shall distribute the assets of the closed district among the other district or districts to which the property has been attached in proportion to the assessed valuation of the property attached to such district or districts. If the county superintendent fails to act as directed, the Commissioner of Education shall be empowered and it shall be his duty to act.”.

2. Amend the bill by renumbering sections 1 to 3 as sections 2 to 4 respectively.

3. Amend renumbered section 3 by striking lines 1 and 2 and inserting:

“Sec. 3. That original sections 79-420 and 79-486, Reissue Revised Statutes of Nebraska, 1943, are repealed.”.

4. Amend the title to conform.

**LEGISLATIVE BILL 335.** Indefinitely postponed.

(Signed) George Syas, Chairman

### Judiciary

**LEGISLATIVE BILL 703.** Placed on General File as amended.

Standing Committee amendment to LB 703:

1. Amend the bill, section 1, line 14, by striking “ten” and inserting “eight” in lieu thereof.

(Signed) Ray C. Simmons, Chairman

**Members Excused**

Messrs. Olinger, Munnelly, and Cooper were excused for Friday, April 17, 1959.

**Adjournment**

At 12:05 p.m., on a motion by Mr. Nelson, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## SEVENTY-SECOND DAY

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Legislative Chamber, Lincoln, Nebraska

Friday, April 17, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Burbach, Cooper, Donner, Jensen, Klaver, Munnely, Olinger, and Stryker who were excused.

The Journal for the Seventy-first Day was approved.

## MESSAGE FROM THE GOVERNOR

April 11, 1959

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

Gentlemen and Mrs. Orme:

I am respectfully returning LB 86 to your Honorable Body without my signature.

In so doing I recognize the momentarily unpopular reaction to this disapproval of the Bingo legislation. I must, however, extend an even greater recognition to what I consider the long range unfavorable consequences of inadequate regulation in this field.

By popular vote, our people have indicated a desire for legalized Bingo; it is not my purpose to attempt to deprive them of this activity. By the same token, however, our people have placed the responsibility for appropriate regulation of this game in the hands of their elected legislators and executives and it is the feeling of this office that LB 86 does not adequately discharge that responsibility.

Our local enforcement officials are already overburdened; yet, we place upon them the enforcement and local supervision of this

activity. The only result can be little or no regulation. Aside from the licensing provision of the law, our State Government is without any direct authoritative enforcement power.

Except upon the Sabbath, Bingo can be played 24 hours a day by all persons who are sixteen years of age in games without limitation as to stake. Under such circumstances, the possible and well nigh probable consequences are readily foreseeable and would make our state a haven for organized and unrestricted gambling.

I am personally aware that those who have labored long to provide this legislation are greatly disturbed that, if LB 86 becomes a law, their entire efforts will have been for naught and that there will be a demand for the abolition of the game before the next session of the legislature.

I feel that there is yet ample time in this session to enact Bingo legislation that will be responsive to the will of the people and responsible in the regulation of the game. If your Honorable Body will so permit I will be pleased to offer legislation for introduction that will encompass the desirable provisions of LB 86 and include regulatory measures designed to protect our best interests.

In the enactment of Bingo Legislation, Nebraska is moving into an area in which we must tread with the utmost deliberate care and caution. We do not exercise that care and caution as a responsible State Government by legislatively washing our hands of supervisory responsibility such as we have assumed in the areas of pari-mutuel betting and the consumption of liquor. These two fields might well provide examples of regulation for our coming Bingo activity.

Thank you.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC  
e

**Member Excused**

Mr. Syas was excused from 10:30 a.m. for the remainder of the day.

**Visitors**

Mr. Hollenbeck introduced Mr. Ed Belsky from Merriman.

Mr. Peck introduced David Parker, Teacher, and sixteen students from Creston Public School, and three sponsors.

**Member's Birthday**

Mr. Swanson announced that today is Mrs. Orme's birthday, and the members sang Happy Birthday to her.

**MESSAGE FROM THE GOVERNOR**

April 11, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

I am respectfully returning LB 684 to you without my approval. The office of the Tax Commissioner is one appointed by the Governor.

The attorneys serving that department should similarly be appointed by the head of that department and the Governor.

The present department has two attorneys on its staff, appointed by the Tax Commissioner and no reason is demonstrated for a discontinuance of that practice for, to all intents and purposes, that arrangement is working both efficiently and effectively.

This legislation will merely create an additional division of authority within the department between two constitutional officers and no useful purpose can be observed.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC  
e

**MOTION—LB 684**

Mr. President: I move that LB 684 be taken up for passage notwithstanding the objections of the Governor. (Signed) Terry Carpenter



Motion pending.

Laid over until Monday, April 20, 1959, at the request of Mr. Carpenter.

#### **MOTION—Evacuate Chamber**

Mr. President: I move that we vacate this Legislative Chamber at 10:30 a.m. at the request of the Custodian. (Signed) A. A. Fenske

The motion prevailed.

#### **UNANIMOUS CONSENT—Change of Order**

Mr. President: I request unanimous consent that the following bills now on General File, be placed at the head of said file, in the order listed, as of Monday, April 20, 1959: LB 589, LB 485, LB 408, LB 665, LB 138, LB 346, LB 315, LB 332, LB 116, LB 516, LB 407, LB 474, LB 630, LB 520, LB 410, LB 616, LB 416, and LB 282. (Signed) Otto H. Liebers

No objections. So ordered.

#### **STANDING COMMITTEE REPORTS**

##### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 701.** Placed on General File as amended.

Standing Committee amendments to LB 701:

1. Add the Emergency Clause.
2. Amend the title to conform.

(Signed) John P. Munnelly, Chairman

##### **Revenue**

**LEGISLATIVE BILL 583.** Placed on General File as amended.

Standing Committee amendments to LB 583:

1. Amend section 2 of the bill, line 27 by inserting after "needs" the following:

*" , including the acquiring by January 1, 1962, of the south half of Block one fifty-one, all of Block one fifty-two, and the north half of Block one fifty-three, all in the Original Plat of*

*Lincoln, Nebraska, either by gift, purchase, or by the exercise of the power of eminent domain”.*

2. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

#### **Presented to the Governor**

Presented to the Governor for approval on April 17, 1959, at 8:20 a.m.: LB 109 LB 334 LB 258 LB 160

(Signed) Jo Fisher, Enrolling Clerk

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 128.** Replaced on Select File as amended.

E and R amendment to LB 128:

1. In the title, strike lines 2 to 14 and insert:

“FOR AN ACT relating to the Legislative Council; to provide for the appointment by the Executive Board of the Legislative Council of a committee to be known as the Nebraska Retirement Systems Advisory Committee; to provide the composition of such committee and the period for which it shall serve; to provide the duties and authority of such committee; to provide for action by the Legislature concerning retirement plans; and to declare an emergency.”.

**LEGISLATIVE BILL 565.** Replaced on Select File as amended.

E and R amendment to LB 565:

1. Amend the Williams Unanimous Consent Amendment, line 2, by striking “3 and 4” and inserting “4 and 5”.

**LEGISLATIVE BILL 67.** Correctly engrossed.

**LEGISLATIVE BILL 308.** Correctly engrossed.

**LEGISLATIVE BILL 402.** Correctly engrossed.

**LEGISLATIVE BILL 496.** Correctly enrolled.

**LEGISLATIVE BILL 155.** Correctly enrolled.

**LEGISLATIVE BILL 262.** Correctly enrolled.

**LEGISLATIVE BILL 289.** Correctly enrolled.

**LEGISLATIVE BILL 434.** Correctly enrolled.

**LEGISLATIVE BILL 443.** Correctly enrolled.

**LEGISLATIVE BILL 513.** Correctly enrolled.

**LEGISLATIVE BILL 386.** Correctly enrolled.

**LEGISLATIVE BILL 409.** Correctly enrolled.

**LEGISLATIVE BILL 512.** Correctly enrolled.

**LEGISLATIVE BILL 534.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 496 LB 155 LB 262 LB 289 LB 434 LB 443 LB 513 LB 386 LB 409 LB 512 LB 534

### **STANDING COMMITTEE REPORTS**

#### **Education**

**LEGISLATIVE BILL 673.** Placed on General File as amended.

Standing Committee amendments to LB 673:

1. Amend section 1 of the bill, line 13 by inserting "*voting on the question*" after "district", line 15 by striking "ten" and inserting "*twenty-five*", line 19 by striking "thirty days thereafter" and inserting "*a reasonable time thereafter which in no event shall exceed six months*", line 26 by inserting "*voting on the question*" after "district", and line 29 by inserting "*Provided, that if a majority of the members of the board of education of the metropolitan school district do not vote in favor of the merger within ninety days after such election, the merger shall not become effective.*", after "district".

2. Amend the title to conform.

(Signed) George Syas, Chairman

### **SELECT FILE**

**LEGISLATIVE BILL 560.** E and R amendments found in the Legislative Journal for the Seventy-first Day were adopted.

Mr. Simmons offered the following amendments which were adopted by unanimous consent:

1. Amend the Simmons Amendment 1, adopted April 14, 1959, section 2, by striking lines 26 to 35 and inserting:

"(5) Secondary boycott shall mean combining or conspiring to cause or threaten to cause injury to one with whom no labor dispute exists, whether by (a) withholding patronage, labor, or other beneficial business intercourse, or by intentionally and unreasonably hindering or delaying the same, (b) picketing, (c) refusing to handle, install, use or work on particular materials, equipment or supplies, (d) hindering or preventing, by threats, intimidation, force, coercion or sabotage, the obtaining, use or disposition of materials, equipment or services, or (e) by any other unlawful means, in order to bring him against his will into a concerted plan to coerce or inflict damage upon another."

2. Amend the Simmons Amendment 1, adopted April 14, 1959, section 3, by striking "or" in line 3, and by striking lines 4 to 8 and inserting "Pro-".

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 175.** E and R amendments found in the Legislative Journal for the Seventy-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 384.** E and R amendments found in the Legislative Journal for the Seventy-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 292.** E and R amendments found in the Legislative Journal for the Seventy-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 272.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 381.** E and R amendments found in the Legislative Journal for the Seventy-first Day were adopted.

Advanced to E and R for engrossment.

**Visitors**

Mr. Tews introduced Frieda Josten, County Superintendent, seventy-four pupils, and twenty-one adults from Antelope County.

**UNANIMOUS CONSENT—Change of Order**

Mr. Liebers requested unanimous consent to have LB 583 placed at the head of General File for consideration Monday, April 20, 1959. No objections. So ordered.

**Bills Referred to Standing Committees**

LB Committee  
710.....Banking, Commerce and Insurance  
(Signed) Dwight W. Burney  
Lieutenant Governor

**SELECT COMMITTEE REPORTS****Committee on Contest**

Mr. President:

Your Committee on Contest between Charles F. Tvrdik and William R. Skarda, Jr., wishes to submit herewith, its financial report in connection with the above contest.

**Receipts and Expenditures**

Received from Rudolph Tesar, Attorney  
for Charles F. Tvrdik ..... \$170.74

**Claims:**

Leora Chrastil, Checker ..... \$24.00  
Fern Trabert, Checker ..... 24.00  
Mrs. John Glynn, Checker ..... 24.00  
Lillian Newell, Checker ..... 24.00  
Rose Golding, Checker ..... 24.00  
John Stewart, Checker ..... 24.00

**Herman E. Kuppinger, Commissioner:**

Hotel Bill ..... \$5.50  
Meals—1/15/59 & 1/16/59 ..... 3.30  
Tips ..... .50

9.30

Robert Saxton, Chief Deputy:

Hotel Bill .....	5.50
Meals .....	4.00
Tips .....	.50
Mileage .....	7.44

17.44

Total Expenditures ..... \$170.74

Robert C. McGowan, Attorney: fee to be paid by the Nebr. Legislature. Fee is \$100.00.

(Signed) William Moulton  
Chairman, Committee on Contest

### MOTION—Adopt Report

Mr. President: I move that the report of the Committee on Contest be adopted. (Signed) William Moulton

The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

### SELECT COMMITTEE REPORTS

#### Committee on Contest

Mr. President:

Your committee on contest between George Fulton and Willard Waldo wishes to submit herewith, its financial report in connection with the above contest.

The committee vote was 4 to 1 in favor.

Claims:

Leslie H. Noble, Attorney .....	\$100.00
Robert B. Crosby, Attorney .....	100.00
A. G. Kleman, City Clerk .....	44.68
Charles E. Dedrick, County Clerk .....	36.63
Capitol Printing Co., Tally Books .....	2.00
Fred Steinkamp, Jr. Dr. delivering ballots .....	8.00
Leora Chrastil, Checker .....	24.00
Fern Trabert, Checker .....	24.00
Mrs. John Glynn, Checker .....	24.00
Lillian Newell, Checker .....	24.00

Rose Golding, Checker .....	24.00
John Stewart, Checker .....	24.00

Total .....	\$435.31
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(Signed) Stanley L. Portsche, Chairman  
Committee on Contest

### MOTION—Accept Report

Mr. President: I move that the committee on contest report be accepted. (Signed) Kenneth L. Bowen, Dwain Williams, J. W. Burbach

Motion pending.

Laid over.

### Visitor

Mr. Fenske introduced Mr. Carl Crouse from Sidney.

### Member Excused

Mr. Lautenschlager was excused at 10:00 a.m. for the remainder of the day.

### GENERAL FILE

#### LEGISLATIVE BILL 685. Considered.

Mr. Carpenter withdrew his pending amendments found in the Legislative Journal for the Seventy-first Day.

Mr. Carpenter offered the following amendments which were adopted:

1. Amend section 1 of the bill, lines 16 and 17 by striking the new material, line 18 by striking "or his agents only." and inserting:

*"Each corporation required to report according to the provisions of this section shall attach a statement to its schedule showing the financial condition of the corporation according to its books at the close of the last fiscal year, which statement shall be kept by the assessor in a place where only taxing officials may have access thereto."*

2. Amend the bill by adding a new section immediately after section 1 to be known as section 2 and to read as follows:

*"Sec. 2. Returns of tangible and intangible personal property filed by the taxpayer with the county assessor shall be kept by the assessor in a place where only taxing officials and other public officers having official need for the information contained therein may have access thereto; Provided, that except where otherwise specifically provided by law, any person may at any reasonable time demand and receive a copy of the information concerning the contents of any specified schedule of tangible personal property. Any county assessor violating the provisions of this section, or any public officer who discloses information contained in individual intangible personal property schedules except as required in carrying out his official duties, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than five hundred dollars.*

*Nothing contained in this section shall prevent any person from having access to his own schedule, nor prevent a fiduciary when authorized by a court from seeing any schedule when necessary to carry out his responsibilities."*

3. Amend the bill by renumbering sections 2 and 3 as sections 3 and 4, respectively.

4. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 57.** Laid over.

#### **Visitor**

Mr. Webb introduced August M. Delfs from Logan County.

**LEGISLATIVE BILL 343.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-eighth Day were adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.

2. Amend the title to conform.

Advanced to E and R for review.

#### **Visitors**

Mr. Marvel introduced Marie Jensen, Teacher, and twenty students from Marquette School, and two parents.



**LEGISLATIVE BILL 342.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-eighth Day were adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 388.** Read and considered.**Ease**

The Legislature was at ease from 10:30 until 10:45 a.m. for the evacuation of the Legislative Chamber.

**Speaker Pizer Presiding****Visitors**

Mr. Ruhnke introduced Mrs. Bert Conly and her son, Terry, from Fairbury.

Mr. Vosoba introduced Mrs. Sadie Farr, Teacher, and twenty-nine students from Fairmont, and seven parents.

**GENERAL FILE****LEGISLATIVE BILL 388.** Considered.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 26.** Section 1 read and considered.**Visitor**

Mr. Nelson introduced Mr. Romaine Saunders from Holt County.

**Guest**

Colonel Francis S. Drath escorted General Lewis B. Hershey, National Director of Selective Service, to the rostrum. General Hershey addressed the Legislature briefly.

**President Burney Presiding****Members Excused**

Messrs. Tews, Nelson and Swanson were excused at 11:20 a.m. for the remainder of the day.

**GENERAL FILE****LEGISLATIVE BILL 26. Considered.**

Mr. Carpenter offered the following amendment which was adopted:

1. Amend the Standing Committee Amendment 1, section 44-222, line 23 by inserting before the word "Any" the following:

*"Any one risk written in an amount exceeding ten per cent of the surplus of the company as defined above shall be reinsured for that amount exceeding ten per cent, and such reinsurance shall provide direct coverage to the insured or obligee of such policy or bond; Provided, that such reinsurance shall be limited in an amount not to exceed ten per cent of the surplus to policy holders, as reflected by the last annual statement of the reinsuring company, for each such reinsuring company."*

Section 1 of Standing Committee amendment 1, found in the Legislative Journal for the Forty-ninth Day, was adopted as amended.

Laid over.

**Visitors**

Mr. Portsche introduced Mr. R. B. Hughes, Teacher, and twenty-nine pupils from Irving Junior High School, Lincoln.

**LEGISLATIVE BILL 399. Laid over.****LEGISLATIVE BILL 337. Read and considered.**

Advanced to E and R for review.

### Visitors

Mr. Vosoba introduced Susan Rouch, Teacher, and eight pupils from School District 81, Geneva.

**LEGISLATIVE BILL 449.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 577.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fiftieth Day were adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

### STANDING COMMITTEE REPORTS

#### Salaries and Claims

**LEGISLATIVE BILL 536.** Placed on General File as amended.

Standing Committee amendments to LB 536:

1. Amend section 1, line 8 by striking the words, "ten thousand" and adding the words, "*seven thousand.*"
2. Add the emergency clause.

**LEGISLATIVE BILL 535.** Placed on General File as amended.

Standing Committee amendment to LB 535:

1. Amend section 1, line 4 by striking the words, "ten thousand five hundred" and adding the words, "*nine thousand.*"

(Signed) John Aufenkamp, Chairman

### Adjournment

At 11:48 a.m., on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## SEVENTY-THIRD DAY

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Legislative Chamber, Lincoln, Nebraska

Monday, April 20, 1959

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Pizer presiding.

Prayer was offered by the Chaplain.

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

The Journal for the Seventy-second Day was approved.

**Communications**

Letter from William F. Quinn, Governor of Hawaii, acknowledging receipt of Legislative Resolution 22.

Letter from Ralph R. Bremers, Co-Chairman of The Taxpayers Plan, Omaha, opposing LB 705.

Resolution to Mr. Otto from the Nebraska Association of FFA, regarding rural traffic safety.

**Presented to the Governor**

Presented to the Governor for approval on April 17, 1959, at 4:30 p.m.: LB 262 LB 496 LB 155 LB 289 LB 434 LB 443  
LB 513 LB 386 LB 409 LB 512 LB 534

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 381.** Replaced on Select File as amended.

E and R amendment to LB 381:

1. In Enrollment and Review Amendment 2, line 1, strike "8" and insert "10".

**LEGISLATIVE BILL 286.** Correctly engrossed.

**LEGISLATIVE BILL 392.** Correctly engrossed.

**LEGISLATIVE BILL 403.** Correctly engrossed.

**LEGISLATIVE BILL 522.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **MOTION—Refer Pending Motion on Contest Report**

Mr. President: I move that we refer to the Committee on Salaries and Claims the pending motion to adopt the report of the special contest committee on the Fulton-Waldo contest, found in the Legislative Journal for the Seventy-second Day. (Signed) Marvin Lautenschlager.

Mr. Romans moved the previous question. The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

The Lautenschlager motion prevailed.

#### **Visitors**

Mr. Erlewine introduced Mr. and Mrs. Paul Ogier from Wallace.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 327.** With emergency.

A bill for an act relating to motor vehicles; to require submission of reports of motor vehicle accident investigation to the Department of Roads by prescribed peace officers; to provide when such reports shall be made; to provide for the prescription and furnishing of forms; 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	Carpenter	Erlewine	Jensen
Aufenkamp	Claussen	Fenske	Klaver
Bowen	Cooper	Fulton	Lautenschlager
Bridenbaugh	Diers	Gerdes	Liebers
Burbach	Donner	Hollenbeck	Marvel

McHugh	Otto	Russillo	Tews
Moulton	Peck	Simmons	Thompson
Munnelly	Pizer	Skarda	Vosoba
Nelson	Portsche	Stryker	Webb
Olinger	Romans	Syas	Williams
Orme	Ruhnke		

Voting in the negative, 0.

Not voting, 1:

Swanson

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

#### LEGISLATIVE BILL 466.

A bill for an act relating to insurance; to provide for group life insurance for members of a credit union, as prescribed.

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

Voting in the affirmative, 42:

Adams	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Swanson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 479.** With emergency.

A bill for an act to amend section 8-321, Reissue Revised Statutes of Nebraska, 1943, and sections 8-303 and 8-319, Revised Statutes Supplement, 1957, relating to building and loan associations; to enable state chartered building and loan associations to make certain loans and accept investments that a Federal Savings and Loan Association doing business in this state is or may be authorized to make; 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	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Carpenter              Swanson

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

**LEGISLATIVE BILL 509.** With emergency.

A bill for an act relating to the State Railway Commission; to provide for a maximum time within which matters before the State Railway Commission may be heard and disposed of by the commission; 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	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Carpenter              Swanson

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

#### **LEGISLATIVE BILL 639. With emergency.**

A bill for an act to provide the salary of the Lieutenant Governor, a constitutional state officer mentioned in Article XVII, section 3, of the Constitution of Nebraska; to provide when the same shall become operative; 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, 28:

Adams	Jensen	Peck	Skarda
Aufenkamp	Klaver	Pizer	Syas
Carpenter	Liebers	Portsche	Tews
Claussen	Marvel	Romans	Thompson
Cooper	McHugh	Ruhnke	Vosoba
Gerdes	Munnelly	Russillo	Webb
Hollenbeck	Otto	Simmons	Williams

Voting in the negative, 14:

Bowen	Donner	Lautenschlager	Olinger
Bridenbaugh	Erlewine	Moulton	Orme
Burbach	Fenske	Nelson	Stryker
Diers	Fulton		



Not voting, 1:

Swanson

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: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause stricken?'"

Voting in the affirmative, 28:

Adams	Jensen	Peck	Skarda
Aufenkamp	Klaver	Pizer	Syas
Carpenter	Liebers	Portsche	Tews
Claussen	Marvel	Romans	Thompson
Cooper	McHugh	Ruhnke	Vosoba
Gerdes	Munnely	Russillo	Webb
Hollenbeck	Otto	Simmons	Williams

Voting in the negative, 14:

Bowen	Donner	Lautenschlager	Olinger
Bridenbaugh	Erlewine	Moulton	Orme
Burbach	Fenske	Nelson	Stryker
Diers	Fulton		

Not voting, 1:

Swanson

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

## SELECT FILE

**LEGISLATIVE BILL 128.** E and R amendment found in the Legislative Journal for the Seventy-second Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 565.** E and R amendment found in the Legislative Journal for the Seventy-second Day was adopted.

Advanced to E and R for engrossment.

## STANDING COMMITTEE REPORTS

## Judiciary

**LEGISLATIVE BILL 674.** Placed on General File as amended.

Standing Committee amendments to LB 674:

1. Amend the bill by striking sections 1 through 6 and inserting the following in lieu thereof:

Section 1. As used in this act, unless the context otherwise requires: Fugitive from justice shall mean any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony.

Sec. 2. It shall be unlawful for any person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, or the District of Columbia and who has not been granted a pardon for such conviction, or who is a fugitive from justice, to possess any firearm with a barrel less than twelve inches in length, or brass or iron knuckles.

Sec. 3. It shall be unlawful for any person to receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's identification mark or serial number has been removed.

Sec. 4. Any person violating any of the provisions of this act shall, upon conviction thereof, be fined not more than two thousand dollars or imprisoned for not more than five years, or both such fine and imprisonment.

2. Amend the title to conform.

(Signed) Ray C. Simmons, Chairman

## Revenue

**LEGISLATIVE BILL 704.** Placed on General File.

**LEGISLATIVE BILL 666.** Indefinitely postponed.

**LEGISLATIVE BILL 550.** Indefinitely postponed.

**LEGISLATIVE BILL 551.** Indefinitely postponed.

**LEGISLATIVE BILL 668.** Indefinitely postponed.

**LEGISLATIVE BILL 669.** Indefinitely postponed.

**LEGISLATIVE BILL 670.** Indefinitely postponed.

(Signed) Norman A. Otto, Chairman

**MOTION—Pass LB 684**

Mr. Carpenter renewed his pending motion, found in the Legislative Journal for the Seventy-second Day, to pass LB 684 notwithstanding the objections of the Governor.

Voting in the affirmative, 33:

Aufenkamp	Fenske	Moulton	Ruhnke
Bowen	Fulton	Munnelly	Russillo
Bridenbaugh	Gerdes	Nelson	Simmons
Burbach	Hollenbeck	Orme	Skarda
Carpenter	Klaver	Otto	Stryker
Claussen	Lautenschlager	Peck	Tews
Cooper	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Williams
Erlewine			

Voting in the negative, 8:

Diers	Liebers	Pizer	Vosoba
Jensen	Olinger	Syas	Webb

Not voting, 2:

Adams	Swanson
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A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed notwithstanding the Governor's objections.

**Visitors**

Mr. Olinger introduced Mrs. Reuben Athey, Teacher, and twenty students from School District 6-R, and seven sponsors; and his daughter, Mrs. Reuben Gilbert.

Mr. Klaver introduced Mrs. Beryl Hupp, Principal, Miss Merne Jensen, Teacher, and thirty-one students from Comenius School, Omaha.

Mr. Lautenschlager introduced Mr. Emil Wicina, Superintendent, Mrs. Donald Haggart, Teacher, and thirty-three students from Chapman, and three sponsors.

**MOTION—Pass LB 86**

Mr. President: I move that LB 86 be taken up for passage notwithstanding the objections of the Governor. (Signed) Sam Klaver

Mr. Klaver requested unanimous consent for permission for additional time for discussion of LB 86.

Mr. Ruhnke objected.

Mr. Lautenschlager moved the previous question. The motion lost for want of five seconds.

#### Visitors

Mr. Lautenschlager introduced Cecil Goodwin, Sheriff, and Bill White, County Treasurer, from Crittenden County, Arkansas.

Mr. McHugh introduced Mrs. Donna Brungart and Mrs. Olin Morris, Teacher, and twenty-four students from District 56, Cass County.

Mr. Fenske moved the previous question. The motion lost with 17 ayes, 23 nays, and 3 not voting.

#### Visitors

Mr. Vosoba introduced Mrs. Agnes Brydl, Teacher, and nineteen students from District 4, Wilber, and ten sponsors.

Mr. Thompson moved the previous question. The motion prevailed with 36 ayes, 0 nays, and 7 not voting.

Vote on the Klaver motion:

Voting in the affirmative, 19:

Bowen	Gerdes	Munnelly	Skarda
Bridenbaugh	Hollenbeck	Peck	Syas
Carpenter	Klaver	Portsche	Tews
Erlewine	McHugh	Russillo	Williams
Fulton	Moulton	Simmons	

Voting in the negative, 22:

Adams	Donner	Nelson	Ruhnke
Aufenkamp	Fenske	Olinger	Stryker
Burbach	Jensen	Orme	Thompson
Claussen	Lautenschlager	Otto	Vosoba
Cooper	Liebers	Pizer	Webb
Diers	Marvel		

Not voting, 2:

Romans	Swanson
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A constitutional three-fifths majority having failed to vote in the affirmative, the bill failed of passage notwithstanding the Governor's objections.

**STANDING COMMITTEE REPORTS**

**Labor and Public Welfare**

**LEGISLATIVE BILL 472.** Indefinitely postponed.

**LEGISLATIVE BILL 661.** Indefinitely postponed.

**LEGISLATIVE BILL 697.** Indefinitely postponed.

**LEGISLATIVE BILL 465.** Indefinitely postponed.

**LEGISLATIVE BILL 464.** Indefinitely postponed.

(Signed) Peter H. Claussen, Chairman

**Adjournment**

At 12:01 p.m., on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## SEVENTY-FOURTH DAY

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Legislative Chamber, Lincoln, Nebraska

Tuesday, April 21, 1959

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

The Journal for the Seventy-third Day was approved.

## MESSAGES FROM THE GOVERNOR

April 16, 1959

The Speaker and Members  
of the Legislature

Gentlemen and Mrs. Orme:

Lt. Governor Dwight W. Burney has requested me to inform your Honorable Body that on April 16, 1959 he approved LB 316, during the absence of the Governor.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

April 17, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 17, 1959 he approved LB 51 and LB 386.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

April 18, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 18, 1959 he approved LB 257, LB 339, LB 413, LB 427, LB 431 and LB 543.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 685.** Placed on Select File as amended.

E and R amendments to LB 685:

1. Because of the adoption of the Carpenter General File Amendment 1, strike Standing Committee Amendment 1.

2. In section 1, lines 10 and 11, strike "befor" and insert "before" as in the statutes; and in line 21, insert "a" after "of".

3. In the Carpenter General File Amendment 1, line 8, strike "last" and insert "most recent".

4. In the title, strike lines 6 to 10 and insert "tion; to require the filing by certain corporations of a statement of financial condition at the close of the most recent fiscal year; to provide that only taxing officials shall have access to such statement; to provide that only taxing officials and other public officers having official need thereof shall have access to tangible and intangible property

tax returns; to provide for the disclosure, upon prescribed conditions, of information from any specified schedule of tangible personal property; to provide exceptions; to make certain acts unlawful; to provide penalties; to repeal the original section; and to declare an emergency.”.

**LEGISLATIVE BILL 343.** Placed on Select File as amended.

E and R amendments to LB 343:

1. In section 1, line 8, strike “However, the” and insert “However, the *The*”.

2. In section 3, line 17, strike “to.” and insert “to”; in line 24, after “premises” insert “or” as in the statutes; and in line 31 strike “find” and insert “fine” as in the statutes.

3. Add a new section to be known as section 5 and to read as follows:

“Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

4. In the title, line 5, strike “authority” and insert “board”; in line 8, strike “to repeal”; and in line 10, insert “; and to declare an emergency” before the period.

**LEGISLATIVE BILL 342.** Placed on Select File as amended.

E and R amendments to LB 342:

1. In Standing Committee Amendment 1, line 2, insert “, showing the same as stricken” before the semicolon; and in line 3, insert “, showing the same as stricken,” before “and”.

2. Add a new section to be known as section 3 and to read as follows:

“Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

3. In the title, strike lines 4 to 9 and insert “metropolitan class; to extend the power of a city of the metropolitan class to acquire, by purchase or exercise of the power of eminent domain, property for streets, alleys, avenues, and other construction of like kind within three miles of the corporate limits of such city; to repeal the original section; and to declare an emergency.”.



**LEGISLATIVE BILL 388.** Placed on Select File as amended.

E and R amendments to LB 388:

1. In section 1, line 7, strike "noting" and insert "nothing" as in the statutes.

2. Add a new section to be known as section 3 and to read as follows:

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

3. In the title, line 12, strike "and"; and in line 12, insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 337.** Placed on Select File as amended.

E and R amendment to LB 337:

1. In the title, line 7, insert "and all costs" after "judge"; and strike, beginning with "to" in line 10, through the semicolon in line 14.

**LEGISLATIVE BILL 449.** Placed on Select File as amended.

E and R amendment to LB 449:

1. In section 2, line 4, insert an underscored comma after "petitioner"; and in line 5, insert "the" before "date".

**LEGISLATIVE BILL 577.** Placed on Select File as amended.

E and R amendments to LB 577:

1. In section 1, lines 4 and 5, strike "*Reissue Revised Statutes of Nebraska, 1943, and amendments thereto*,".

2. In section 2, line 2, strike the comma; and in lines 4 and 5, strike "*Reissue Revised Statutes of Nebraska, 1943, and amendments thereto*,".

3. Amend Standing Committee Amendment 1 to read "In section 3, strike lines 9 to 11 and insert '*integrity and responsibility*,'."

4. In section 3, line 2, strike the comma; in line 12, insert an underscored comma after "shall"; in line 13, insert an underscored comma after "require"; and in lines 16 and 17, strike "*, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto*".

5. In Standing Committee Amendment 2, line 3, strike the period after "*bank*" and insert a period at the end of the line.

6. In section 4, line 2, strike the comma and insert "*and*"; and in lines 4 and 5, strike "*, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto*".

7. In section 5, line 3, insert an underscored comma after "*corporation*".

8. Add a new section to be known as section 7 and to read as follows:

"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

9. In the title, line 8, strike "*and*"; and in line 9, insert "*; and to declare an emergency*" before the period.

**LEGISLATIVE BILL 175.** Correctly engrossed.

**LEGISLATIVE BILL 272.** Correctly engrossed.

**LEGISLATIVE BILL 336.** Correctly engrossed.

**LEGISLATIVE BILL 568.** Correctly engrossed.

**LEGISLATIVE BILL 327.** Correctly enrolled.

**LEGISLATIVE BILL 466.** Correctly enrolled.

**LEGISLATIVE BILL 479.** Correctly enrolled.

**LEGISLATIVE BILL 509.** Correctly enrolled.

**LEGISLATIVE BILL 639.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 327 LB 466 LB 479 LB 509

#### **Visitors**

Mr. Pizer introduced Mr. Ken Tetro and his daughter, Kathy, from Brady.

Mr. Diers introduced Mrs. Wilton Stauffer, Teacher, and seventeen students from District 23, Milford, and two mothers.

**MOTION—Reconsider Action on LB 639**

Mr. President: I move that we reconsider our action of yesterday on final passage of LB 639, the purpose being to reinstate the emergency clause. (Signed) Arthur W. Swanson

Mr. Carpenter requested a Call of the House.

A Call of the House was ordered and showed 42 members present.

Mr. Jensen moved that the Call be raised. The motion prevailed with 42 ayes, 0 nays, and 1 not voting.

The Swanson motion prevailed with 29 ayes, 12 nays, and 2 not voting.

**BILLS ON FINAL READING****LEGISLATIVE BILL 639.**

Mr. Swanson moved that LB 639 be returned to Select File for the following specific amendments:

1. Add the emergency clause.
2. Amend the title to conform.

The motion prevailed with 30 ayes, 7 nays, and 6 not voting.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 60. With emergency.**

A bill for an act to amend section 39-762.01, Reissue Revised Statutes of Nebraska, 1943, and section 39-7,128, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 79, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to motor vehicles; to provide a graduated scale of points for conviction for failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in property damage; to change the penalty for failing to stop and furnish prescribed information after an accident; 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, 42:

Adams	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Thompson

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

#### **LEGISLATIVE BILL 75. With emergency.**

A bill for an act to amend sections 60-423, 60-430, 60-557, Re-issue Revised Statutes of Nebraska, 1943, and sections 60-430.01 and 60-430.02, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide uniform penalties for the operation of a motor vehicle during the period of suspension or revocation of a motor vehicle operators' license under any law of this state or after such suspension or revocation and before reinstatement of the license or issuance of a new one whether conviction is had under any law of this state or any city or village ordinance; to repeal the original sections and also section 60-430.03, Revised Statutes Supplement, 1957; 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	Carpenter	Erlewine	Jensen
Aufenkamp	Claussen	Fenske	Klaver
Bowen	Cooper	Fulton	Lautenschlager
Bridenbaugh	Diers	Gerdes	Liebers
Burbach	Donner	Hollenbeck	Marvel

McHugh	Otto	Russillo	Syas
Moulton	Peck	Simmons	Tews
Munnelly	Pizer	Skarda	Vosoba
Nelson	Portsche	Stryker	Webb
Olinger	Romans	Swanson	Williams
Orme	Ruhnke		

Voting in the negative, 0.

Not voting, 1:

Thompson

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

#### LEGISLATIVE BILL 424. With emergency.

A bill for an act relating to the militia; to provide for the cancellation of a lease as prescribed; 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:

Aufenkamp	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Adams Thompson

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

**LEGISLATIVE BILL 470.**

A bill for an act to amend section 39-1349, Revised Statutes Supplement, 1957, relating to state highways; to provide for the payment of interest by the Department of Roads on retained amounts and the final payment on road and bridge contracts; to provide the rate of interest and the time during which it shall run; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Moulton	Ruhnke
Aufenkamp	Fulton	Munnelly	Russillo
Bridenbaugh	Gerdes	Nelson	Simmons
Burbach	Hollenbeck	Olinger	Skarda
Carpenter	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Vosoba
Donner	Marvel	Portsche	Webb
Erlewine	McHugh	Romans	Williams

Voting in the negative, 2:

Bowen                      Stryker

Not voting, 1:

Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 510. With emergency.**

A bill for an act to amend sections 75-238 and 75-238.01, Re-issue Revised Statutes of Nebraska, 1943, relating to motor carriers; to provide when a motor carrier permit may be suspended or revoked; to provide for filing of complaint against a motor carrier for refusal and delay in any pickup and delivery; to provide when hearing shall be had and decision rendered on such complaint; to change the provisions relating to the suspension of motor carrier service without approval of the State Railway Commission; 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, 37:

Aufenkamp	Fulton	Moulton	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Fenske			

Voting in the negative, 5:

Adams	Munnelly	Skarda	Pizer
Erlewine			

Not voting, 1:

Thompson

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

### Visitors

Mr. Peck introduced Angeline Cook, Teacher, and twenty-five students from School District 43, Leigh, and eight sponsors.

### LEGISLATIVE BILL 676. With emergency.

A bill for an act to appropriate the sum of fifteen thousand dollars to aid in defraying the salaries, wages, maintenance, and expense, including the salary of secretary, and including grain warehouses, public warehouses, and grain storage administration and enforcement for the biennium ending June 30, 1959; 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	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Thompson

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

### SELECT FILE

#### LEGISLATIVE BILL 639.

The pending Swanson specific amendments found in this Day's Journal were adopted with 37 ayes, 0 nays, and 6 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 381.** E and R amendment found in the Legislative Journal for the Seventy-third Day was adopted.

Advanced to E and R for engrossment.

### Visitors

Mr. Vosoba introduced Mr. L. E. Cooper, Teacher, and nine students from Dorchester High School, and one sponsor.

### UNANIMOUS CONSENT—Print Attorney General's Opinion

Mr. Carpenter requested unanimous consent to have an opinion from the Attorney General printed in the Journal. No objections. So ordered.



April 13, 1959

Senator Terry Carpenter  
Nebraska Legislature  
State Capitol  
Lincoln, Nebraska

Dear Senator:

You have asked three questions. The first deals with the Nebraska Commission on Intergovernmental Cooperation which is established by Sections 81-816 to 81-824, R. R. S. 1943. This commission consists, in part, of five senators and the President and the Speaker of the Legislature, Section 81-816. The members of the commission serve without compensation, but are paid their necessary expenses in carrying out their obligations, Section 81-822. Your next question deals with the legislative council established by Chapter 50, Article 4. In that connection, Section 50-415, R. R. S. 1943, provides that the members of the council shall be compensated for actual expenses and members of the committees of the council shall be reimbursed actual expenses. You then inquire if the payment of such expenses is a violation of Section 7, Article III, Constitution of Nebraska. This section insofar as applicable provides:

“\* \* \*. The aggregate salaries of all members shall be \$37,500 per annum, divided equally among the members and payable in such manner and at such times as shall be provided by law. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.”

Your third question states that if actual expenses are proper under this constitutional provision, then, could not the Legislature provide for the payment of actual expenses during the period the Legislature is in actual session?

The above section of the Constitution was adopted by the people of this state on November 6, 1934. The amendment was proposed by initiative petition. The last session of the bicameral legislature was held during 1935. The first session of the present type Legislature was held in 1937, Constitution, Section 5, Article III. The provisions of law pertaining to the Legislative Council were first enacted in 1937, L. B. 395, Laws 1937, C. 118, p. 421. This act

has been amended from time to time but the amendments are not essential to the questions here involved. Section 11 of this law provided that the members of the council should be compensated for actual expenses incurred while attending sessions of the council. Likewise the provisions of the law pertaining to the Nebraska Commission on Intergovernmental Cooperation were enacted in 1937, L. B. 543, Laws 1937, C. 110, p. 406.

In considering these questions it is well to consider certain well established rules of law. Every legislative act is surrounded by a presumption of constitutionality and this presumption continues until the act under review clearly appears to contravene some provision of the Constitution. *United Community Service v. The Omaha National Bank*, 162 Neb. 786, 77 N. W. 2d 576. It is also basic that the meaning of a constitutional provision is to be determined as of the time of its adoption, and the intent and understanding of its framers and the people who adopted it is the principal inquiry in construing it. It is likewise true that legislative and official interpretation long acquiesced in is entitled to great weight in seeking the meaning of a doubtful constitutional provision. *State, ex rel. State Railway Commission v. Ramsey*, 151 Neb. 333, 37 N. W. 2d 502.

So far as the present inquiries are concerned there appears to be no question as to what the Legislature intended when it provided that members of the legislative council and the members of the Nebraska Commission on Intergovernmental Cooperation who also may be members of the Legislature shall receive their actual expenses in carrying out their obligations as members of these committees. The essential question is whether or not Section 7, Article III is susceptible of construction. We believe that it is. Referring to this provision it seems clear that the phrase, "Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses," could be construed to mean that the members could receive no other funds from the state under any guise whatsoever. On the other hand it could be construed to mean that the term "perquisites" refers to "compensation or reward for the performance of an official duty." If so construed then such term would not include reimbursement for actual expenses for service as a member of an interim committee and the payment of such expenses would be proper. The term has been so construed as used in the Constitution in the case of *State v. Sheldon*, 78 Neb. 552, 111 N. W. 372. This section could also be interpreted to mean that the restriction as to the receipt of actual expenses is limited to the attendance at a regular or special session of the Legislature, so that expenditures for actual expenses incurred while in the service of some special committee would not be within the inhibition.

Evidently the Legislature has so believed. We suggest these possibilities to show that there is a doubt as to the proper interpretation of this constitutional provision.

Evidently such a doubt existed in 1937 for the question was previously raised. The Legislative Council Journals for 1937-38 contain a copy of an opinion of the Attorney General of Nebraska under date of October 11, 1937, directed to the Auditor of Public Accounts concerning the constitutionality of L. B. 395, 1937 Legislature, which was the bill setting up and establishing the Legislative Council. In that opinion it was pointed out that there is a distinction made as to expenses incurred while attending a regular or special session of the Legislature and those incurred at another time or place other than a regular or special session. In that opinion it was stated:

"In all of these decisions the courts recognize a very vital distinction between personal and legislative or official expenses. The rule followed is that the legislative or official expenses may be paid but that personal expenses may not be paid. The salary provided by law for each member is intended to pay not only for his services but also for his attendance at legislative sessions. At such sessions he is not entitled also to an allowance for living expenses."

The opinion went on to state:

"In other words expenses of such committees when acting for and in pursuance to the direction of the legislature at times when or places where the legislature is not in session become legislative or official as distinguished from personal expenses."

Thus we have a legislative construction of the meaning of this constitutional provision. This legislative construction was contemporaneous with the adoption of this provision by the people of the state. This legislative construction is bolstered and concurred in by the administrative construction of the Attorney General and apparently has not been questioned for a period of some twenty years. While such interpretation is not binding, it is entitled to great weight. We cannot say, as a matter of law, that the construction placed upon this provision of the Constitution by the Legislature and prior administrative interpretation is clearly wrong. Nor can we say that the questioned statutes clearly contravene Section 7, Article 3, of the Constitution.

We therefore conclude that the payment of actual expenses to members of the Legislature while serving as members of the legislative council and as members of committees of the legislative council is not in violation of Section 7, Article III, Constitution of Nebraska. The same holding and reasoning applies to service

as a member of the Nebraska Commission on Intergovernmental Cooperation. However, in view of the previous construction placed upon this section, it would be a violation of the above provision for the Legislature to provide for the payment of their personal expenses during regular and special sessions of the Legislature.

Very truly yours,

CLARENCE S. BECK  
Attorney General

(Signed) Gerald S. Vitamvas  
Gerald S. Vitamvas  
Assistant Attorney General

GSV:wjj

#### MESSAGE FROM THE GOVERNOR

April 17, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

I respectfully request your permission to introduce legislation which will restore to importance the meaning of the Sabbath by prohibiting, with certain exceptions, the operation of retail stores on Sunday.

There can be little doubt that the first day of the week, commonly known as Sunday, has been overly secularized and that, as a result, the spiritual, the family and cultural standards have been lessened thereby. At the same time, little can be said for the slight advancement made in financial circles by the business done on this day.

By the same token, a great many of our communities, through local ordinances and regulations, have prohibited retail practices on the Sabbath with the result that those outside the pale of their jurisdiction have continued to do business without regard for the rules of the adjacent community or for their business associates who may live within the confines of that community and thereby are restricted from doing business on Sunday.

Therefore, in order to give effect to the local ordinances of many of our cities, in order to eliminate interference with the observance

of the Sabbath, I respectfully ask the introduction of this legislation and urge its enactment with the Emergency Clause.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC  
e

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 711.** By Norman A. Otto of Legislative District 34, upon recommendation of the Governor.

A bill for an act to prohibit the operation of retail stores and the renting or selling at retail of goods, wares, merchandise, foods or plants on Sunday with certain exceptions; to define terms; to provide a penalty therefor; and to declare an emergency.

### STANDING COMMITTEE REPORTS

#### Budget

**LEGISLATIVE BILL 687.** Placed on General File.

(Signed) Otto H. Liebers, Chairman

#### UNANIMOUS CONSENT—Hold Bills on General File

Mr. Ruhnke requested unanimous consent that LB 583 be held over on General File. No objections. So ordered.

Mr. Otto requested unanimous consent that LB 485 and LB 315 be held over on General File. No objections. So ordered.

#### Speaker Pizer Presiding

### GENERAL FILE

**LEGISLATIVE BILL 23.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Amend section 1 of the bill by striking lines 143 to 146 and inserting "this state, not for profit, and which has been exempt".

2. Amend the bill by striking Standing Committee Amendment 3.

3. Amend the bill, section 4 by striking line 98 and inserting the following:

"(9) Bottle club license:

(a) *Within the corporate limits of cities and villages, for consumption on the premises, regardless of alcoholic content, the sum of ten dollars in villages of five hundred population or less; twenty-five dollars in villages or cities, as the case may be, having a population of more than five hundred inhabitants and not more than twenty-five hundred inhabitants; fifty dollars in cities having a population of more than twenty-five hundred inhabitants and less than ten thousand inhabitants; and one hundred dollars in cities having a population of ten thousand inhabitants or more; and*

(b) *Without the corporate limits of cities and villages, for consumption on the premises, payment to the commission, not less than twenty-five dollars for each license, the precise amount in each case to be such sum as shall equal the amount of license fee herein fixed plus the occupation tax fixed by ordinance, if any, in the nearest incorporated city or village in the same county."*

Mr. Carpenter offered the following amendments which were adopted:

1. Amend section 4 of the bill, line 86 by striking the semicolon and inserting a colon.

2. Amend Standing Committee Amendment 2, line 5 and 6, by striking ", one hundred dollars" and inserting the following:

"(a) *Within the corporate limits of cities and villages, for consumption on the premises, regardless of alcoholic content, the sum of ten dollars in villages of five hundred population or less; twenty-five dollars in villages or cities, as the case may be, having a population of more than five hundred inhabitants and not more than twenty-five hundred inhabitants; fifty dollars in cities having a population of more than twenty-five hundred inhabitants and less than ten thousand inhabitants; and one hundred dollars in*

*cities having a population of ten thousand inhabitants or more; and*

*(b) Without the corporate limits of cities and villages, for consumption on the premises, payment to the commission, not less than twenty-five dollars for each license, the precise amount in each case to be such sum as shall equal the amount of license fee herein fixed plus the occupation tax fixed by ordinance, if any, in the nearest incorporated city or village in the same county."*

#### **President Burney Presiding**

Mr. Carpenter offered the following amendment which was adopted:

1. Amend section 8 of the bill, line 5 by inserting after the period the following:

*"Sales made under a nonprofit license and a bottle club license shall be made only to bona fide members of the licensee and their guests."*

Laid over until Tuesday, April 28, 1959, at the request of Mr. Carpenter.

#### **Visitors**

Mr. Klaver introduced Mrs. Margaret Yates, Teacher, and sixteen students from Train School, Omaha.

Mr. Tews introduced Mr. and Mrs. Milton Gustman and family from Plainview.

Mr. Williams introduced Judge Mansil.

Mr. Gerdes introduced Mrs. Fritz Krause and Mrs. Dell Walker from Sheridan County.

Mr. Cooper introduced Mrs. Wilma Waymire, Teacher, and thirty-nine students from School District 33, Sterling, and nine sponsors.

#### **Member Excused**

Mr. Russillo was excused at 11:30 a.m. for the remainder of the day.

**Visitors**

Mr. Tews introduced Miss Clara Parks, County Superintendent, forty teachers, and two hundred students from Pierce County.

Mr. Webb introduced Mrs. Jack Dale from Denver, Colorado; Mrs. Pete Peterson from Ft. Collins, Colorado; and Mr. and Mrs. Bert Bracken from Ogallala.

**GENERAL FILE**

**LEGISLATIVE BILL 589.** Considered.

Mr. Claussen requested unanimous consent to strike Standing Committee Amendment 1. No objections. So ordered.

Laid over.

**Visitors**

President Burney introduced his wife and son, Dr. Dwight Burney, Jr.

**LEGISLATIVE BILL 408.**

Mr. Erlewine moved that LB 408 be indefinitely postponed.

Mr. Bridenbaugh requested unanimous consent to bracket LB 408 until it could be considered with other appropriation bills.

Mr. Portsche objected.

**Speaker Pizer Presiding****Members Excused**

Messrs. Peck, McHugh, and Cooper were excused at 11:35 a.m. for the remainder of the morning.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 5:

Erlewine	Olinger	Ruhnke	Stryker
Lautenschlager			

Voting in the negative, 27:



Adams	Donner	Liebers	Skarda
Aufenkamp	Fenske	Moulton	Swanson
Bowen	Fulton	Munnelly	Syas
Bridenbaugh	Gerdes	Orme	Tews
Burbach	Hollenbeck	Otto	Vosoba
Carpenter	Jensen	Pizer	Webb
Diers	Klaver	Portsche	

Not voting, 11:

Claussen	McHugh	Romans	Thompson
Cooper	Nelson	Russillo	Williams
Marvel	Peck	Simmons	

The Erlewine motion lost.

#### Visitors

Mr. Fulton introduced Mrs. Willard Hertlein, Teacher, and eleven students from District 57, Gage County, and one mother.

Mr. Ruhnke introduced Mrs. Darlene Rice, Teacher, and twenty students from District 101, Thompson, and twelve sponsors.

#### Adjournment

At 11:58 a.m., on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## SEVENTY-FIFTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 22, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present.

**Corrections for the Journal**

Page 1300, line 2, delete "Intergovernment" and insert "Intergovernmental".

The Journal for the Seventy-fourth Day was approved as corrected.

**MOTION—Flowers**

Mr. President: I move that flowers be sent to Governor Ralph G. Brooks who is in the hospital. (Signed) H. K. Diers

The motion prevailed.

**Visitors**

Mr. Olinger introduced Mr. and Mrs. James Cornish and Mr. and Mrs. Robert Chatt.

Mr. Jensen introduced Judge Ivan Bengstore from Aurora.

**Invitation**

Invitation to the members to tour the Strategic Air Command Headquarters in Omaha on May 21. Departure by C-97 Strato-cruiser from Lincoln Air Force Base at 9:00 a.m.; aircraft returning to Lincoln by 4:45 p.m.

**Member Excused**

Mr. Peck was excused after bills on final reading, for the remainder of the day.

**UNANIMOUS CONSENT—Withdraw LB 571**

Mr. Stryker requested unanimous consent to withdraw LB 571. No objections. So ordered.

**Bills Referred to Standing Committees**

LB                      Committee  
711..... Banking, Commerce and Insurance  
  
                            (Signed) Dwight W. Burney  
  Lieutenant Governor

**STANDING COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 699.** Placed on General File.

**LEGISLATIVE BILL 131.** Placed on General File as amended.

Standing Committee amendments to LB 131:

1. Amend section 2 of the bill by striking lines 4 to 10 and inserting "*Treasurer, and three additional members who shall be currently engaged in and have had at least ten years experience in the management of investment funds. This experience shall include the determination of investment policy with respect to securities portfolios of life insurance companies, trust companies, trust departments of national banks, or corporate pension and retirement funds. They shall be appointed by the Governor with the approval of the Legislature. The terms of the members initially appointed shall expire on March 1 of the years 1961, 1963, and 1965, as designated by the Governor in making the respective appointments. As the terms of the members expire, the Governor shall, on or before March 1 of the year the term of office expires, appoint or reappoint a member of the board for a term of six years to succeed the member whose term expires. The members of such board shall re-*".

2. Amend section 3 of the bill, line 3 by inserting after "systems" the following:

*"and investments and surplus cash except investments and cash belonging to the temporary and permanent school funds, as provided in Article VII of the Constitution of Nebraska."*

3. Amend section 4 of the bill, line 2 by inserting "*and who shall act as secretary of the board*" after "act".

4. Amend the bill, by adding a new section immediately after section 4 to be known as section 5 and to read as follows:

*"Sec. 5. It shall be the duty of the State Treasurer to purchase or sell the investments as recommended by the State Investment Board. Neither the members of the State Investment Board nor the State Treasurer shall have any transactions for the State of Nebraska in which the member of the board or State Treasurer have any interest either directly or indirectly."*

5. Amend section 5 of the bill, by renumbering as section 6, lines 22 to 31 by striking the same commencing with the word "The" in line 22 and show all old material as stricken matter.

6. Amend the bill, by renumbering section 6 as section 7, and striking line 3 and inserting "60-449. The Board of Educational Lands and Funds *State Investment Board*".

7. Amend the bill, by adding a new section immediately after renumbered section 7 to be known as section 8 and to read as follows:

*"Sec. 8. That section 77-2331, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:*

*77-2331. In case the officers shall find, as provided in section 77-2330, that the excess is not necessary to meet the current demands upon the treasury, the excess funds shall be immediately invested in United States bonds by the State Treasurer, as designated by the State Investment Board who shall deposit the same in the vaults in his office or in some other safe deposit to be designated by the Governor, Auditor of Public Accounts and treasurer in writing, signed by them and made of record in the auditor's office. The bonds shall be kept on deposit in the place above authorized until it shall become necessary to convert the same into money, which necessity shall be determined and the record thereof shall be kept in like manner as hereinbefore provided.*

8. Amend the bill, by renumbering section 7 as section 9, and lines 11 and 12 by reinstating the stricken matter and inserting "*in*".

9. Amend the bill, by renumbering section 9 as section 10, and line 1 by inserting "77-2331," before "and".

10. Add the Emergency Clause.

11. Amend the title to conform.

**LEGISLATIVE BILL 690.** Placed on General File.

(Signed) John P. Munnelly, Chairman

**Education**

**LEGISLATIVE BILL 581.** Indefinitely postponed.

**LEGISLATIVE BILL 603.** Indefinitely postponed.

**LEGISLATIVE BILL 587.** Indefinitely postponed.

(Signed) George Syas, Chairman

**Public Health**

**LEGISLATIVE BILL 706.** Placed on General File.

(Signed) Sam Klaver, Chairman

**Presented to the Governor**

Presented to the Governor for approval on April 21, 1959, at  
4:30 p.m.: LB 479 LB 466 LB 327 LB 509

(Signed) Jo Fisher, Enrolling Clerk

**Delivered to the Secretary of State**

April 21, 1959

The Clerk respectfully reports that Legislative Bill 684 passed notwithstanding the objection of the Governor was delivered to the Secretary of State this date at 3:25 p.m.

(Signed) Hugo F. Srb  
Clerk of the Legislature

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 565.** Replaced on Select File as amended.

E and R amendments to LB 565:

1. Strike the Thompson General File Amendment to renumber section 23.

2. In the title, line 14, insert "to provide for the apportionment of a part of the township mill levy to cities and villages as prescribed;" after the semicolon.

**LEGISLATIVE BILL 128.** Correctly engrossed.

**LEGISLATIVE BILL 384.** Correctly engrossed.

**LEGISLATIVE BILL 292.** Correctly engrossed.

**LEGISLATIVE BILL 560.** Correctly engrossed.

**LEGISLATIVE BILL 676.** Correctly enrolled.

**LEGISLATIVE BILL 510.** Correctly enrolled.

**LEGISLATIVE BILL 424.** Correctly enrolled.

**LEGISLATIVE BILL 75.** Correctly enrolled.

**LEGISLATIVE BILL 60.** Correctly enrolled.

**LEGISLATIVE BILL 470.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 676 LB 510 LB 424 LB 75 LB 60 LB 470

#### **MOTION—Send Slip Laws**

Mr. Liebers moved to amend the Tews motion found on page 1101 of the Legislative Journal to read that the Legislature furnish private individuals copies of bills in slip law form upon payment of \$10 to cover cost of mailing.

The Liebers motion prevailed.

The Tews pending motion prevailed as amended.

#### **Member Excused**

Mr. Fenske was excused for Thursday, April 23, and Friday, April 24.

**MOTION—Suspend Rules**

Mr. President: I move that we suspend the rules and read the bills today, which are scheduled for Final Reading for Thursday, April 23, 1959. (Signed) A. A. Fenske

The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 67.**

A bill for an act relating to oil and gas; to define terms; to prohibit the waste of oil and gas or the contamination of water in the State of Nebraska; to create the Nebraska Oil and Gas Conservation Commission; to define the powers and duties of the Oil and Gas Conservation Commission with respect to conservation of oil and gas; to require the ratable purchasing or taking of gas and oil for transportation; to provide for a technical advisor; to provide for the enforcement of the provisions of this act and the rules, regulations and orders of the commission; to provide for the filing and hearing of complaints concerning waste of oil and gas; to provide for appeals; to provide for restraining orders as prescribed; to provide a limit of time for the bringing of actions; to provide for violations; to provide penalties; to provide for a Director of Oil and Gas Conservation and employees, defining their powers and duties; to provide for a method of financing the enforcement of this act, including the levy of a tax as prescribed; and to repeal sections 57-214, 57-215, 57-216, 57-217, 57-225, and 57-226, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 308.

A bill for an act to amend sections 14-373 and 14-374, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to abolish the city planning commission in cities of the metropolitan class; to require each city of such class to prepare a plan for its future physical development and growth; to provide how such plan shall be prepared and what lands may be included within it; to provide for the acquisition and disposition of real estate and the uses to which it may be put pursuant to such plan; and to repeal the original sections.

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

Voting in the affirmative, 29:

Aufenkamp	Klaver	Peck	Stryker
Bridenbaugh	Liebers	Pizer	Swanson
Claussen	McHugh	Portsche	Syas
Cooper	Moulton	Romans	Tews
Donner	Nelson	Ruhnke	Thompson
Fenske	Orme	Russillo	Webb
Hollenbeck	Otto	Simmons	Williams
Jensen			

Voting in the negative, 13:

Adams	Diers	Gerdes	Olinger
Bowen	Erlewine	Lautenschlager	Skarda
Burbach	Fulton	Marvel	Vosoba
Carpenter			

Not voting, 1:

Munnelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.



**LEGISLATIVE BILL 402.**

A bill for an act to amend section 15-210, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to remove the limit on the amount that a city of the primary class may spend for public grounds and roads, memorials, and similar purposes; to eliminate the requirement that ordinances providing for certain of such expenditures be ratified by a vote of the people; to authorize such a city to receive donations and bequests of money or property for such purposes; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Erlewine                      Munnelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 286.**

A bill for an act relating to banks and banking; to authorize any commercial bank in this state to act, either by itself or jointly, as executor or administrator of the estate of any deceased person as prescribed.

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

Voting in the affirmative, 42:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Munnelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 392.** With emergency.

A bill for an act relating to insurance; to authorize political subdivisions to establish, participate in, and manage plans providing prescribed insurance coverage for their employees or dependents; to provide for the purchase of such insurance; to provide that such political subdivisions may pay the cost of such insurance for employees in whole or in part; to authorize wage and salary deductions; to provide that employee participation in such plan shall be voluntary; to provide that no commission or compensation paid by any insurance company on account of such plan shall be received by any officer or other employee of such political subdivision; to repeal section 44-1612, Reissue Revised Statutes of Nebraska, 1943; 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	Burbach	Diers	Fulton
Aufenkamp	Carpenter	Donner	Gerdes
Bowen	Claussen	Erlewine	Hollenbeck
Bridenbaugh	Cooper	Fenske	Jensen

Klaver	Olinger	Romans	Syas
Lautenschlager	Orme	Ruhnke	Tews
Liebers	Otto	Russillo	Thompson
Marvel	Peck	Simmons	Vosoba
McHugh	Pizer	Skarda	Webb
Moulton	Portsche	Swanson	Williams
Nelson			

Voting in the negative, 1:

Stryker

Not voting, 1:

Munnelly

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

#### **LEGISLATIVE BILL 403.**

Mr. Vosoba moved that LB 403 be returned to Select File for the following specific amendments:

1. Section 1, line 9, strike the word "raccoons".
2. Sec. 2, lines 11 and 15, reinstate the word "raccoons".

Mr. Vosoba requested a Call of the House.

A Call of the House was ordered and showed 42 members present.

Mr. Carpenter moved that the Call be raised. The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

The Vosoba motion lost with 20 ayes, 19 nays, and 4 not voting.

#### **LEGISLATIVE BILL 403. With emergency.**

A bill for an act to amend section 23-358, Reissue Revised Statutes of Nebraska, 1943, and section 37-101, Revised Statutes Supplement, 1957, relating to animals; to include badgers, opossums, raccoons, and skunks as predatory animals and to remove them from the lists of game or fur-bearing animals; 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, 35:

Adams	Erlewine	Moulton	Simmons
Aufenkamp	Fenske	Munnelly	Skarda
Bridenbaugh	Gerdes	Nelson	Swanson
Burbach	Hollenbeck	Orme	Syas
Carpenter	Jensen	Peck	Tews
Claussen	Klaver	Pizer	Thompson
Cooper	Lautenschlager	Romans	Webb
Diers	Liebers	Ruhnke	Williams
Donner	McHugh	Russillo	

Voting in the negative, 8:

Bowen	Marvel	Otto	Stryker
Fulton	Olinger	Portsche	Vosoba

Not voting, 0.

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

#### LEGISLATIVE BILL 522.

A bill for an act to amend section 44-392, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to raise from one hundred thousand to two hundred thousand the population of any city within which it shall be unlawful for any bank or other prescribed financial institution to sell, write, or solicit insurance; and to repeal the original section.

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

Voting in the affirmative, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Explanation of Vote

Mr. President: Had I been in my seat during final reading of LB 402, LB 286, and LB 392, I would have voted "Aye".  
(Signed) John P. Munnelly

#### UNANIMOUS CONSENT—Withdraw LB 448

Mr. Russillo requested unanimous consent to withdraw LB 448. No objections. So ordered.

#### SELECT FILE

**LEGISLATIVE BILL 685.** E and R amendments found in the Legislative Journal for the Seventy-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 343.** E and R amendments found in the Legislative Journal for the Seventy-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 342.** E and R amendments found in the Legislative Journal for the Seventy-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 388.** E and R amendments found in the Legislative Journal for the Seventy-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 337.** E and R amendment found in the Legislative Journal for the Seventy-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 449.** E and R amendment found in the Legislative Journal for the Seventy-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 577.** E and R amendments found in the Legislative Journal for the Seventy-fourth Day were adopted.

Advanced to E and R for engrossment.

### **STANDING COMMITTEE REPORTS**

#### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 660.** Placed on General File.

(Signed) John P. Munnelly, Chairman

#### **Education**

**LEGISLATIVE BILL 306.** Placed on General File.

(Signed) George Syas, Chairman

#### **Visitors**

Mr. Hollenbeck introduced Mr. Charles Friedrick from Ainsworth.

Mr. Munnelly introduced Sister Ann and Sister Alaque and forty-seven eighth grade students from St. Mary's School, Omaha, and two sponsors, Mrs. Nieto and Mrs. Cavanaugh.

Mr. Munnelly introduced Miss Ruth DeLong and Mr. Donald Garman, Teachers, and thirty students from Robbins School, Omaha.

Mr. McHugh introduced Mrs. Marianne Peetz, Teacher, and twenty-one students from Fort Crook School.

Mr. Swanson introduced Mr. Hugh A. Barnhart from Rochester, Indiana, and Mr. Merle Hale from Lincoln.

Mr. Olinger introduced Mr. Rudolph Raabe from Wisner.

Mr. Cooper introduced Mrs. Claude McCall, Teacher, and eight students from School District 37, Pawnee County, and seven sponsors.

**GENERAL FILE****LEGISLATIVE BILL 408.** Read and considered.**Speaker Pizer Presiding**

Mr. Ruhnke requested unanimous consent to lay LB 408 over temporarily.

Mr. Adams objected.

Standing Committee amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

**President Burney Presiding**

Mr. Russillo offered the following amendment:

1. Amend section 14, line 6, by striking "one-fourth" and substituting ".15".

Mr. Syas offered the following amendment to the Russillo amendment:

1. Amend the Russillo amendment by striking ".15" and substituting ".20".

Mr. Carpenter offered the following amendment:

1. Amend the Syas amendment to the Russillo amendment by striking ".20" and inserting "one-eighth".

Mr. Carpenter requested a record vote.

Voting in the affirmative, 23:

Aufenkamp	Erlewine	Marvel	Stryker
Bridenbaugh	Fenske	McHugh	Swanson
Carpenter	Fulton	Nelson	Thompson
Claussen	Jensen	Olinger	Webb
Cooper	Lautenschlager	Romans	Williams
Donner	Liebers	Ruhnke	

Voting in the negative, 17:

Bowen	Klaver	Pizer	Skarda
Burbach	Moulton	Portsche	Syas
Diers	Orme	Russillo	Tews
Gerdas	Otto	Simmons	Vosoba
Hollenbeck			

Not voting, 3:

Adams                      Munnelly                      Peck

The Carpenter amendment prevailed.

The Syas amendment to the Russillo amendment was adopted as amended with 20 ayes, 18 nays, and 5 not voting.

The Russillo amendment was adopted as amended.

Mr. Ruhnke requested unanimous consent to lay over LB 408.

Mr. Syas objected.

Advanced to E and R for review.

### Visitors

Mr. Cooper introduced Mrs. Norma Huntington, Teacher, and thirty students from Salem School District 60, Pawnee City, and five sponsors.

Mr. Vosoba introduced Mrs. Ed Kupka, Teacher, and fifteen students from District 87, Saline County, and five sponsors.

### UNANIMOUS CONSENT—Change of Order

Mr. Cooper requested unanimous consent that LB 701 be placed immediately following LB 157 on General File. No objections. So ordered.

### MOTION—Afternoon Session

Mr. President: I move that we hold a session from 1:00 until 2:00 p.m. today. (Signed) Harold B. Stryker

The motion prevailed.

### STANDING COMMITTEE REPORTS

#### Banking, Commerce and Insurance

**LEGISLATIVE BILL 593.** Placed on General File.

**LEGISLATIVE BILL 698.** Placed on General File.

(Signed) John P. Munnelly, Chairman

### Recess

At 11:57 a.m., on a motion by Mr. Nelson, the Legislature recessed until 1:00 p.m.



**After Recess**

The Legislature reconvened at 1:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Moulton and Peck who were excused.

**GENERAL FILE**

**LEGISLATIVE BILL 157.** Laid over.

**LEGISLATIVE BILL 701.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventy-second Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 589.** Considered.

Mr. Aufenkamp offered the following amendments which were adopted:

1. Amend the bill, section 1, line 22, by inserting “; *and provided further*, that not more than two hundred thousand dollars shall be expended by the state in each biennium for matching purposes for aid to the mentally disabled” before the period.

2. Amend the title to conform.

Mr. Aufenkamp offered the following amendment which was adopted by unanimous consent:

1. Strike the emergency clause and amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 665.** Considered.

The pending Stryker amendment found in the Legislative Journal for the Sixty-fifth Day was adopted.

Mr. Stryker offered the following amendment which was adopted:

1. Amend Section 2, sub-section 3 of the bill by adding after the Ruhnke amendment after the words “, that dealers in speciality fertilizers only are exempted from obtaining a permit and paying the tonnage tax fee as set forth in Section 81-2162.06.” add the words “*This permit may be revoked for a period of one year on conviction of violating any section under this act.*”

Mr. Burbach offered the following amendment which was adopted:

1. Add the Emergency Clause and amend the title to conform.

Advanced to E and R for review.

### MESSAGES FROM THE GOVERNOR

April 20, 1959

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

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 19, 1959 he approved LB 443, LB 496 and LB 512.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
e

April 21, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 20, 1959 he approved LB 35, LB 109, LB 155, LB 160, LB 178, LB 256, LB 258, LB 259, LB 265, LB 289, LB 334, LB 409 and LB 434.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT  
RBC:e

### GENERAL FILE

**LEGISLATIVE BILL 138.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Laid over.

#### Visitors

Mr. Cooper introduced Mrs. Corydon Bartram and six students from District 10, DuBois.

**LEGISLATIVE BILL 346.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-first Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 332.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-sixth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 116.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Sixty-seventh Day was adopted.

Mr. Portsche moved that LB 116 be advanced to E and R for review.

Motion pending.

#### Visitors

Mr. Vosoba introduced W. H. Seeckmann, Willard Seeckmann, and Ray Williamson from Ohio.

#### Adjournment

At 2:00 p.m., on a motion by Mr. Jensen, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## SEVENTY-SIXTH DAY

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Legislative Chamber, Lincoln, Nebraska

Thursday, April 23, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present.

**Corrections for the Journal**

Page 1308, line 29, show the words "United States" as stricken.

Page 1322, line 19, delete "Mr." and insert "The".

The Journal for the Seventy-fifth Day was approved as corrected.

**Communications**

Letter from Mrs. Ed Panuska, Omaha, relative to rerouting the Interstate Highway through Omaha.

**NOTICE OF COMMITTEE HEARINGS****Banking, Commerce and Insurance**

LB 710	Tuesday, April 28, 1959	2:00 p.m.
LB 711	Tuesday, April 28, 1959	2:00 p.m.

**UNANIMOUS CONSENT—Executive Session**

Mr. Ruhnke requested unanimous consent for the Public Works Committee to hold an executive session at 1:00 p.m. today, April 23. No objections. So ordered.

**Presented to the Governor**

Presented to the Governor for approval on April 22, 1959, at 4:10 p.m.: LB 470 LB 60 LB 75 LB 424 LB 510 LB 676

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 381.** Correctly engrossed.  
**LEGISLATIVE BILL 449.** Correctly engrossed.  
**LEGISLATIVE BILL 639.** Correctly re-engrossed.  
**LEGISLATIVE BILL 67.** Correctly enrolled.  
**LEGISLATIVE BILL 308.** Correctly enrolled.  
**LEGISLATIVE BILL 402.** Correctly enrolled.  
**LEGISLATIVE BILL 286.** Correctly enrolled.  
**LEGISLATIVE BILL 392.** Correctly enrolled.  
**LEGISLATIVE BILL 403.** Correctly enrolled.  
**LEGISLATIVE BILL 522.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 67 LB 308 LB 402 LB 286 LB 392 LB 403 LB 522

**SUSPEND RULES—Bills on Final Reading**

Mr. President: I move that we suspend the rules and read the bills today, which are scheduled for Final Reading for Friday, April 24, 1959. (Signed) Marvin Lautenschlager

The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 175.**

A bill for an act to amend section 43-504, Reissue Revised Statutes of Nebraska, 1943, relating to dependent children; to redefine dependent child to include a child under eighteen years if such child is attending school and maintaining satisfactory grades in all his or her classes or is physically or mentally incapacitated; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Swanson
Burbach	Jensen	Orme	Syas
Carpenter	Klaver	Otto	Tews
Claussen	Lautenschlager	Peck	Vosoba
Cooper	Liebers	Pizer	Webb
Donner	Marvel	Portsche	Williams
Erlewine	McHugh	Ruhnke	

Voting in the negative, 3:

Diers	Romans	Thompson
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Not voting, 1:

Stryker

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 272.

A bill for an act relating to public power and irrigation districts; to provide for payment of money in lieu of taxes; to provide for a gross revenue tax derived from retail sale of electricity in incorporated cities and villages, as prescribed; to provide for allocation of such payments in lieu of taxes and gross revenue tax; and to repeal sections 70-651, 70-652, 70-653, and 70-654, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 37:

Adams	Claussen	Jensen	Moulton
Aufenkamp	Cooper	Klaver	Munnelly
Bowen	Diers	Lautenschlager	Olinger
Bridenbaugh	Donner	Liebers	Orme
Burbach	Fenske	Marvel	Otto
Carpenter	Fulton	McHugh	Peck

Pizer	Simmons	Swanson	Thompson
Portsche	Skarda	Syas	Vosoba
Ruhnke	Stryker	Tews	Webb
Russillo			

Voting in the negative, 6:

Erlewine	Hollenbeck	Romans	Williams
Gerdes	Nelson		

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 336.

A bill for an act to amend section 28-929, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishment; to provide for the examination by two physicians of a person convicted, for a first offense, for prescribed sex offenses; to provide for the confinement of such person when found to be a sexual psychopath; and to repeal the original section.

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

Voting in the affirmative, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 568.** With emergency.

A bill for an act to amend section 54-110, Revised Statutes Supplement, 1957, relating to livestock; to change the price of the brand book to ten dollars; to repeal the original section; 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, 42:

Adams	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Stryker

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

### Visitors

Mr. Jensen introduced Mrs. George Geier, Leader, and thirty-five ladies from the Polk County Farm Bureau.

Mr. Munnelly introduced Mr. Donald Pape, Principal, and seven students from the Mt. Calvary Lutheran School, Omaha, and two sponsors.

Mr. Liebers introduced Mrs. Blanche Laird, Teacher, and fifteen students from School District 152, Roca, and three sponsors.



**SELECT FILE**

**LEGISLATIVE BILL 565.** E and R amendments found in the Legislative Journal for the Seventy-fifth Day were adopted.

Advanced to E and R for engrossment.

**UNANIMOUS CONSENT—Executive Session**

Mr. Claussen requested unanimous consent for the Labor and Public Welfare Committee to hold an executive session at 1:45 p.m. today, April 23. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 116.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 157.** Considered.

Mr. Nelson requested unanimous consent to withdraw LB 157.

Mr. Romans objected.

Mr. Nelson moved that he be permitted to withdraw LB 157.

Mr. Romans requested unanimous consent to have Mr. Nelson's name withdrawn as introducer of LB 157 and his name substituted in lieu thereof.

Mr. Nelson objected.

Mr. Klaver moved the previous question. The motion lost with 10 ayes, 23 nays, and 10 not voting.

**Speaker Pizer Presiding**

Mr. Nelson requested a record vote.

Mr. Nelson requested a Call of the House.

A Call of the House was ordered and showed 35 members present.

Mr. Nelson moved that the Call be raised. The motion prevailed.

Voting in the affirmative, 16:

Bowen	Gerdes	Nelson	Russillo
Bridenbaugh	Hollenbeck	Olinger	Simmons
Claussen	Jensen	Peck	Stryker
Fulton	Klaver	Pizer	Williams

Voting in the negative, 22:

Aufenkamp	Liebers	Otto	Syas
Carpenter	Marvel	Portsche	Tews
Cooper	McHugh	Romans	Thompson
Donner	Moulton	Skarda	Vosoba
Erlewine	Munnely	Swanson	Webb
Lautenschlager	Orme		

Not voting, 5:

Adams	Diers	Fenske	Ruhnke
Burbach			

The Nelson motion to withdraw LB 157 lost.

Mr. Nelson requested unanimous consent to have his name withdrawn from LB 157.

Mr. Jensen requested unanimous consent to have his name added to LB 157. No objections. So ordered.

Mr. Romans requested unanimous consent to have his name added as co-introducer of LB 157. No objections. So ordered.

No objections to the Nelson request. So ordered.

Laid over until Tuesday, April 28, 1959, at the request of Mr. Romans.

### Visitors

Mr. Skarda introduced Mr. and Mrs. Paul L. Hauptman and Mr. and Mrs. Frank McKeon from Omaha.

Mr. Aufenkamp introduced Charles O'Grady, Teacher, and twenty students from Auburn High School.

Mr. Syas introduced Mrs. Mayme Carpenter, Principal, Mildren Allen and Merritt Rees, Teachers, and forty-eight students from Saratoga School, Omaha.

Mr. Diers introduced Mrs. Iona J. Welsch and Mrs. Berneice Brown, Teachers, and twenty-four students from Districts 18 and 48, Seward County; and Mrs. Harold Eberspacker, Teacher, and fourteen students from District 27, Goehner.

Mr. Tews introduced Mrs. Donnabelle Galvin, five teachers, and thirty-five students from Districts 58 and 43, Pierce County, and one mother; Mrs. Marion Rasmussen, five teachers, and thirty-eight students from Pierce County; and Mrs. Earl Lorenz and Mrs. Donna Lerum and thirty-eight students from Pierce County.

Mr. Ruhnke introduced Mrs. Esther Huber, Teacher, and six students from District 6, Jefferson County, and three sponsors.

Mr. Swanson introduced Roy Wilson, Superintendent, and twenty-seven students from District 55, Loomis, and three sponsors.

### **Mr. Simmons Presiding**

## **STANDING COMMITTEE REPORTS**

### **Revenue**

**LEGISLATIVE BILL 675.** Placed on General File as amended.

Standing Committee amendments to LB 675:

1. Amend Sec. 1 of the bill, line 5 by reinserting the stricken matter "and not domiciled in Nebraska", and by inserting immediately thereafter the following: *"and not paying a tax under proration laws of this State"*

2. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

### **Budget**

**LEGISLATIVE BILL 696.** Placed on General File.

(Signed) Otto H. Liebers, Chairman

### **Visitor**

Mr. Vosoba introduced Mrs. Dorothy Mahloch, his secretary in Wilber.

## **GENERAL FILE**

**LEGISLATIVE BILL 138.** Considered.

Mr. Syas offered the following amendment which was adopted:

1. Amend section 1 of the bill line 21 by striking "and fifty cents" and show the same as stricken matter.

Advanced to E and R for review.

**LEGISLATIVE BILL 516.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Sixty-seventh Day was adopted.

**Speaker Pizer Presiding**

Advanced to E and R for review with 20 ayes, 9 nays, and 14 not voting.

**Visitors**

Mr. Cooper introduced Mrs. Clarence J. Gilliland, Instructor, and twenty-seven students from School District 76, Stella, and fourteen sponsors.

**UNANIMOUS CONSENT—Change of Order**

Mr. Thompson requested unanimous consent to have LB 583, LB 485, and LB 315 placed at the head of General File for consideration at this time. No objections. So ordered.

**Visitors**

Mr. Aufenkamp introduced Wesley Paap, Gerald Finke, Frank Masters, Glenda Wallen, and Rosemary Morrissey from Syracuse.

Mr. Webb introduced Norbert Schuerman, Miles Humphrey, Nancy Ericksen, Larry Boyer, and Bonnie Haney from Mullen.

**GENERAL FILE****LEGISLATIVE BILL 583.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventy-second Day were adopted.

**President Burney Presiding**

Mr. Carpenter offered the following amendments which were adopted with 21 ayes, 14 nays, and 8 not voting:

1. Amend section 2 of the bill, line 25 by inserting "*of which twenty per cent shall be used for air conditioning of the State Capitol, and the remainder for expenditure by the Governor*".

2. Amend the title to conform.

Mr. Thompson offered the following amendments:

1. Amend section 1 of the bill, lines 18 and 19 by striking "eighty-five hundredths" and inserting "*one and one-tenth*".

2. Amend section 2 of the bill, line 12 by striking "Thirty-nine", and inserting "*Thirty-one*", line 14 by striking "eighteen" and inserting "*fourteen*", line 15 by striking "eighteen" and inserting "*twenty-five*", line 17 by striking "two" and inserting "*one*", line 22 by striking "eleven" and inserting "*one*", line 24 by striking "nine" and inserting "*six*", and line 27 by striking the period and inserting "; and (8) *nineteen per cent thereof for expenditure by the Board of Regents of the University of Nebraska for the erection, equipping, repairing, or remodeling of buildings and plants, to be used in the administration, operation, and maintenance of the University of Nebraska College of Agriculture and Experiment Stations.*".

3. Amend the title to conform.

Amendments pending.

Laid over until Thursday, April 30, 1959, at the request of Mr. Russillo.

#### **MOTION—Place LB 464 on General File**

Mr. President: I move that LB 464 be placed on General File.  
(Signed) John P. Munnelly

Motion pending.

#### **Members Excused**

Messrs. Lautenschlager, Klaver, Syas, McHugh, and Williams were excused for Friday, April 24, 1959.

#### **STANDING COMMITTEE REPORTS**

##### **Salaries and Claims**

**LEGISLATIVE BILL 280.** Indefinitely postponed.

**LEGISLATIVE BILL 283.** Placed on General File.

(Signed) John Aufenkamp, Chairman

##### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 680.** Placed on General File.

**LEGISLATIVE BILL 634.** Placed on General File.

**LEGISLATIVE BILL 529.** Placed on General File as amended.

Standing Committee amendment to LB 529:

1. On Page 2, Section 1, Subsection (h) (4) starting on line 25, strike subsection (4) and insert:

*"and (4) the shares of or loans to other credit unions organized in this state, either under the laws of this state or under the Federal Credit Union Act; provided, no credit union organized under Sections 21-1701 to 21-1757 shall invest in the shares of other credit unions more than fifteen per cent of the sum of its share balances; provided, further, no such credit union shall have an aggregate of loans from any source and shares issued to other credit unions in an amount in excess of forty per cent of its paid in and outstanding shares."*

(Signed) John P. Munnelly, Chairman

#### LEGISLATIVE EXPENSES, March 1959

##### Account E-2 Members' Salaries

Gross Amount .....	\$8,600.00
Members' net payments .....	\$7,985.00
Withholding Tax .....	400.00
Deferred payment O.A.S.I. ....	215.00
<b>Total</b>	<b>\$8,600.00</b>

##### Account E-4 Officers' and Employees' Salaries

	Days Worked	Monthly Rate	Gross Wages
George L. Santo, Sergeant-at-Arms	22	200.	200.00
Max Baskins, Asst. Sergeant-at-Arms .....	22	195.	195.00
Ruby B. Nelson, Postmaster .....	22	220.	220.00
Martin Schroeder, Chaplain .....	22	170.	170.00
Donna Jean Nelson, Secy., Lieutenant Governor .....	20	300.	272.74
Theba Lubken, Journal Clerk .....	22	375.	
Over-time .....	14hr.	29.82	404.82
Monica Mahloch, Asst. Journal Clerk .....	22	300.	
Over-time .....	2hr.	3.38	303.38

Jo Fisher, Enrolling Clerk .....	22	375.	375.00
Janice Fifer, Bookkeeper .....	22	300.	300.00
Donna Cleavenger, Office Asst. & Secy. ....	22	300.	300.00
Elsye Firestone, Docket Clerk ....	22	275.	275.00
Dorothy Hubertus, Stencil Cutter and Mimeo. Operator .....	22	275.	275.00
Gertrude Tyler, Telephone Operator	22	200.	200.00
Eunice Bradley, Supervisor, Steno. Pool .....	22	325.	325.00
Eloise Galloway, Supervisor, Steno. Pool .....	22	325.	325.00
Sherill Burgess, Secretary .....	22	300.	300.00
Jo Ann Hansen, Public Works Com. Clerk .....	22	300.	300.00
Bonnie J. Drohman, Stenographer ..	22	260.	260.00
Arline Kottas, Stenographer .....	22	260.	260.00
Shirley Sicner, Stenographer .....	22	260.	260.00
Phyllis Camp, Stenographer .....	22	260.	260.00
De Ann Shipps, Stenographer .....	22	260.	260.00
Janet Hothan, Stenographer .....	22	260.	260.00
Marion Mueller, Stenographer .....	29	270.	364.50
Darlene Mohlman, Stenographer ....	27	270.	337.50
Donna Lynch, Education Com. Clerk .....	22	300.	300.00
Sue Steenson, Misc. Subjects Com. Clerk .....	22	300.	300.00
Delores Knudsen, Government Com. Clerk .....	22	300.	300.00
Miriam Gabelman, Revenue Com Clerk .....	22	300.	300.00
Dorothy Kelly, Agriculture Com. Clerk .....	22	300.	300.00
Sally Bloom, Public Health Com. Clerk .....	22	300.	300.00
Virginia Trook, Salaries & Claims Com. Clerk .....	23	300.	313.63
Genevieve O'Connor, Banking, Commerce and Insurance Com. Clerk .....	22	300.	300.00
Betty Minder, Judiciary Com. Clerk	22	300.	300.00
Verda Samuelson, Labor & Public Welfare Com. Clerk .....	22	300.	300.00
Dorothea Fuchs, Budget Com. Clerk	22	300.	300.00
Jeanne Allen, Clerk Typist .....	22	260.	260.00
Phyllis Daniels, Page .....	20	180.	163.60
Marjorie Lowell, Page .....	5	180.	40.90

Mary Jo Peters, Page .....	22	180.	180.00
Kay Vincent, Page .....	27	180.	225.00
Beverly Sternberg, Page .....	22	180.	180.00
Sharon Zade, Page .....	12	180.	98.16
Mary Jane Hall, Page .....	22	180.	201.89
Sally Cook, Page .....	22	180.	180.00
C. A. Mohrman, Chief Clerk, Bill Room .....	24	300.	327.30
John D. Curtis, Bill Room Clerk .....	24	235.	256.32
C. W. Touzalin, Bill Room Clerk .....	24	235.	256.32
F. R. Miller, Bill Room Clerk .....	24	235.	256.32
J. N. Schneider, Bill Room Clerk .....	24	235.	256.32
James A. Rivers, Bill Room Clerk .....	24	235.	256.32
William Hansen, Bill Room Clerk .....	24	235.	256.32
Oril Barber, Bill Room Clerk .....	5½	235.	58.74
Leon Hill, Bill Room Clerk .....	5½	235.	58.74
Ural Sterns, Asst. Bill Room Clerk .....	5½	225.	56.26
Blanche Cole, Asst. Bill Room Clerk .....	5½	225.	56.26
Corbett Krumtum, Custodian .....	22	235.	235.00
Joseph Eickmeier, Custodian .....	22	200.	200.00
Everett Hall, Custodian .....	22	200.	200.00
Francis V. Robinson, Asst. Clerk of the Legislature .....	22	650.	650.00
Grace Clapp, Proof-reader .....	78hr.	1.60	124.80
Tilla Koenig, Proof-reader .....	78hr.	1.60	
Correction .....		20.00	144.80
Elizabeth Reger, Proof-reader .....	47hr.	1.60	75.20
Bertha Johnston, Proof-reader .....	47hr.	1.60	75.20
Total Gross Wages			\$15,646.24

## Account E-5 Incidental Expenses

Capitol Printing Co., Tally Sheets .....	\$ 30.00
Capitol Printing Co., Letterheads and Envelopes ..	686.44
Capitol Printing Co., Printing LB 1 through 100 ..	2,781.00
J. J. Exon, Thermo-Fax Copying Machine .....	282.00
Purchasing Dept., Central Acct. Fund, Rental of IBM .....	139.44
Ray C. Simmons, Telephone Service .....	21.95
Purchasing Dept., Revolving Fund .....	52.50
Superintendent of State Buildings & Grounds Telephone Service for month of January for Lt. Gov. ....	15.35
Nebraska Typewriter Co., Rental of equipment from February 19, 1959 to March 19, 1959 .....	11.00



Joe Christensen, Printing Legislative Journal for February .....	2,291.20
Nebraska Typewriter Co., Repairs to Mimeograph Mach. ....	19.05
Acorn Press, Loose-Leaf Docket Forms .....	24.50
Schwarz Paper Co., Supplies .....	17.80
State Purchasing Dept., Postage Meter Fund .....	2,000.00
Rosewell Floral Co., Flowers for Karl Vogel and Fay Wood .....	56.90
Lincoln Telephone & Telegraph, Telephone service for February 16, 1959 .....	28.90
Latsch Brothers' Inc., Sig. Stamp & Cut .....	3.80
Carpenter Paper Co., Dixie Melody Cups .....	36.75
Purchasing Dept., Central Acct. Fund, Rental of IBM equipment .....	51.54
Capitol Printing Co., Letterheads & Envelopes ....	575.30
Nebraska Typewriter Co., Rental of Equipment....	134.00
Superintendent of State Building & Grounds, Telephone service for month of February .....	110.15
Superintendent of State Building & Grounds, Telephone Service of Lt. Gov. for February .....	12.98
Joe Christensen, Index to Bills & Rosters .....	399.60
Nebraska Typewriter Co., 100 rms. of bond paper	115.00
Schwarz Paper Co., Senate Pads .....	21.05
<b>Total</b>	<b>\$9,918.20</b>
<b>Account 7 Salary of Lieutenant Governor</b>	
Lieutenant Governor Salary, Net .....	120.92
Blue Cross, Blue Shield .....	20.80
Deferred payment O.A.S.I. ....	3.63
<b>Total Salary</b>	<b>\$145.35</b>
<b>Account 8 Clerk's Salary, Other Wages, Maintenance &amp; Supplies</b>	
Hugo F. Srb, net salary for March .....	571.27
Continental National Bank, Withholding Tax .....	78.80
<b>Total</b>	<b>\$650.07</b>

### Adjournment

At 12:02 p.m., on a motion by Mr. Vosoba, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## SEVENTY-SEVENTH DAY

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Legislative Chamber, Lincoln, Nebraska

Friday, April 24, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m.,  
President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except  
Messrs. Fenske, Klaver, Lautenschlager, McHugh, Syas, and Wil-  
liams, who were excused.

**Corrections for the Journal**

Page 1333, line 5, delete "hundreds" and insert "hundredths".

The Journal for the Seventy-sixth Day was approved as  
corrected.

**MESSAGES FROM THE GOVERNOR**

April 22, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body  
that on April 21, 1959, he approved LB 262, LB 513 and LB 534.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

April 23, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 22, 1959 he approved LB 327, LB 466, LB 479, and LB 509.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

### Communications

Letter of appreciation of the floral tribute from Otto Kotouc, Sr.

Letter from the Board of Deacons of College View Presbyterian Church, supporting the revision of LB 86.

Notice from the Taxpayers Plan of a debate on the Interstate Highway problem, at the Immaculate Conception Church at 24th and Bancroft, Omaha, Monday, April 27, at 7:30 p.m.

### Presented to the Governor

Presented to the Governor for approval on April 23, 1959, at 3:15 p.m.: LB 522 LB 67 LB 308 LB 402 LB 286 LB 392 LB 403

(Signed) Jo Fisher, Enrolling Clerk

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 408.** Placed on Select File as amended.

E and R amendments to LB 408:

1. In Standing Committee Amendment 1, lines 3 and 4, strike "and show the same as stricken"; and in line 5, insert "areas" after "those".
2. Strike Standing Committee Amendment 3, the error corrected by it being a printer's error.
3. In section 2, line 28, strike "of" and insert "or".
4. In section 13, line 5, strike "find" and insert "fine of".
5. In the title, line 23, strike "one-fourth" and insert "one-eighth".

**LEGISLATIVE BILL 701.** Placed on Select File as amended.

E and R amendments to LB 701:

1. In section 2, line 21, insert "*taxed*" after "associations"; and in line 22, strike "State" and show the same as stricken.

2. Add a new section to be known as section 5, and to read as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

3. In the title, line 11, strike the second "and"; and in line 12, insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 589.** Placed on Select File as amended.

E and R amendment to LB 589:

1. In the title, line 6, insert "to limit the amount that may be expended for aid to the mentally impaired; and" after the semicolon; and in lines 7 and 8 strike "; and to declare an emergency".

**LEGISLATIVE BILL 665.** Placed on Select File as amended.

E and R amendments to LB 665:

1. In Standing Committee Amendment 2, line 3, strike "*further provided*" and insert "*provided further*".

2. In the Burbach General File Amendment adopted April 16, line 13, strike the period after "basis" and insert an underscored semicolon.

3. In the Stryker General File Amendment, strike line 7, and insert "*any of the provisions of sections 81-2,162.01 to 81-2,162.22*".

4. In section 2, lines 36 and 37, strike "*4, immediately preceding*"; in lines 54 and 55, strike "*1 of section 5, of this act*" and insert "*(1) of section 81-2,162.05*"; and in line 56, strike "*5, of this act*" and insert "*81-2,162.05*".

5. Add a new section to be known as section 4 and to read as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

6. In the title, line 5, insert "to define dealer in specialty fertilizer;" after the semicolon; line 7, insert "to increase the fee for a permit to sell fertilizer, as prescribed;" after the semicolon; line 9, strike "and" and insert "to provide limitations of liability;"; and line 10, insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 346.** Placed on Select File as amended.

E and R amendments to LB 346:

1. In section 2, lines 1 and 3, strike "84-206.03" and insert "84-306.03".

2. In the title, line 6, strike "ten" and insert "eight".

**LEGISLATIVE BILL 332.** Placed on Select File as amended.

E and R amendments to LB 332:

1. In section 2, lines 45 and 46, strike "*same manner as the registration certificate*" and insert "*manner provided by law*"; and in lines 50 and 51 strike "*required by this section*".

2. In the title, line 4, insert "when" after "that"; in line 5, insert "exceeds two hundred ten dollars it" before "shall"; and in line 8, strike "receipt" and insert "certificate and plates".

**LEGISLATIVE BILL 342.** Correctly engrossed.

**LEGISLATIVE BILL 343.** Correctly engrossed.

**LEGISLATIVE BILL 388.** Correctly engrossed.

**LEGISLATIVE BILL 685.** Correctly engrossed.

**LEGISLATIVE BILL 568.** Correctly enrolled.

**LEGISLATIVE BILL 175.** Correctly enrolled.

**LEGISLATIVE BILL 272.** Correctly enrolled.

**LEGISLATIVE BILL 336.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### President Signs

While the Legislature was in session and capable of transacting business, the President signed: LB 568 LB 175 LB 272 LB 336

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 27.** Re: Memorializing the Interior Committees of the 86th Congress to Support the Mid-State Project.

Introduced by Hans O. Jensen, 25th District; and Norman A. Otto, 34th District.

WHEREAS, the Nebraska Legislature, in 1947, unanimously approved the Nebraska Reclamation Act which would permit the organization of the Nebraska Mid-State Reclamation District to further develop proposals of the multi-purpose Mid-State Project, and

WHEREAS, the greatest economic loss to our state each year is the water we still allow to escape either unused or just partially used, and

WHEREAS, the Nebraska Mid-State Reclamation District is designed as a multi-purpose project to conserve and utilize the stream flow of water for ditch irrigation and re-charge the ground water supply from which many irrigation wells draw their supply for pump irrigation and to replenish our underground water supply which will be beneficial to future generations in development of industry and for municipal and domestic use, and

WHEREAS, there is now pending before the United States Congress, S.F. 1529 and H.R. 973, 3662 and 5073, which provide for authorization of construction of the Mid-State Project and its subsequent financing with the assistance and cooperation of the United States government, as usually given federal projects in the past, and

WHEREAS, the State of Nebraska and its officials have continuously and wholeheartedly supported the Mid-State Project proposals and its development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislature memorializes the Interior Committees of the 86th Congress to support the Mid-State Project proposals and approve the legislation for its authorization of construction.

2. That copies of this resolution, suitably engrossed, be transmitted by the Clerk of the Legislature to the Honorable Walter Rogers, Chairman of the Congressional Subcommittee on Irrigation and Reclamation, and to each member from Nebraska in the Senate of the United States and in the House of Representatives of the United States.

**UNANIMOUS CONSENT—Add Co-Introducers**

Mr. Otto requested unanimous consent that Mr. Lautenschlager's name be added as a co-introducer of Legislative Resolution 27. No objections. So ordered.

Mr. Jensen requested unanimous consent that Mr. Ruhnke's name be added as a co-introducer of Legislative Resolution 27. No objections. So ordered.

**SUSPEND RULES—Adopt LR 27**

Mr. President: I move that the rules be suspended, and Legislative Resolution 27 be adopted. (Signed) Hans O. Jensen

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Revenue be permitted to introduce a bill relating to penalties for late filing of personal tax schedules for the year 1959. (Signed) Norman A. Otto

Permission to introduce the bill granted with 31 ayes, 0 nays, and 12 not voting.

**Visitors**

Mr. Romans introduced Mr. Warren Halloch and two nephews from Oberlin, Kansas; Mrs. Zelma Bolinger and Mrs. Vivian Horner from Murdock, Kansas; and Mrs. May Long and Mrs. Clare Weninger from Kingman, Kansas.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 712.** By Committee on Revenue, Norman A. Otto, 34th District, Chairman.

A bill for an act relating to revenue and taxation; to provide a waiver of penalties for late filing of personal tax schedules for the year 1959 as prescribed; and to declare an emergency.

**SUSPEND RULES—Place LB 712 on General File**

Mr. President: I move to suspend the rules and place LB 712 on General File without a formal hearing. (Signed) Norman A. Otto

The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

**UNANIMOUS CONSENT—Executive Session**

Mr. Liebers requested unanimous consent for the Budget Committee to hold an executive session at 1:30 p.m. today, April 24, 1959. No objections. So ordered.

**Birthday of the Sower**

Mr. Pizer announced that today is the twenty-ninth birthday of the Sower on top of the Capitol Building. It was installed on April 24, 1930.

**STANDING COMMITTEE REPORTS****Public Works**

**LEGISLATIVE BILL 683.** Placed on General File as amended.

Standing Committee amendments to LB 683:

1. Amend the bill, section 1, by striking lines 3 to 10 and inserting:

*"86-501. Each and every person, association, co-partnership, joint stock company or corporation, whether organized or incorporated, conveying to, from, or or transporting within, or between points or places in , this state, money or property of any kind : by express and providing or offering special handling or expedited or scheduled service for the conveying or transporting of such money or property (not including railroad or truck companies engaged in the ordinary transportation business) shall be deemed to be an "express company.""*

2. Amend the bill, section 2, by striking the new matter in lines 6 and 7.

3. Amend the bill, section 2, line 10, by striking "earnings" and inserting "earnings receipts".

4. Amend the title to conform.

**LEGISLATIVE BILL 576.** Indefinitely postponed.

**LEGISLATIVE BILL 575.** Indefinitely postponed.

**LEGISLATIVE BILL 53.** Indefinitely postponed.

(Signed) Arnold Ruhnke, Chairman



**MOTION—Return LB 137 to Select File**

Mr. President: I move that LB 137 be returned to Select File for the following specific amendments. (Signed) Joe T. Vosoba

1. Amend the bill, section 4, by striking lines 16 and 17 and inserting "*transmitted to the State Treasurer and by him deposited in the state treasury to the credit of the General Fund.*"

2. Amend the bill by inserting, after renumbered section 19, a new section to be known as section 20 and to read as follows:

"Sec. 20. That section 1, Legislative Bill 327, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

Section 1. It shall be the duty of any sheriff, constable, policeman, or any other peace officer in this state, other than members of the Nebraska Safety Patrol, who shall investigate any traffic accident in the performance of his official duties, in all instances of an accident in which estimated damage exceeds one hundred fifty dollars, to submit a report of such investigation to the Accident Record Bureau of the Department of Roads within ten days after each such accident. Such report shall be on forms to be prescribed and furnished by the Department of Roads."

3. Renumber renumbered section 20 as section 21.

4. Amend the bill, section 21, line 4, by striking "and also" and by adding at the end of line 5 "and section 1, Legislative Bill 327, Sixty-ninth Session, Nebraska State Legislature, 1959,".

5. Amend the title, line 5, by striking "and"; line 7, by inserting "and section 1, Legislative Bill 327, Sixty-ninth Session, Nebraska State Legislature, 1959, after "1957,"; line 7, by inserting "Safety" after "Vehicle"; and line 21, by inserting "to reduce the amount of damage required before prescribed reports of investigation must be submitted;" after the second semicolon.

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

**Member Excused**

Mr. Liebers was excused for Monday, Tuesday, and Wednesday, April 27, 28, and 29.

**SELECT FILE**

**LEGISLATIVE BILL 137.** The pending Vosoba specific amendments found in this Day's Journal were adopted with 30 ayes, 0 nays, and 13 not voting.

Advanced to E and R for engrossment.

**UNANIMOUS CONSENT—Lay Over Bills**

Mr. Ruhnke requested unanimous consent to have LB 485 and LB 315 laid over on General File until Thursday, April 30, 1959, and to be considered after LB 583. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 407.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Sixty-seventh Day was adopted.

Advanced to E and R for review with 20 ayes, 13 nays, and 10 not voting.

**Visitors**

Mr. Bridenbaugh introduced Mr. Don Swigart and Mrs. Lorraine Hertzman, Teachers, and fifteen students from Pender High School, and four sponsors.

Mr. Bowen introduced Mrs. Mildred Bennett of Red Cloud, and Dr. Edward M. Lea of Hardy.

**LEGISLATIVE BILL 474.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-seventh Day were adopted.

**Speaker Pizer Presiding**

Advanced to E and R for review.

**Visitors**

Mr. Thompson introduced Mr. Tom Waldo from Orleans.

Mr. Aufenkamp introduced Mrs. Gayle Shield and Mrs. Esther McPherson, Teachers, and thirty-nine students from Palmyra, and two mothers; and Mrs. Floyd Reeves, Teacher, and eleven students from District 81, Otoe County, and three mothers.

Mr. Diers introduced Mrs. Allen Koop, Teacher, and fourteen students from District 32, Louisville.

**LEGISLATIVE BILL 630.** Read and considered.

Mr. Diers offered the following amendment which was adopted:

1. Amend Standing Committee Amendment 1, line 2, by striking "4" and inserting in lieu thereof "14".

Standing Committee amendments found in the Legislative Journal for the Sixty-eighth Day were adopted as amended.

Advanced to E and R for review.

**LEGISLATIVE BILL 520.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

**President Burney Presiding**

Laid over temporarily.

**Member Excused**

Mr. Tews was excused at 11:00 a.m. for the remainder of the day.

**Visitors**

Mr. Cooper introduced Mrs. Myrtle Warnken, Teacher, and sixteen students from District 39, Sterling, and three sponsors.

Mr. Olinger introduced Mrs. Harold Williams, Teacher, and twelve students from District 4, Tekamah, and six sponsors.

Mr. Burbach introduced Mr. and Mrs. Willis Jones and daughter, Nancy, from Coleridge, and Mr. Bob Magnuson from Lincoln.

**LEGISLATIVE BILL 410.** Laid over until Thursday, May 7, 1959, at the request of Mr. Marvel.

**LEGISLATIVE BILL 616.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for review.

**Visitors**

Mr. Portsche introduced Miss Barbara Wingate and Mrs. Howard Williams, Teachers, and forty-four students from Tilden and Meadow Grove Schools.

**LEGISLATIVE BILL 520.** Considered.

Mr. Otto offered the following amendments which were adopted:

1. Amend the bill by adding a new section immediately after section 4 to be known as section 5 and to read as follows:

"Sec. 5. That section 60-311.05, Revised Statutes Supplement, 1957, be amended to read as follows:

60-311.05. Any person who (1) holds an unrevoked and unexpired amateur radio station license issued by the Federal Communications Commission, (2) is a resident of this state, and (3) is the owner of a passenger automobile may, in addition to the application required by section 60-302, make application to the Department of Motor Vehicles for a set of license plates upon which shall be inscribed the official amateur radio call letters of such applicant. Such plates shall be issued, in lieu of the usual numbers and letters, to such an applicant upon payment of the regular license fee and the payment of an additional fee of two dollars and fifty cents *one dollar* and furnishing proof that the applicant holds such an unrevoked and unexpired amateur radio station license. Only one such motor vehicle owned by an applicant shall be so registered at any one time."

2. Amend the bill by renumbering sections 5 and 6 as sections 6 and 7, respectively.

3. Amend renumbered section 7, line 3 by striking "and 60-323" and inserting "60-323, and 60-311.05".

4. Amend the title to conform.

Advanced to E and R for review.

**Visitors**

Mr. Russillo introduced Ella Egan, Teacher, and sixteen students from Saunders School, Omaha.

Mr. Vosoba introduced Mrs. Num, Teacher, and twenty-six students from Milligan Public Schools.

**LEGISLATIVE BILL 416.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 282.** Laid over.

**LEGISLATIVE BILL 57.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Forty-fifth Day were adopted.

Mr. Burbach offered the following amendment which was adopted:

1. Amend Section 5 of the bill, lines 18 and 19, by striking the words "has been levied, is owing, or".

Mr. Carpenter offered the following amendments which were adopted:

1. Add a new section immediately after section 5 to be known as section 6 and to read as follows:

*"Sec. 6. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof."*

2. Renumber sections 6 and 7 as sections 7 and 8, respectively.

Advanced to E and R for review.

**MOTION—Return LB 416 to General File**

Mr. President: I move that LB 416 be returned to General File for reconsideration. (Signed) John Aufenkamp

The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

**Visitors**

Mr. Marvel introduced Elgin Claussen, Teacher, and fifteen students from Alda.

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 27

**STANDING COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 695.** Indefinitely postponed.

**LEGISLATIVE BILL 635.** Placed on General File.

(Signed) John P. Munnelly, Chairman

**Salaries and Claims**

**LEGISLATIVE BILL 644.** Placed on General File.

**LEGISLATIVE BILL 525.** Placed on General File.

(Signed) John Aufenkamp, Chairman

**UNANIMOUS CONSENT—Change Hearing Rooms**

Mr. Munnelly requested unanimous consent for permission to use the Supreme Court Hearing Room for the Banking, Commerce and Insurance Committee hearing Tuesday, April 28, 1959. No objections. So ordered.

**MOTION—Adjournment**

Mr. President: I move we adjourn until 10 a.m. Monday. (Signed) William Moulton

Mr. Stryker moved to amend the Moulton motion to 9 a.m. Monday, April 27, 1959.

The Stryker amendment prevailed.

The Moulton motion prevailed as amended, and at 12:06 p.m., the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**SEVENTY-EIGHTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Monday, April 27, 1959

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

Prayer was offered by Father Edward Szczech from Wilber.

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

The Journal for the Seventy-seventh Day was approved.

**Communications**

Letter from Esther Buck, Lincoln, relative to LB 711.

**Presented to the Governor**

Presented to the Governor for approval on April 24, 1959, at 4:15 p.m.: LB 336 LB 272 LB 175 LB 568

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 116.** Placed on Select File as amended.

E and R amendments to LB 116:

1. In Standing Committee Amendment 1, line 2, insert “, showing the same as stricken,” before “and”.
2. In section 1, line 26, reinstate the stricken matter.
3. For correlation purposes, in section 3, strike lines 2 and 3 and insert “Statutes Supplement, 1957, is repealed.”
4. For correlation purposes, in the title, line 7, insert a period after “section” and strike the balance of the title.

**LEGISLATIVE BILL 138.** Placed on Select File as amended.

E and R amendment to LB 138:

1. In section 2, lines 31 and 38, strike "subdivision" and insert "subdivision subsection"; and in line 67 strike "office" and insert "office officer".

**LEGISLATIVE BILL 516.** Placed on Select File.

**LEGISLATIVE BILL 337.** Correctly engrossed.

**LEGISLATIVE BILL 565.** Correctly engrossed.

**LEGISLATIVE BILL 577.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 28.** Re: License Plate Tab of Reflector Type Material.

Introduced by Committee on Public Works, Arnold Ruhnke, 22nd District, Chairman.

WHEREAS, there is considerable public criticism in regard to the tabs placed on motor vehicle license plates for 1959, as to location of the tab on such plates; and

WHEREAS, previous to the use of the tabs the color of license plates was changed each year and the identity of the year of registration was easily distinguishable; and

WHEREAS, there was a savings of approximately seventy-five thousand dollars in 1959 by use of present tabs; and

WHEREAS, reflectorized material tabs could be used and save the state additional funds and be more readily seen.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislature recommends to the Department of Motor Vehicles that they give serious consideration to issuing a commercial manufactured license plate tab of reflector type material and that such tab be placed in the lower right hand corner on such plate.



**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 128.** With emergency.

A bill for an act relating to the Legislative Council; to provide for the appointment by the Executive Board of the Legislative Council of a committee to be known as the Nebraska Retirement Systems Advisory Committee; to provide the composition of such committee and the period for which it shall serve; to provide the duties and authority of such committee; to provide for action by the Legislature concerning retirement plans; 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, 36:

Adams	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Tews
Cooper	Marvel	Pizer	Thompson
Diers	McHugh	Portsche	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams

Voting in the negative, 0.

Not voting, 7:

Aufenkamp	Donner	Liebers	Sya
Carpenter	Jensen	Romans	

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

**LEGISLATIVE BILL 384.**

A bill for an act to amend sections 71-1,132.05, 71-1,132.07, 71-1,132.11, 71-1,132.22, 71-1,132.34, 71-1,132.36, and 71-1,132.42, Re-issue Revised Statutes of Nebraska, 1943, relating to nursing; to define terms; to remove the Board of Nursing from the Department of Education; to establish the Board of Nursing as an independent board; to provide the terms of members of the board;

to provide that the board shall make an annual report of its proceedings to the Governor; to provide for the appointment and qualifications of an executive director to the board; to provide for the disbursement of funds upon vouchers approved by the executive director; to provide for appeals from decisions of the board; to provide for prosecutions at the request of the board; and to repeal the original sections.

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

Voting in the affirmative, 39:

Adams	Fenske	Nelson	Skarda
Bowen	Fulton	Olinger	Stryker
Bridenbaugh	Gerdes	Orme	Swanson
Burbach	Hollenbeck	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Marvel	Portsche	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine	Munnelly	Simmons	

Voting in the negative, 0.

Not voting, 4:

Aufenkamp	Jensen	Liebers	Romans
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A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Explanation of Vote

Mr. President: Had I been present, I would have voted "aye" on LB 128 and LB 384. (Signed) Hans O. Jensen

#### LEGISLATIVE BILL 292. With emergency.

A bill for an act relating to corporations; to provide that corporations must be qualified to do business in the State of Nebraska as provided in Chapter 21, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, in order to enter into a contract which is required to be let by advertising for sealed bids to supply labor, services, materials, or commodities to the State of Nebraska or to any of its political subdivisions; to provide an exception; to provide for violations; to provide penalties; 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	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Marvel	Portsche	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Liebers                  Romans

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

#### **LEGISLATIVE BILL 560. With emergency.**

A bill for an act relating to labor organizations; to declare policy; to define terms; to make unlawful the practice of economic pressure, commonly known as secondary boycott, by any labor organization, its agents or representatives; to create civil liabilities and remedies with reference to such unlawful acts and prescribe procedure for the enforcement thereof; to provide rights of employees; to provide penalties; to provide how this act shall be construed; to provide severability; 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, 35:

Adams	Burbach	Donner	Gerdes
Aufenkamp	Claussen	Erlewine	Hollenbeck
Bowen	Cooper	Fenske	Lautenschlager
Bridenbaugh	Diers	Fulton	Marvel

McHugh	Otto	Russillo	Thompson
Moulton	Peck	Simmons	Vosoba
Nelson	Portsche	Stryker	Webb
Olinger	Romans	Swanson	Williams
Orme	Ruhnke	Tews	

Voting in the negative, 3:

Carpenter	Pizer	Skarda
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Not voting, 5:

Jensen	Liebers	Munnelly	Syas
Klaver			

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

#### Explanation of Vote

Mr. President: Had I been present, I would have voted "aye" on LB 560. (Signed) Otto H. Liebers

#### Visitors

Mr. Romans introduced his wife, and his brother and sister-in-law, Clarence and Katherine Romans.

Mr. Hollenbeck introduced Mrs. Goldie Monnier, Teacher, and six students from Plumb Brush School District 73, Cherry County, and one sponsor.

#### Communications

Letter to President Burney from Perry, Perry & Nuernberger, Lincoln, supporting LB 2 in the form in which it was introduced.

#### Visitors

Mr. Simmons introduced Mrs. Martha Defreese from Fremont, who is the Nebraska Mother of the Year for 1958.

#### Member Excused

Mr. Simmons was excused at 9:40 a.m. for the remainder of the day.

#### Speaker Pizer Presiding

**UNANIMOUS CONSENT—Print Communication**

Mr. Aufenkamp requested unanimous consent to have a portion of the communication from Viggo C. Olsen, Nebraska City, printed in the Journal. No objections. So ordered.

Senator John Aufenkamp  
State House  
Lincoln, Nebraska

Dear John:

.....

Last week we lined up 18 cars and took all of the kids from the Blind School to the Shrine Circus in Omaha. Each car had a teacher along with the kids to help keep them organized. The Shrine had made arrangements to feed them at the Salvation Army Headquarters. It was surprising how much those blind kids got out of the circus. I really believe some of the totally blind got more out of it by asking questions and visualizing what was going on than some of us who can see.

I had five kindergarten kids; four girls and one boy. During the trip up and back I learned to know them and I discovered that you do not need to pity them; each of them have developed an individuality and a personality and you come to love and respect them for that.

After discovering the personality of each of these kids and realizing that without an opportunity to go to school they would be completely helpless and lost in darkness, I realized what a wonderful thing our State is doing in providing the facilities to convert these kids into happy, well adjusted, useful citizens.

.....

Sincerely,

Vic

**MOTION—Recess**

Mr. President: I move that we recess at noon today until 2:00 p.m. (Signed) Arnold Ruhnke

The motion prevailed.

**Members Excused**

Mr. Moulton was excused for this afternoon, April 27.

Mr. Adams was excused from noon today until Thursday, April 30.

Mr. Nelson was excused from 2:00 until 3:00 p.m. today, April 27.

Mr. Pizer was excused for a short period this afternoon, April 27.

**STANDING COMMITTEE REPORTS****Judiciary**

**LEGISLATIVE BILL 677.** Indefinitely postponed.

**LEGISLATIVE BILL 606.** Indefinitely postponed.

(Signed) Ray C. Simmons, Chairman

**UNANIMOUS CONSENT—Recall LB 532**

Mr. Aufenkamp requested unanimous consent to recall LB 532 to Select File for the following specific amendments. No objections. So ordered.

1. Amend section 1 of the bill, line 8 by inserting "*nodding or musk thistle*," before "and".

2. Amend section 2 of the bill, line 33 by inserting "*nodding or musk thistle*," before "leafy".

3. Amend the title of the bill, line 4 by inserting "nodding or musk thistle and" before "Johnson", line 5 by striking "a noxious weed" and inserting "noxious weeds".

**SELECT FILE**

**LEGISLATIVE BILL 532.** The pending Aufenkamp specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 408.** E and R amendments found in the Legislative Journal for the Seventy-seventh Day were adopted.

Mr. Olinger offered the following amendment which was adopted by unanimous consent:

1. Amend the Carpenter amendment to Section 14, line 6, by changing the mill levy from .125 to .13.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 701.** E and R amendments found in the Legislative Journal for the Seventy-seventh Day were adopted.

Mr. Carpenter requested unanimous consent to have the two following amendments printed in the Journal and that LB 701 be laid over until Monday, May 4, 1959. No objections. So ordered.

1. Add a new section as follows:

"Building and loan associations described in section 77-707 shall report to the Tax Commissioner by January 30 of each year the percentage that shares of stock in such associations shall be assessed as of January 1 of that year as provided in section 77-707. The building and loan associations shall deduct the tax assessed upon such shares from dividends due the shareholder and pay the tax to the county treasurer." and amend title to conform.

1. Add a new section as follows:

"Building and loan associations described in section 77-707 shall report to the Tax Commissioner by January 30 of each year the percentage that shares of stock in such associations shall be assessed as of January 1 of that year as provided in section 77-707, and file a statement with the Tax Commissioner by January 30 giving the name and postoffice address of each person residing in Nebraska owning any of its shares, the number held by each person and the market value as of January 1 of that year." and amend title to conform.

Amendments pending.

Laid over until Monday, May 4, 1959.

### Visitors

Mr. Moulton introduced Mrs. Gladys Cordill and E. Schultz, Teachers, and twenty-six students from Mt. View District 38.

**LEGISLATIVE BILL 589.** E and R amendment found in the Legislative Journal for the Seventy-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 665.** E and R amendments found in the Legislative Journal for the Seventy-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 346.** E and R amendments found in the Legislative Journal for the Seventy-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 332.** E and R amendments found in the Legislative Journal for the Seventy-seventh Day were adopted.

Mr. Ruhnke offered the following amendments which were adopted by unanimous consent:

1. Amend the bill, section 2, page 41, by striking "shall" and inserting "may".

2. Amend the title to conform.

Advanced to E and R for engrossment.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Revenue be allowed to introduce a new bill which amends LB 47 by changing the age limit of 60 years to 50 years and reducing the amount of the head tax from three and one half dollars to two dollars. (Signed) Norman A. Otto, Chairman

Mr. Munnelly requested a Call of the House.

A Call of the House was ordered and showed 38 members present.

Mr. Munnelly moved that the Call be raised. The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

Permission to introduce the bill granted with 22 ayes, 14 nays, and 7 not voting.

#### **BILLS ON FIRST READING**

The following bill was read the first time by title:



**LEGISLATIVE BILL 713.** By Committee on Revenue, Norman A. Otto, 34th District, Chairman.

A bill for an act to amend section 77-1611, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 47, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to revenue and taxation; to reduce the head tax; to reduce the age limit of persons subject to such head tax; and to repeal the original section.

**Visitors**

Mr. Aufenkamp introduced Mrs. Harold Johnson, Teacher, Mr. Jack Kent, Principal, and fifty-eight students from Auburn Junior High School and twelve sponsors; Mr. Wiley Remmers, Teacher, and twenty-four students from Johnson High School.

**Mr. Nelson Presiding**

**Visitors**

Mr. Russillo introduced the eighth grade graduating class from Brownell Hall, Omaha, and their mothers.

**MOTION—May 20th Adjournment**

Mr. President: I move that when we adjourn on May 20, 1959, we adjourn until May 22, 1959. (Signed) George Syas

**President Burney Presiding**

The motion prevailed.

**Visitor**

Mr. Romans introduced Mr. Don Moody from Thermopolis, Wyoming.

**Explanation of Vote**

Mr. President: If I had not been summoned to take part in the ceremonies connected with recognition of the Nebraska Mother of the Year, I would have been here and voted "Aye" to introduce the bill to make a correction on LB 47. (Signed) Fern Hubbard Orme

**Visitors—Nebraska State Mother for 1959**

Mrs. Orme and Mr. Bridenbaugh escorted Mrs. Joel McLafferty of Lincoln, Nebraska, who has been chosen the Nebraska State Mother for 1959, and Mrs. Ralph Hill of Lincoln, Chairman of the Nebraska Mothers' Committee, to the rostrum.

Mrs. Hill, who spoke of Mrs. McLafferty's qualifications for the honor bestowed upon her, presented Mrs. McLafferty to the Legislature.

Mrs. McLafferty expressed her appreciation for the honor of being chosen Nebraska State Mother for 1959.

President Burney expressed the pleasure of the Legislature for the appearance of Mrs. McLafferty and Mrs. Hill.

Mrs. Orme and Mr. Bridenbaugh escorted Mrs. McLafferty and Mrs. Hill from the Chamber.

**MOTION—Place LB 464 on General File**

The pending Munnelly motion found in the Legislative Journal for the Seventy-sixth Day to place LB 464 on General File was renewed for consideration.

The motion lost with 10 ayes, 27 nays, and 6 not voting.

**Visitors**

Mr. Burbach introduced Alva Hult, Vaughn Erickson, Fred Creutz, and Harold Larson from Wausa, and Jess F. Tepner from Creighton.

Mr. Munnelly introduced Mr. Lew Senske, Principal, and seven students from Zion Lutheran School, Omaha, and two sponsors.

**MOTION—Place LB 695 on General File**

Mr. President: I move that LB 695 be placed on General File. (Signed) Hans O. Jensen

The motion lost with 7 ayes, 29 nays, and 7 not voting.

**Visitor**

Mr. Olinger introduced Mr. Emerson Groumke from West Point.

**STANDING COMMITTEE REPORTS**

**Miscellaneous Subjects**

**LEGISLATIVE BILL 609.** Indefinitely postponed.

**LEGISLATIVE BILL 709.** Placed on General File.

(Signed) J. W. Burbach, Chairman

**Labor and Public Welfare**

**LEGISLATIVE BILL 605.** Placed on General File as amended.

Standing Committee amendments to LB 605:

1. Amend Section 1 of the bill by striking line 3 and inserting "person", line 6 by striking "employee's" and inserting "person's", by striking line 7, line 8 by striking "by law", line 9 by striking "felony" and inserting "misdemeanor", and line 11 by striking "32-713" and inserting "32-1223".

2. Amend title to conform.

**LEGISLATIVE BILL 708.** Indefinitely postponed.

**LEGISLATIVE BILL 18.** Indefinitely postponed.

(Signed) Peter H. Claussen, Chairman

**Speaker Pizer Presiding**

**GENERAL FILE**

**LEGISLATIVE BILL 416.** Considered.

Mr. Aufenkamp offered the following amendments which were adopted:

1. Amend section 1 of the bill lines 32 to 38 by reinstating the stricken matter.

2. Amend the title to conform.

Advanced to E and R for review.

**UNANIMOUS CONSENT—Read and Print Letter**

Mr. Romans requested unanimous consent to have a letter from Merton C. Bernstein to Senator Peter H. Claussen, read and printed in the Journal.

The Clerk read the letter.

Mr. Jensen objected to having the letter printed in the Journal.

Mr. Romans moved that the letter from Merton C. Bernstein be printed in the Journal.

The motion lost with 16 ayes, 16 nays, and 11 not voting.

### **Recess**

At 11:55 a.m., on a motion by Mr. Carpenter, the Legislature recessed until 2:00 p.m.

### **After Recess**

The Legislature reconvened at 2:03 p.m., President Burney presiding.

The roll was called and all members were present except Mrs. Orme and Messrs. Adams, Bowen, Bridenbaugh, Diers, Erlewine, Liebers, Moulton, Munnely, Simmons, Skarda, and Williams who were excused, Mr. Pizer who was excused until 2:30 p.m., and Mr. Nelson who was excused until 3:10 p.m.

### **Members Excused**

Messrs. Tews and Lautenschlager were excused at 2:10 p.m. for the remainder of the day.

## **STANDING COMMITTEE REPORTS**

### **Enrollment and Review**

**LEGISLATIVE BILL 128.** Correctly enrolled.

**LEGISLATIVE BILL 384.** Correctly enrolled.

**LEGISLATIVE BILL 292.** Correctly enrolled.

**LEGISLATIVE BILL 560.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 128 LB 384 LB 292 LB 560

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 29.** Re: Legislative Council Study of Creating Districts for School Supervisors.

Introduced by Arnold Ruhnke, 22nd District; Richard D. Marvel, 31st District; and George C. Gerdes, 41st District.

WHEREAS, there is pending legislation before the Legislature for changing the qualifications and salaries of county superintendents, and

WHEREAS, the salaries of county superintendents at the present time are lower than most school officials and higher than county officials in a majority of the counties, and

WHEREAS, by reorganization of school districts the number of districts have been reduced and thus the county superintendent has fewer districts to supervise, and

WHEREAS, by realignment of districts, the qualifications of such county superintendents could be increased and a salary comparable to the duties could be provided for.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to make a study of the possibility of creating districts for school supervisors and by so doing to combine counties into a district suitable to provide for higher qualified persons to supervise our schools of this state, and to report its findings with its recommendations to the next regular session of the Legislature.

Referred to the Legislative Council Executive Board.

**GENERAL FILE**

**LEGISLATIVE BILL 282.** Read and considered.

Laid over.

**LEGISLATIVE BILL 26.** Laid over until Thursday, April 30, 1959, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 399.** Read and considered.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 405.** Read and considered.

Mr. McHugh offered the following amendments which were adopted:

1. Strike section 16 and renumber the following sections.
2. Amend renumbered section 17, line 3 by striking therefrom the following “, and 8-157”, and inserting therein the conjunction “and” before the figures “8-152”.

3. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 396.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fiftieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 482.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 481.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fiftieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 515.** Read and considered.

Mr. Cooper offered the following amendment which was adopted:

1. Amend the bill, line 1, Section 1, page 2, by striking the word “private”, and amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 486.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fiftieth Day were adopted.

Laid over temporarily.

**LEGISLATIVE BILL 519.** Read and considered.

Standing Committee Amendments found in the Legislative Journal for the Fiftieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 584.** Laid over.

**Visitors**

Mr. Gerdes introduced Mrs. John Furman from Marsland, Mrs. Phipps from Whitman, and Mrs. Shaffert.

**LEGISLATIVE BILL 518.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 501.** Read and considered.

**Speaker Pizer Presiding**

Advanced to E and R for review.

**LEGISLATIVE BILL 502.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Fiftieth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 486.** Considered.

Advanced to E and R for review.

**Member Excused**

Mr. Marvel was excused at 3:30 p.m. for the remainder of the day.

**LEGISLATIVE BILL 528.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fiftieth Day were adopted.

Laid over.

**LEGISLATIVE BILL 319.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 318.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 317.** Read and considered.

**Mr. Nelson Presiding**

Advanced to E and R for review.

**LEGISLATIVE BILL 540.** Read and considered.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 450.** Read and considered.

Advanced to E and R for review.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 614.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-first Day were adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Laid over until Thursday, April 30, 1959, at the request of Mr. Carpenter.

**Adjournment**

At 4:02 p.m., on a motion by Mr. Fenske, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature



**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**SEVENTY-NINTH DAY**

---

Legislative Chamber, Lincoln, Nebraska

Tuesday, April 28, 1959

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Burney presiding.

Prayer was offered by Rev. Dan Schroeder from Emerson.

The roll was called and all members were present except Messrs. Adams, Liebers, and Stryker who were excused, and Mr. McHugh who was excused until 10:30 a.m.

The Journal for the Seventy-eighth Day was approved.

**Visitors**

Mr. Vosoba introduced Dr. C. C. Lillibridge from Crete, and Dr. Kirk Cureton of the University of Illinois.

**MOTION—Flowers**

Mr. President: I move that flowers be sent to the funeral of Senator Stryker's father. (Signed) Hans O. Jensen

The motion prevailed.

**Communications**

Letter from Secretary of State Frank Marsh, forwarding a Concurrent Resolution from the State of New Hampshire, memorializing Congress to call a convention to propose a constitutional amendment to prohibit the states from levying taxes upon the incomes of non-residents.

**MESSAGES FROM THE GOVERNOR**

April 27, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 25, 1959, he approved LB 60, LB 75, LB 424, and LB 470.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

April 28, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 27, 1959, he approved LB 67, LB 676, LB 286 and LB 510.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

#### **Bills Referred to Standing Committees**

LB                      Committee

713.....Revenue

(Signed) Dwight W. Burney  
Lieutenant Governor

#### **STANDING COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 408.** Replaced on Select File as amended.

E and R amendments to LB 408:

1. In the Olinger Unanimous Consent Amendment, strike line 2 and insert "line 6, by striking 'one-eighth' and inserting 'thirteen-hundredths of a'".

2. In the title, line 23, as amended by Enrollment and Review Amendment 5, strike "one-eighth" and insert "thirteen-hundredths of a".

**LEGISLATIVE BILL 332.** Replaced on Select File as amended.

E and R amendment to LB 332:

1. In the title, line 5, strike "shall" and insert "may".

**LEGISLATIVE BILL 407.** Placed on Select File as amended.

E and R amendment to LB 407:

1. In section 1, line 6, insert "hundred" after "fifty-four" as in the statutes.

**LEGISLATIVE BILL 520.** Placed on Select File as amended.

E and R amendments to LB 520:

1. In Standing Committee Amendment 2, line 6, strike "one number plate,".
2. In renumbered section 1, line 6, insert "*that only one number plate shall be issued*" after "except".
3. In Standing Committee Amendment 3, line 4, insert an underscored comma after "buses".
4. In renumbered section 2, line 12, strike "the".
5. In the Otto General File Amendment 1, line 2, strike "section 4 to be known as section 5" and insert "renumbered section 2 to be known as section 3"; and in line 3, strike "Sec. 5." and insert "Sec. 3.".
6. Strike the Otto General File Amendments 2 and 3.
7. Renumber original section 5 as section 4.
8. For correlation purposes, in renumbered section 4, strike lines 1 and 2 and insert:

"Sec. 4. That section 83-122, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:";

in line 5, insert "required by the Department of Motor Vehicles," after "trailers,,"; in line 9, strike the comma after "equipment"; and in line 12 insert "renewal tabs," after "plates,".

9. For correlation purposes, immediately after renumbered section 4, insert a new section to be known as section 5 and to read as follows:

"Sec. 5. That section 83-123, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

83-123. Out of the fund appropriated by the Legislature, the State Reformatory shall purchase the materials for, manufacture, and deliver the license plates and renewal ~~tabs~~ each year to the various county treasurers in the State of Nebraska. The Department of Motor Vehicles shall design and determine the color of the license plates and renewal tabs, and furnish ~~this~~ *the information concerning license plates*, together with the number of plates and ~~tabs~~ to be manufactured for each county in the state for the current licensing year, to the State Reformatory."

10. Strike Standing Committee Amendment 5.

11. Insert a new section immediately after section 5 to be known as section 6 and to read as follows:

"Sec. 6. That original sections 60-311, 60-311.04, and 60-311.05, Revised Statutes Supplement, 1957, section 83-122, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 83-123, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed."

12. In the title, strike lines 2 to 12 and insert:

"FOR AN ACT to amend sections 60-311, 60-311.04, and 60-311.05, Revised Statutes Supplement, 1957, section 83-122, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 83-123, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to motor vehicle license plates; to provide that only one number plate shall be issued for semitrailers and buses; to eliminate the requirement that renewal tabs be manufactured in the State Reformatory; to reduce the fee for issuance of plates bearing official amateur radio call letters; and to repeal the original sections."

**LEGISLATIVE BILL 57.** Placed on Select File as amended.

E and R amendments to LB 57:

1. In section 3, line 4, after "money" insert a stricken quotation mark as in the statutes; and in line 12 strike "*Nebraska located real estate*" and insert "*real estate located in Nebraska*".

2. In section 4, insert "and" at the end of line 14.

3. In the title, line 5, insert "to provide severability," after the first semicolon.

**LEGISLATIVE BILL 346.** Correctly engrossed.

**LEGISLATIVE BILL 532.** Correctly engrossed.

**LEGISLATIVE BILL 589.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 28.

Mr. Gerdes offered the following amendments which were adopted:

1. Amend the Resolution line 9 by striking "and", line 11 by striking the period and inserting "; and", and after line 11 by inserting the following:

"Whereas section 60-311, Revised Statutes Supplement, 1957, provides for placing of the words "The Beef State" on the number plates but does not designate where they shall be placed.

2. Amend the Resolution by inserting after line 18 the following:

"2. That the Legislature recommends to the Department of Motor Vehicles that they place the words "The Beef State" at the top of the number plates and the words "Nebraska" at the bottom of the number plates opposite the year numerals."

LR 28 was adopted as amended with 29 ayes, 0 nays, and 14 not voting.

**Speaker Pizer Presiding**

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 381.** With emergency.

A bill for an act to amend sections 39-721 and 39-722, Revised Statutes Supplement, 1957, relating to highways; to extend the limitation on length of vehicles that may lawfully use the highways of this state; to require brakes on trailing vehicles as prescribed; to change weight limits on motor vehicles; 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, 30:

Aufenkamp	Gerdas	Olinger	Simmons
Bowen	Hollenbeck	Orme	Skarda
Carpenter	Jensen	Otto	Swanson
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	Moulton	Russillo	Williams
Fulton	Munnelly		

Voting in the negative, 9:

Bridenbaugh	Fenske	Pizer	Syas
Burbach	Nelson	Ruhnke	Thompson
Diers			

Not voting, 4:

Adams	Liebers	McHugh	Stryker
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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.

**LEGISLATIVE BILL 449.**

A bill for an act to amend sections 29-1401, 29-1402, 29-1407, and 29-1417, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to change the percentage of qualified electors necessary to call a grand jury; to prescribe the requirements of a petition to call a grand jury; to provide the effect of calling of a grand jury on the right of prosecution on information or complaint during the time the grand jury is in session; to provide that no report of a grand jury shall be filed unless one or more indictments are returned; to provide that the duty of a grand jury to examine and report the condition of the county jail shall be discretionary rather than mandatory; and to repeal the original sections.

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

Voting in the affirmative, 38:

Bowen	Fulton	Olinger	Simmons
Bridenbaugh	Gerdes	Orme	Skarda
Burbach	Hollenbeck	Otto	Swanson
Carpenter	Jensen	Peck	Syas
Claussen	Klaver	Pizer	Tews
Cooper	Lautenschlager	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	Moulton	Ruhnke	Webb
Erlewine	Munnelly	Russillo	Williams
Fenske	Nelson		

Voting in the negative, 0.

Not voting, 5:

Adams	Liebers	McHugh	Stryker
Aufenkamp			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **UNANIMOUS CONSENT—Lay Over LB 639**

Mr. Tews requested unanimous consent to lay LB 639 over on Final Reading until Thursday, April 30, 1959. No objections. So ordered.

#### **Visitors**

Mr. Marvel introduced Dr. J. R. Chappell and Dr. A. T. Mac-Cashland.

#### **SUSPEND RULES—Bills on Final Reading**

Mr. President: I move that we suspend the rules and consider the bills today, that are scheduled for Final Reading for Wednesday, April 29, 1959. (Signed) Michael P. Russillo

The motion lost with 25 ayes, 0 nays, and 18 not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 116.** E and R amendments found in the Legislative Journal for the Seventy-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 138.** E and R amendment found in the Legislative Journal for the Seventy-eighth Day was adopted.

Advanced to E and R for engrossment.

#### **Member Excused**

Mr. Simmons was excused at 9:40 a.m. for the remainder of the day.

#### **Visitors**

Mr. Peck introduced Mr. John Blasig, Superintendent, and thirty students from Emanuel Lutheran School, Columbus, and two sponsors.

Mr. Aufenkamp introduced Mrs. Edus Volkner, Teacher, and six students from School District 82, Dunbar, and five sponsors.

**LEGISLATIVE BILL 516.** Advanced to E and R for engrossment.

### **STANDING COMMITTEE REPORTS**

#### **Judiciary**

**LEGISLATIVE BILL 707.** Placed on General File.

**LEGISLATIVE BILL 365.** Placed on General File as amended.

Standing Committee amendments to LB 365:

1. Amend the bill, Section 1, line 4, by inserting after the word "utilization" the words "while protecting citizens from the effects of ionizing radiation".

2. Amend the bill, page 2, Sec. 2, lines 4 and 5, by striking the words "Governor shall designate an officer of one of the departments or agencies of the state to serve as" and inserting in lieu thereof the words "Director of Health shall be designated as the".

3. Amend the bill, page 3, Sec. 4, line 20, by inserting after the word "and" the words "all users of sources of ionizing radiation, and".

4. Further amend Sec. 4, line 24, by adding after "radiation" the words "and of protecting the public health".



5. Amend the title to conform.

(Signed) Ray C. Simmons, Chairman

### GENERAL FILE

**LEGISLATIVE BILL 23.** Laid over temporarily.

**LEGISLATIVE BILL 157.** Considered.

Mr. Nelson moved that the pending Donner amendments to LB 157, found in the Legislative Journal for the Seventy-first Day, be indefinitely postponed.

Mr. Romans raised a point of order.

The Chair ruled the Nelson motion out of order.

Mr. Donner withdrew his pending amendments found in the Legislative Journal for the Seventy-first Day.

Mr. Ruhnke offered the following amendments which were adopted:

1. Amend the bill by striking Standing Committee Amendment 1.

2. Amend section 1 of the bill, line 6, by striking "Antelope" and "Boone".

3. Amend the bill by adding two new sections immediately after section 1 to be known as sections 2 and 3 and to read as follows:

*"Sec. 2. When twenty-five per cent or more owners of cattle in a county joining the brand area as defined in section 54-134, as disclosed by the current personal tax schedules on file in the office of the county assessor, petition the county board for that county to be included in the brand area, the county board shall submit the proposition in not less than thirty nor more than sixty days after receipt of such petition of adoption or rejection of the proposal to all the owners of cattle in the county as shown by the current personal tax schedules on file in the office of the county assessor.*

*Notice of the election shall be given by the county board and shall be published in a legal newspaper of general circulation in the county at least ten days prior to the election. The election notice shall state that the election has been called for the purpose of affording the electors an opportunity to approve or reject the proposition of including the county in the brand area as defined in section 54-134.*

All ballots shall be prepared and the special election shall be held and conducted by the county board and the expense of such election is to be paid by the county. The county board shall appoint the judges of such election who shall be electors of the county. The election shall be held at a place or places within the county as determined by the county board. All owners of cattle in the county as disclosed by the current personal tax schedules shall be qualified electors.

Approval of the inclusion of the county in the brand area as defined in section 54-134 shall be by sixty per cent of the qualified electors as defined in this section. If at least sixty per cent of the qualified electors, as defined in this section, voting on the proposition vote to include the county in the brand area, then the county shall be a part of the brand area and subject to the provisions thereof, and the chairman of the county board shall certify such action to the Secretary of State. When sixty per cent or more of owners of cattle in a county adjoining the brand area as defined in section 54-134, as disclosed by the current personal tax schedules on file in the office of the county assessor, petition the county board for that county to be included in the brand area, the county board shall declare the county to be a part of the brand area without the provisions of notice and elections as provided in this section.

Sec. 3. When any county has been included in the brand area as provided by the provisions of section 2 of this act, such county may be excluded from the brand area under the same conditions and proceeding as provided for its inclusion."

4. Amend the bill by renumbering section 2 as section 4.

5. Amend the title to conform.

Mr. Donner offered the following amendments which were adopted with 21 ayes, 11 nays, and 11 not voting:

1. Amend section 1 of the bill, line 21 by inserting after "wheeler" the following:

"; Provided, if the line designating the brand area divides any ranch or farm, or where the land owner lives in a Nebraska county adjacent to a Nebraska county in the Nebraska brand inspection area; written permission may be given, at the discretion of the Nebraska brand committee, to the owner or owners of cattle on such ranch or farm to move their cattle in and out of the brand area without inspection; and provided further, the Nebraska brand committee or its agent or representative may at its own expense go upon the premises of any person to whom a permit has been issued for the purpose of making a reasonable inspection of livestock to see if there has been any violations of the provisions of sections 54-101 to 54-158".

2. Amend the title to conform.

Mr. Jensen moved that LB 157 be indefinitely postponed.

The motion lost with 16 ayes, 19 nays, and 8 not voting.

Advanced to E and R for review.

### Visitors

Mr. Tews introduced Mrs. Denschneider and her son, Dale, from Norfolk, and Mr. Willie Brandt from Unadilla.

Mr. Cooper introduced his son, Jack, from Humboldt.

### President Burney Presiding

#### LEGISLATIVE BILL 23. Considered.

Mr. Carpenter offered the following amendments which were adopted:

1. Amend the bill by adding a new section immediately after renumbered section 9 to be known as section 10 and to read as follows:

“Sec. 10. That section 53-179, Revised Statutes Supplement, 1957, be amended to read as follows:

53-179. (1) No person shall sell at retail or dispense any alcoholic liquor on the day of any election, including primary elections, within the boundaries of any political subdivision when the election is one in which all of the electors of such political subdivision may participate in the voting, during the hours the polls are open within the political subdivision in which such election is being held.

(2) No alcoholic liquors, including beer, shall be sold at retail or dispensed on the first day of the week, commonly called Sunday, between the hours of one o'clock a.m. Sunday and six o'clock a.m. Sunday. No alcoholic liquors, except beer, shall be sold at retail or dispensed on the first day of the week, commonly called Sunday, between the hours of six o'clock a.m. Sunday and twelve o'clock midnight Sunday ; *Provided, that the limitations shall not apply to a nonprofit corporation or bottle club licensee.* The permissible hours for the sale of beer at retail on Sunday, if allowed, by other than a nonprofit corporation or bottle club licensee, within the corporate limits of cities and villages, shall be governed by ordinance of the local governing body; and outside the corporate limits of cities and villages, as shall be determined by resolution of the county board as provided more fully in subsection (3) hereof.

(3) No alcoholic liquors, including beer, shall be sold at retail or dispensed on secular days between one o'clock a.m. and six o'clock a.m.; *Provided*, that the local governing body of any city or village, in respect to the licensees within the corporate limits of cities or villages, or the county board, in respect to licensees outside the corporate limits of cities or villages, may require closing prior to one o'clock a.m. by ordinance or resolution on any day, including Sundays."

2. Amend Standing Committee Amendment 8 by renumbering renumbered section 10 as section 11.

3. Amend Standing Committee Amendment 10, line 3 by striking "and 53-127" and inserting ", 53-127 and 53-179".

4. Amend the title to conform.

Mr. Romans moved that LB 23 be indefinitely postponed.

The motion lost with 6 ayes, 28 nays, and 9 not voting.

Advanced to E and R for review.

#### Visitors

Mr. Klaver introduced Sister Mary Cecilia and Sister Mary Denisita, and twenty-eight students from St. Bridget School, Omaha.

Mr. Fulton introduced Betty Mients, Teacher, and twenty-four students from Cortland School, and seven sponsors.

Mr. Peck introduced Mrs. Earl Hartman, Teacher, and nine students from District 61, Dodge County, and two mothers.

Mr. Erlewine introduced Mr. and Mrs. Keith R. Erlewine and sons, Randy and Kris.

#### UNANIMOUS CONSENT—Consider LB 26

Mr. Carpenter requested unanimous consent to place LB 26 at the head of General File for consideration at this time. No objections. So ordered.

#### GENERAL FILE

**LEGISLATIVE BILL 26.** Considered.

Mr. Bowen offered the following amendments which were adopted:

1. Amend the bill by striking the Carpenter Amendment 1 adopted April 17, 1959.

2. Amend the Standing Committee Amendment 1 by striking section 2 and inserting in lieu thereof the following:

*"Sec. 2. Such reinsurance shall be in a company acceptable to the Director of Insurance. The original company writing the risk or policy shall file with the Director of Insurance evidence of such reinsurance listing the name of the reinsurer and such other information pertaining thereto as may be required by the director."*

Laid over until Thursday, April 30, 1959, at the request of Mr. Peck.

**LEGISLATIVE BILL 282.** Considered.

#### **UNANIMOUS CONSENT—Bracket Bills**

Mr. Syas requested unanimous consent to have LB 279, LB 281, LB 282, and 283 bracketed on General File. No objections. So ordered.

#### **UNANIMOUS CONSENT—Change of Order**

Mr. Vosoba requested unanimous consent that LB 304 be placed at the head of General File for consideration as the first order of business Monday, May 4, 1959. No objections. So ordered.

#### **UNANIMOUS CONSENTS—Executive Sessions**

Mr. Williams, Chairman of the Committee on Government, requested unanimous consent for permission for the Government Committee to hold an executive session from 1:00 until 2:00 p.m., Wednesday, April 29, 1959. No objections. So ordered.

Mr. Ruhnke, Chairman of the Committee on Public Works, requested unanimous consent for permission for the Public Works Committee to hold an executive session immediately after adjournment at noon today, April 28. No objections. So ordered.

#### **STANDING COMMITTEE REPORTS**

##### **Miscellaneous Subjects**

**LEGISLATIVE BILL 422.** Indefinitely postponed.

(Signed) J. W. Burbach, Chairman

##### **Presented to the Governor**

Presented to the Governor for approval on April 28, 1959, at 9:00 a.m.: LB 560 LB 292 LB 384 LB 128

(Signed) Jo Fisher, Enrolling Clerk

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 28

**Adjournment**

At 11:57 a.m., on a motion by Mr. Pizer, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**EIGHTIETH DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 29, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except  
Messrs. Adams and Liebers who were excused.

The Journal for the Seventy-ninth Day was approved.

**Communications**

Letter from former Senator L. M. Shultz, Rogers, regarding the  
testimony at the public hearing on LB 708.

**NOTICE OF COMMITTEE HEARINGS**

**Revenue**

LB 713      Monday, May 4, 1959      2:00 p.m.

**STANDING COMMITTEE REPORTS**

**Salaries and Claims**

**LEGISLATIVE BILL 646.** Placed on General File as amended.

Standing Committee amendment to LB 646:

1. Amend section 1, line 15 of the bill by striking the word  
"twelve" and adding "*nine*."

**LEGISLATIVE BILL 563.** Indefinitely postponed.

(Signed) John Aufenkamp, Chairman

**Enrollment and Review**

**LEGISLATIVE BILL 474.** Placed on Select File as amended.

## E and R amendments to LB 474:

1. In new section 2, line 44, show the period as stricken; in line 57, strike "operations" and insert "operation"; in line 69, insert an underscored comma after "provide"; in line 75, strike the second "of" and insert "or"; in line 94, strike "tractor or truck" and insert "truck or truck-tractor"; in line 102, strike "herein granted" and insert "of this section"; in line 104 strike "thereunder" and insert "in such agreements, arrangements, or declarations"; and in line 105 strike "therein" and insert "in such agreements, arrangements or declarations".

2. In new section 3, in line 28 insert an underscored comma after "registration"; in line 29 strike the comma; in lines 51 and 54, insert "both" before "interstate"; in line 54 strike "commerce"; in lines 57 and 60 strike "will" and insert "shall"; in line 68, strike "agrees to" and insert "shall"; in line 71 strike "to"; in line 72 insert "a" after "by"; and in line 84, insert "of" after "amount".

3. In the title, strike lines 2 to 11 and insert:

"FOR AN ACT to amend sections 60-301 and 60-305.03, Revised Statutes Supplement, 1957, relating to motor vehicle registration; to define terms; to provide for the proportional registration in this state of fleets of three or more commercial vehicles as prescribed; to provide procedures for and the effect of such registration; to provide for adjustments of fees as prescribed; to grant authority to and impose duties on the Director of Motor Vehicles; to authorize declarations or reciprocity agreements or arrangements as prescribed; to provide an operative date; to provide a savings provision for existing reciprocity agreements or arrangements; and to repeal the original sections."

**LEGISLATIVE BILL 630.** Placed on Select File as amended.

## E and R amendments to LB 630:

1. In new section 1, strike lines 2 and 3 and insert "context otherwise requires, cabin trailer shall mean every vehicle without".

2. In new section 2, line 5, strike "provided however" and insert "Provided".

3. In new section 5, line 11, strike the semicolon and insert a comma.

4. In new section 7, line 8, strike "preceding" and insert "year preceding the".

5. In new section 8, line 1, strike "a"; and in line 5, strike the first comma.



6. In new section 11, insert "and" at the end of line 3; and in line 5 strike "hereby".

7. In the title, strike lines 2 to 14 and insert:

"FOR AN ACT relating to cabin trailers; to define a term; to require permits for cabin trailers in this state as prescribed; to provide exceptions; to provide where such permit shall be obtained; to provide fees; to provide for number plates and renewal tabs and the display thereof; to provide procedures; to provide for the taxing of cabin trailers as motor vehicles; to require the payment of taxes before the issuance of any permit or renewal; to require reports; to make certain acts unlawful;".

**LEGISLATIVE BILL 616.** Placed on Select File as amended.

E and R amendments to LB 616:

1. In new section 1, line 3, strike the comma.

2. In new section 2, insert "of," at the end of line 4; and in line 6 insert "in this state" after "employed".

3. In new section 3, line 10, insert "an" after "with"; in line 12, strike "defection" and insert "defective condition"; in line 14 insert "an" before "appropriate"; and in line 14 insert "the" at the end of the line.

4. In new section 4, strike line 1 and insert "Sec. 4. After one year from the effective date of"; in line 3 insert a comma after "person"; in line 6 strike the second "of" and insert "or"; in line 7, strike ". Except" and insert "; except"; in line 11, strike "notified" and insert "given notice to"; in line 13 strike "Notice shall be on" and insert "Such notice shall be given on an"; in line 14, insert "either certified or" after "by"; and in line 15, strike "from" and insert "prior to the".

5. In the title, strike lines 3 to 7 and insert: "provide for the adoption of tolerances and specifications for grain moisture measuring devices; to provide standards; to provide for the testing and sealing or marking of grain moisture measuring devices; to provide for notice of defective devices; to make certain acts unlawful; to provide an exception; and to provide penalties."

**LEGISLATIVE BILL 416.** Placed on Select File as amended.

E and R amendments to LB 416:

1. In section 1, reinstated line 32, strike "If such larger amount", showing the same as stricken, and insert "If an amount

*which exceeds twice the maximum amount which the United States government will contribute as its share of carrying out the aid to dependent children assistance program*"; in reinstated line 35, strike "of" as in the statutes; and in line 38, strike "Aid".

2. In the title, strike line 4 and insert "children; to provide for filing a copy of the finding of an investigation with the county attorney, as prescribed; to clarify and harmonize the provisions of such section;".

**LEGISLATIVE BILL 399.** Placed on Select File as amended.

E and R amendments to LB 399:

1. Add a new section to be known as section 5 and to read as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. In the title, line 8, strike the second "and"; in line 11 strike "and"; and in line 11 insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 482.** Placed on Select File.

**LEGISLATIVE BILL 137.** Correctly engrossed.

**LEGISLATIVE BILL 665.** Correctly engrossed.

**LEGISLATIVE BILL 449.** Correctly enrolled.

**LEGISLATIVE BILL 381.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### President Signs

While the Legislature was in session and capable of transacting business, the President signed: LB 449 LB 381

### MOTION—Recall LB 392 from Governor

Mr. President: I move that we request the Governor to return LB 392. (Signed) Terry Carpenter

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

**Announcement**

Mr. Jensen announced that the funeral for Senator Stryker's father would be held at 2:00 p.m., Thursday, April 30, 1959, at the Methodist Church in Rising City.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 342.** With emergency.

A bill for an act to amend section 14-366, Revised Statutes Supplement, 1957, relating to cities of the metropolitan class; to extend the power of a city of the metropolitan class to acquire, by purchase or exercise of the power of eminent domain, property for streets, alleys, avenues, and other construction of like kind within three miles of the corporate limits of such city; 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, 38:

Aufenkamp	Gerdes	Olinger	Simmons
Bowen	Hollenbeck	Orme	Skarda
Bridenbaugh	Jensen	Otto	Stryker
Burbach	Klaver	Peck	Swanson
Carpenter	Lautenschlager	Pizer	Syas
Claussen	Marvel	Portsche	Tews
Cooper	McHugh	Romans	Thompson
Donner	Moulton	Ruhnke	Webb
Fenske	Munnelly	Russillo	Williams
Fulton	Nelson		

Voting in the negative, 3:

Diers	Erlewine	Vosoba
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Not voting, 2:

Adams	Liebers
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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.

**LEGISLATIVE BILL 343.** With emergency.

A bill for an act to amend sections 14-404, 14-407, and 14-415, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to refer to such planning board as may exist rather than the city planning commission in such cities; to harmonize existing provisions; to repeal the original sections and also section 14-382, Reissue Revised Statutes of Nebraska, 1943; 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:

Aufenkamp	Fenske	Munnelly	Russillo
Bowen	Fulton	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	Liebers	Skarda
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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.

**LEGISLATIVE BILL 388.**

Mr. Bowen moved that LB 388 be returned to Select File for the following specific amendment:

1. Strike the enacting clause.

The motion lost with 18 ayes, 22 nays, and 3 not voting.

Mr. Burbach moved that LB 388 be returned to Select File for the following specific amendment:

1. Amend line 11, after the word "state" by adding "and

*located in cities of the first class, primary class, or metropolitan class”.*

The motion prevailed with 36 ayes, 5 nays, and 2 not voting.

#### **LEGISLATIVE BILL 685.**

Mr. Carpenter moved that LB 685 be returned to Select File for the following specific amendments:

1. Amend the bill by striking the Carpenter Amendments 2 and 3, adopted April 17, 1959 and all amendments thereto.
2. Amend the title to conform.

Motion pending.

Laid over until Monday, May 11, 1959, at the request of Mr. Peck.

#### **Report—LB 392 Returned**

Mr. President: Your assistant clerk respectfully reports that the Governor has returned LB 392 in response to the request of the Legislature. (Signed) Francis V. Robinson, Assistant Clerk of the Legislature

#### **Member Excused**

Mr. Russillo was excused from 10:30 a.m. for the remainder of the day.

#### **SUSPEND RULES—Reconsider LB 392**

Mr. President: I move that the rules be suspended and that we reconsider our action of April 22, 1959, on final passage of LB 392. (Signed) Terry Carpenter

The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

#### **BILLS ON FINAL READING**

#### **LEGISLATIVE BILL 392.**

Mr. Carpenter moved that LB 392 be returned to Select File for the following specific amendments:

1. Amend the bill by adding a new section immediately after section 3 to be known as section 4 and to read as follows:

"Sec. 4. The provisions of sections 1 to 3 of this act shall not apply to public power districts organized under the provisions of Chapter 70, article 6, Reissue Revised Statutes of Nebraska, 1943."

2. Amend Enrollment and Review Amendment 6 by renumbering sections 4 and 5 as sections 5 and 6 respectively.

3. Amend the title to conform.

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

#### **UNANIMOUS CONSENT—Read and Print Motion**

Mr. Vosoba requested unanimous consent to have a motion relative to LB 685 read and printed in the Journal. No objections. So ordered.

The Clerk read the following motion:

Mr. President: I move that LB 685 be amended by striking all amendments except the Standing Committee amendment and the Carpenter No. 1 amendment adopted April 17, 1959. (Signed) Joe T. Vosoba

#### **SELECT FILE**

**LEGISLATIVE BILL 392.** The pending Carpenter specific amendments found in this Day's Journal were adopted with 34 ayes, 0 nays, and 9 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 408.** E and R amendments found in the Legislative Journal for the Seventy-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 332.** E and R amendment found in the Legislative Journal for the Seventy-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 407.** E and R amendment found in the Legislative Journal for the Seventy-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 520.** E and R amendments found in the Legislative Journal for the Seventy-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 57.** E and R amendments found in the Legislative Journal for the Seventy-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 388.** The pending Burbach specific amendment found in this Day's Journal was adopted with 31 ayes, 0 nays, and 12 not voting.

Advanced to E and R for re-engrossment.

**Speaker Pizer Presiding**

**MOTION—Postage Allowance**

Mr. President: I move that the Legislature allow \$100.00 in postage stamps to take care of the late mailing after 4:30 p.m.  
(Signed) A. A. Fenske

The motion prevailed.

**GENERAL FILE**

**LEGISLATIVE BILL 584.** Read and considered.

Advanced to E and R for review with 21 ayes, 12 nays, and 10 not voting.

**Visitors**

Mr. Syas introduced Mr. Charles Orr, Principal, four teachers, and one hundred fifty-six students from Belvedere School, Omaha.

Mr. Romans introduced Dr. Hamsa from Scotia, and Dr. Blessing from Ord.

**UNANIMOUS CONSENT—Withdraw LB 319**

Mr. Moulton requested unanimous consent to withdraw LB 319.  
No objections. So ordered.

## GENERAL FILE

**LEGISLATIVE BILL 528.** Laid over until Friday, May 1, 1959, at the request of Mr. Tews.

**LEGISLATIVE BILL 613.** Laid over until Monday, May 4, 1959, at the request of Mr. Portsche.

**LEGISLATIVE BILL 255.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 307.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-second Day were adopted.

Advanced to E and R for review.

**Mr. Burbach Presiding****Visitors**

Mr. Gerdes introduced two former members of our Legislature, Mr. Henry Behrens from Lincoln, who in 1919 served as a member of the Finance Committee that allocated funds to build this Capitol, and Mr. George M. Adams from Crawford, who served in 1917-1918.

**LEGISLATIVE BILL 511.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-second Day were adopted.

Advanced to E and R for review.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 621.** Read and considered.

Standing Committee amendment 2, found in the Legislative Journal for the Fifty-second Day, was rejected.

**Mr. Moulton Presiding**

Standing Committee amendments 1, 3, 4, 5, 6, and 7 were adopted.

Mr. Syas offered the following amendments which were adopted:



1. Add the emergency clause.
  2. Amend the title to conform.
- Advanced to E and R for review.

**Members Excused**

Messrs. Skarda and Munnely were excused for Thursday and Friday, April 30 and May 1, 1959.

Mr. Stryker was excused for Thursday, April 30, 1959.

**Speaker Pizer Presiding**

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 30.** Re: Legislative Investigation of Hiring Policies at University of Nebraska, College of Law.

Introduced by Jack Romans, 29th District.

WHEREAS, there has been disclosed that certain members of the University of Nebraska, College of Law are not proper persons to teach in a state university.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Speaker of the Legislature appoint a committee of five members of this body to act as a committee to investigate the hiring politics and practices of the professors of our University of Nebraska, College of Law so that students will have presented to them fair and sound presentations of the law.

2. That the committee be requested to report its findings to this Legislature not later than June 15, 1959.

Laid over until Monday, May 11, 1959, at the request of Mr. Romans.

**President Burney Presiding**

**STANDING COMMITTEE REPORTS**

**Judiciary**

**LEGISLATIVE BILL 617.** Placed on General File as amended.

## Standing Committee amendments to LB 617:

1. Amend the bill by striking sections 1 to 29 and inserting the following in lieu thereof:

*"Section 1. As used in this act, unless the context otherwise requires:*

*(1) Applicant shall mean any person who makes application for a license under the provisions of this act;*

*(2) License shall mean a license to engage in the private detective business as a private detective, as a private detective agency, or as a plain clothes investigator in the State of Nebraska;*

*(3) Licensee shall mean any person licensed under the provisions of this act;*

*(4) Person shall mean and include any individual, firm, partnership, association, company, corporation, or other legal entity;*

*(5) Plain clothes investigator shall mean and include any individual, other than a private detective, who as an employee and on behalf of a private detective agency without any identifying uniform performs services consisting wholly or partially of detective or investigative activity within the scope of the private detective business;*

*(6) Private detective shall mean any individual who as a sole proprietor engages in the private detective business without the assistance of any employee;*

*(7) Private detective agency shall mean any person who as other than a private detective or a plain clothes investigator engages in the private detective business;*

*(8) Private detective business shall mean and include any private business engaged in by any person defined in subdivision (4) of this section where they advertise or hold themselves out to the public, in any manner, as being engaged in the secret service or private policing business; and*

*(9) Secretary shall mean the Secretary of State of the State of Nebraska.*

**Sec. 2.** No person shall in the State of Nebraska after July 1, 1959, by any direct or indirect means, engage in the private detective business, as a private detective, as a private detective agency, or as a plain clothes investigator, act or assume to act as a licensee, or represent himself to be a licensee unless such person is duly licensed and holds a valid license under the pro-

visions of this act; and no person shall in the State of Nebraska falsely represent that he is employed by or represents a licensee.

Sec. 3. The provisions of this act shall not prevent the proper local authorities of any city or village, by ordinance or other proper manner within the exercise of the police power of such city or village, from appointing special policemen for such purposes and subject to such proper and reasonable restrictions, terms, and conditions as such local authorities may prescribe; but such police power shall not be so exercised as to infringe upon or nullify any license duly issued and held under the provisions of this act.

Sec. 4. The Secretary shall have power and authority to make, adopt, and alter from time to time rules and regulations relating to the administration of but not inconsistent with the provisions of this act.

Sec. 5. Any person desiring to engage in the private detective business in the State of Nebraska and desiring to be licensed under the provisions of this act shall file with the Secretary an application for a license; and the Secretary shall issue to such person if qualified therefor a nontransferable license to engage in the private detective business as a private detective, as a private detective agency, or as a plain clothes investigator in the State of Nebraska as follows:

(1) If the applicant is an individual, such individual, or if the applicant is a corporation, each of its individual officers performing the duties of the president, the secretary, and the treasurer of such corporation and the duties of the manager of the business of such corporation in the State of Nebraska, or if the applicant is any person other than an individual or a corporation, each of the individual partners, members, manager, officers, or other individuals having a right to participate in the management of such applicant's business in the State of Nebraska, before the license may be issued, shall be at least twenty-one years of age, shall be a citizen of the United States, shall be of good moral character, temperate habits, and good reputation for truth, honesty, and integrity, and shall have such experience and competence in the detective business or otherwise as the Secretary may determine to be reasonably necessary for such individual to perform the duties of his position with such applicant in a manner consistent with the public interest and welfare.

(2) The applications shall be made on a suitable form prescribed by the Secretary, shall be accompanied when filed by an application fee of ten dollars for a license for a private detective or a private detective agency, or of two dollars for a license for a plain clothes investigator, shall be signed and verified by each

individual connected with the applicant to whom the requirements of subsection (1) of this section apply, and may contain such information, including specimens of fingerprints, as may be required by the Secretary.

Sec. 6. No license shall be issued to any individual applicant, or to any applicant other than an individual, if such individual applicant or if any one or more of those individuals participating or intending to participate directly in the management of such other applicant's business in the State of Nebraska has been convicted in the State of Nebraska or in any other state or territory of the United States of any felony or any misdemeanor involving a sex offense or involving moral turpitude.

Sec. 7. Before the license may be issued or renewed, the applicant shall file and the licensee shall continuously maintain with the Secretary a surety bond executed by a surety company authorized to do business in the State of Nebraska in the sum of ten thousand dollars conditioned for the faithful and honest conduct and compliance with the provisions of this act, upon the part of such applicant or licensee and upon the part of any plain clothes investigator employed by such applicant or licensee; and any person injured by the willful, malicious, or wrongful act of such applicant or licensee or any employee thereof within the scope of the license may bring an action on such bond in his own name to recover his damages.

Sec. 8. The license when issued or renewed shall be of such form and content as the Secretary may prescribe, shall be posted and prominently displayed in the licensee's principal place of engaging in the private detective business in the State of Nebraska, and shall include the name of the licensee, the name or names under which the licensee is licensed to engage in the private detective business in the State of Nebraska, and the number, date of issue or reissue and expiration date of the license.

Sec. 9. Each license issued or renewed by the Secretary shall expire at the end of two years from its date of issue or last renewal but may be renewed by the Secretary upon the payment by the licensee, not later than the expiration date, of a license renewal fee of ten dollars for a license for a private detective or a private detective agency or of two dollars for a license for a plain clothes investigator and upon the submission by such licensee of such a license renewal application as the Secretary may prescribe as reasonably necessary to ascertain such licensee's continued compliance with the provisions of this act.

Sec. 10. The Secretary may from time to time, upon first giving the applicant or licensee an opportunity for a hearing on the

matter, (1) deny any application for a license, (2) refuse to renew any license, (3) suspend for a time or upon a condition having a reasonable relation to the administration of the provisions of this act, or (4) revoke any license issued or renewed under the provisions of this act (a) upon a determination that there has been a significant change in those individuals participating directly in the management of the applicant's or licensee's business in the State of Nebraska or that, (b) by reason of such applicant's or licensee's failure to comply with the provisions of this act, insolvency, bankruptcy or other bad or improper conduct upon the part of such applicant or licensee or upon the part of any officer, agent, or employee of such applicant or licensee within the scope of the office, authority, or employment of such officer, agent or employee, or (c) for any other suitable reason the granting of a license to such applicant or the continuation of such licensee's license is not consistent with the public interest and welfare.

Sec. 11. Any applicant, licensee, or other person directly and adversely affected by any order of the Secretary may, within thirty days of the making of such order by the Secretary and upon filing with the Secretary a cost bond in the sum of two hundred dollars, institute proceedings in error for judicial review of the lawfulness of such order in the district court having jurisdiction of causes of action arising in Lancaster County or in any other district court within whose venue such proceedings may lie.

Sec. 12. It shall be the duty of every licensee and, so far as applicable, of every officer, agent, and employee of every licensee to comply with the provisions of this act and with every applicable rule and regulation made and adopted by the Secretary.

Sec. 13. Any person who violates any provision of this act or fails to perform any duty imposed upon such person by the provisions of this act shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned not more than six months, or be both so fined and imprisoned.

Sec. 14. That section 21-904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-904. Whenever any number of persons associate themselves together for the purpose of carrying on the detective or secret service business for pay, they shall make a certificate in writing, subscribed and verified by the oaths or affirmations of all the members thereof, showing the full name and place of residence of each, the name and style by which such association shall be called, and the name of the town and county where their principal office shall be located, which certificate shall be filed in the office of the Secretary of State before the effective date of

sections 1 to 13 of this act, to be by him preserved and recorded in his office in the manner hereinafter provided.

Sec. 15. That section 21-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-907. When any detective association shall be incorporated under the provisions of sections 21-904 to 21-906, such association is authorized to engage in the secret service or detective business, through and in the name of such association, and shall be deemed a body corporate limited, without successors, and it may sue and be sued, plead and be impleaded, in all courts of law and equity in and by its corporate name; may have a corporate seal and may alter the same at will; may acquire and hold such property as it may deem expedient or necessary, whether it be real, personal or mixed, for the uses and purposes of its employment as defined in sections 21-904 to 21-914; and may employ any number of persons to assist it but it shall be the duty of such association to deliver to every person employed by it a certificate showing the date of his employment, the name of the association, and the time for which such person is employed, which certificate shall be signed by the chief or *president* and attested by the secretary of such association; *Provided, however*, whenever any person shall be admitted to such association as a member and not an employee, such association shall file a new certificate and bond in the office of the Secretary of State, and at the expiration of every five two years from the date of the last certificate issued to such association, it shall make and file in the office of the Secretary of State a new bond and certificate, and in either case such new certificate and bond shall be in all respects the same as that required by sections 21-904 to 21-906, and verified and recorded in the same manner; and *provided further, no new certificate and bond may be filed in the office of the Secretary of State after the effective date of sections 1 to 13 of this act.*

Sec. 16. That original sections 21-904 and 21-907, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 17. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. Amend the title by striking lines 1 to 11 and inserting the following in lieu thereof:

"A BILL

FOR AN ACT relating to detective associations; to provide for revision, adoption, and establishment of a code of laws for

the State of Nebraska relating to licensing and regulation of private detective business; to define terms; to set out license procedure; to specify duties; to prescribe violations; to provide penalties; to amend sections 21-904 and 21-907, Reissue Revised Statutes of Nebraska, 1943; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 127.** Placed on General File as amended.

Standing Committee amendments to LB 127:

1. Amend the bill by striking sections 1 to 42 and inserting in lieu thereof the following:

*"Section 1. Each county of this state having a population of fifty thousand or more inhabitants shall constitute a separate juvenile court judicial district. There shall be established in each such juvenile court judicial district of this state a separate juvenile court whenever the establishment thereof shall be authorized by a majority of the electors of any such county voting thereon. The court so established shall be a court of record.*

*Sec. 2. The question of whether or not there shall be established a separate juvenile court in any county having a population of fifty thousand or more inhabitants shall be submitted to the qualified electors of any such county at the first general state election held not less than four months after the filing with the Secretary of State a petition requesting the establishment of such court signed by electors of such county in a number not less than five per cent of the total votes cast for Governor in such county at the general state election next preceding the filing of the petition. The question shall be submitted to the qualified electors of the county in the following form:*

*"Shall there be established in \_\_\_\_\_  
County a separate juvenile court?"*

*Yes*

*No"*

*The election shall be conducted, and the ballots shall be counted and canvassed, by the regular election officials conducting the general state election in the manner prescribed by law for submission of special propositions to the electors.*

*After a separate juvenile court has been established, the clerk of the district court shall forthwith transfer to the docket of the separate juvenile court all pending matters within the exclusive*

jurisdiction of the separate juvenile court for consideration and disposition by the judge thereof.

Sec. 3. Where a separate juvenile court is established, the county board of the county shall provide suitable rooms and offices for the accommodation of the judge thereof, and the officers and employees appointed by him. Such separate juvenile court, the judge thereof, and the officers and employees of such court shall have the same and exclusive jurisdiction, powers, and duties that are prescribed in sections 43-201 to 43-220, Reissue Revised Statutes of Nebraska, 1943, and amendments thereof, and such other jurisdiction, powers, and duties as may hereafter be specifically provided by law. A juvenile court created in a separate juvenile court judicial district shall have and exercise concurrent jurisdiction within such juvenile court judicial district with the district court in all matters arising under the provisions of Chapter 42, article 3, Reissue Revised Statutes of Nebraska, 1943, and amendments thereof.

Sec. 4. Within ninety days after the establishment of a separate juvenile court has been authorized, the Governor shall appoint a person to serve as a judge of the separate juvenile court until the first Thursday after the first Tuesday in January succeeding the next general state election. The person so appointed shall have all the qualifications of a judge of said court as provided by section 6 of this act.

Sec. 5. At the first general state election held after the establishment of a separate juvenile court, a judge thereof shall be elected for a term of four years, and shall hold office until his successor is elected and qualified. The judge of a separate juvenile court shall be nominated and elected regardless of political affiliation in the same manner as judges of the district court. In the event the office of judge of a separate juvenile court shall become vacant before the expiration of the regular term for which he was selected, the vacancy shall be filled by appointment by the Governor for the unexpired term.

Sec. 6. No person shall be eligible to the office of judge of a separate juvenile court unless he (1) is thirty years of age, (2) is a citizen of the United States, (3) is a resident of the state for at least three years next preceding his election or appointment, and (4) shall have been regularly admitted as an attorney in this state and remains as an attorney in good standing at the bar thereof.

Sec. 7. The salary of a judge of a separate juvenile court shall be the same as the salary of a judge of the district court and shall be paid out of the general fund of the county.



Sec. 8. The clerk of the district court in a county having a separate juvenile court shall serve *ex officio* as clerk of the separate juvenile court. He shall not receive any additional compensation for performing the duties of such office. He shall keep the seal of the court.

Sec. 9. The judge of a separate juvenile court shall appoint a chief juvenile probation officer and a sufficient number of assistant juvenile probation officers and other employees, including a court reporter when needed, to carry out the work of the court. The chief juvenile probation officer shall be selected by the judge with reference to his experience and understanding of problems of family life and child welfare, juvenile delinquency, community organization, and training in the recognition and treatment of behavior disorders. The salaries of the chief juvenile probation officer, the assistant juvenile probation officers, if any, and the other employees of the separate juvenile court shall be fixed by the judge, subject to the approval of the board of county commissioners or supervisors, and shall be paid out of the general fund of the county.

Sec. 10. Whenever any judge of a separate juvenile court shall be disabled or disqualified to act in any cause before him, or shall be temporarily absent from the county, the presiding judge of the district court shall designate and appoint a judge of the district court to serve during such absence or disqualification.

Sec. 11. Any final order or judgment entered by a separate juvenile court may be reviewed by the Supreme Court of Nebraska within the same time and in the same manner prescribed by law for review of an order or judgment of the district court.

Sec. 12. After a separate juvenile court has been established, the question of whether it should be abolished shall be submitted to the qualified electors of any county having adopted same at the first general state election held not less than four months after the filing with the Secretary of State of a petition requesting the abolishment of such court signed by electors of such county in a number not less than five per cent of the total vote cast for Governor in such county at the general state election next preceding the filing of the petition. The question shall be submitted to the qualified electors of the county in the following form:

"Shall the separate juvenile court in \_\_\_\_\_  
County be abolished?

Yes

No"

*The election shall be conducted, and the ballots shall be counted and canvassed, by the regular election officials conducting the general state election in the manner prescribed by law for the submission of special propositions to the electors.*

*If the proposition to abolish a separate juvenile court shall be carried by a majority of the electors voting on the proposition, the jurisdiction, powers, and duties of the separate juvenile court shall cease, and the powers and duties of the district court over juvenile matters shall be reestablished, at the end of the term of the incumbent juvenile judge. After a separate juvenile court has been abolished, the clerk of the district court shall forthwith transfer to the docket of the district court all pending matters theretofore within the exclusive jurisdiction of the separate juvenile court for consideration and disposition by the district court.*

Sec. 13. That section 24-701, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 129, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

24-701. As used in sections 24-701 to 24-714, unless the context otherwise requires:

(1) Fund shall mean the Nebraska Retirement Fund for Judges;

(2) Judge shall mean and include all duly elected or appointed Chief Justices or Judges of the Supreme Court and judges of the district courts of Nebraska, who shall serve in such capacity on and after January 3, 1957, and shall mean and include all duly appointed judges of the Nebraska Workmen's Compensation Court who shall serve in such capacity on and after September 20, 1957, judges of separate juvenile courts, and county judges of the respective counties, who shall serve in such capacity on and after January 5, 1961, except acting county judges appointed pursuant to section 24-507;

(3) Prior service shall mean all the periods of time any Judge of the Supreme Court or judge of the district court shall have served in such capacity prior to January 3, 1957, and as to any county judge shall mean all the periods of time any such judge shall have served in such capacity prior to January 5, 1961, and shall mean all the periods of time any judge of the Nebraska Workmen's Compensation Court shall have served in such capacity prior to September 20, 1957, and shall mean all the periods of time any judge of separate juvenile courts shall have served in such capacity ;

(4) Current service shall mean the period of service any Judge of the Supreme Court or judge of the district court shall serve in such capacity from and after January 3, 1957, and shall mean the period of service any judge of the Nebraska Workmen's Compensation Court shall serve in such capacity from and after September 20, 1957, and any county judge shall serve in such capacity from and after January 5, 1961 , *and any judge of a separate juvenile court shall serve in such capacity ;*

(5) Military service shall mean active service of any judge of the Supreme Court or district court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 18, 1955, and shall mean active service of any judge of the Nebraska Workmen's Compensation Court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 20, 1957, if such service commenced while such judge was holding the office of judge. The board shall have the power to determine when a national emergency exists or has existed for the purpose of applying this definition and provision;

(6) Total years of service shall mean the total number of years served as a judge, including prior service, military service, and current service as defined in this section computed to the nearest one-twelfth year;

(7) Salary shall mean the statutory salary of a judge or the salary being received by such judge pursuant to law;

(8) Beneficiary shall mean a person so designated by a judge in the last written designation of beneficiary on file with the board, or if no designated person survives or if no designation is on file, the estate of such judge;

(9) Annuity shall mean a series of equal monthly payments payable at the end of each calendar month during the life of a retired judge. The first payment shall be made as of the end of the calendar month in which such annuity was awarded and the last payment shall be at the end of the calendar month in which such judge shall die. The first payment shall include all amounts accrued since the effective date of the award of annuities, including a pro rata portion of the monthly amount of any fraction of a month elapsing between the effective date of such annuity and the end of the calendar month in which such annuity began;

(10) Board shall mean the Board of Educational Lands and Funds;

(11) Member shall mean a judge, as defined in subdivision (2) of this section, eligible to participate in the retirement system established under the provisions of sections 24-701 to 24-714; and

(12) Final average salary shall mean the average monthly salary for the last four years service as a judge or, in the event of a judge serving less than four years, the average monthly salary for such judge's period of service; *Provided*, that final average salary of any judge who has retired or who will retire during or at the end of the presently current judicial term shall mean the average monthly salary for his last year of service before retirement.

Sec. 14. That section 24-703, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 129, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

24-703. (1) Each judge shall contribute monthly four per cent of his monthly salary to the fund, except contributions due from county judges shall commence on January 5, 1961 and contributions due from judges of the Workmen's Compensation Court shall begin as soon after June 30, 1959, as they may be permitted by law. It shall be the duty of the Auditor of Public Accounts to make a deduction of four per cent on the monthly pay roll of each Judge of the Supreme Court, judge of the district court, and judge of the Workmen's Compensation Court showing the amount to be deducted and its credit to the fund. It shall be the duty of the county clerk of each county to make a deduction of four per cent on the monthly pay roll of the county judge *and judge of a separate juvenile court* and to pay all amounts so deducted to the executive officer in charge of the judges retirement system to be credited to the Judges Retirement Fund. This shall be done within ten days after the close of each calendar quarter thereafter. The Auditor of Public Accounts and the State Treasurer shall credit the four per cent as shown on the pay roll and the amounts received from the various counties to the fund and remit the same to the executive officer in charge of the judges retirement system who shall keep an accurate record of the contributions of each judge.

(2) A judges retirement fund fee of one dollar shall be taxed as costs in each civil cause of action or proceeding filed in the district courts and the county courts and in county courts a sum equal to ten per cent of each fee provided by sections 33-125, 33-126, and 33-126.02, except on the fees provided for in section 33-125 for the dismissal of a cause, and in sections 33-126 and 33-126.02 for filing of report. When collected by the clerk of the

district court and the county judge, such fees shall be paid to the executive officer in charge of the judges retirement system on forms prescribed by the board by said clerk and county judge within ten days after the close of each calendar quarter. Such executive officer shall promptly thereafter remit the same to the state treasury. The fee shall be collected by the county judge beginning with September 20, 1957, and not be delayed until January 5, 1961. Upon the receipt thereof, the State Treasurer shall credit the same to the Nebraska Retirement Fund for Judges. The fund shall be further supplemented biennially by an appropriation in such amount as may be determined by the Legislature to enable the fund to meet anticipated claims. All expenditures from the fund must be authorized by voucher in the manner prescribed in section 23-713. The fund shall be used only for the payment of all annuities and other benefits, created by the provisions of sections 24-701 to 24-714, and shall not be used to pay the expenses of the administration of sections 24-701 to 24-714, as provided by sections 24-705 and 24-712.

Sec. 15. That section 24-714, Revised Statutes Supplement, 1957, be amended to read as follows:

24-714. When the Chief Justice or a Judge of the Supreme Court, a judge of the district court, or a judge of the Nebraska Workmen's Compensation Court becomes retired under the provisions of sections 24-701 to 24-714, he shall be relieved of further active duties on the court. The Governor may fill the vacancy caused by such retirement the same as when a vacancy exists on that court for any other reason. When a county judge or *judge of a separate juvenile court* becomes retired under the provisions of sections 24-701 to 24-714, he shall also be relieved of further active duties and a vacancy shall be deemed to exist which vacancy shall be filled as provided by law.

Sec. 16. That original section 24-714, Revised Statutes Supplement, 1957, section 24-701, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 129, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 24-703, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 129, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed.”.

2. Amend the title of the bill by striking lines 2 to 68 and inserting the following:

“FOR AN ACT relating to juvenile courts; to provide for the establishment of separate juvenile courts in counties having a population of fifty thousand or more inhabitants when authorized by a majority of the electors voting upon the proposition in any

such county; to provide for the furnishing of a courtroom and offices for the separate juvenile court; to provide for the selection and election of judges of such separate juvenile court; to prescribe the qualifications, term, and compensation of judges of such separate juvenile court; to prescribe the jurisdiction, powers, and duties of the judges of the separate juvenile court; to provide for a clerk of such court, and to prescribe his compensation, powers, and duties; to provide for chief juvenile probation officers, assistant juvenile probation officers, and other employees, including a reporter, of such court, and to prescribe their compensation, powers, and duties; to provide the time and manner of review of final orders and judgments entered by a separate juvenile court by the Supreme Court of Nebraska; to provide for the abolition of any such separate juvenile court when directed by a majority of the electors voting upon the proposition in any county having adopted same; to redefine terms; to extend the coverage of the judges retirement system to include judges of a separate juvenile court; to provide when such coverage shall apply to such judges; to amend section 24-714, Revised Statutes Supplement, 1957, section 24-701, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 129, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 24-703, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 129, Sixty-ninth Session, Nebraska State Legislature, 1959; and to repeal the original sections."

(Signed) Ray C. Simmons, Chairman

#### **Recess**

At 11:52 a.m., on a motion by Mr. Ruhnke, the Legislature recessed until 2:00 p.m.

#### **After Recess**

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

The roll was called and all members were present except Messrs. Adams, Donner, Liebers, Russillo, and Stryker who were excused.

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 342.** Correctly enrolled.

**LEGISLATIVE BILL 343.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**Speaker Signs**

While the Legislature was in session and capable of transacting business, the Speaker signed: LB 342 LB 343

**Visitors**

Mr. Romans introduced Mmes. James Arnold, J. I. Burhans, and L. J. Vandenberg, from Lincoln

**MOTION—Dispense with Reading of Bills**

Mr. President: I move that we dispense with the reading of the following bills on General File in lieu of an explanation of each bill by the Chairman of the Judiciary Committee: LB 350, LB 351, LB 352, LB 353, LB 358, LB 360, LB 361, LB 366, LB 367, LB 368, LB 451, LB 455, LB 456, LB 457, LB 458, LB 459, and LB 461.

(Signed) Terry Carpenter

The motion prevailed.

**GENERAL FILE**

**LEGISLATIVE BILL 350.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 351.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 352.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 353.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 358.** Considered.

Advanced to E and R for review.

**UNANIMOUS CONSENT—Executive Session**

Mr. Munnely requested unanimous consent for permission for the Banking, Commerce and Insurance Committee to meet in a short executive session in the West Senate Lounge. No objections. So ordered.

## MESSAGE FROM THE GOVERNOR

April 28, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

I respectfully request your permission to introduce a legislative bill authorizing the Department of Roads to acquire advertising rights along the route of the Interstate Highway, to prescribe the purpose and require such acquisition, to authorize agreements with the Secretary of Commerce, and to provide for rules and regulations.

In the presentation of this legislation, I want first to pay tribute to our great outdoor advertising industry and its contribution to public education, safe driving practices and informational material. The role of its members in a motoring America is well recognized. Their interest in the advancement of America, and our great State, is a source of permanent gratification. Their interest also is assurance to me of their support of this legislation which I now present for the reasons hereinafter stated.

This request is motivated by a three-fold purpose. First, the regulation of advertising rights in the manner prescribed by this legislation will result in an increased contribution by the federal government to the Nebraska portion of the Interstate Highway Program of an estimated \$1,000,000; this increased contribution will free a similar sum of revenues raised within our own borders for use upon existing or projected highway programs.

The monetary consideration, in and of itself, is more than adequate to justify this legislative proposal. There is a second motivation, however, in the increased safety factor which it is believed will result from a regulation of such advertising privileges with accompanying elimination of traffic distractions.

Third in the order of significance is the fact that landscaping and parkway developments along the route of the Interstate will be unencumbered and unhampered by the necessity of extending consideration to advertising rights in use, in the absence of this legislation, at the time such contemplated developments are placed in practice.

I, therefore, respectfully urge the enactment of this legislation. Thank you.



Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks

RALPH G. BROOKS

GOVERNOR

RGB: RBC: sn

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 714.** By Joe T. Vosoba of Legislative District 23 and Harold B. Stryker of Legislative District 17, upon recommendation of the Governor.

A bill for an act to amend section 39-1320, Revised Statutes Supplement, 1957, relating to highways; to authorize the Department of Roads to acquire advertising rights along the National System of Interstate and Defense Highways as prescribed; to prescribe the purpose for such acquisition; to require such acquisition except as prescribed; to authorize agreements with the Secretary of Commerce of the United States as prescribed; to provide for rules and regulations; and to repeal the original section.

### GENERAL FILE

**LEGISLATIVE BILL 360.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 361.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 366.** Laid over.

### Member Excused

Mr. Tews was excused at 2:30 p.m. for the remainder of the day.

**LEGISLATIVE BILL 367.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 368.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 451.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 455.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 456.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 457.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 458.** Considered.

Advanced to E and R for review.

**Member Excused**

Mr. Cooper was excused at 2:40 p.m. for the remainder of the day.

**LEGISLATIVE BILL 459.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 461.** Considered.

Advanced to E and R for review.

**President Burney Presiding****LEGISLATIVE BILL 507.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-third Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 582.** Laid over until Monday, May 4, 1959 at the request of Mr. Bowen.**LEGISLATIVE BILL 682.** Read and considered.

Laid over.

**LEGISLATIVE BILL 76.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Fifty-fourth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 391.** Read and considered.

Laid over temporarily.

**LEGISLATIVE BILL 659.** Laid over.

**LEGISLATIVE BILL 50.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 290.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 391.** Considered.

**Mr. Syas Presiding**

Mr. Ruhnke moved that LB 391 be indefinitely postponed.

Motion pending.

Laid over until Friday, May 1, 1959, at the request of Mr. Fenske.

**Speaker Pizer Presiding**

**MOTION—Place LB 708 on General File**

Mr. President: I move that LB 708 be placed on General File.  
(Signed) John P. Munnelly

Motion pending.

Laid over until Monday, May 4, 1959, at the request of Mr. Munnelly.

**Adjournment**

At 3:52 p.m., on a motion by Mr. Portsche, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**EIGHTY-FIRST DAY**

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Legislative Chamber, Lincoln, Nebraska

Thursday, April 30, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Munnely, Skarda, Stryker, and Syas who were excused.

**Corrections for the Journal**

Page 1400, line 11, delete "*thereto*" and insert "*thereof*".

The Journal for the Eightieth Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

April 28, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

I respectfully request your permission to introduce legislation which will provide additional duties for the Nebraska Safety Patrol with reference to the inspection of motor vehicles.

Under existing law, our Nebraska Safety Patrol officers do not have authority to maintain check points or to conduct checking areas and thereby ascertain whether a motorist is duly authorized to operate a motor vehicle, or whether that vehicle is in proper mechanical condition.

This has proved to be a serious deterrent to effective enforcement of laws affecting a motorist whose operating licenses have been suspended. Also it has permitted mechanically unsafe vehicles to be operated in a virtually unrestricted fashion.

In the interest of the safety of Nebraska motorists and the effective enforcement of existing laws, I respectfully urge the enactment of this legislation with all possible dispatch.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
RALPH G. BROOKS  
GOVERNOR

RGB:RBC:sn

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 715.** By H. K. Diers of Legislative District 24, upon recommendation of the Governor.

A bill for an act to amend section 60-435, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide additional duties for the Nebraska Safety Patrol when in uniform in regarding inspection of motor vehicles; to provide a period of time for correcting of defects revealed by such inspection; and to repeal the original section.

### Members Excused

Mr. Carpenter was excused for the week of May 4 through May 8, 1959.

Messrs. Marvel, Thompson, McHugh, and Hollenbeck were excused for Friday, May 1, 1959.

Mr. Peck was excused for Monday, May 4, and Tuesday morning, May 5, 1959.

Messrs. Russillo and Jensen were excused from 10:30 a.m. for the remainder of the day.

### Visitors

Speaker Pizer introduced Mrs. Lillian Fate, leader, and the members of the Accordion Sextette from the State Teachers College, Concordia, Kansas.

**Bills Referred to Standing Committees**

LB                                      Committee  
714..... Banking, Commerce and Insurance

(Signed) Dwight W. Burney  
Lieutenant Governor

**STANDING COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 710.** Placed on General File as amended.

Standing Committee amendments to LB 710:

1. Amend the bill, by adding a new section immediately after section 1 to be known as section 2 and to read as follows:

"Sec. 2. That section 76-712, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-712. Upon deposit of the condemnation award, *which must be made within sixty days from the filing of the appraiser's award*, the county judge shall prepare and certify under his seal of office a true copy thereof, and shall transmit the same to the register of deeds of the county where any real estate or interest therein is condemned and to the county clerk of the county where personal property only is condemned. Where real estate or personal property in two or more counties is condemned, a certified copy of the condemnation award shall be filed in each county where any property is situated. *If no deposit is made by the condemner as provided in this section within sixty days from the filing of the appraiser's award, the condemner shall be deemed to have abandoned the condemnation proceeding.*"

2. Renumber sections 2 to 4 as sections 2 to 5, respectively.

3. Amend renumbered section 4 of the bill, line 1 by striking "application" and inserting "stipulation", line 2 by inserting "not to exceed eighty per cent of" after the word "that", and line 3 by striking " , or any part thereof," and line 6 by inserting "If all the parties in interest waive the right of appeal, the county judge shall distribute the money deposited by the condemner forthwith in accordance with the award of the appraisers and as soon as deposited by the condemner." after the period.

4. Amend renumbered section 5, line 4 by inserting " , 76-712," after "76-711".

5. Amend the bill by adding a new section immediately after renumbered section 5 to be known as section 6 and to read as follows:

"Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

6. Amend the title to conform.

(Signed) John P. Munnelly, Chairman

#### **Public Works**

**LEGISLATIVE BILL 88.** Placed on General File.

(Signed) Arnold Ruhnke, Chairman

#### **Presented to the Governor**

Presented to the Governor for approval on April 29, 1959, at 2:10 p.m.: LB 449 LB 381

Presented to the Governor for approval on April 30, 1959, at 8:30 a.m.: LB 342 LB 343

(Signed) Jo Fisher, Enrolling Clerk

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 392.** Replaced on Select File as amended.

E and R amendment to LB 392:

1. In the title, line 3, insert " , except as prescribed," after "divisions".

**LEGISLATIVE BILL 388.** Replaced on Select File as amended.

E and R amendments to LB 388:

1. In the Burbach Amendment, line 1, insert "section 1," after "Amend"; and in line 2 strike "*cities*" and insert "*any city*".

2. In the title, line 7, insert "located in any city of the first class, primary class, or metropolitan class" after "bank"; and insert "such" at the end of line 7.



**LEGISLATIVE BILL 405.** Placed on Select File as amended.

E and R amendments to LB 405:

1. In section 2, line 14, strike "or" and insert "of" as in the statutes.

2. For correlation purposes, in section 4, line 2 insert "as amended by section 1, Legislative Bill 186, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; and in lines 15 to 17, strike the stricken matter.

3. For correlation purposes, in section 10, line 2, insert "as amended by section 2, Legislative Bill 186, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; in line 4 strike "availabel" and insert "available"; and in lines 17 to 19 strike the stricken matter.

4. In section 11, line 11, strike "however," and show the same as stricken.

5. For correlation purposes, in renumbered section 17, line 2, strike "8-120," and "8-136,"; in line 5, after "1957," insert "section 8-120, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 186, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 8-136, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 186, Sixty-ninth Session, Nebraska State Legislature, 1959,"; and in line 5 strike "8-136.01,".

6. In the title, line 2, strike "8-120,"; in line 3 strike "8-136,"; in line 4 strike "8-152, and 8-157," and insert "and 8-152,"; in line 6, after "1957," insert "section 8-120, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 186, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 8-136, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 186, Sixty-ninth Session, Nebraska State Legislature, 1959,"; and in line 12 strike "8-136.01,".

**LEGISLATIVE BILL 481.** Placed on Select File as amended.

E and R amendment to LB 481:

1. In section 2, line 34, strike the first "or", showing the same as stricken; and in line 37, insert "or" before "war".

**LEGISLATIVE BILL 515.** Placed on Select File as amended.

E and R amendments to LB 515:

1. In section 1, line 1, strike "a" and insert "any".
2. In the title, line 3, strike "private".

**LEGISLATIVE BILL 519.** Placed on Select File as amended.

E and R amendments to LB 519:

1. In Standing Committee Amendment 1, line 2, insert " , showing the same as stricken," after "period"; and in line 30 strike "the Department of", showing the same as stricken.
2. In the title, line 4, strike "the" and insert "each new".

**LEGISLATIVE BILL 518.** Placed on Select File.

**LEGISLATIVE BILL 501.** Placed on Select File.

**LEGISLATIVE BILL 502.** Placed on Select File.

**LEGISLATIVE BILL 486.** Placed on Select File as amended.

E and R amendment to LB 486:

1. In the title, line 9, insert "to provide an exception;" after the first semicolon.

**LEGISLATIVE BILL 318.** Placed on Select File.

**LEGISLATIVE BILL 317.** Placed on Select File.

**LEGISLATIVE BILL 540.** Placed on Select File as amended.

E and R amendments to LB 540:

1. In section 2, lines 10 and 12, insert "*water or*" after "*metropolitan*"; and in line 20 insert "or" after "main" as in the statutes.
2. Add a new section to be known as section 4 and to read as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

3. In the title, line 5, insert "water or" after "metropolitan"; in line 5, strike "district" and insert "districts"; in line 13, strike " , and" and insert a semicolon; and in line 14 insert " ; and to declare an emergency" before the period.

**LEGISLATIVE BILL 450.** Placed on Select File as amended.

E and R amendment to LB 450:

1. In the title, line 6, insert "and" after the semicolon.

**LEGISLATIVE BILL 157.** Placed on Select File as amended.

E and R amendments to LB 157:

1. In the Ruhnke General File Amendment 2, strike line 2 and insert "'Antelope,' and 'Boone,'".

2. In the Donner General File Amendment 1, line 6, strike the semicolon and insert an underscored comma; and in line 16 strike "violations" and insert "violation".

3. In new section 2, line 1, insert "of the" after "more"; in line 6 insert an underscored comma after "shall" and strike the remainder of the line; and in line 8 insert ", submit the question" after "petition".

4. In the title, strike lines 4 to 7 and insert "inspection area; to provide for the movement of cattle into and out of the Nebraska brand inspection area without inspection as prescribed; to provide authority for the Nebraska brand committee or its representatives; to provide for the inclusion of land in, and the removal of the same from, the Nebraska brand inspection area as a result of petitions; to provide for elections and the procedure therefor; to provide when no election shall be required; and to repeal the original section."

**LEGISLATIVE BILL 116.** Correctly engrossed.

**LEGISLATIVE BILL 138.** Correctly engrossed.

**LEGISLATIVE BILL 516.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **Government**

**LEGISLATIVE BILL 615.** Indefinitely postponed.

(Signed) Dwain Williams, Chairman

#### **MOTION—Place LB 606 on General File**

Mr. President: I move that LB 606 be placed on General File. (Signed) Fern Hubbard Orme

Motion pending.

Laid over until Wednesday, May 6, 1959, at the request of Mrs. Orme.

Speaker Pizer Presiding

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 337.

A bill for an act to amend sections 33-126.03 and 77-2024, Reissue Revised Statutes of Nebraska, 1943, relating to proceedings for the determination of inheritance tax; to provide that when it is determined that no inheritance tax is due, the fee of the county judge and all costs in proceedings for the determination of inheritance tax shall be paid by the person petitioning for such determination except in cases instituted by the county attorney; and to repeal the original sections.

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

Voting in the affirmative, 37:

Adams	Fenske	McHugh	Romans
Aufenkamp	Fulton	Moulton	Ruhnke
Bowen	Gerdes	Nelson	Russillo
Bridenbaugh	Hollenbeck	Olinger	Simmons
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Tews
Claussen	Lautenschlager	Peck	Thompson
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Portsche	Webb
Erlewine			

Voting in the negative, 0.

Not voting, 6:

Donner	Skarda	Syas	Williams
Munnelly	Stryker		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 565.

A bill for an act to amend sections 2-1063, 2-1065, 23-220, 32-315, 39-703, 39-706, 39-707, 39-809, 46-264, 46-266, 54-312, 54-313, 54-314, 73-101, and 86-334, Reissue Revised Statutes of Nebraska,

1943, and sections 2-1064, 39-1520, and 39-1522, Revised Statutes Supplement, 1957, relating to county roads, road districts and road overseers; to clarify the provisions of such sections and harmonize them with other legislation; to reassign duties formerly imposed upon road overseers in areas where such office no longer exists; to establish road districts in township counties not operating under a county road unit system; to provide for the apportionment of a part of the township mill levy to cities and villages as prescribed; to eliminate an erroneous internal reference; to remove references to the county highway commission, an office which has been abolished; and to repeal the original sections.

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

Voting in the affirmative, 39:

Adams	Erlewine	McHugh	Ruhnke
Aufenkamp	Fenske	Moulton	Russillo
Bowen	Fulton	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Swanson
Burbach	Hollenbeck	Orme	Tews
Carpenter	Jensen	Otto	Thompson
Claussen	Klaver	Peck	Vosoba
Cooper	Lautenschlager	Pizer	Webb
Diers	Liebers	Portsche	Williams
Donner	Marvel	Romans	

Voting in the negative, 0.

Not voting, 4:

Munnelly	Skarda	Stryker	Syas
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Visitors

Mr. Claussen introduced Mrs. F. J. Glodowski, Teacher, and thirteen students from Howell Public School District 59, Colfax County.

Mr. Burbach introduced Mrs. Irene Lenzen, Teacher, and ten students from Wynot, and one sponsor.

Mr. Aufenkamp introduced Miss L. J. Kelsey, Teacher, and eleven students from School District 36, Nebraska City, and eight sponsors.

Mr. Olinger introduced Mrs. Mary Monnich, Teacher, and ten students from School District 68, Craig, and three sponsors.

**LEGISLATIVE BILL 577.** With emergency.

A bill for an act relating to banks and banking; to authorize a commercial bank to conduct a trust business, as prescribed; to provide powers and duties for the Director of Banking; to provide powers, duties and obligations of the trust department of a commercial bank; to amend section 8-205, Reissue Revised Statutes of Nebraska, 1943; 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, 39:

Adams	Erlewine	McHugh	Ruhnke
Aufenkamp	Fenske	Moulton	Russillo
Bowen	Fulton	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Swanson
Burbach	Hollenbeck	Orme	Tews
Carpenter	Jensen	Otto	Thompson
Claussen	Klaver	Peck	Vosoba
Cooper	Lautenschlager	Pizer	Webb
Diers	Liebers	Portsche	Williams
Donner	Marvel	Romans	

Voting in the negative, 0.

Not voting, 4:

Munnelly	Skarda	Stryker	Syas
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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.

**LEGISLATIVE BILL 639.** Laid over until Monday, May 4, 1959 at the request of Mr. Tews.

**SUSPEND RULES—Bills on Final Reading**

Mr. President: I move that the rules be suspended, and that LB 346, LB 532 and LB 589, the bills scheduled for Final Reading for Friday, May 1, 1959, be considered at this time. (Signed) Terry Carpenter

The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 346.**

A bill for an act to amend sections 81-1007 and 84-306.03, Re-issue Revised Statutes of Nebraska, 1943, relating to the mileage allowance for the use of privately-owned motor vehicles on state business; to increase such allowance to eight cents per mile; and to repeal the original sections.

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

Voting in the affirmative, 36:

Adams	Fenske	Moulton	Ruhnke
Aufenkamp	Gerdes	Nelson	Russillo
Bowen	Hollenbeck	Olinger	Simmons
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Otto	Tews
Carpenter	Lautenschlager	Peck	Thompson
Claussen	Liebers	Pizer	Vosoba
Cooper	Marvel	Portsche	Webb
Diers	McHugh	Romans	Williams

Voting in the negative, 2:

Donner	Fulton
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Not voting, 5:

Erlewine	Skarda	Stryker	Syas
Munnelly			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Visitors**

Mr. Jensen introduced Mrs. Thomas Nielson, Leader, and sixteen ladies from the H. E. O. Club, Aurora.

**LEGISLATIVE BILL 532.**

A bill for an act to amend sections 2-910 and 81-2,136.01, Re-issue Revised Statutes of Nebraska, 1943, relating to agriculture; to classify nodding or musk thistle and Johnson grass as noxious weeds; and to repeal the original sections.

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

Voting in the affirmative, 36:

Adams	Fenske	McHugh	Ruhnke
Aufenkamp	Fulton	Moulton	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Tews
Claussen	Klaver	Peck	Thompson
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams

Voting in the negative, 2:

Burbach	Olinger
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Not voting, 5:

Erlewine	Skarda	Stryker	Syas
Munnelly			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 589.

A bill for an act to amend section 68-801, Reissue Revised Statutes of Nebraska, 1943, relating to aid for the disabled; to include mental impairment in the provisions of Chapter 68, article 8, Reissue Revised Statutes of Nebraska, 1943, as prescribed; to limit the amount that may be expended for aid to the mentally impaired; and to repeal the original section.

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

Voting in the affirmative, 30:

Adams	Fulton	Moulton	Romans
Aufenkamp	Gerdes	Nelson	Russillo
Bowen	Hollenbeck	Olinger	Simmons
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Webb
Cooper	Marvel	Portsche	Williams
Donner	McHugh		



Voting in the negative, 9:

Bridenbaugh	Fenske	Orme	Thompson
Diers	Liebers	Ruhnke	Vosoba
Erlewine			

Not voting, 4:

Munnelly	Skarda	Stryker	Syas
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## STANDING COMMITTEE REPORTS

### Salaries and Claims

**LEGISLATIVE BILL 238.** Placed on General File as amended.

Standing Committee amendments to LB 238:

1. Amend the bill, section 1, line 12, by inserting "*other than members of the Nebraska Safety Patrol and employees at Ports of Entries,*" after "*employees*".

2. Amend the bill, section 1, lines 16 and 17, by striking "*a Saturday or Sunday or*".

3. Amend the title to conform.

**LEGISLATIVE BILL 2.** Placed on General File as amended.

Standing Committee amendments to LB 2:

1. Amend section 1, line 6 by striking the word "sixteen" and adding the word "*fourteen*".

2. Amend section 1, line 7 by striking the word "eleven" and adding the word "*fourteen*".

3. Amend section 2, line 4 by striking the word "fourteen" and adding the word "*twelve*".

4. Amend section 3, line 5 by inserting "*Governor,*" before the first "and".

5. Amend the title to conform.

**LEGISLATIVE BILL 4.** Placed on General File as amended.

Standing Committee amendment to LB 4:

1. Amend section 1 of the bill, lines 11 and 12 by reinstating "sixty-five hundred" and striking "six thousand"; line 15 by reinstating the "sixty-five" and striking "six thousand"; lines 15 and 16 by reinstating "thirteen" and striking "eleven"; line 17 by striking "four thousand" and inserting "four thousand five hundred"; line 19 by reinstating the stricken matter and striking the new matter; line 20 and 21 by striking "forty-five hundred" and inserting "five thousand"; line 23 by reinstating the stricken matter and striking the new matter; lines 24 and 25 by striking "seventy-five hundred" and inserting "six thousand"; line 27 by reinstating "twenty" and striking "twenty-four"; lines 27 and 28 by reinstating "twenty-five" and striking "sixty"; line 29 by striking "eight thousand" and inserting "seven thousand"; line 31 by reinstating the stricken matter and striking the new matter; line 33 by striking "fourteen thousand" and inserting "seven thousand five hundred"; by reinstating lines 34 to 39; line 36 by striking "fifty-six hundred" and inserting "ten thousand"; line 40 by reinstating the stricken matter and striking the new matter; and line 42 by striking "fourteen thousand" and inserting "twelve thousand five hundred".

**LEGISLATIVE BILL 679.** Placed on General File as amended.

Standing Committee amendments to LB 679:

1. Amend section 1, line 18, by adding the words *"For the purposes of Sections 2, 3, 4, 5, 6, and 7, 'county official' shall include county assessor, county treasurer, county attorney, county clerk, register of deeds, county sheriff, clerk of the district court, and county surveyor"*.

2. Amend section 9, line 1, by striking the first "The" and inserting *"In offices where the statutes authorize a deputy and no salary is set by statute, the"*.

3. Amend section 11, line 6, by striking the word "ten" and inserting the word *"eight"*.

4. Amend section 12, line 7, by striking the word "ten" and inserting the word *"eight"*.

(Signed) John Aufenkamp, Chairman

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 31.** Re: Memorializing the General Services Administration Protesting Disposal of the Omaha Alcohol Plant.

Introduced by Hans O. Jensen, 25th District.

WHEREAS, Agriculture is the basic industry in Nebraska, and

WHEREAS, one of the major problems facing agriculture, the state and the nation is the practical and economic disposal of the abundant production brought about by increased efficiency and technological advance of farm and ranch operations, and

WHEREAS, there are various proposals now pending in the Congress of the United States to promote a greater usage of farm products in industry, and

WHEREAS, these proposals call for greatly expanded programs of research in this field with experimental operation of pilot plants and facilities, and

WHEREAS, such legislative proposals have broad bipartisan support and hold a promise of a solution for disposal of farm surpluses and improvement of farm income, and

WHEREAS, these proposals also call for lease to private individuals or corporations of present government owned facilities which might be used in such programs of research and utilization, and

WHEREAS, one such plant is located in Omaha, Nebraska, close to ample supplies of surplus grain with excellent transportation facilities, water supply, and labor resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. We memorialize the General Services Administration of the United States that we protest any sale or disposal of the Omaha alcohol plant or any such similar plant prior to possible usage development for such plant under legislation now pending or being considered by the Congress of the United States or which might be introduced which legislation has for its purpose an expanded program of industrial usage for agricultural products.

2. That a copy of this resolution suitably engrossed be sent to the General Services Administration and to each member from Nebraska the Senate and House of Representatives of the United States.

Laid over until Monday, May 4, 1959 at the request of Mr. Jensen.

**Member Excused**

Mr. Cooper was excused at 10:10 a.m. for the remainder of the day.

**UNANIMOUS CONSENT—Consider LB 701**

Mr. Carpenter requested unanimous consent that LB 701 be placed at the head of Select File for consideration at this time. No objections. So ordered.

**SELECT FILE****LEGISLATIVE BILL 701.**

Mr. Carpenter withdrew his pending amendments found in the Legislative Journal for the Seventy-eighth Day.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 474.** E and R amendments found in the Legislative Journal for the Eightieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 630.** E and R amendments found in the Legislative Journal for the Eightieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 616.** E and R amendments found in the Legislative Journal for the Eightieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 416.** E and R amendments found in the Legislative Journal for the Eightieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 399.** E and R amendments found in the Legislative Journal for the Eightieth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 482.** Advanced to E and R for engrossment.

**President Burney Presiding**

**MOTION—Place LB 18 on General File**

Mr. President: I move that LB 18 be placed on General File.  
(Signed) Terry Carpenter

Mr. Carpenter requested a Call of the House.

A Call of the House was ordered and showed 32 members present.

Mr. Carpenter moved that the Call be raised. The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

The Carpenter motion lost with 15 ayes, 16 nays, and 12 not voting.

**Visitors**

Mr. Peck introduced Edward Harris, Superintendent, and sixteen students from District 26, Humphrey, and three sponsors.

**UNANIMOUS CONSENT—Delegation to Attend Funeral**

Mr. Peck requested unanimous consent that the President appoint a delegation to represent the Legislature at the funeral this afternoon for Senator Stryker's father. No objections. So ordered.

The President appointed the following delegation: Peck, Burbach, Olinger, Claussen, Romans, Erlewine, Simmons.

**MOTION—Adjournment**

Mr. President: I move that when we reach the close of business at noon today, we adjourn rather than recess. (Signed) William Mouton

The motion prevailed.

**Members Excused**

Mr. Gerdes was excused at 10:30 a.m. for the remainder of the day.

Messrs. Klaver and Carpenter were excused for Friday, May 1, 1959.

**UNANIMOUS CONSENTS—Hold Bills on General File**

Mr. Russillo requested unanimous consent that LB 583 be held on General File until Monday, May 4, and that LB 485, LB 640, and LB 483 be held until Friday, May 1. No objections. So ordered.

Mr. Jensen requested unanimous consent that LB 315, LB 682, LB 580, and LB 686 be laid over on General File.

Mr. Klaver requested that the foregoing bills be laid over on General File until Tuesday, May 5, 1959. No objections. So ordered.

**Visitors**

Speaker Pizer introduced Lloyd Gere, Superintendent, and twenty-one students from Treynor, Iowa.

**UNANIMOUS CONSENT—Executive Session**

Mr. Claussen requested unanimous consent for permission for the Labor and Public Welfare Committee to meet for a short executive session in the West Senate Lounge. No objections. So ordered.

**Visitors**

Mr. Lautenschlager introduced Mrs. Doris Voorhees, Teacher, and twenty-four students from Junior High District 74, Hall County, and four sponsors.

**Ease**

The Legislature was at ease from 10:40 until 10:50 a.m.

**GENERAL FILE****LEGISLATIVE BILL 26. Considered.**

Mr. Bowen offered the following amendment which was adopted:

1. Amend Standing Committee amendment 1, line 1, by adding "and Section 2" after "Section 1".

Advanced to E and R for review.

**LEGISLATIVE BILL 614. Considered.**

Mr. Carpenter offered the following amendments which were adopted:

1. Amend the bill by adding a new section immediately after section 7 to be known as section 8 and to read as follows:

“Sec. 8. After the effective date of this act, class I, II and III flammable liquids stored at automotive retail service stations in excess of sixty gallons capacity shall be contained in tanks located underground except where high water table conditions will not warrant such installation as reasonably feasible or practicable; *Provided*, that the provisions of this section shall not affect existing automobile retail service stations in existence before the effective date of this act.”.

2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 366.** Laid over.

**LEGISLATIVE BILL 659.** Laid over.

**LEGISLATIVE BILL 628.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 564.** Read and considered.

Mr. Lautenschlager offered the following amendment which was adopted:

1. Add the emergency clause and amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 401.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 288.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Add the emergency clause.

2. Amend the title to conform.

Advanced to E and R for review.

**UNANIMOUS CONSENT—Lay Over LB 640**

Mr. Carpenter requested unanimous consent that LB 640 be laid over on General File until Tuesday, May 12, 1959, rather than Friday, May 1, as previously requested by Mr. Russillo. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 600.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Advanced to E and R for review.

**UNANIMOUS CONSENT—LB 658 First Order of Business**

Mr. Carpenter requested unanimous consent that LB 658 be considered the first order of business on General File on Wednesday, May 6, 1959. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 487.** Laid over.

**LEGISLATIVE BILL 423.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 544.** Read and considered.

**Speaker Pizer Presiding**

Standing Committee amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 397.** Laid over until Thursday, May 7, 1959, at the request of Mr. Marvel.

**LEGISLATIVE BILL 379.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Fifty-sixth Day was adopted.

Advanced to E and R for review.



**LEGISLATIVE BILL 647.** Read and considered.

Advanced to E and R for review.

## **STANDING COMMITTEE REPORTS**

### **Judiciary**

**LEGISLATIVE BILL 204.** Placed on General File as amended.

Standing Committee amendments to LB 204:

1. Amend the bill, Section 1, lines 7 and 8, by striking "and Park".
2. Amend the bill, Sec. 3, page 3, line 9, by striking "and Park".
3. Amend the bill, Sec. 4, page 3, line 9, by striking "and Park".

4. Amend the bill by adding a new section immediately after section 4 to be known as section 5 and to read as follows:

"Sec. 5. That section 2, Legislative Bill 97, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

Sec. 2. All fees received pursuant to section 1 of this act shall be transmitted by the commission to the State Treasurer and by him deposited in the state treasury, to the credit of the State Game and Parks Fund except that fees received from state park rentals or other state park activities shall be credited to the fund of the park from which such fees were derived."

5. Amend the bill by renumbering section 5 as section 6 and line 3 by striking "and", and line 3 by inserting after "1957," the words "and section 2, Legislative Bill 97, Sixty-ninth Session, Nebraska State Legislature, 1959,".

6. Amend the title to conform.

(Signed) Ray C. Simmons, Chairman

### **Adjournment**

At 11:54 a.m., on a motion by Mr. Ruhnke, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## EIGHTY-SECOND DAY

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Legislative Chamber, Lincoln, Nebraska

Friday, May 1, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Adams, Carpenter, Donner, Hollenbeck, Klaver, Marvel, McHugh, Munnely, Ruhnke, Skarda, Stryker, Syas, Tews, and Thompson who were excused.

**Corrections for the Journal**

Page 1422, line 32, insert "until Monday, May 4, 1959, at the request of Mr. Tews" after "Laid over".

Page 1427, line 15, delete "bi-partisan" and insert "bipartisan".

The Journal for the Eighty-first Day was approved as corrected.

**MESSAGES FROM THE GOVERNOR**

April 30, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 29, 1959,\* he approved LB 175, LB 272, LB 336 and LB 568.

Respectfully submitted

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

\* Original bills show April 30, 1959.

April 30, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 29, 1959, he approved LB 308.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

#### Communications

Letter to President Burney from the Lincoln and Lancaster Safety Council, requesting that the Prince and Princes of Safety, John Deming and Myrna Howe, be permitted to appear before the Legislature and give a short talk on the topic "What My Drivers' License Means to Me."

The President announced that if there were no objections, he would arrange a date for their appearance. No objections. So ordered.

#### STANDING COMMITTEE REPORTS

##### Enrollment and Review

**LEGISLATIVE BILL 584.** Placed on Select File as amended.

E and R amendments to LB 584:

1. In section 1, line 22, strike "or" and insert "of" as in the statutes.

2. For correlation purposes, in section 1, line 2, insert "as amended by section 1, Legislative Bill 64, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; strike the stricken matter in lines 9 and 10; and at the end of line 78 insert "Any such minor desiring such limited permit may first obtain a learner's permit from an examiner, which permit shall be valid for a period of two months. While holding such a permit, the minor may operate a motor vehicle on the highways of this state if he has seated next to him and supervising his operation of the ve-

hicle a person who is a licensed operator and who is also either a parent or guardian of the minor or a person over the age of twenty-one years who is authorized in writing by the minor's parent or guardian to supervise the actions of the minor in operating the vehicle. Prior to issuance of such learner's permit it shall not be required that such minor demonstrate that he is capable of successfully operating a motor vehicle."

3. In section 2, line 2, insert "as amended by section 1, Legislative Bill 64, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,".

4. In the title, line 3, insert "as amended by section 1, Legislative Bill 64, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; and in line 4, strike "permits" and insert "licenses".

**LEGISLATIVE BILL 255.** Placed on Select File.

**LEGISLATIVE BILL 351.** Placed on Select File.

**LEGISLATIVE BILL 352.** Placed on Select File.

**LEGISLATIVE BILL 353.** Placed on Select File.

**LEGISLATIVE BILL 367.** Placed on Select File.

**LEGISLATIVE BILL 451.** Placed on Select File.

**LEGISLATIVE BILL 455.** Placed on Select File.

**LEGISLATIVE BILL 456.** Placed on Select File.

**LEGISLATIVE BILL 57.** Correctly engrossed.

**LEGISLATIVE BILL 332.** Correctly engrossed.

**LEGISLATIVE BILL 407.** Correctly engrossed.

**LEGISLATIVE BILL 408.** Correctly engrossed.

**LEGISLATIVE BILL 520.** Correctly engrossed.

**LEGISLATIVE BILL 337.** Correctly enrolled.

**LEGISLATIVE BILL 565.** Correctly enrolled.

**LEGISLATIVE BILL 577.** Correctly enrolled.

**LEGISLATIVE BILL 346.** Correctly enrolled.

**LEGISLATIVE BILL 532.** Correctly enrolled.

**LEGISLATIVE BILL 589.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 337 LB 565 LB 577 LB 346 LB 532 LB 589

**Member Excused**

Mr. Claussen was excused at 9:10 a.m. for the remainder of the day.

**SELECT FILE**

**LEGISLATIVE BILL 392.** E and R amendment found in the Legislative Journal for the Eighty-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 388.** E and R amendments found in the Legislative Journal for the Eighty-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 405.** E and R amendments found in the Legislative Journal for the Eighty-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 481.** E and R amendment found in the Legislative Journal for the Eighty-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 515.** E and R amendments found in the Legislative Journal for the Eighty-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 519.** E and R amendments found in the Legislative Journal for the Eighty-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 518.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 501.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 502.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 486.** E and R amendment found in the Legislative Journal for the Eighty-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 318.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 317.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 540.** E and R amendments found in the Legislative Journal for the Eighty-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 450.** E and R amendment found in the Legislative Journal for the Eighty-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 157.** E and R amendments found in the Legislative Journal for the Eighty-first Day were adopted.

Mr. Gerdes offered the following amendments which were adopted by unanimous consent:

1. Amend the bill by adding a new section to the bill immediately before renumbered section 4 to be known as section 4 and to read as follows:

"Sec. 4. That section 54-143, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-143. No owner, shipper, person, persons, firm, motor carrier, railroad company or other carrier or corporation or his, her, its or their agent or agents or servant or servants, shall move, drive, ship or transport, in any manner, any cattle from any point within the brand area to any point outside the brand area, unless such cattle shall first have a brand inspection by the Nebraska brand committee; *Provided*, if the line designating the brand area divides any ranch or farm, or if an owner or operator owns or controls a ranch or farm within the brand inspection area and

*also owns or controls a ranch or farm in an area within ten miles of the brand inspection area, written permission may be given, at the discretion of the Nebraska brand committee, to the owner or owners of cattle on such ranch or farm to move the cattle in and out of the brand area to his or her ranch or farm only without inspection ; Provided, that the Nebraska brand committee or its agent or representative may at its own expense go upon the premises of any person to whom a permit has been issued for the purpose of making a reasonable inspection of livestock to see if there has been any violations of the provisions of sections 54-101 to 54-158. In cases of prosecution for violation of this section, venue may be established in the county of origin or any other county through which the cattle may pass in leaving the brand area."*

2. Amend the bill by renumbering renumbered section 4 as section 5, line 1 by striking "section 54-134" and inserting "sections 54-134 and 54-143", and line 2 by striking "is" and inserting "are".

Advanced to E and R for engrossment.

#### **Bills Referred to Standing Committees**

LB                      Committee  
715.....Public Works  
                            (Signed) Dwight W. Burney  
                            Lieutenant Governor

#### **UNANIMOUS CONSENT—Change of Order**

Mr. Liebers, Chairman of the Budget Committee, requested unanimous consent that the following bills be placed at the head of General File for Monday, May 4, 1959: LB 410, LB 485, LB 362, LB 651, LB 536, LB 535, LB 131, LB 680, LB 644, LB 525, LB 646, and LB 2. No objections. So ordered.

#### **GENERAL FILE**

**LEGISLATIVE BILL 528.** Considered.

#### **Visitors**

Mr. Romans introduced Mrs. Betty Rother, Teacher, and twenty-six students from Wolbach Junior High School, and ten sponsors.

Mr. Gerdes moved that LB 528 be indefinitely postponed.

Motion pending.

Laid over.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 391.** Laid over.

**LEGISLATIVE BILL 483.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Fifty-sixth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 366.**

Mr. Simmons requested unanimous consent that LB 366 be indefinitely postponed. No objections. So ordered.

**LEGISLATIVE BILL 659.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fourth Day were adopted.

Advanced to E and R for review.

**Visitors**

Mr. Moulton introduced Mrs. Nellie Pearce, Teacher, and thirty-nine students from the Field Club School, Omaha.

Mr. Bridenbaugh introduced Mr. Jim Fangeman, Teacher, and nineteen students and four sponsors from Osceola.

**STANDING COMMITTEE REPORTS**

**Government**

**LEGISLATIVE BILL 702.** Placed on General File as amended.

Standing Committee amendments to LB 702:

1. Amend the bill by striking section 1 and renumbering sections 2 to 7 as sections 1 to 6, respectively.

2. Amend renumbered section 3 of the bill, line 14 by inserting "*which appointees shall be not more than sixty-five years of age*" after "board", lines 16, 17, 19, 21, and 22 by striking the new matter and reinstating the stricken matter, and line 30 by



inserting "*who shall have the same qualifications as appointees mentioned in subsection (2) of this section*" after the word "boards".

3. Amend the bill by adding a new section immediately after renumbered section 6 to be known as section 7 and to read as follows:

"Sec. 7. That section 32-503.01, Revised Statutes Supplement, 1957, be amended to read as follows:

32-503.01. All partisan and nonpartisan candidates for elective offices shall be nominated: (1) By a primary held in accordance with Chapter 32, article 5, or (2) by nomination papers signed and filed as provided by section 32-504. If a candidate for an elective office is the incumbent of another partisan or nonpartisan elective office, the filing of the requisite nomination papers of such incumbent for any other partisan or nonpartisan elective office shall be perfected at least ~~fifty~~ *seventy* days prior to the date of such primary, notwithstanding any more general or special law respecting elections contained in sections 32-504, 32-514, and 32-515. Except as provided in section 70-619, the filing of the requisite nomination papers, perfected as aforesaid, shall create a vacancy in any elective office created by an act of the Legislature which such candidate then holds, as of the date of the commencement of the term of the office or as of the date such vacancy is filled by the election, for which he filed or for which he accepted filing. Candidates may file for the unexpired term of the office which becomes vacant as provided in this section."

4. Amend section 8 of the bill, lines 3 to 6, by striking "except candidates whose nomination is expressly provided for by specific statutory provision relating to a specific office," which matter appears after the word "offices," and before the word "may."

5. Amend the bill by adding a new section immediately after section 8 to be known as section 9 and to read as follows:

"Sec. 9. That section 32-510, Revised Statutes Supplement, 1957, be amended to read as follows:

32-510. The names of any persons to be voted upon for President of the United States shall be printed on the primary ballots solely on the petition of their political supporters in Nebraska, and such petition for President shall contain the names of not less than one hundred electors of each congressional district of the state, without such persons themselves signing the petition or acceptance; *Provided*, the name of any person to be voted upon for President shall be placed upon the ballot only when written consent of the individual involved has been filed with the Secre-

tary of State not less than ~~forty~~ *sixty* days before the primary election. The form of the petition shall as nearly as possible conform to Schedule A of this section.

SCHEDULE A

NOMINATING PETITIONS FOR PRESIDENT OF THE  
UNITED STATES

-----PARTY

We, the undersigned, qualified electors of \_\_\_\_\_ County  
in the \_\_\_\_\_ Congressional District in the State  
Number \_\_\_\_\_  
of Nebraska, affiliating with the \_\_\_\_\_ party, and  
Party \_\_\_\_\_  
that party only, hereby request that the name of \_\_\_\_\_  
be placed upon the official primary ballot of the \_\_\_\_\_  
Party \_\_\_\_\_  
party for the primary election to be held in Nebraska on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, as candidate  
for President of the United States.

SIGNERS WHO RESIDE IN A MUNICIPALITY SHALL GIVE THE STREET ADDRESS OF THEIR RESIDENCES.

[illegible]

(Here follow twenty-five numbered lines for signatures.)

THE STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being duly sworn,  
deposes and says that the persons whose names are signed to the  
foregoing petition are qualified electors of \_\_\_\_\_ County,  
County

Nebraska, that the same are affiliated with the \_\_\_\_\_  
Party

party, and that party only, and that he saw each of them sign said petition.

\_\_\_\_\_  
Circulator

Subscribed in my presence and sworn to before me by the  
said \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.”.

6. Amend the bill by renumbering section 9 as section 10.

7. Amend the bill by adding a new section immediately after renumbered section 10 to be known as section 11 and to read as follows:

“Sec. 11. That section 32-517, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-517. All certificates of nomination or nomination statements, which are in apparent conformity with the provisions of sections 32-512 to 32-516, shall be deemed to be valid, unless objections thereto shall be duly made in writing within ten days after the filing of the same. In case such objection is made, notice thereof shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence as given in the certificate of nomination or in the nomination affidavits of such persons, on file in that office; *Provided*, that nothing herein contained shall prevent any political party committee of the jurisdiction of the state, district, or county from instituting actions in court based upon fraud or crime resorted to in connection with the certificate of nomination or the acceptance thereof. No county committee shall have authority to bring such action as to candidates for congressional or state offices, or of legislative districts composed of more than one county. A state political committee may bring an action to determine the legality of any candidate for a state or congressional office or for any district office where the district composes more than one county. Objections to the use of party name may also be made and passed upon in the same manner as objections to certificates

and nomination statements. The officer with whom the original certificate was filed, or who made an affidavit to the original nominating statement shall, in the first instance, pass upon the validity of such objection, and his decision shall be final, unless an order shall be made in the matter by the county court, by a judge of the district court, or by a Justice of the Supreme Court at chambers, on or before the ~~second~~ *sixth* Wednesday preceding the election. Such order may be made summarily upon application of any party interested or political party committee as herein provided, and upon such notice as the court or judge may require. The decision of the Secretary of State, or the order of the county or district judge or Supreme Court Justice, shall be binding on all county, municipal or other officers with whom certificates of nomination are filed."

8. Amend the bill by renumbering sections 10 to 21 as sections 12 to 22, respectively.

9. Amend renumbered section 13 of the bill, line 10 by striking the period after the word "herein" and inserting "*; Provided, that a filing of nomination pursuant to section 32-514 (3) shall extend the time for declination an additional five days for such office.*".

10. Amend the bill by adding a new section immediately after renumbered section 22 to be known as section 23 and to read as follows:

"Sec. 23. That section 32-709, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-709. When any initiative or referendum petition shall be regularly and legally filed with the Secretary of State, he shall, at the next general election, cause to be printed on a separate ballot the title and number of the initiated law or constitutional amendment; or the referred law, or part of a law, together with the words "~~Yes~~" "*For*" and "~~No~~" "*Against*" in such manner that the electors may express at the polls their approval or disapproval thereof. All initiative and referendum measures shall be submitted in a nonpartisan manner without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization."

11. Amend the bill by renumbering sections 22 and 23 as sections 24 and 25, respectively.

12. Amend the bill by adding a new section immediately after renumbered section 25 to be known as section 26 and to read as follows:

"Sec. 26. That section 32-819, Revised Statutes Supplement, 1957, be amended to read as follows:

32-819. Absent or disabled voters' ballots, applications, certificates of physicians or surgeons, when required, identification envelopes, return envelopes, poll books, instructions for voting, and other necessary supplies shall be provided in like manner as other election supplies for such election and furnished without cost to the voter, and shall be ready for delivery to absent voters or to the agent of disabled voters, as the case may be, not less than fifteen *forty* days prior to each election. The forms for guidance of the election officers of the application, certificate of physician or surgeon, when required, instructions for voting, ballots, affidavits, and certificates, except as herein otherwise provided, shall be furnished by the Secretary of State for all elections other than municipal, and the municipal clerk shall prepare the forms and furnish all supplies thereof for municipal elections. The ballot, so far as may be, shall be in the same form as ordinary ballots, for the same election except that it shall be headed "Official Absent Voter's Ballot," or "Official Disabled Voter's Ballot," as the case may be, followed by a description of the election and shall have printed upon the back of the ballot, or upon the back of one of the ballots if more than one ballot is mailed, full instructions for voting. In order to reduce the weight and bulk for air transport of absentee voting material being sent to persons to whom sections 32-801 to 32-826 are applicable, the county clerk or election commissioner having charge of the preparation of the ballots is authorized to reduce the size and weight of paper, envelopes, ballots, and instructions for voting procedure, and to reduce the size of type in preparation of the ballots to not less than 14 point for the square, and not less than 8 point for the type on which the names of candidates and measures or proposals shall be printed. Both the covering envelope and the envelope in which the ballot is to be returned shall be clearly marked "Official Ballot". Before issuing ballots to such applying voter, or to the agent of such applying voter, as the case may be, the county clerk or election commissioner shall identify the same by endorsing his name and official title on the back of the ballot."

13. Amend the bill by renumbering sections 24 to 27 as sections 27 to 30, respectively.

14. Amend renumbered section 30, line 1 by inserting ", 32-517" after "32-402", line 2 by inserting ", 32-709" after "32-503", line 5 by striking "32-504" and inserting "32-503.01, 32-504, 32-510" and line 6 by striking "and 32-815" and inserting "32-815 and 32-819".

15. Amend the title to conform.

(Signed) Dwain Williams, Chairman

**Judiciary**

**LEGISLATIVE BILL 467.** Indefinitely postponed.

(Signed) Ray C. Simmons, Chairman

**GENERAL FILE**

**LEGISLATIVE BILL 487.** Laid over.

**LEGISLATIVE BILL 484.** Read and considered.

Mr. Otto offered the following amendments which were adopted:

1. Amend section 1 of the bill by reinstating the stricken matter in lines 5 and 6, and by striking line 7 and inserting "and shall be held and disbursed as a library an institutional cash fund for the college wherein the students shall matriculate."

2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 545.** Laid over until Thursday, May 7, 1959, at the request of Mr. Gerdes.

**LEGISLATIVE BILL 247.** Laid over until Thursday, May 7, 1959, at the request of Mr. Gerdes.

**Visitors**

Mr. Moulton introduced Mr. Eugene Kruse, Teacher, and eight students from St. Paul Lutheran School, Omaha, and one sponsor.

**UNANIMOUS CONSENT—Executive Session**

Mr. Jensen requested unanimous consent for permission for the Agriculture Committee to hold an executive session at 1:00 p.m., Monday, May 4, 1959. No objections. So ordered.

**President Burney Presiding****General File**

**LEGISLATIVE BILL 435.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 636.** Laid over.

**LEGISLATIVE BILL 664.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 411.** Laid over until Monday, May 11, 1959,  
at the request of Mr. Portsche.

**LEGISLATIVE BILL 344.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Advanced to E and R for review.

#### **Visitors**

Mr. Pizer introduced Mrs. Carl Miller, Teacher, and thirty-five students from Crescent, Iowa, Junior High School.

Mr. Aufenkamp introduced Mrs. Melvin Glittinger, Teacher, and twenty-three students from District 2, Nebraska City, and nine sponsors.

**LEGISLATIVE BILL 340.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Advanced to E and R for review.

#### **Visitor**

Mr. Webb introduced Carl G. Humphrey from Mullen.

**LEGISLATIVE BILL 610.** Laid over.

**LEGISLATIVE BILL 338.** Laid over.

**LEGISLATIVE BILL 688.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Fifty-seventh Day was adopted.

Advanced to E and R for review.

#### **MESSAGE FROM THE GOVERNOR**

April 24, 1959

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

Gentlemen and Mrs. Orme:

I respectfully request permission of your honorable body to introduce legislation to establish a Nebraska Civil Service System, including the creation of a Civil Service Commission and a Director for its administration with prescribed duties, powers and compensation and to further provide for the assumption of the functions of the present Merit System Council, which legislation will further provide for the classification of positions, the establishment of compensation and the conducting of competitive examinations.

This legislation has been the subject of discussion for far too many years; it has never received the legislative attention that a matter of this importance to the State of Nebraska should merit. Nebraska has, over the years, been fortunate in recruiting people into public service who have dedicated themselves, at considerably less remuneration than might be extended to them by private industry, to the advancement of good government and the best interests of the State of Nebraska. Yet, as I assumed the duties of the office of Governor, I learned of the concern of these good people and the lack of security they were reportedly experiencing by virtue of a change in governmental administration. This feeling of insecurity and apprehension is small compensation for their dedicated service and should be eliminated.

Conversely, I learned of departments where the turnover in personnel approached a staggering ratio and here, at the other end of the ladder of public service, I found that insecurity in position, with other factors, was the basic cause for this unfavorable employment condition.

In the same connection, I was appalled to learn of the lack of standards as far as qualifications for employment were concerned, a condition which can best be remedied by a well-designed system of competitive examinations attuned to the responsibilities and talents required in the position sought.

Therefore, in order to ensure to the State of Nebraska that its public servants, when employed, will be qualified for the positions in which they are placed, in order to provide a systematic program of classification, salary and promotional standards, in order to create for our employees an employment condition which is not subject to termination on the outcome of an election, I respectfully request your permission to introduce the legislation above described and I urge its enactment with all possible dispatch.

Respectfully submitted



STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC  
s

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 716.** By Norman A. Otto of Legislative District 34, upon recommendation of the Governor.

A bill for an act relating to the state departments; to establish a Nebraska Civil Service System; to provide a commission and director for its administration; to prescribe their duties, powers, and compensation; to provide that the commission and the director shall assume the functions of the present Merit System Council; to provide that the commission and the director shall have the authority and be charged with the duty of executing the civil service system authorizations granted to all other agencies, commissions, or divisions of the state government, to classify positions, to fix compensation, and to hold competitive examinations as prescribed; to provide an appropriation; and to repeal section 81-8,106, Reissue Revised Statutes of Nebraska, 1943.

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 630.** Replaced on Select File as amended.

E and R amendment to LB 630:

1. In new section 8, line 7, insert a comma after "year".

(Signed) Joe T. Vosoba, Chairman

### GENERAL FILE

**LEGISLATIVE BILL 689.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 363.** Read and considered.

Mr. Otto questioned the presence of a quorum. The roll was called and showed 23 members present.

Standing Committee amendment found in the Legislative Journal for the Fifty-seventh Day was adopted.

Mr. Simmons offered the following amendments which were adopted:

1. Amend the bill, section 1, line 8, by inserting "*within thirty days prior to the expiration of such original five year period,*" after "*filing*".

2. Amend the bill, section 1, line 12, by inserting "(2)" after the period and making a new paragraph at that point.

3. Amend the bill, section 1, lines 17 and 18, by striking "*as referred to in subsection (2) of this section,*", showing the same as stricken.

4. Amend the bill, section 1, line 25, by striking "(2) The" and inserting "(2) The Such".

5. Amend the bill, section 1, lines 26 and 27, by striking "*as referred to in subsection (1) of this section,*", showing the same as stricken.

6. Amend the title to conform.

Advanced to E and R for review.

#### **Member Excused**

Mr. Simmons was excused for Monday, May 4, 1959.

#### **Visitors**

Mr. Peck introduced Mrs. Arnold Barnes, Teacher, and three students from School District 16, Nance County, and one sponsor.

#### **MOTION—Adjournment**

Mr. President: I move that we adjourn until 10 a.m. Monday, May 4, 1959. (Signed) Stanley L. Portsche

The motion lost.

At 11:23 a.m., on a motion by Mr. Pizer, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**EIGHTY-THIRD DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Monday, May 4, 1959

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Pizer presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Carpenter, McHugh, Peck, Simmons, and Webb who were excused.

**Corrections for the Journal**

Page 1442, line 35, correct the spelling of "foregoing".

Page 1444, line 8, show the word "second" as stricken.

Page 1447, line 16, delete "LEGISLATIVE BILL 300." and insert "LEGISLATIVE BILL 340.".

The Journal for the Eighty-second Day was approved as corrected.

**Communications**

Telegrams to President Burney and Speaker Pizer from the Nebraska Division of the American Association of University Women, opposing any legislative action which presses for conformity of opinion and violation of academic freedom.

Letter from U. S. Senator Carl T. Curtis, acknowledging receipt of Legislative Resolution 27.

**Presented to the Governor**

Presented to the Governor for approval on May 1, 1959, at 4:00 p.m.: LB 589 LB 346 LB 532 LB 577 LB 337 LB 565

(Signed) Jo Fisher, Enrolling Clerk

## STANDING COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 416.** Replaced on Select File as amended.

E and R amendments to LB 416:

1. Strike Enrollment and Review Amendment 2.

2. In the title, strike line 4 and insert "children; to provide that when the investigation of a dependent child discloses a parent able but having failed to contribute to the support of such child a copy of the findings of such investigation shall be filed with the county attorney; to clarify and harmonize the provisions of such section;"

**LEGISLATIVE BILL 23.** Placed on Select File as amended.

E and R amendments to LB 23:

1. In Standing Committee Amendment 1, line 6, strike "*United States Code Annotated.*" and insert "*Internal Revenue Code of 1954.*".

2. Strike the Carpenter General File Amendment to section 4, line 86.

3. In Standing Committee Amendment 2, line 2, strike "showing same as stricken"; line 5, as amended by the Carpenter General File Amendment 2, adopted April 21, insert an underscored colon after "*section*"; and in line 26 of the Carpenter General File Amendment to Standing Committee Amendment 2, strike the period after "*county*" and insert an underscored semicolon.

4. In line 16 of new section 7, added by Standing Committee Amendment 7, strike "9" and insert "(9)".

5. In Standing Committee Amendment 10, line 3, strike the period, and place a period at the end of the line.

6. In the Carpenter General File Amendment 3, adopted April 28, line 2, insert a comma after the second "53-127".

7. In section 1, line 57, strike "means" and insert "means mean".

8. In section 4, line 59, strike "an" and insert "and" as in the statutes.

9. In section 6, line 25, strike the first "*the*" and insert "*a*".

10. For correlation purposes, strike renumbered section 8 and insert:

"Sec. 8. That section 53-138.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

53-138.02. Except in the case of non-beverage user's licenses for hospitals, no license may be issued under this act unless or until the applicant for such license shall have on file with the commission a joint and several bond, on such form as may be determined by the commission and executed by a good and sufficient corporate surety licensed to do business within the State of Nebraska. Such bond shall be conditioned upon the true and faithful compliance of the licensee with all applicable provisions of this act, and shall run to the commission in the appropriate penal sum as determined by the following schedule: Manufacturer's license, ten thousand dollars; distributor's license, five thousand dollars; retailer's license, *including non profit corporation license*, two thousand dollars; railroad license, one thousand dollars; boat license, one thousand dollars; *bottle club license, two thousand dollars*. For non-beverage user's licenses, the respective bond amount shall be as follows: Class 1, two hundred dollars; Class 2, five hundred dollars; Class 3, one thousand dollars; Class 4, five thousand dollars; and Class 5, ten thousand dollars. Nothing contained in this section shall be construed to prevent or prohibit the commission from accepting and approving bonds which run for a term longer than the license period."

11. In the Carpenter General File Amendment to section 8, line 1, strike "section 8" and insert "renumbered section 9"; and in line 3, strike "*and*" and insert "*or service of liquor under*".

12. In new section 10, added by the Carpenter General File Amendment 1, adopted April 28, line 18, strike "*the*" and insert "*such*".

13. In renumbered section 11, lines 1 and 2, strike ", 53-123, and 53-138.02," and insert "and 53-123,"; and at the end of line 3, insert "and section 53-138.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959,".

14. In the title, line 2, strike ", 53-123, and 53-138.02," and insert "and 53-123,"; in line 4 strike "section 53-124," and insert "sections 53-124, 53-127, and 53-179,"; at the end of line 4 insert "and section 53-138.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959,"; in line 12, insert "to provide when such hearing may be waived;" after the semicolon; in line 13 insert "to provide for the renewal of licenses without formal

application; to authorize the issuance of such licenses outside the limits of any incorporated city or village; to provide to whom liquor may be sold or served under such licenses; to permit the sale or dispensing of alcoholic liquor on Sunday under such licenses;" after the semicolon.

**LEGISLATIVE BILL 307.** Placed on Select File as amended.

E and R amendments to LB 307:

1. In new section 3, line 12, strike "and".

2. In the title, strike lines 2 to 6 and insert "FOR AN ACT to amend sections 54-727, 54-727.01, and 54-728, Revised Statutes Supplement, 1957, relating to livestock; to redefine terms; to prohibit the manufacture or distribution of virulent hog cholera virus or modified live hog cholera vaccine without a permit; to make certain acts unlawful; to provide exceptions; to provide penalties; and to repeal the original sections.".

**LEGISLATIVE BILL 511.** Placed on Select File as amended.

E and R amendments to LB 511:

1. In section 1, line 51, strike "or" and insert "of" as in the statutes; in line 57, strike "and" and insert "an"; and in line 71, strike "use" and insert "used" as in the statutes.

2. In section 2, line 17, strike "dealers'" and insert "dealer's".

3. Strike Standing Committee Amendment 2.

4. In section 3, line 17, strike "diseased" and insert "diseases" as in the statutes.

5. In new section 4, line 36, strike "is" and insert "shall be".

6. In the title, line 3, strike "2-1028" and insert "2-1029"; in line 6 strike "dealers" and insert "dealer's"; in line 7 strike the comma; and strike all of line 12 and "stock;" in line 13.

**LEGISLATIVE BILL 621.** Placed on Select File as amended.

E and R amendments to LB 621:

1. In section 1, lines 14 and 24, strike "and", showing the same as stricken.

2. In Standing Committee Amendment 4, strike lines 1 and 2 and insert "4. In section 1, before the period in line 32, insert 'and'"; and in line 6 strike the period after "81".

3. In Standing Committee Amendment 5, strike lines 1 and 2 and insert "5. In section 1, line 49, after 'nets' insert ','; and in line 4 strike the semicolon.

4. In Standing Committee Amendment 6, line 3, insert an underscored comma after "*thereof*".

5. In the title strike lines 4 and 5 and insert "the taking of game fish by bow and arrow during prescribed times; to regulate the taking of fish by various means on the Missouri River; and to repeal the original section."

**LEGISLATIVE BILL 350.** Placed on Select File as amended.

E and R amendments to LB 350:

1. In section 6, line 31, strike "*original*" and insert "*statement*"; and in line 46, reinstate the stricken period.

2. In the title, insert a comma at the end of line 2.

**LEGISLATIVE BILL 358.** Placed on Select File.

**LEGISLATIVE BILL 360.** Placed on Select File as amended.

E and R amendments to LB 360:

1. In section 1, line 5, strike the second "the" and insert "this".

2. In section 6, line 16, strike "or"; and in line 22, strike the period and insert "; or".

**LEGISLATIVE BILL 361.** Placed on Select File as amended.

E and R amendments to LB 361:

1. In section 2, line 3, insert "Nebraska" after "the".

2. In section 5, line 2, strike "implied by" and insert "impliedly".

3. In the title, line 10, strike "none" and insert "the testator".

**LEGISLATIVE BILL 368.** Placed on Select File.

**LEGISLATIVE BILL 457.** Placed on Select File.

**LEGISLATIVE BILL 458.** Placed on Select File.

**LEGISLATIVE BILL 459.** Placed on Select File.

**LEGISLATIVE BILL 461.** Placed on Select File as amended.

E and R amendments to LB 461:

1. In section 1, line 8, strike the semicolon and insert an underscored comma.

2. In section 3, line 3, insert "the case in which the bill was taken" after "in"; and in line 10, strike "hereafter" and insert "hereafter thereafter".

**LEGISLATIVE BILL 507.** Placed on Select File as amended.

E and R amendments to LB 507:

1. In section 1, line 14, strike "Associa-" and insert "Association"; and in line 25 strike "five" and insert "five six".

2. In the title, strike lines 2 to 7 and insert "FOR AN ACT to amend sections 71-2601 and 71-2602, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Health; to increase the membership of the State Board of Health by adding thereto one member of the Nebraska Pharmaceutical Association; to provide that the Governor shall be an ex officio member of such board with the right to vote only to break a tie; to provide for expiration of the term of office of the member of the Nebraska Pharmaceutical Association first appointed; and to repeal the original sections."

**LEGISLATIVE BILL 76.** Placed on Select File as amended.

E and R amendments to LB 76:

1. In Standing Committee Amendment 1, line 10, strike "(1)" and insert "(a)"; in line 10 strike "(2)" and insert "(b)"; in line 12 insert "or" after the semicolon; in line 12 strike "(3)" and insert "(c)"; in line 13 strike "(a)" and insert "(i)"; in line 13 strike "(b)" and insert "(ii)"; in line 14 strike "(c)" and insert "(iii)"; in line 16 strike "(d)" and insert "(iv)"; and in line 20 strike the period and insert a period at the end of the line.

2. In the title, line 3, insert "to clarify the provisions thereof;" after the semicolon.

**LEGISLATIVE BILL 50.** Placed on Select File as amended.

E and R amendments to LB 50:

1. In section 1, line 9, strike "No order".

2. In the title, strike lines 4 to 10 and insert "estates; to provide that limitations for filing of claims shall not apply to



claims for taxes on personal property as prescribed; to provide that no order of final distribution or discharge of any personal representative shall be entered until a prescribed certificate of the county assessor and statement of the county treasurer have been filed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 290.** Placed on Select File as amended.

E and R amendments to LB 290:

1. In Standing Committee Amendment 1, lines 3 and 4, strike "17, and 18" and insert "and 17".
2. In section 1, line 18, strike "liens" and insert "statements".
3. In the title, lines 4 and 7, strike "lien" and insert "statement"; in line 7 strike "money" and insert "debt"; and in line 10 strike "liens" and insert "statements".

**LEGISLATIVE BILL 388.** Correctly re-engrossed.

**LEGISLATIVE BILL 399.** Correctly engrossed.

**LEGISLATIVE BILL 482.** Correctly engrossed.

**LEGISLATIVE BILL 616.** Correctly engrossed.

**LEGISLATIVE BILL 701.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **Bills Referred to Standing Committees**

LB	Committee
716.....	Miscellaneous Subjects

(Signed) Dwight W. Burney  
Lieutenant Governor

#### **UNANIMOUS CONSENT—Change of Order**

Mr. Liebers requested unanimous consent that LB 238 and LB 404 be placed at the head of General File for May 5, 1959. No objections. So ordered.

#### **UNANIMOUS CONSENT—Bills on Final Reading**

Mr. Russillo requested unanimous consent to hold the bills scheduled for Final Reading today, until Tuesday, May 5, 1959.

Mr. Ruhnke objected.

Mr. Russillo moved that the bills scheduled for Final Reading today be laid over until Tuesday, May 5, 1959.

The motion lost with 21 ayes, 17 nays, and 5 not voting.

#### **MOTION—Postage Allowance**

Mr. President: I move that each member of the Legislature and the Lieutenant Governor be allowed \$150.00 in postage stamps to take care of the members' correspondence during the balance of their terms after adjournment sine die. (Signed) Otto H. Liebers

The motion prevailed with 35 ayes, 1 nay, and 7 not voting.

#### **Appreciation**

Mr. Stryker expressed thanks for the courtesies extended to him last week.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 137.**

A bill for an act to amend sections 60-508, 60-509, 60-510, 60-511, 60-512, 60-513, 60-514, 60-524, 60-525, 60-526, and 60-554, Re-issue Revised Statutes of Nebraska, 1943, sections 60-501, 60-505, 60-505.01, and 60-507, Revised Statutes Supplement, 1957, and section 1, Legislative Bill 327, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the Motor Vehicle Safety Responsibility Act; to define terms; to change the requirements for reporting an accident; to change the time when records may be destroyed; to provide for reinstatement of licenses and registrations; to provide for fees; to change the conditions for suspension of licenses; to change internal references; to change the requirements for security and proof; to change the term of suspension; to provide for certifying suspension of a nonresident's operating privilege and the effect of such suspension; to provide for certification of suspensions or revocations by other states and the effect thereof; to provide for a minimum deposit as security; to increase the time the security shall be retained; to provide for reporting convictions; to provide for penalties; to reduce the amount of damage required before prescribed reports of investigation must be submitted; and to repeal the original sections.

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

Voting in the affirmative, 37:

Adams	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Pizer	Tews
Diers	Liebers	Portsche	Thompson
Donner	Marvel	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Williams
Fenske			

Voting in the negative, 0.

Not voting, 6:

Aufenkamp	McHugh	Simmons	Webb
Carpenter	Peck		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 665. With emergency.**

A bill for an act to amend sections 81-2,162.02 and 81-2,162.04, Reissue Revised Statutes of Nebraska, 1943, relating to commercial fertilizer; to redefine specialty fertilizer; to define dealer in specialty fertilizer; to provide that persons buying fertilizer at wholesale shall obtain a permit to sell in this state; to increase the fee for a permit to sell fertilizer, as prescribed; to provide for a bond as a condition for a permit to sell and the conditions thereof; to provide limitations of liability; 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, 38:

Adams	Burbach	Donner	Gerdes
Aufenkamp	Claussen	Erlewine	Hollenbeck
Bowen	Cooper	Fenske	Jensen
Bridenbaugh	Diers	Fulton	Klaver

Lautenschlager	Olinger	Ruhnke	Syas
Liebers	Orme	Russillo	Tews
Marvel	Otto	Skarda	Thompson
Moulton	Pizer	Stryker	Vosoba
Munnelly	Portsche	Swanson	Williams
Nelson	Romans		

Voting in the negative, 0.

Not voting, 5:

Carpenter	Peck	Simmons	Webb
McHugh			

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

#### **LEGISLATIVE BILL 639.** With emergency.

A bill for an act to provide the salary of the Lieutenant Governor, a constitutional state officer mentioned in Article XVII, section 3, of the Constitution of Nebraska; to provide when the same shall become operative; 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?'"

Mr. Tews requested a Call of the House.

A Call of the House was ordered and showed 37 members present.

Mr. Fenske moved that the Call be raised. The motion prevailed with 32 ayes, 1 nay, and 10 not voting.

Voting in the affirmative, 28:

Adams	Gerdes	Munnelly	Skarda
Aufenkamp	Hollenbeck	Otto	Swanson
Bowen	Jensen	Pizer	Syas
Bridenbaugh	Klaver	Portsche	Tews
Burbach	Liebers	Romans	Thompson
Claussen	Marvel	Ruhnke	Vosoba
Cooper	Moulton	Russillo	Williams

Voting in the negative, 9:

Diers	Fulton	Nelson	Orme
Donner	Lautenschlager	Olinger	Stryker
Fenske			

Not voting, 6:

Carpenter	McHugh	Simmons	Webb
Erlewine	Peck		

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

Mr. Erlewine moved to reconsider the foregoing action on adopting LB 639 with the emergency clause attached.

Mr. Tews requested a Call of the House.

A Call of the House was ordered and showed 37 members present.

Mr. Fulton moved that the Call be raised. The motion prevailed with 31 ayes, 0 nays, and 12 not voting.

The Erlewine motion carried with 29 ayes, 7 nays, and 7 not voting.

Mr. Erlewine moved that LB 639 be returned to Select File for the following specific amendments:

1. Add the emergency clause.
2. Amend the title to conform.

The motion prevailed with 27 ayes, 4 nays, and 12 not voting.

### SELECT FILE

**LEGISLATIVE BILL 639.** The pending Erlewine specific amendments found in this Day's Journal were adopted.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 584.** E and R amendments found in the Legislative Journal for the Eighty-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 255.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 351.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 352.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 353.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 367.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 451.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 455.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 456.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 630.** E and R amendment found in the Legislative Journal for the Eighty-second Day was adopted.

Advanced to E and R for engrossment.

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 392.** Correctly re-engrossed.

**LEGISLATIVE BILL 450.** Correctly engrossed.

**LEGISLATIVE BILL 501.** Correctly engrossed.

**LEGISLATIVE BILL 502.** Correctly engrossed.

**LEGISLATIVE BILL 540.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

### **UNANIMOUS CONSENT—Executive Session**

Mr. Jensen requested unanimous consent that the Agriculture Committee Executive Session, scheduled for 1 p.m. today, May 4, 1959, be re-set for 1 p.m. Tuesday, May 5, 1959. No objections. So ordered.

#### **President Burney Presiding**

#### **Member Excused**

Mr. Cooper was excused at 10:10 a.m. for the remainder of the morning.

#### **MOTION—Place LB 563 on General File**

Mr. President: I move to place LB 563 on General File.  
(Signed) David D. Tews

Mr. Tews requested a record vote.

Mr. Tews requested a Call of the House.

A Call of the House was ordered and showed 37 members present.

Mr. Romans moved that the Call be raised. The motion prevailed with 31 ayes, 2 nays, and 10 not voting.

Voting in the affirmative, 16:

Adams	Marvel	Otto	Swanson
Fulton	Moulton	Portsche	Syas
Klaver	Munnely	Russillo	Tews
Liebers	Orme	Skarda	Vosoba

Voting in the negative, 20:

Aufenkamp	Donner	Jensen	Romans
Bowen	Erlewine	Lautenschlager	Ruhnke
Bridenbaugh	Fenske	Nelson	Stryker
Burbach	Gerdes	Olinger	Thompson
Diers	Hollenbeck	Pizer	Williams

Not voting, 7:

Carpenter	Cooper	Peck	Webb
Claussen	McHugh	Simmons	

The Tews motion lost.

### Visitor

Mr. Russillo introduced his daughter Mrs. Julie E. Gove.

### MOTION—Rule Change

Mr. President: I move to amend Rule 12, Section 5, relating to General File by adding a new subsection as follows:

e. Twenty votes are required in order to advance a bill from general file to Enrollment and Review for review. If a bill on general file fails to receive the twenty votes, it retains its position on general file until it is either finally advanced or indefinitely postponed. (Signed) Don Thompson

Referred to the Rules Committee.

### RESOLUTIONS

LEGISLATIVE RESOLUTION 31.

Mr. Jensen offered the following amendment which was adopted:

1. Amend LR 31, section 2, by inserting the word "in" after "Nebraska".

LR 31 was adopted as amended with 32 ayes, 0 nays, and 11 not voting.

### Visitors

Mr. Burbach introduced Mrs. Joe Schneider and Mr. and Mrs. Lee George and children from Creighton.

### UNANIMOUS CONSENT—Consider LB 710

Mr. Munnelly requested unanimous consent to place LB 710 at the head of General File for consideration at this time. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 710.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Eighty-first Day were adopted.

Mr. Russillo offered the following amendments which were adopted:

1. Amend the bill by adding a new section immediately after renumbered section 5 to be known as section 6 and to read as follows:

*"Sec. 6. Where any condemner shall have taken or attempts to take property for public use, such damages for taking such property shall be determined according to the laws of this state irrespective of whether the condemner may be reimbursed for a part of such damage from the federal government."*

2. Amend the bill by renumbering renumbered section 5 as section 6.

3. Amend the Standing Committee Amendment 5 by renumbering section 6 as section 7.

4. Amend title to conform.

Advanced to E and R for review.



**Announcements**

Speaker Pizer announced that Mrs. Orme and Mr. Liebers had received special recognition at the Lincoln Centennial activities.

Mr. Tews announced that copies of the newspaper honoring Hawaii's admittance as the fiftieth state were being distributed to all members.

**MOTION—Resolution and Flowers**

Mr. President: I move that flowers be sent and that a suitable resolution be prepared in memory of H. G. Greenamyre.

(Signed) Otto H. Liebers

The motion prevailed.

**UNANIMOUS CONSENT—Consider LB 583**

Mr. Thompson requested unanimous consent to place LB 583 at the head of General File for consideration at this time. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 583.** Considered.

Mr. Russillo offered the following amendment:

1. Amend the pending Thompson Amendment 2, found in the Legislative Journal for the Seventy-sixth Day, line 5, by striking "one" and inserting in lieu thereof "zero", and line 8 by striking "nineteen" and inserting in lieu thereof "twenty".

Mr. Russillo requested a record vote.

Voting in the affirmative, 22:

Adams	Fenske	Nelson	Stryker
Aufenkamp	Fulton	Olinger	Swanson
Bowen	Klaver	Orme	Syas
Bridenbaugh	Liebers	Russillo	Vosoba
Burbach	Marvel	Skarda	Williams
Claussen	Moulton		

Voting in the negative, 11:

Diers	Hollenbeck	Otto	Tews
Donner	Jensen	Pizer	Thompson
Gerdes	Lautenschlager	Ruhnke	

Not voting, 10:

Carpenter	McHugh	Portsche	Simmons
Cooper	Munnelly	Romans	Webb
Erlewine	Peck		

The Russillo amendment was adopted.

The pending Thompson amendments were adopted as amended.

Mr. Russillo offered the following amendment which was adopted with 23 ayes, 11 nays, and 9 not voting:

1. Amend LB 583 by striking all matter pertaining to junior colleges to wit: Section 1, lines 7 and 8, and Section 2, lines 22, 23, and 24.

Mr. Ruhnke requested unanimous consent to withdraw LB 583.

Mr. Otto objected.

Mr. Ruhnke moved that LB 583 be indefinitely postponed.

The motion lost with 6 ayes, 27 nays, and 10 not voting.

Mr. Vosoba offered the following amendment which was adopted:

1. Amend Standing Committee Amendment 1, by adding after the word "domain" the following: *"at the direction of the Governor, authority for the use of such power being hereby conferred"*.

Mr. Portsche offered the following amendment which was adopted:

1. Amend Standing Committee Amendment 1, line 6, by adding the following after "Nebraska,": *"and any land north of the Capitol Building between 14th and 16th and K and M Streets in said city"*.

#### **UNANIMOUS CONSENT—Withdraw LR 30**

Mr. Romans requested unanimous consent to withdraw LR 30.

Mr. Jensen objected.

#### **Mrs. Williams' Birthday**

Mr. Tews announced that today is Mrs. Williams' birthday, and the members sang Happy Birthday to her.

#### **UNANIMOUS CONSENT—Executive Session**

Mr. Liebers requested unanimous consent for permission for

the Budget Committee to hold an executive session at 1:30 p.m. today, May 4, 1959. No objections. So ordered.

**MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) William Moulton

The motion lost with 16 ayes, 20 nays, and 7 not voting.

**MOTION—Withdraw LR 30**

Mr. President: I move that LR 30 be withdrawn. (Signed)  
Jack Romans

The motion prevailed with 31 ayes, 3 nays, and 9 not voting.

**Adjournment**

At 12:15 p.m., on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## EIGHTY-FOURTH DAY

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Legislative Chamber, Lincoln, Nebraska

Tuesday, May 5, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Carpenter, Peck, Simmons, and Thompson who were excused, and Mr. Adams who was excused until 10:15 a.m.

**Corrections for the Journal**

Page 1467, line 5, correct the spelling of the name "William".

The Journal for the Eighty-third Day was approved as corrected.

**Member Excused**

Mr. Thompson was excused until Friday, May 8, 1959.

**MESSAGE FROM THE GOVERNOR**

May 4, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

This message is to inform your honorable body that I have permitted LB 560 to become law without my signature.

I believe that:

(1) LB 560 cannot be applied constitutionally to secondary boycotts which were the avowed objective of the measure because of federal preemption of this field of law;

(2) The injunctive provisions and the damage provisions of LB 560 cannot be applied constitutionally in cases affecting interstate commerce, and instances in which interstate commerce is not affected are so remote as to make the law virtually inoperable in practical application;

(3) The prohibitions of LB 560 are of dubious constitutionality even as applied to local commerce because (a) it supposedly guarantees individual employees' rights but provides no method for their enforcement thereby constituting a promise to the ear which is broken to the heart; (b) the criminal prohibitions are vague and uncertain; (c) it curbs only improper union practices and takes no cognizance of unfair management techniques; and

(4) LB 560 does not deal with the major causes of labor-management strife nor the major interferences by both employers and labor organizations with the rights of individual employees.

Despite the foregoing personal convictions, I well recognize that the subject of labor-management relations in Nebraska has descended from a basis of law and fact to one of base emotionalism. Frequently, the subject has caused emotional outbursts that have little connection with reality. Frequently, as in this instance, the subject has created a demand for legislation that is patently unworkable and unfair.

Ordinarily, I would consider it my duty as Governor to veto such a bill. This, however, is not an ordinary situation. A large segment of the public has been led to believe that LB 560 can do that which it cannot do and that it can cure that which it does not have the constitutional power to treat.

I believe, however, that the State of Nebraska will benefit if the air is cleared on the subject of labor-management legislation. I feel that LB 560, as the subject of legislative experiment with subsequent judicial analysis, can serve as a vehicle to clarify the atmosphere.

Therefore, in recognizing the obvious will of the legislature that LB 560 should be tried, I am permitting it to become law. When it proves to be a gaudy package without substantive effect, we can then proceed with the task of considering sound legislation.

I would not feel free to take such a course were it not for my firm conviction that our courts, under the established doctrine of separation of powers, should pass upon the constitutionality of this measure; were I to veto this bill, I would be invading their province. We can now await developments and observe whether the pur-

ported legislative panacea is a remedy for our industrial ills. The proponents of LB 560 now have a free and untrammelled opportunity to prove the merit of their treatment and have assumed the corresponding burden of proving that the law is not a snare and a delusion.

Respectfully submitted,

STATE OF NEBRASKA  
GOVERNOR  
RGB:RBC:sn

### Communications

Resolution to President Burney from the Western Nebraska Chapter of the Nebraska Parents of Blind Children, requesting a legislative study of the Board of Control and the institutions under its jurisdiction.

### NOTICE OF COMMITTEE HEARINGS

#### Miscellaneous Subjects

LB 716      Tuesday, May 12, 1959

2:00 p.m.

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 157.** Replaced on Select File as amended.

E and R amendments to LB 157:

1. Strike the Gerdes Unanimous Consent Amendment 2.
2. Renumber renumbered section 4 as section 5 and in line 1 thereof insert "54-143, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; and in line 2 strike "is" and insert "are".
3. In the title, line 2, insert "54-143, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; and in Enrollment and Review Amendment 4, line 12, strike "section" and insert "sections".

**LEGISLATIVE BILL 481.** Replaced on Select File as amended.

E and R amendments to LB 481:

1. In section 1, line 48, strike the first comma.
2. In section 2, line 37, strike the first comma.

**LEGISLATIVE BILL 405.** Replaced on Select File as amended.

E and R amendment to LB 405:

1. In the title, lines 8 and 9, strike "to eliminate reference to war loan deposits;"

**LEGISLATIVE BILL 26.** Placed on Select File as amended.

E and R amendments to LB 26:

1. In Standing Committee Amendment 1, insert:

"Section 1. That section 44-222, Revised Statutes Supplement, 1957, be amended to read as follows:" after line 1.

2. In Standing Committee Amendment 1, line 7, strike the comma after "44-221" as in the statutes; in line 9 strike the comma and insert a stricken semicolon; in line 29 strike the comma after "marine", showing the same as stricken; in line 46 strike "Section" and insert "Sec."; in line 50, strike ", Reissue, Revised Statutes of Nebraska, 1943"; and in line 52 strike the comma.

3. In the Bowen General File Amendment 2, adopted April 28, line 3, strike "*Such*" and insert "*For the purposes of determining whether any one risk exceeds the limitation imposed by section 1 of this act,*".

4. In the title, strike lines 2 to 11 and insert

"FOR AN ACT to amend section 44-222, Revised Statutes Supplement, 1957, relating to insurance; to provide that the surplus to policyholders, for purposes of determining the maximum exposure on any one risk, shall be as reflected by the last annual statement of the company; to provide that reinsurers must be acceptable to the Director of Insurance as prescribed; to require reports of reinsurance; to provide for prosecutions; to provide for the suspension of an insurer's authority to do business in this state; and to repeal the original section."

**LEGISLATIVE BILL 614.** Placed on Select File as amended.

E and R amendments to LB 614:

1. In section 3, line 8, strike "to" and insert "of".
2. Renumber original section 7 as section 8 and renumber section 8, added by the Carpenter General File Amendment 1 as section 7.
3. Renumber section 8, added by Standing Committee Amendment 5 as section 9; and in renumbered section 9, line 2, strike "original".

4. After renumbered section 9, add a new section to be known as section 10 and to read as follows:

"Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

5. In the title, line 4, strike "of" and insert "or"; in line 4 strike the comma and insert a semicolon; in line 9, insert "except with prescribed consent" before the semicolon; in line 9 strike "and" and insert "to require the underground storage of prescribed liquids at automotive retail service stations; to provide exceptions;"; and in line 9 insert "; to repeal section 66-613, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency" before the period.

**LEGISLATIVE BILL 564.** Placed on Select File as amended.

E and R amendments to LB 564:

1. In section 1, line 8, insert "the" after "of"; and in lines 8 and 9 strike "hard surface" and insert "hard-surfaced".

2. Add a new section to be known as section 2 and to read as follows:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

3. In the title, line 7, strike "and"; and in line 9 insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 401.** Placed on Select File.

**LEGISLATIVE BILL 288.** Placed on Select File as amended.

E and R amendments to LB 288:

1. Add a new section to be known as section 5 and to read as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. In the title, line 7, insert "upon money and credits" before the semicolon; in line 10 strike "property or rights to property" and insert "money or credits"; in line 13 strike "and"; and in line 14 insert "; and to declare an emergency" before the period.



**LEGISLATIVE BILL 600.** Placed on Select File as amended.

E and R amendments to LB 600:

1. In Standing Committee Amendment 1, line 2, strike "thereof," and insert "thereof".
2. In section 1, strike the comma at the end of line 12; and strike the comma in line 30.

**LEGISLATIVE BILL 423.** Placed on Select File as amended.

E and R amendments to LB 423:

1. In section 1, lines 218, 221 and 222, and 225, strike "subsection" and insert "subsection subdivision".
2. In the title, line 8, strike "remunerated".

**LEGISLATIVE BILL 544.** Placed on Select File as amended.

E and R amendment to LB 544:

1. In the title, line 6, insert "to provide for notice before taking vote on such expenditures exceeding a prescribed limitation;" after the semicolon.

**LEGISLATIVE BILL 379.** Placed on Select File as amended.

E and R amendments to LB 379:

1. In Standing Committee Amendment 1, line 3, strike "provided, however," and insert "Provided,".
2. In the title, line 8, strike "and"; and in line 10, insert "; and to provide that no judgment against a pilot shall be entered for more than the amount of insurance available" before the period.

**LEGISLATIVE BILL 647.** Placed on Select File as amended.

E and R amendment to LB 647:

1. In section 1, line 14, strike the first comma, showing the same as stricken.

**LEGISLATIVE BILL 318.** Correctly engrossed.

**LEGISLATIVE BILL 474.** Correctly engrossed.

**LEGISLATIVE BILL 486.** Correctly engrossed.

**LEGISLATIVE BILL 515.** Correctly engrossed.

**LEGISLATIVE BILL 518.** Correctly engrossed.

**LEGISLATIVE BILL 519.** Correctly engrossed.

**LEGISLATIVE BILL 137.** Correctly enrolled.

**LEGISLATIVE BILL 665.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 137 LB 665 LR 31

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 32.** Re: In Memory of Harlan Gregg Greenamyre.

Introduced by Otto H. Liebers, 18th District.

Harlan Gregg Greenamyre, a member of the Nebraska State Legislature for the years 1941 and 1943, died at Lincoln, Nebraska, on May 2, 1959. He was born on a farm near Lincoln, and attended schools in Brunswick and Lincoln. He was married to Lois Logan Hunt on May 15, 1935. After being admitted to the practice of law in 1927, he practiced law in Springview, Nebraska and served as county attorney of Keya Paha County. Later he moved to Norfolk to practice law, and then moved to Lincoln where he practiced law until his death. He was prominent in water reclamation and power programs. He served as President of the Nebraska Reclamation Association, was associated with Better Nebraska Association and was a member of the board of directors of Consumers Public Power District. He was a member of the Congregational Church and Nebraska State Bar Association. He was active in civic affairs. He leaves his wife, Lois and two daughters to mourn his death.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That we pause for a moment in our deliberations and stand in humility and reverence in honor of our departed member, Harlan Gregg Greenamyre, who served so loyally and ably as a member of the Nebraska State Legislature.

2. That the Clerk of the Legislature be directed to spread at large on the Legislative Journal this resolution, and that a copy of

said resolution, properly authenticated and suitably engrossed, be sent by the Clerk to the bereaved family of our departed colleague, as an expression of our respect for the deceased, and our sympathy for the bereaved.

#### **UNANIMOUS CONSENT—Add Co-introducers**

Mr. Liebers requested unanimous consent that all members desiring to sign LR 32, be added as co-introducers. No objections. So ordered.

#### **SUSPEND RULES—Adopt Resolution**

Mr. President: I move that the rules be suspended and Legislative Resolution 32 be adopted. (Signed) Otto H. Liebers

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

The members stood for a moment in silent tribute.

#### **Visitors**

Mr. Portsche introduced Dr. John Lux and Mr. Dick Hart, Supervisors, and sixty-one students from University High School, Lincoln.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on the Budget be permitted to introduce a bill pertaining to the farm warehouse fees paid to the State Railway Commission. (Signed) Otto H. Liebers, Chairman

Permission to introduce the bill granted with 34 ayes, 0 nays, and 9 not voting.

#### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 717.** By Committee on Budget, Otto H. Liebers, 18th District, Chairman.

A bill for an act to amend section 88-304, Reissue Revised Statutes of Nebraska, 1943, relating to farm warehouses; to provide that all fees paid to the State Railway Commission as provided by sections 88-301 to 88-315, Reissue Revised Statutes of Nebraska, 1943, shall be placed in the state General Fund; to repeal the original section; and to declare an emergency.

**SUSPEND RULES—Assign LB 717 to Budget Committee**

Mr. President: I move to suspend the rules and assign LB 717 to the Budget Committee. (Signed) William Moulton

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

**Visitors**

Mr. Olinger introduced Mr. Arthur Albrecht, Principal, and seven students from Emanuel Lutheran School, Hooper, and three parents.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 116.**

A bill for an act to amend section 51-403, Revised Statutes Supplement, 1957, relating to Nebraska Public Library Commission; to increase the maximum amount that may be paid to the executive secretary; to provide when a change in such salary may become operative; and to repeal the original section.

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

Voting in the affirmative, 15:

Gerdes	Orme	Russillo	Tews
McHugh	Otto	Skarda	Vosoba
Moulton	Pizer	Swanson	Webb
Munnelly	Portsche	Syas	

Voting in the negative, 21:

Aufenkamp	Donner	Klaver	Olinger
Bowen	Fenske	Lautenschlager	Romans
Bridenbaugh	Fulton	Liebers	Ruhnke
Burbach	Hollenbeck	Marvel	Stryker
Cooper	Jensen	Nelson	Williams
Diers			

Not voting, 7:

Adams	Claussen	Peck	Thompson
Carpenter	Erlewine	Simmons	

Having failed to receive a constitutional majority, the bill failed of passage.

**LEGISLATIVE BILL 138.**

A bill for an act to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1957, relating to workmen's compensation; to increase benefits to employees as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 29:

Aufenkamp	Klaver	Orme	Stryker
Bowen	Liebers	Otto	Swanson
Bridenbaugh	Marvel	Pizer	Syas
Burbach	McHugh	Portsche	Tews
Claussen	Moulton	Ruhnke	Vosoba
Fulton	Munnelly	Russillo	Webb
Gerdes	Olinger	Skarda	Williams
Jensen			

Voting in the negative, 9:

Cooper	Erlewine	Hollenbeck	Nelson
Diers	Fenske	Lautenschlager	Romans
Donner			

Not voting, 5:

Adams	Peck	Simmons	Thompson
Carpenter			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 516.**

Mr. Portsche moved that LB 516 be laid over on Final Reading until Monday, May 11, 1959.

The motion prevailed with 31 ayes, 3 nays, and 9 not voting.

**Visitors**

Mr. Aufenkamp introduced Mrs. Erma Meyer, Teacher, and ten students from District 72, Otoe County, and twelve mothers and fathers.

## NOTICE OF COMMITTEE HEARINGS

## Public Works

LB 715      Friday, May 15, 1959

2:00 p.m.

## SELECT FILE

**LEGISLATIVE BILL 416.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 23.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 307.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 511.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 621.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 350.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 358.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 360.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 361.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 368.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 457.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 458.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 459.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 461.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 507.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 76.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 50.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 290.** E and R amendments found in the Legislative Journal for the Eighty-third Day were adopted.

Mr. Carpenter offered the following amendment:

1. Amend section 1 of the bill line 20 by adding a new sentence to read as follows:

"The lien referred to in this section shall attach solely to money owing by the state."

Amendment pending.

Laid over until Monday, May 11, 1959, at the request of Mr. Munnelly.

#### Visitors

Mr. Ruhnke introduced Mrs. Hannah, Teacher, and eighteen students from Diller, and five sponsors.

#### GENERAL FILE

**LEGISLATIVE BILL 583.** Considered.

Mr. Ruhnke offered the following amendment which was adopted with 21 ayes, 18 nays, and 4 not voting:

1. Amend Standing Committee Amendment 2, lines 7 and 8 by striking "and (8) nineteen" and amendments thereto and inserting the following:

*"(8) ten per cent thereof for expenditure by the Board of Regents of the University of Nebraska for the erection, equipping, repairing, or remodeling of buildings and plants, to be used in the administration, operation, and maintenance for research of the utilization of agricultural grains by the University of Nebraska College of Agriculture; and (9) ten".*

#### Speaker Pizer Presiding

Advanced to E and R for review with 34 ayes, 0 nays, and 9 not voting.

#### Visitors

Mr. Klaver introduced Miss Marie Blozek, Principal, and Mrs. Esther Dobbie, Teacher, and nineteen students from Webster School, Omaha.

Mr. Fenske introduced Mr. and Mrs. A. J. Jorgensen from Sidney.

Mr. Marvel introduced Mr. Dennis D. Pfeil from Doniphan, and Mr. Lynn C. Patton from Hastings.

**LEGISLATIVE BILL 238.** Laid over until Monday, May 11, 1959, at the request of Mr. Stryker.

**LEGISLATIVE BILL 404.** Laid over until Monday, May 11, 1959, at the request of Mr. Tews.

**LEGISLATIVE BILL 410.** Laid over until Thursday, May 7, 1959, at the request of Mr. Marvel.



**President Burney Presiding**

**LEGISLATIVE BILL 485.** Bracketed at the request of Mr. Otto.

**Visitors**

Mr. Cooper introduced Mrs. Willard Sommerhalder, Leader, and forty-four ladies from the Pawnee County Home Extension Club.

**LEGISLATIVE BILL 362.** Section 1 read and considered.

Laid over.

**LEGISLATIVE BILL 651.** Read and considered.

Laid over.

**LEGISLATIVE BILL 536.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventy-second Day were adopted.

Advanced to E and R for review.

**Visitors**

Mr. Liebers introduced Mr. Richard E. Johnson, Principal, four teachers, and eighty-eight students from Dawes Junior High School, Lincoln.

**LEGISLATIVE BILL 535.** Read and considered.

Mr. Aufenkamp moved that the Standing Committee amendment found in the Legislative Journal for the Seventy-second Day be adopted.

Mr. Romans requested a Call of the House.

A Call of the House was ordered and showed 36 members present.

Mr. Klaver moved that the Call be raised. The motion prevailed with 31 ayes, 0 nays, and 12 not voting.

The Aufenkamp motion lost with 17 ayes, 18 nays, and 8 not voting.

Mr. Ruhnke moved that LB 535 be indefinitely postponed.

The motion prevailed with 27 ayes, 7 nays, and 9 not voting.

**LEGISLATIVE BILL 131.** Laid over.

**LEGISLATIVE BILL 680.** Laid over until Tuesday, May 12, 1959,  
at the request of Mr. Moulton.

**UNANIMOUS CONSENT—Change of Order**

Mr. Tews requested unanimous consent that LB 2 and LB 4 be considered on General File on Monday, May 11, 1959. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 644.** Laid over.

**LEGISLATIVE BILL 525.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 646.** Laid over.

**LEGISLATIVE BILL 315.** Bracketed at the request of Mr. Cooper.

**LEGISLATIVE BILL 682.** Considered.

Mr. Jensen moved that LB 682 be advanced to E and R for review.

Motion pending.

**Visitor**

Mr. Vosoba introduced Mr. Bevan Bump from Chadron.

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 32

**Members Excused**

Mr. Liebers requested unanimous consent that the members of the Budget Committee be excused this afternoon, May 5, 1959. No objections. So ordered.

**UNANIMOUS CONSENTS—Executive Sessions**

Mr. Munnelly requested unanimous consent for permission for the Banking, Commerce and Insurance Committee to hold an executive session at 1:45 p.m. today, May 5, in the West Lounge. No objections. So ordered.

Mr. Aufenkamp requested unanimous consent for permission for the Salaries and Claims Committee to hold an executive session at 1:00 p.m. today, May 5. No objections. So ordered.

**Recess**

At 11:59 a.m., on a motion by Mr. Klaver, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Carpenter, Fenske, Liebers, Marvel, Moulton, Peck, Simmons, Tews, and Thompson who were excused, and Messrs. Pizer and Stryker who were excused until 3:45 p.m.

**GENERAL FILE**

**LEGISLATIVE BILL 682.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 580.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 686.** Read and considered.

Mr. Jensen offered the following amendment which was adopted:

1. Amend Standing Committee amendment 2, line 1, by striking "page 5" and inserting in lieu thereof "page 6".

Standing Committee amendments found in the Legislative Journal for the Fifty-fifth Day were adopted as amended.

Mr. Burbach offered the following amendments which were adopted:

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

"Section 1. That section 37-204, Revised Statutes Supplement, 1957, be amended to read as follows:

37-204. There shall be paid to the state, for permits issued under the provisions of this act, the following fees:

(1) By residents of this state, for hunting, two dollars and fifty cents; for fishing, two dollars; or for both hunting and fishing, four dollars; for trapping or otherwise taking fur-bearing animals, two dollars and fifty cents during the open season, as provided for by the regulations of the Game, Forestation and Parks Commission;

(2) By nonresidents of this state, fishing, three dollars for ten days or ten dollars per year, hunting, fifteen dollars, trapping or otherwise taking one thousand or less fur-bearing animals, one hundred dollars for a period of time specified by the commission and five dollars additional for each additional one hundred or part of one hundred fur-bearing animals taken or trapped until January 1, 1960, and commencing January 1, 1960, by nonresidents of this state, fishing, two dollars for five days or five dollars per year, hunting, fifteen dollars, trapping or otherwise taking one thousand or less fur-bearing animals, one hundred dollars for a period time specified by the commission and five dollars additional for each one hundred or part of one hundred fur-bearing animals taken or trapped; the commission may limit the number of days for which such a permit is issued and the number of fish or game birds taken on one permit, and is authorized to issue coupons attached to nonresident permits for the purpose of tagging and identification; and

(3) No person, except a resident and citizen of the United States who has resided in this state continuously for a period of ninety days before making an application for a permit under this act and who has a bona fide intention of becoming a legal resident of this state, supported by documentary proof, shall be deemed to be a resident or be issued a permit as such under this act. The issuance of a hunter's permit to anyone known to be physically or mentally unfit to carry or use firearms is hereby prohibited. All nonresident hunters regardless of age shall be required to obtain a permit, and all nonresident anglers under sixteen years of age must be accompanied by a parent or guardian possessing the requirements for a nonresident fishing permit; and.

(4) The new rates charged for licenses, provided in subsections (1), (2), and (3) of this section, shall not become effective until January 1, 1959."

2. Amend the bill by renumbering sections 1 to 11 as sections 2 to 12 respectively.

3. Amend renumbered section 12, line 3 by inserting "37-204," after sections.

4. Amend the title to conform.

Mr. Lautenschlager offered the following amendments which were adopted:

1. Amend section 10 of the bill, line 1 by inserting "*intentionally*" before "captures", and lines 2 and 4 by inserting "*game*" before "bird".

2. Amend title to conform.

Mr. Adams requested unanimous consent to lay LB 686 over until Tuesday, May 12, 1959.

Mr. Syas objected.

Advanced to E and R for review.

#### **LEGISLATIVE BILL 304.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-eighth Day were adopted.

Advanced to E and R for review.

**Mr. Diers Presiding**

#### **MESSAGE FROM THE GOVERNOR**

April 29, 1959

The President, the Speaker and  
Members of the Legislature  
State Capitol Building  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

This is to request permission of your honorable body to allow me to introduce a bill for an act relating to motor vehicles, changing penalties for violating the speed laws of the state and excepting

certain suspensions from the effect of the Motor Vehicle Safety Responsibility Act.

At the Traffic Safety Conference, held in Lincoln on January 28, 1959, penalty increase for first offense speeders was considered to be a key step in combatting our increasing safety problem.

This legislation, if enacted, will provide that first offense speeders shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned in the county jail for not more than thirty days, or both, and shall be ordered not to drive any motor vehicle for a period of seventy-two hours and suspend his license during that period; subsequent offenders shall be subjected to a minimum fine of fifty dollars, with the optional jail sentence, or both, and a thirty day license suspension.

In order to avoid administrative problems in connection with the Motor Vehicle Safety Responsibility Act, the provisions of that act will not be applicable in cases involving suspension for first offense violation of the speed law.

This legislation received the unanimous support of over three hundred representatives of various organizations throughout Nebraska.

As Governor, I heartily endorse this bill and recommend its passage with all possible dispatch.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC

#### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 718.** By Oliver Olinger of Legislative District 12, upon recommendation of the Governor.

A bill for an act to amend section 60-524, Reissue Revised Statutes of Nebraska, 1943, and section 39-7,127, Revised Statutes Supplement, 1957, relating to motor vehicles; to change the penalties for violating the speed laws of this state; to except certain suspensions of operator's license from the effect of the Motor Vehicle Safety Responsibility Act; and to repeal the original sections.

**Member Excused**

Mr. Cooper was excused at 3:03 p.m. for the remainder of the day.

**GENERAL FILE****LEGISLATIVE BILL 613.** Read and considered.

Mr. Burbach requested unanimous consent to withdraw the Standing Committee amendments found in the Legislative Journal for the Fifty-first Day. No objections. So ordered.

Mr. Portsche offered the following amendments which were adopted:

1. Strike the new material in the bill and insert the following language following the period in line 35, page 3.

"Any certificate holder or registrant, who has not lost his right to issuance or renewal and who is not actively engaged in the practice of public accounting in this state, may file a written application with the board to be classified as inactive. A person so classified shall not be issued a permit to engage in public accounting, nor be deemed the holder of a "live permit" as defined in Section 1-151, but shall be carried upon an inactive roll to be maintained by the board, upon the payment of an annual inactive fee of one-half the fee charged persons actively engaged in the practice of public accounting as provided in this section. A person so classified shall not be deprived of the right to issuance or renewal of permit and may, upon application to the board, and upon payment of the current annual permit fee, be granted a current annual permit."

2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 582.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Fifty-third Day was adopted.

Mr. Ruhnke offered the following amendments:

1. Amend the bill by striking lines 21 to 26 and showing the old matter as stricken matter, and inserting the following:

*"Free high school tuition shall be paid at a pupil rate per week determined by dividing the actual average daily membership cost per pupil of the individual claimant school by the number*

of days its school was actually open and in session with pupils and teachers in attendance and multiplying the result by five. In no instance shall the pupil rate per week be less than twelve dollars nor more than fourteen dollars. Average daily membership costs per pupil and the number of days of school taught shall be for the year next immediately preceding the year for which tuition is claimed and shall be determined by the Commissioner of Education from information submitted on forms prescribed by the state Department of Education. Tuition claims shall be allowed for each actual week of five school days or major fraction thereof attended by each eligible pupil, such number to be determined by dividing the actual number of school days enrolled by five.”.

2. Amend the title to conform.

Amendments pending.

Mr. McHugh offered the following amendment:

1. Amend the Ruhnke amendment 1, line 12, by striking “fourteen” and inserting in lieu thereof “seventeen”.

Amendment pending.

**Speaker Pizer Presiding**

## **NOTICE OF COMMITTEE HEARINGS**

### **Banking, Commerce and Insurance**

LB 714      Tuesday, May 12, 1959

2:00 p.m.

### **Presented to the Governor**

Presented to the Governor for approval on May 5, 1959, at  
3:00 p.m.: LB 665      LB 137

(Signed) Jo Fisher, Enrolling Clerk

## **STANDING COMMITTEE REPORTS**

### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 711.** Indefinitely postponed.

**LEGISLATIVE BILL 592.** Indefinitely postponed.

(Signed) John P. Munnelly, Chairman

**Enrollment and Review**



**LEGISLATIVE BILL 138.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**Speaker Signs**

While the Legislature was in session and capable of transacting business, the Speaker signed: LB 138

**Adjournment**

Mr. President: I move we adjourn. (Signed) H. K. Diers

The motion prevailed with 17 ayes, 16 nays, and 10 not voting, and at 4:07 p.m., the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## EIGHTY-FIFTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 6, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Carpenter, Simmons, and Thompson who were excused, Mr. Portsche who was excused until 9:20 a.m., and Mr. Ruhnke who was excused until 9:30 a.m.

**Corrections for the Journal**

Page 1481, line 30, delete "The" and insert "Mr."

Page 1484, line 5, delete "os" and insert "as".

Page 1484, line 16, delete the comma after "dollars".

Page 1488, line 24, delete "President" and insert "Presented".

The Journal for the Eighty-fourth Day was approved as corrected.

**MESSAGES FROM THE GOVERNOR**

May 5, 1959

The President, the Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Please be advised that I did, on May 1, 1959, appoint Jack Obbink, of Lincoln, Nebraska, to serve as Director of Aeronautics for a term of two years, commencing April 30, 1959 and concluding on January 5, 1961.

Respectfully submitted

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:s

Referred to the Committee on Committees

April 28, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on April 28, 1959, he approved LB 402, LB 403 and LB 522.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

May 5, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 4, 1959, he approved LB 292, LB 337, LB 342, LB 343, LB 346, LB 381, LB 384, LB 449, LB 532 and LB 577.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**Communications**

Note of appreciation from the Stryker family.

## NOTICE OF COMMITTEE HEARINGS

## Budget

LB 717 Tuesday, May 12, 1959

2:00 p.m.

## STANDING COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 621.** Replaced on Select File as amended.

E and R amendments to LB 621:

1. Add a new section to be known as section 3 and to read as follows:

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

2. In Enrollment and Review Amendment 5, line 5, strike "and"; and in line 5 insert "; and to declare an emergency" after "section".

**LEGISLATIVE BILL 584.** Replaced on Select File as amended.

E and R amendment to LB 584:

1. In the title, lines 4 and 5, strike "to eliminate an erroneous internal reference;"

**LEGISLATIVE BILL 317.** Replaced on Select File as amended.

E and R amendment to LB 317:

1. In section 3, renumbered line 98, strike the first comma.

**LEGISLATIVE BILL 483.** Placed on Select File as amended.

E and R amendments to LB 483:

1. In Standing Committee Amendment 1, line 2, insert an underscored comma before "*avoiding*"; and in line 4 strike the underscored period and insert a period at the end of the line.

2. In the title, line 7, insert ", avoiding unnecessary duplication of courses as prescribed" before the semicolon.

**LEGISLATIVE BILL 659.** Placed on Select File as amended.

E and R amendments to LB 659:

1. In section 1, insert quotation marks at the end of line 34 as amended by Standing Committee Amendment 1.

2. In section 2, lines 7 and 8, insert "or may" after "may".

3. In the title, lines 5 and 6, insert "or may" after "may"; and in lines 6 and 7 strike "equal value of all" and insert "the same par value as other".

**LEGISLATIVE BILL 484.** Placed on Select File as amended.

E and R amendment to LB 484:

1. In the title, line 6, insert "to provide that such fees shall be held as an institutional cash fund as prescribed;" after the semicolon.

**LEGISLATIVE BILL 435.** Placed on Select File.

**LEGISLATIVE BILL 664.** Placed on Select File as amended.

E and R amendments to LB 664:

1. In section 1, line 3, strike the first comma, showing the same as stricken.

2. In section 6, line 7, strike the comma and insert ";".

3. In section 10, insert a comma at the end of line 23 as in the statutes.

4. In section 11, strike the comma at the end of line 3, showing the same as stricken.

**LEGISLATIVE BILL 344.** Placed on Select File as amended.

E and R amendment to LB 344:

1. In the title, line 8 insert "to provide for the payment of the remainder of such costs through taxation as prescribed;" after the semicolon.

**LEGISLATIVE BILL 340.** Placed on Select File as amended.

E and R amendment to LB 340:

1. In the title, line 7, insert "except as provided" before the semicolon.

**LEGISLATIVE BILL 688.** Placed on Select File.

**LEGISLATIVE BILL 689.** Placed on Select File as amended.

E and R amendments to LB 689:

1. In section 1, line 17, strike "Contested elections for all" and insert "The conduct of election contests for any".
2. In section 2, insert "□" before "For" in line 9 and before "Against" in line 10.

**LEGISLATIVE BILL 363.** Placed on Select File as amended.

E and R amendments to LB 363:

1. Amend Standing Committee Amendment 1 by striking lines 1 and 2 and inserting "1. Amend the bill, section 1, line 15, by striking the comma and inserting ' where'".
2. In the title, line 3, insert "to clarify the provisions thereof;" after the semicolon.

**LEGISLATIVE BILL 255.** Correctly engrossed.

**LEGISLATIVE BILL 351.** Correctly engrossed.

**LEGISLATIVE BILL 352.** Correctly engrossed.

**LEGISLATIVE BILL 353.** Correctly engrossed.

**LEGISLATIVE BILL 367.** Correctly engrossed.

**LEGISLATIVE BILL 451.** Correctly engrossed.

**LEGISLATIVE BILL 455.** Correctly engrossed.

**LEGISLATIVE BILL 456.** Correctly engrossed.

**LEGISLATIVE BILL 630.** Correctly engrossed.

**LEGISLATIVE BILL 639.** Correctly re-engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 57.** With emergency.

A bill for an act to amend sections 77-104, 77-105, 77-106, 77-107, and 77-112, Reissue Revised Statutes of Nebraska, 1943,

relating to revenue and taxation; to redefine terms; to provide severability; 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, 19:

Burbach	Klaver	Orme	Tews
Donner	Lautenschlager	Otto	Vosoba
Erlewine	Liebers	Skarda	Webb
Fulton	Munnelly	Stryker	Williams
Jensen	Olinger	Syas	

Voting in the negative, 16:

Aufenkamp	Fenske	McHugh	Pizer
Bridenbaugh	Gerdas	Moulton	Romans
Claussen	Hollenbeck	Nelson	Russillo
Diers	Marvel	Peck	Swanson

Not voting, 8:

Adams	Carpenter	Portsche	Simmons
Bowen	Cooper	Ruhnke	Thompson

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

Mr. Vosoba requested unanimous consent to lay LB 57 over until Monday, May 11, 1959.

Mr. Fenske objected.

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 stricken?'"

Voting in the affirmative, 17:

Adams	Klaver	Olinger	Stryker
Burbach	Lautenschlager	Orme	Syas
Donner	Liebers	Otto	Tews
Fulton	Munnelly	Skarda	Williams
Jensen			

Voting in the negative, 20:

Aufenkamp	Erlewine	McHugh	Romans
Bowen	Fenske	Moulton	Russillo
Bridenbaugh	Gerdes	Nelson	Swanson
Claussen	Hollenbeck	Peck	Vosoba
Diers	Marvel	Pizer	Webb

Not voting, 6:

Carpenter	Portsche	Simmons	Thompson
Cooper	Ruhnke		

Having failed to receive a constitutional majority, the bill failed of passage with the emergency clause stricken.

### LEGISLATIVE BILL 332.

A bill for an act to amend sections 60-310 and 60-331, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide that when the registration fee for commercial trucks and trucktractors exceeds two hundred ten dollars it may be paid in two installments; to provide when such installments shall be due; to provide for the display of the certificate and plates showing payment of the second installment; to provide for the surrender of the registration certificate and number plate when such second installment is not paid; to make certain acts unlawful; to provide penalties; and to repeal the original sections.

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

Voting in the affirmative, 32:

Aufenkamp	Fulton	McHugh	Romans
Bowen	Gerdes	Moulton	Russillo
Bridenbaugh	Hollenbeck	Munnely	Skarda
Burbach	Jensen	Olinger	Swanson
Claussen	Klaver	Orme	Syas
Diers	Lautenschlager	Otto	Tews
Donner	Liebers	Peck	Vosoba
Erlewine	Marvel	Portsche	Webb

Voting in the negative, 5:

Fenske	Pizer	Stryker	Williams
Nelson			

Not voting, 6:

Adams	Cooper	Simmons	Thompson
Carpenter	Ruhnke		



A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 407.

A bill for an act to amend section 24-339, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to increase the salary of district court reporters; to provide when such increase shall be effective; and to repeal the original section.

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

Mr. Portsche requested a Call of the House.

A Call of the House was ordered and showed 38 members present.

Mr. Portsche moved that the Call be raised. The motion prevailed with 36 ayes, 1 nay, and 6 not voting.

Voting in the affirmative, 23:

Adams	McHugh	Pizer	Syas
Aufenkamp	Moulton	Portsche	Tews
Claussen	Munnelly	Romans	Vosoba
Gerdas	Orme	Russillo	Webb
Klaver	Otto	Skarda	Williams
Marvel	Peck	Swanson	

Voting in the negative, 16:

Bowen	Donner	Hollenbeck	Nelson
Bridenbaugh	Erlewine	Jensen	Olinger
Burbach	Fenske	Lautenschlager	Ruhnke
Diers	Fulton	Liebers	Stryker

Not voting, 4:

Carpenter	Cooper	Simmons	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Explanation of Vote

Mr. President: Had I been present, I would have voted "aye" on LB 57. (Signed) Stanley L. Portsche

**LEGISLATIVE BILL 408.** With emergency.

A bill for an act relating to parks; to state purpose; to define terms; to establish the state park system; to create the Division of State Parks within the Game, Forestation and Parks Commission; to provide for a division chief of such division, his appointment, and salary; to provide for the reevaluation and classification of areas of the state park system; to provide for naming of areas of such system; to authorize the acquisition of real estate; to authorize lease or lease-purchase agreements; to provide for rules and regulations; to provide for fees and the disposition thereof; to provide for the granting of concessions; to provide for cooperative agreements as prescribed; to provide for the operation, outside the state park system, of state special use areas and to provide for their management; to create the State Park Cash Revolving Fund and to prescribe the source and use thereof; to make certain acts unlawful; to provide penalties; to create the State Park Fund to consist of the proceeds of a tax of thirteen-hundredths of a mill on the dollar upon the assessed valuation of all taxable property of the state, except intangible property, to be levied in 1959 and annually thereafter for ten years to and including 1968; to provide that such fund shall be expended for prescribed state park system purposes; to repeal sections 72-401, 72-402, 72-403, 72-404, 72-405, and 72-406, Reissue Revised Statutes of Nebraska, 1943; 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	Gerdes	Nelson	Skarda
Bowen	Hollenbeck	Orme	Swanson
Bridenbaugh	Klaver	Otto	Syas
Burbach	Liebers	Peck	Tews
Claussen	Marvel	Pizer	Vosoba
Diers	McHugh	Portsche	Webb
Fenske	Moulton	Romans	Williams
Fulton	Munnelly	Russillo	

Voting in the negative, 7:

Aufenkamp	Erlewine	Olinger	Stryker
Donner	Lautenschlager	Ruhnke	

Not voting, 5:

Carpenter	Jensen	Simmons	Thompson
Cooper			

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

### Visitors

Mr. Vosoba introduced Mrs. Ludmila Hamouz, Teacher, and eighteen students from School District 40, Fillmore County, and six sponsors.

Mr. Lautenschlager introduced Mrs. McCullough, Teacher, Mr. Milan B. Dady, Principal, and forty-five students and ten sponsors from Central City.

Mr. Donner introduced Mr. and Mrs. Boyd Howard and Mrs. Lester Westerbeck.

Mr. Erlewine introduced Mr. and Mrs. Louis Trojon from Chase County.

Mr. Hollenbeck introduced Mr. and Mrs. Roy Brenklander from Sparks.

Mr. Cooper introduced Guy Cooper, Jr. from Humboldt, and Mr. Adrian Overdevest from Wassenaar, Holland.

### LEGISLATIVE BILL 520.

A bill for an act to amend sections 60-311, 60-311.04, and 60-311.05, Revised Statutes Supplement, 1957, section 83-122, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 83-123, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to motor vehicle license plates; to provide that only one number plate shall be issued for semitrailers and buses; to eliminate the requirement that renewal tabs be manufactured in the State Reformatory; to reduce the fee for issuance of plates bearing official amateur radio call letters; and to repeal the original sections.

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

Voting in the affirmative, 39:

Adams	Bowen	Burbach	Cooper
Aufenkamp	Bridenbaugh	Claussen	Diers

Donner	Lautenschlager	Otto	Stryker
Erlewine	Marvel	Peck	Swanson
Fenske	McHugh	Pizer	Syas
Fulton	Moulton	Portsche	Tews
Gerdes	Munnelly	Romans	Vosoba
Hollenbeck	Nelson	Ruhnke	Webb
Jensen	Olinger	Russillo	Williams
Klaver	Orme	Skarda	

Voting in the negative, 1:

Liebers

Not voting, 3:

Carpenter                  Simmons                  Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Explanation of Vote

Mr. President: I would have voted as follows on the bills on Final Reading if I had been present (I was in the Governor's office): LB 57, nay; LB 332, LB 407, LB 408, and LB 520, aye. (Signed) John R. Cooper

#### MOTION—Return LB 50 to Select File

Mr. President: I move that LB 50 be recalled to Select File for the following specific amendments. (Signed) David D. Tews

1. Amend the bill by adding a new section immediately after section 1 to be known as section 2 and to read as follows:

"Sec. 2. That section 30-604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-604. The court may extend the time allowed to creditors to present their claims, as the circumstances of the case may require; but not so that the whole time shall exceed two years *except as provided by section 30-603.*"

2. Amend the bill by renumbering sections 2 and 3 as sections 3 and 4, respectively.

3. Amend renumbered section 3 of the bill by striking lines 1 and 2 and inserting:

"Sec. 3. That original sections 30-603 and 30-604, Reissue Revised Statutes of Nebraska, 1943, are repealed."

4. Amend the title to conform.

The motion prevailed with 27 ayes, 0 nays, and 16 not voting.

#### **MOTION—Return LB 540 to Select File**

Mr. President: I move that LB 540 be returned to Select File for the following specific amendments. (Signed) George F. Fulton

1. Amend the bill by adding a new section immediately after section 2 to be known as section 3 and to read as follows:

*"Sec. 3. Notwithstanding any provisions of the statutes of Nebraska to the contrary, when the engineer of any city of the first or second class or village has estimated the cost of labor necessary to construct any waterworks system, gas plant, gas main, or other public utility plant or system, or to repair any existing system, plant or mains, within the boundaries of any such city or village, as not exceeding the sum of two thousand dollars in any one year, then any such municipality may construct or repair such waterworks system, gas plant, gas mains or other public utility plant or system, using its own equipment and employees without the necessity of advertising for bids for any such work, and no such project may be divided for the purpose of evading the requirement of advertising for bids therefor."*

2. Amend the bill by renumbering sections 3 and 4 as sections 4 and 5, respectively.

3. Amend the title to conform.

The motion prevailed with 27 ayes, 0 nays, and 16 not voting.

#### **Visitors**

Mr. Fulton introduced Miss Leila Jackson, Teacher, and seventeen students from Pickrell.

Mr. Portsche introduced Mrs. Mildred Pollak, Teacher, and twenty-seven students from St. Mary's Cathedral, Lincoln.

#### **SELECT FILE**

##### **LEGISLATIVE BILL 540.**

Mr. Fulton moved the adoption of his pending specific amendments found in this Day's Journal.

Motion pending.

Laid over.

**LEGISLATIVE BILL 50.** The pending Tews specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 157.** E and R amendments found in the Legislative Journal for the Eighty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 481.** E and R amendments found in the Legislative Journal for the Eighty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 405.** E and R amendment found in the Legislative Journal for the Eighty-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 26.** E and R amendments found in the Legislative Journal for the Eighty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 614.** E and R amendments found in the Legislative Journal for the Eighty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 564.** E and R amendments found in the Legislative Journal for the Eighty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 401.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 288.** E and R amendments found in the Legislative Journal for the Eighty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 600.** E and R amendments found in the Legislative Journal for the Eighty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 423.** E and R amendments found in the Legislative Journal for the Eighty-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 544.** E and R amendment found in the Legislative Journal for the Eighty-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 379.** E and R amendments found in the Legislative Journal for the Eighty-fourth Day were adopted.

Laid over.

**LEGISLATIVE BILL 647.** E and R amendment found in the Legislative Journal for the Eighty-fourth Day was adopted.

Advanced to E and R for engrossment.

#### **MESSAGE FROM THE GOVERNOR**

May 5, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 4, 1959 he approved LB 128.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**UNANIMOUS CONSENT—Change of Order**

Mr. Otto requested unanimous consent that LB 712 be placed at the head of General File. No objections. So ordered.

**Visitors**

Mr. Portsche introduced Sister Mary Acarda, B.V.M., Teacher, and thirty-nine students from St. Mary's Cathedral, Lincoln.

**Bills Referred to Standing Committees**

LB	Committee
718.....	Judiciary

(Signed) Dwight W. Burney  
Lieutenant Governor

**STANDING COMMITTEE REPORTS****Agriculture**

**LEGISLATIVE BILL 400.** Indefinitely postponed.

**LEGISLATIVE BILL 488.** Placed on General File as amended.

Standing Committee amendments to LB 488:

1. On page 3, section 1, strike the new matter in lines 49 through 61 and show same as stricken and insert in lieu thereof the following: "It shall be the duty of the supervisor of public warehouses, subject to the supervision of the State Railway Commission, *the Department of Agriculture and Inspection, established under Section 66-506, Reissue Revised Statutes of Nebraska, weighing station officials under the Department of Roads, and other law enforcement agencies,* to enforce the provisions of Section 88-216. Any person violating the provisions of 88-216, or any person, firm or corporation knowingly transporting grain other than his own for an owner or purchaser who would require a license if transporting his own grain shall be guilty of a *misdemeanor* and shall, upon conviction thereof, be fined not less than *fifty* dollars nor more than *five hundred* dollars, or may be imprisoned for not *more than six months*, or both, and in addition thereto shall be liable for any damages suffered by any person from said violation. It is made the duty of the Attorney General, or of any county attorney, upon request of the commission, to assist in the prosecution of any such violations."

2. Add the Emergency Clause.



**LEGISLATIVE BILL 691.** Placed on General File as amended.

Standing Committee amendments to LB 691:

1. On page 2, section 1, line 9, strike the words "his invitee" and show same as stricken and insert in lieu thereof the words "*operator and their immediate family*".

2. On page 2, sec. 2, lines 13 and 14, strike the words "invitee of the owner of" and show same as stricken and insert in lieu thereof the words "*operator and their immediate family fishing in*".

3. On page 3, sec. 3, lines 12 and 13, strike the words "any invitee of the owner of" and show same as stricken and insert in lieu thereof the words "*operator and their immediate family fishing in*".

4. Add the Emergency Clause.

5. Amend the title to conform.

(Signed) Hans O. Jensen, Chairman

**Labor and Public Welfare****LEGISLATIVE BILL 236.** Indefinitely postponed.

(Signed) Peter H. Claussen, Chairman

**Visitors**

Mr. Nelson introduced Sister Rita Marie and Sister Constantia, Teachers, and forty-one students from St. Patrick's School, Fremont, and two mothers.

**MOTION—Place LB 606 on General File**

Mrs. Orme renewed her pending motion found in the Legislative Journal for the Eighty-first Day that LB 606 be placed on General File.

**Speaker Pizer Presiding****President Burney Presiding**

Mr. Fenske moved the previous question. The motion lost with 17 ayes, 22 nays, and 4 not voting.

Mr. Ruhnke moved the previous question. The motion prevailed with 36 ayes, 2 nays, and 5 not voting.

Mr. Vosoba requested a record vote.

Voting in the affirmative, 26:

Adams	Fulton	Olinger	Skarda
Bowen	Hollenbeck	Orme	Swanson
Burbach	Lautenschlager	Otto	Syas
Claussen	Liebers	Peck	Tews
Diers	Marvel	Portsche	Vosoba
Donner	Moulton	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 14:

Aufenkamp	Gerdes	Nelson	Ruhnke
Bridenbaugh	Jensen	Pizer	Stryker
Cooper	Klaver	Romans	Webb
Fenske	McHugh		

Not voting, 3:

Carpenter	Simmons	Thompson
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The Orme motion prevailed and LB 606 was placed on General File.

#### Visitors

Mr. Moulton introduced his wife and Mrs. Frank Wolfe.

Mr. Cooper introduced Mrs. Ted Turner from Humboldt, and Mr. and Mrs. Lewis Turner and sons from Amarillo, Texas.

#### UNANIMOUS CONSENTS—Lay Over Bills

Mr. Peck requested unanimous consent that LB 388 be laid over on Final Reading until Monday, May 11, and that LB 348 and LB 658 be laid over on General File until Monday, May 11, 1959. No objections. So ordered.

Mr. Fenske requested unanimous consent that LB 528 be laid over on General File until Thursday, May 7, 1959. No objections. So ordered.

#### UNANIMOUS CONSENT—Consider LB 680

Mr. Moulton requested unanimous consent that LB 680, previously laid over until Tuesday, May 12, be considered immediately after LB 712 on General File this afternoon, May 6. No objections. So ordered.

**Recess**

At 12:05 p.m., on a motion by Mr. Claussen, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Carpenter, Liebers, Marvel, Simmons, Tews, and Thompson who were excused, and Messrs. Pizer and Stryker who were excused until 3:30 p.m.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 332.** Correctly enrolled.

**LEGISLATIVE BILL 407.** Correctly enrolled.

**LEGISLATIVE BILL 408.** Correctly enrolled.

**LEGISLATIVE BILL 520.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 332 LB 407 LB 408 LB 520

**Visitors**

Mr. Peck introduced Andrew Fehringer, sponsor, and five students from St. Mary's School, Humphrey.

Mr. Cooper introduced Virgil C. Blumharst, Teacher, and twenty-nine students from the Tecumseh Public Schools, and two sponsors.

Mr. Bowen introduced Messrs. Vernon McBroom and Ray Norris.

**GENERAL FILE**

**LEGISLATIVE BILL 582.** Considered.

The pending McHugh amendment found in the Legislative Journal for the Eighty-fourth Day lost with 10 ayes, 18 nays, and 15 not voting.

The pending Ruhnke amendments found in the Legislative Journal for the Eighty-fourth Day lost with 6 ayes, 25 nays, and 12 not voting.

Mr. Bowen offered the following amendments which were adopted:

1. Amend the bill by adding a new section immediately before section 1 to be known as section 1, and to read as follows:

"Section 1. That section 79-498, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-498. To be entitled under section 79-494 to free public school education in the tenth, eleventh, or twelfth grade of any public school district maintaining such grade, a pupil must have a certificate signed by the county superintendent of the proper county that he has completed the course of study for the preceding grade, and that he is unable to secure instruction in the next advanced grade in the public school district of his residence ; *Provided, that when a school district is annexed to or merged with another district, the board of education of the annexing district may pay the tuition in the amount provided for by section 79-4,102 of students, who at the time of such annexation are attending high school in a district other than such annexing district, for such time as may be necessary to complete the prescribed high school course for graduation in such other district ."*

2. Amend the bill by renumbering sections 1 and 2 as sections 2 and 3 respectively.

3. Amend renumbered section 2, line 1 by striking "Section" and inserting "Sec."

4. Amend renumbered section 3 by striking lines 1 and 2 and inserting:

"Sec. 3. That original sections 79-498 and 79-4,102, Reissue Revised Statutes of Nebraska, 1943, are repealed."

Advanced to E and R for review.

**LEGISLATIVE BILL 712.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 680.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 362.** Laid over until Tuesday, May 12, 1959, at the request of Mr. Vosoba.

**LEGISLATIVE BILL 651.** Considered.

Mr. Burbach offered the following amendments which were adopted:

1. Amend section 2 of the bill, line 10 by inserting after "use" the following:

*"; and provided further, any nonprofit boat club or association may make a claim for gasoline tax refund for all gasoline or motor vehicle fuel sold and used solely and exclusively for propelling or operating motor boats or outboard motors".*

2. Amend the title to conform.

Advanced to E and R for review.

**Presented to the Governor**

Presented to the Governor for approval on May 6, 1959, at 2:25 p.m.: LB 138 LB 520 LB 408 LB 407 LB 332

(Signed) Jo Fisher, Enrolling Clerk

**GENERAL FILE****Mr. Portsche Presiding****LEGISLATIVE BILL 131.** Read and considered.

Mr. Jensen offered the following amendments which were adopted:

1. Amend Standing Committee Amendment 7, line 10, by inserting *"certificates of deposit in state or national banks, the interest rate to be determined by the State Investment Board or in"* before *"bonds"*.

2. Amend the title to conform.

Standing Committee amendments found in the Legislative Journal for the Seventy-fifth Day were adopted as amended.

Laid over.

**UNANIMOUS CONSENT—Change of Order**

Mr. Peck requested unanimous consent that LB 643 be placed immediately after LB 644 on General File so that the two bills could be considered simultaneously. No objections. So ordered.

**GENERAL FILE****LEGISLATIVE BILL 644.** Read and considered.

Mr. Peck offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Laid over temporarily.

**Member Excused**

Mr. Bowen was excused for Thursday and Friday, May 7 and 8, 1959.

**LEGISLATIVE BILL 643.** Read and considered.

Mr. Peck moved that Standing Committee Amendment 1 found in the Legislative Journal for the Sixty-fourth Day be rejected.

The motion prevailed.

Standing Committee amendments 2 and 3 found in the Legislative Journal for the Sixty-fourth Day were adopted.

Mr. Peck offered the following amendments which were adopted:

1. Amend section 1 of the bill, line 8 by inserting after "expenses" the following:

*"; Provided, said reimbursement shall be limited to a reasonable allocation for the salary of each examiner not to exceed the limits of compensation established by section 44-119.01, as now existing or as hereafter amended, plus actual expenses; all such salaries and expenses to be paid in the manner provided by section 44-117".*

2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 644.** Considered.

Advanced to E and R for review.

**Adjournment**

At 4:08 p.m., on a motion by Mr. Romans, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

EIGHTY-SIXTH DAY

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Legislative Chamber, Lincoln, Nebraska

Thursday, May 7, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Bowen, Carpenter, and Thompson who were excused, and Mr. Aufenkamp who was excused until 9:20 a.m.

**Corrections for the Journal**

Page 1496, line 15, delete "truct-" and insert "truck-".

Page 1505, line 12, delete "*immediately*" and insert "*immediate*".

The Journal for the Eighty-fifth Day was approved as corrected.

**Communications**

Letter from Vlasta Kubik, Pleasant Dale, requesting favorable vote on the retirement bill.

**MESSAGE FROM THE GOVERNOR**

May 5, 1959

Members of the Unicameral Legislature

Capitol Building  
Lincoln, Nebraska

Dear Senators:

I wish to thank you for the flowers which you sent to me while I was in the hospital. They were exceptionally beautiful and I was greatly cheered to receive them.

I wish to report, however, that I was unable to discover any cactus.

Sincerely,

STATE OF NEBRASKA

(Signed) Ralph  
GOVERNOR

RGB:e

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 457.** Replaced on Select File as amended.

E and R amendment to LB 457:

1. In section 1, line 12, strike "means: Handing" and insert "shall mean handing".

**LEGISLATIVE BILL 368.** Replaced on Select File as amended.

E and R amendment to LB 368:

1. In the title, line 9, strike "may" and insert "shall".

**LEGISLATIVE BILL 50.** Replaced on Select File as amended.

E and R amendments to LB 50:

1. In the title, line 2, strike "section 30-603" and insert "sections 30-603 and 30-604".
2. In Enrollment and Review Amendment 2, line 9, strike "section" and insert "sections".

**LEGISLATIVE BILL 710.** Placed on Select File as amended.

E and R amendments to LB 710:

1. In Standing Committee Amendment 2, line 1, strike "2 to 5" and insert "3 to 5".
2. In Standing Committee Amendment 4, line 1, strike "4" and insert "1".
3. In section 1, line 21, strike "3" and insert "4".
4. In renumbered section 3, line 10, strike "3" and insert "4".
5. In the Russillo General File Amendment 1, line 2, strike "5" and insert "4"; in line 3 strike "6" and insert "5"; in line 4



strike "6" and insert "5"; and in line 5, strike "*such*" and insert "*the*".

6. In the title, line 2, insert ", 76-712," after "76-711"; in line 4, insert "of a portion" before "of"; in line 6 strike ", or any part thereof"; at the end of line 7 insert "to provide for payment of the entire award as soon as deposited in the absence of appeal; to provide when the award shall be deposited; to provide that failure to deposit the award within the prescribed time shall be deemed an abandonment of the condemnation proceedings;"; and in line 8 insert "to provide what laws shall govern in condemnation proceedings;" after the semicolon.

**LEGISLATIVE BILL 583.** Placed on Select File.

**LEGISLATIVE BILL 536.** Placed on Select File as amended.

E and R amendments to LB 536:

1. Add a new section to be known as section 4 and to read as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. In the title, line 7, strike "and"; and in line 7 insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 525.** Placed on Select File as amended.

E and R amendment to LB 525:

1. In section 1, strike the comma at the end of line 4, showing the same as stricken; and insert "Cash" at the end of line 12 as in the statutes.

**LEGISLATIVE BILL 682.** Placed on Select File as amended.

E and R amendments to LB 682:

1. In section 1, line 24, place the period before the quotation mark.

2. In section 2, insert "□" before "For" in line 8 and before "Against" in line 9.

**LEGISLATIVE BILL 580.** Placed on Select File as amended.

E and R amendments to LB 580:

1. In Standing Committee Amendment 1, line 2, and also in Standing Committee Amendment 2, line 2, strike "and show same as stricken".

2. In section 1, line 7, strike "thereon" and insert "therein" as in the statutes; in line 10 strike "of not" and insert "*the income of which shall be derived from the proceeds of a tax of not*"; in line 11 insert "*on the dollar*" after "mill"; and in line 13 insert "*and other income provided by law*" after "district".

3. In section 3, line 32, strike "." and insert ".".

**LEGISLATIVE BILL 307.** Correctly engrossed.

**LEGISLATIVE BILL 358.** Correctly engrossed.

**LEGISLATIVE BILL 360.** Correctly engrossed.

**LEGISLATIVE BILL 361.** Correctly engrossed.

**LEGISLATIVE BILL 416.** Correctly engrossed.

**LEGISLATIVE BILL 458.** Correctly engrossed.

**LEGISLATIVE BILL 481.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **UNANIMOUS CONSENT—Set Bills on General File**

Mr. Syas requested unanimous consent that LB 279, LB 281, LB 282, and LB 283 be scheduled for consideration on General File on Wednesday morning, May 13, 1959. No objections. So ordered.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 399.** With emergency.

A bill for an act to amend section 53-117, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to clarify the subpoena powers of the Nebraska Liquor Control Commission; to provide that the commission shall have authority to issue subpoena and to compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony; to provide that the district court shall have the duty to compel obedience by proceedings for contempt; 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, 39:

Adams	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Claussen	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Tews
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams
Fulton	Munnelly	Russillo	

Voting in the negative, 0.

Not voting, 4:

Aufenkamp	Bowen	Carpenter	Thompson
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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.

#### **Member Excused**

Mr. Donner was excused from 10:00 a.m. until 11:00 a.m. this morning.

#### **LEGISLATIVE BILL 482. With emergency.**

A bill for an act to amend sections 17-515 and 17-923, Reissue Revised Statutes of Nebraska, 1943, and sections 16-622, 16-669, and 17-920, Revised Statutes Supplement, 1957, relating to special assessments by municipalities; to increase the interest rate on special assessments by certain municipalities for public improvement and on delinquent installments thereof; 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, 38:

Adams	Burbach	Diers	Erlewine
Bridenbaugh	Claussen	Donner	Fenske

Fulton	McHugh	Pizer	Stryker
Gerdes	Moulton	Portsche	Swanson
Hollenbeck	Munnely	Romans	Syas
Jensen	Nelson	Ruhnke	Tews
Klaver	Olinger	Russillo	Vosoba
Lautenschlager	Orme	Simmons	Webb
Liebers	Otto	Skarda	Williams
Marvel	Peck		

Voting in the negative, 1:

Cooper

Not voting, 4:

Aufenkamp	Bowen	Carpenter	Thompson
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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.

#### Visitors

Mr. Fulton introduced Mr. Darrel W. Wolcott, Teacher, and thirty-six students and eight sponsors from Odell.

#### Member's Birthday

Mr. Swanson announced that today was Mr. Donner's birthday, and the members sang Happy Birthday to him.

#### LEGISLATIVE BILL 616.

A bill for an act relating to the State Railway Commission; to provide for the adoption of tolerances and specifications for grain moisture measuring devices; to provide standards; to provide for the testing and sealing or marking of grain moisture measuring devices; to provide for notice of defective devices; to make certain acts unlawful; to provide an exception; and to provide penalties.

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

Voting in the affirmative, 37:

Aufenkamp	Cooper	Fenske	Jensen
Bridenbaugh	Diers	Fulton	Klaver
Burbach	Donner	Gerdes	Lautenschlager
Claussen	Erlewine	Hollenbeck	Liebers

Marvel	Orme	Ruhnke	Syas
McHugh	Otto	Russillo	Tews
Moulton	Peck	Simmons	Vosoba
Munnely	Pizer	Skarda	Webb
Nelson	Portsche	Swanson	Williams
Olinger			

Voting in the negative, 1:

Stryker

Not voting, 5:

Adams	Carpenter	Romans	Thompson
Bowen			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 701. With emergency.

A bill for an act to amend sections 8-329, 77-706, and 77-707, Reissue Revised Statutes of Nebraska, 1943, relating to taxation of building and loan associations; to clarify the manner and method of taxation of the stock or shares of building and loan associations; to except the stock or shares of building and loan associations from the method of determination of the value of stock of corporations generally; to prescribe the mill rate at which the stock or shares of building and loan associations shall be taxed; 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, 40:

Adams	Fulton	Munnely	Russillo
Aufenkamp	Gerdas	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Claussen	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Tews
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Bowen                      Carpenter                      Thompson

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

**LEGISLATIVE BILL 392.** With emergency.

A bill for an act relating to insurance; to authorize political subdivisions, except as prescribed, to establish, participate in, and manage plans providing prescribed insurance coverage for their employees or dependents; to provide for the purchase of such insurance; to provide that such political subdivisions may pay the cost of such insurance for employees in whole or in part; to authorize wage and salary deductions; to provide that employee participation in such plan shall be voluntary; to provide that no commission or compensation paid by any insurance company on account of such plan shall be received by any officer or other employee of such political subdivision; to repeal section 44-1612, Reissue Revised Statutes of Nebraska, 1943; 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	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Claussen	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Tews
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Bowen                      Carpenter                      Thompson

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

**LEGISLATIVE BILL 450.**

A bill for an act to amend section 25-2221, Reissue Revised Statutes of Nebraska, 1943, relating to courts and the procedure therein; to provide the manner of computation of time; to provide the days upon which courts and their offices may be closed; and to repeal the original section and also section 24-316, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 39:

Aufenkamp	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Claussen	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Tews
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams
Fulton	Munnelly	Russillo	

Voting in the negative, 0.

Not voting, 4:

Adams	Bowen	Carpenter	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Visitors**

President Burney introduced Mr. Tom Davies from Lincoln.

Mr. Pizer introduced His Worship Leslie H. Priestley, Mayor of Lincoln, England, who is here for the Lincoln Centennial. Mayor Priestley addressed the Legislature.

**LEGISLATIVE BILL 501.**

A bill for an act to amend section 79-810, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to redesignate as budget the annual estimate required of Class III school districts and change the time of its submission to the county board; to clarify the procedures for levy of the tax necessary to provide the funds indicated as necessary by such budget and accompanying certificate; and to repeal the original section.

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

Voting in the affirmative, 38:

Aufenkamp	Hollenbeck	Olinger	Simmons
Bridenbaugh	Jensen	Orme	Skarda
Burbach	Klaver	Otto	Stryker
Claussen	Lautenschlager	Peck	Swanson
Cooper	Liebers	Pizer	Syas
Diers	Marvel	Portsche	Tews
Erlewine	McHugh	Romans	Vosoba
Fenske	Moulton	Ruhnke	Webb
Fulton	Munnelly	Russillo	Williams
Gerdes	Nelson		

Voting in the negative, 0.

Not voting, 5:

Adams	Carpenter	Donner	Thompson
Bowen			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 502.

A bill for an act to amend section 79-1239, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify the requirement that a teacher register his certificate in the office of the county superintendent; to change the time when the county superintendent certifies the name of any teacher not complying with the requirements of this section; to provide that such teacher shall not be reimbursed for his services; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Hollenbeck	Olinger	Simmons
Aufenkamp	Jensen	Orme	Skarda
Bridenbaugh	Klaver	Otto	Stryker
Burbach	Lautenschlager	Peck	Swanson
Claussen	Liebers	Pizer	Syas
Cooper	Marvel	Portsche	Tews
Diers	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fulton	Munnelly	Russillo	Williams
Gerdes			



Voting in the negative, 2:

Fenske                      Nelson

Not voting, 4:

Bowen                      Carpenter                      Donner                      Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### SELECT FILE

**LEGISLATIVE BILL 540.** Laid over temporarily.

**LEGISLATIVE BILL 379.**

Mr. Stryker moved that LB 379 be indefinitely postponed.

Motion pending.

Laid over.

**LEGISLATIVE BILL 621.** E and R amendments found in the Legislative Journal for the Eighty-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 584.** E and R amendment found in the Legislative Journal for the Eighty-fifth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 317.** E and R amendment found in the Legislative Journal for the Eighty-fifth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 483.** E and R amendments found in the Legislative Journal for the Eighty-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 659.** E and R amendments found in the Legislative Journal for the Eighty-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 484.** E and R amendment found in the Legislative Journal for the Eighty-fifth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 435.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 664.** E and R amendments found in the Legislative Journal for the Eighty-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 344.** E and R amendment found in the Legislative Journal for the Eighty-fifth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 340.** E and R amendment found in the Legislative Journal for the Eighty-fifth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 688.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 689.** E and R amendments found in the Legislative Journal for the Eighty-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 363.** E and R amendments found in the Legislative Journal for the Eighty-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 540.**

Mr. Fulton moved the adoption of his pending specific amendments found in the Legislative Journal for the Eighty-fifth Day.

Mr. Skarda requested unanimous consent that LB 540 be laid over on Select File until Monday, May 11, 1959.

Mr. Moulton objected.

Mr. Skarda moved that LB 540 be laid over on Select File until Monday, May 11, 1959.

Mr. Russillo requested a record vote.

Voting in the affirmative, 15:

Diers	McHugh	Otto	Syas
Erlewine	Munnelly	Portsche	Tews
Gerdes	Nelson	Ruhnke	Vosoba
Liebers	Orme	Skarda	

Voting in the negative, 19:

Adams	Fulton	Marvel	Stryker
Aufenkamp	Hollenbeck	Moulton	Swanson
Claussen	Jensen	Pizer	Webb
Cooper	Klaver	Romans	Williams
Fenske	Lautenschlager	Russillo	

Not voting, 9:

Bowen	Carpenter	Olinger	Simmons
Bridenbaugh	Donner	Peck	Thompson
Burbach			

The Skarda motion lost.

Mr. Fulton requested a record vote on his motion to adopt the amendments.

Voting in the affirmative, 11:

Burbach	Fulton	Nelson	Vosoba
Claussen	Hollenbeck	Romans	Webb
Erlewine	Moulton	Ruhnke	

Voting in the negative, 22:

Adams	Jensen	Orme	Stryker
Aufenkamp	Lautenschlager	Otto	Swanson
Bridenbaugh	Liebers	Pizer	Syas
Cooper	Marvel	Russillo	Tews
Diers	McHugh	Skarda	Williams
Fenske	Munnelly		

Not voting, 10:

Bowen	Gerdes	Peck	Simmons
Carpenter	Klaver	Portsche	Thompson
Donner	Olinger		

The Fulton amendments lost.

Mr. Moulton moved that LB 540 be returned to Final Reading.

The motion prevailed.

### BILLS ON FINAL READING

The following bill was read and put upon final passage:

#### LEGISLATIVE BILL 540. With emergency.

A bill for an act to amend sections 18-404 and 18-405, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, all; to provide that cities, villages, or metropolitan water or utility districts may extend or enlarge water mains, gas mains, or other utility services with their own forces; to provide that when such enlargement or extension is made the average cost per foot of such main extensions during the prior calendar year shall be the cost assessed against the property benefited thereby, instead of the actual cost of each such main extension; 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, 32:

Adams	Jensen	Nelson	Russillo
Bridenbaugh	Klaver	Olinger	Simmons
Claussen	Lautenschlager	Orme	Skarda
Cooper	Liebers	Otto	Stryker
Diers	Marvel	Pizer	Swanson
Fenske	McHugh	Portsche	Syas
Gerdes	Moulton	Romans	Tews
Hollenbeck	Munnelly	Ruhnke	Williams

Voting in the negative, 5:

Burbach	Fulton	Vosoba	Webb
Erlewine			

Not voting, 6:

Aufenkamp	Carpenter	Peck	Thompson
Bowen	Donner		

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

**GENERAL FILE****LEGISLATIVE BILL 397.** Read and considered.**Speaker Pizer Presiding**

Mr. Bridenbaugh moved that LB 397 be indefinitely postponed.

Mr. Marvel requested unanimous consent that LB 397 be laid over until Wednesday, May 13, 1959.

Mr. Bridenbaugh objected.

Mr. Marvel moved that LB 397 be laid over until Wednesday, May 13, 1959.

Mr. Russillo requested a record vote.

**President Burney Presiding**

Voting in the affirmative, 30:

Aufenkamp	Klaver	Olinger	Stryker
Burbach	Lautenschlager	Orme	Swanson
Claussen	Liebers	Otto	Syas
Diers	Marvel	Pizer	Tews
Fenske	McHugh	Portsche	Vosoba
Fulton	Moulton	Ruhnke	Webb
Gerdes	Munnely	Skarda	Williams
Jensen	Nelson		

Voting in the negative, 5:

Bridenbaugh	Hollenbeck	Romans	Russillo
Cooper			

Not voting, 8:

Adams	Carpenter	Erlewine	Simmons
Bowen	Donner	Peck	Thompson

The Marvel motion prevailed, and LB 397 was laid over until Wednesday, May 13, 1959.

**Visitors**

Mr. Skarda introduced Miss Agnes Nelson, Principal, Winifred Hockobont and Mrs. Behery, Teachers, and seventy-two students from South Lincoln School, Omaha.

Mr. McHugh introduced Mrs. Mable Ingram, Teacher, and twenty-three students from School District 47, Louisville, and ten mothers and one father.

Mrs. Orme introduced Mr. Bartlett Boyles and Mr. Ralph Queen from Lincoln.

#### UNANIMOUS CONSENT—Executive Session

Mr. Liebers requested unanimous consent for permission for the Budget Committee to hold an executive session this afternoon at 1:30 p.m., May 7, 1959. No objections. So ordered.

#### GENERAL FILE

**LEGISLATIVE BILL 545.** Laid over until Thursday, May 14, 1959, at the request of Mr. Syas.

**LEGISLATIVE BILL 247.** Laid over until Thursday, May 14, 1959, at the request of Mr. Syas.

#### Visitors

Mr. Adams introduced Sister Conlety and Sister Der Mot, and twenty-six students from Sacred Heart School, Omaha, and four sponsors.

**LEGISLATIVE BILL 410.** Section 1 read and considered.

Standing Committee amendment 1 read.

Mr. Otto offered the following amendment:

1. Amend LB 410 by striking committee amendment No. 1 and substitute the following: Amend section 1 of the bill, line 16, by inserting after the word "service" the following: *"but shall not exceed a total of thirty five years"*

Amend Section 1, line 5 by reinserting the stricken matter.

Amend Section 1, line 22, by striking "Pro-" and by striking all of lines 23, 24, 25, and 26.

Amendment pending.

Laid over.

**NOTICE OF COMMITTEE HEARINGS****Judiciary**

LB 718      Monday, May 18, 1959

2:00 p.m.

**Recess**

At 11:52 a.m., on a motion by Mr. Pizer, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:03 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Bowen, Carpenter, Liebers, Marvel, Moulton, Thompson, and Tews who were excused, Mr. Romans who was excused until 2:40 p.m., and Messrs. Fenske, Pizer, and Stryker who were excused until 3:55 p.m.

**Guests**

Mr. Robert Fraser from Omaha, Honorary French Consul, introduced Mr. Claude Batault, French Consul General for the seven state area.

Mr. Batault addressed the Legislature.

**GENERAL FILE**

**LEGISLATIVE BILL 131.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 646.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Eightieth Day was adopted.

Mr. Aufenkamp moved that LB 646 be indefinitely postponed.

The motion lost.

**Mr. Lautenschlager Presiding**

Mr. Ruhnke offered the following amendment which was adopted:

1. Amend the bill, Section 1, line 10, by striking "eight" and inserting in lieu thereof "nine", and amend the title to conform.

Mr. Peck moved that LB 646 be advanced to E and R for review.

Motion pending.

Laid over.

**LEGISLATIVE BILL 528.** Laid over.

**LEGISLATIVE BILL 391.** Laid over.

**LEGISLATIVE BILL 487.** Laid over until Monday, May 11, 1959, at the request of Mr. Simmons.

#### **Members Excused**

Mr. Erlewine was excused until Wednesday morning, May 13, 1959.

Mr. Swanson was excused at 3:25 p.m. for the remainder of the day and for Friday, May 8, 1959.

#### **GENERAL FILE**

**LEGISLATIVE BILL 636.** Laid over.

**LEGISLATIVE BILL 610.** Read and considered.

#### **President Burney Presiding**

Mr. McHugh offered the following amendment which was adopted:

1. Amend Standing Committee Amendment 1, line 13, by inserting the following after the word "township":

*"having an assessed valuation of at least one million dollars".*

Standing Committee amendments found in the Legislative Journal for the Fifty-seventh Day were adopted as amended.

Advanced to E and R for review.

**LEGISLATIVE BILL 338.** Laid over.



**LEGISLATIVE BILL 369.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Fifty-seventh Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 370.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 371.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 364.** Laid over.

**LEGISLATIVE BILL 357.** Laid over.

**LEGISLATIVE BILL 356.** Laid over.

**LEGISLATIVE BILL 418.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 412.** Read and considered.

Advanced to E and R for review.

**Member Excused**

Mr. Olinger was excused for Friday, May 8, 1959.

**LEGISLATIVE BILL 477.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 692.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-ninth Day were adopted.

Advanced to E and R for review.

**Adjournment**

At 4:11 p.m., on a motion by Mr. Fenske, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**EIGHTY-SEVENTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Friday, May 8, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs.  
Bowen, Carpenter, Erlewine, Olinger, Swanson, and Tews who were  
excused.

The Journal for the Eighty-sixth Day was approved.

**UNANIMOUS CONSENT—Lay Over LB 528**

Mr. Gerdes requested unanimous consent that LB 528 be held  
over on General File until Monday, May 11, 1959. No objections.  
So ordered.

**Communications**

Letter from Walter Rogers, Chairman, Subcommittee on Irriga-  
tion and Reclamation, House of Representatives, acknowledging re-  
ceipt of Legislative Resolution 27.

**MESSAGE FROM THE GOVERNOR**

May 7, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

This letter is to request permission of your honorable body to in-  
troduce legislation to implement the constitutional vote of the peo-  
ple authorizing the legalization of the game of bingo.

At the outset of this message, I should like to pay tribute to the diligent and dedicated effort of your Government Committee for without its conscientious effort in the preparation of earlier legislation considered by this body, a great many of the sound principles incorporated in the legislative proposal I now present would still be imaginary and unrealistic. At the same time, in asking Senator Klaver to introduce this proposal, I do so in the sure realization that his interest in this field over a period of several years, coupled with his painstaking study of bingo legislation in other jurisdictions, can result only in a stellar contribution to sounder legislation within the intent of our Nebraska people.

In addition, in presenting this new bingo legislation, I do so with the further confidence that emanates from the support of the social, fraternal, veterans and religious organizations who were unable to extend unequivocal approval to legislation which did not provide adequate enforcement measures but who do now recognize those desirable qualities in the legislation I present to you this day.

The intention of this legislation is to permit legalized bingo as a recreational and social diversion. It is its further intention to mitigate the possibility of big-time, free-wheeling, unrestricted and irresponsible gambling with its resultant adverse effect upon the moral fibre and economic structure of our Nebraska communities and our Nebraska people. I have been assured that this is the type of legislation contemplated by our veterans organizations. I have been assured also that, if bingo is to be legalized, this is the type of legislation advocated by our religious organizations. Those interested in bingo for entertainment in their social clubs, civic promotions and agricultural fairs have indicated similar approval.

Your honorable body has previously considered, to an extensive degree, an earlier bingo proposal. The current legislation has made great use of that earlier measure. It does, however, offer for your approval the following significant alternatives and additional provisions:

- (1) It places the licensing, supervision and enforcement in an appointive officer. I suggest the Director of Agriculture and Inspection. I do not feel that such supervision should be vested in an elected official because of the possibility of recriminations by the electorate when displeased by the strictness of the enforcement.

- (2) It specifies the non-assignability and non-transferability of the bingo license and, in providing for the conspicuous display of the license at the bingo playing location, prohibits the removal of that license for the purpose of conducting bingo games at a place other than that described in the application and such license.

(3) It prohibits the payment of commissions or salaries to employees which are based upon a percentage of the receipts accruing to the licensee by virtue of the bingo operation.

(4) It prohibits the computation of rentals upon the basis of a percentage of the receipts accruing to a licensee by virtue of such bingo operation when the licensee is in occupancy of premises as a tenant.

(5) It continues the prohibition against bingo playing on Sunday and, at the same time, limits the hours of play on secular days to 10:00 A.M. until midnight.

(6) This proposal raises the age limitation from sixteen years to twenty-one years.

(7) In preserving the limitation of thirty cents for each player for each game, it permits the issuance of any number of cards to a player so long as the thirty cent limitation per game is not exceeded.

(8) This legislative proposal calls for the imposition of a mandatory 10% tax on the gross proceeds received from bingo operation. One-half of the tax so collected will be retained by the county, city or village for credit to its General Fund and thereby furnish a partial measure of relief from our property tax burden. The remainder of the tax will accrue to the State of Nebraska to defray the costs of administration and supervision with any remaining balance credited to the General Fund.

(9) In view of the imposition of this tax, and in view of the fact that all proceeds, without exemption, shall be subject thereto, it was believed advisable to increase the retained percentage of the licensee to 50% of the amount remaining after the deduction of such tax. Further, the amount of prizes in one daily session is not to exceed \$750.00, the amount of receipts is not to exceed \$1,500.00 and there are to be no more than ten daily sessions in a calendar month.

(10) The proposal carries strong provisions for strict state enforcement and imposes upon the administering official definite responsibilities for the licensing, supervision, regulation and enforcement of the activity in coordination and cooperation with county and community law enforcement officials.

(11) In order to insure enforcement, penalty provisions have been made more realistic. The provisions for local option have been extended to counties as well as cities and villages.

(12) Where merchandise is offered as a prize to the winner, this law specifies that he shall have the option of receiving cash in lieu thereof.

I commend this legislative proposal to your immediate and expeditious attention in order that it may be enacted promptly with the emergency clause.

Thank you.

Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:sn

#### **MOTION—Bill on First Reading**

Mr. President: I move that the bingo bill recommended by the Governor be not read the first time. (Signed) John Adams, Sr.

Mr. Klaver raised a point of order. The Chair ruled the Adams motion out of order.

With the consent of his second, Mr. Adams amended his motion that the rules be suspended and the bingo bill recommended by the Governor be not read the first time.

The motion lost with 3 ayes, 25 nays, and 15 not voting.

#### **Visitors**

Mr. Jensen introduced Darrell Johnson, Teacher, and thirty-one students from Edgar District 12, and two sponsors.

#### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 719.** By Sam Klaver of Legislative District 6, upon recommendation of the Governor.

A bill for an act to amend sections 28-941, 28-945, 28-961, and 28-962, Reissue Revised Statutes of Nebraska, 1943, relating to games of chance; to define terms; to prohibit the conducting of bingo except by licensees; to prohibit the playing of bingo except when conducted by a licensee; to provide who shall be eligible for a license; to provide for the application and issuance of licenses; to provide for the division of the gross proceeds of any game of bingo; to provide duties for various public officers; to

provide fees; to provide for the regulation of bingo; to authorize the imposition of taxes; to provide for the issuance of permits by local governing bodies; to authorize law enforcement officers to enter places where bingo is being played, as prescribed; to require reports; to provide for complaints and the investigation thereof; to provide for the suspension or revocation of licenses; to provide for local option; to authorize the adoption of rules and regulations; to provide penalties; to provide separability; to repeal the original sections; and to declare an emergency.

### **SUSPEND RULES—Refer LB 719**

Mr. President: I move that the rules be suspended and LB 719 be referred to the Government Committee. (Signed) Sam Klaver

The motion prevailed with 31 ayes, 2 nays, and 10 not voting.

### **MESSAGE FROM THE GOVERNOR**

May 6, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 5, 1959, he approved LB 565.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 76.** Correctly engrossed.

**LEGISLATIVE BILL 317.** Correctly engrossed.

**LEGISLATIVE BILL 405.** Correctly engrossed.

**LEGISLATIVE BILL 459.** Correctly engrossed.

**LEGISLATIVE BILL 461.** Correctly engrossed.

**LEGISLATIVE BILL 507.** Correctly engrossed.

**LEGISLATIVE BILL 511.** Correctly engrossed.

**LEGISLATIVE BILL 647.** Correctly engrossed.

**LEGISLATIVE BILL 686.** Placed on Select File as amended.

E and R amendments to LB 686:

1. In renumbered section 2, line 1, strike "Section" and insert "Sec."

2. In new section 1, line 23, insert "of" after "period".

3. In the Lautenschlager General File Amendment 1, line 1, strike "section 10" and insert "renumbered section 11".

4. In renumbered section 11, line 5, insert "game" before "bird"; also in line 5 insert "be" after "to"; in line 6 strike "be"; also in line 6 strike "fail" and insert "fails"; and in line 9 strike "or" and insert "nor".

5. For correlation purposes, in renumbered section 4, line 2, insert "as amended by section 1, Legislative Bill 149, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; and in line 6, after "mal," insert "except that raccoon, opossum, and fox may be taken, and the flesh or fur thereof may be sold, by the holder of either a valid hunting or trapping permit,".

6. In renumbered section 12, line 3, strike "37-213,"; and in line 4 insert "and section 37-213, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 149, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,".

7. In the title, line 4, insert "37-204," after "sections" and strike "37-213,"; in line 5 insert "and section 37-213, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 149, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; and strike lines 7 and 8 and insert "thereof; to change the fees for nonresident fishing permits; to pro-".

**LEGISLATIVE BILL 304.** Placed on Select File as amended.

E and R amendments to LB 304:

1. In new section 1, line 3, strike "Section"; in line 11, insert "such" after "make" as in the statutes; and show the period at the end of line 12 as stricken.



2. In Standing Committee Amendment 3, line 3, strike "through" and insert "to"; and in lines 3 and 4, strike "inclusive".

3. In Standing Committee Amendment 5, line 4, strike "Re-issue Revised Statutes of Nebraska, 1943,".

4. In section 3, line 1, strike "Section" and insert "Sec."; and also in line 1 strike "the".

5. Add a new section to be known as section 4 and to read as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

6. In the title strike line 2 and insert "FOR AN ACT to amend section 44-821, Revised Statutes Supplement, 1957, relating to insurance; to increase the loss fund of a domestic hail assessment association; to provide that no"; in line 5 insert "in addition to such loss fund" after "deposit"; in line 10 strike "and"; and in line 12 insert "; to repeal the original section; and to declare an emergency" before the period.

**LEGISLATIVE BILL 613.** Placed on Select File as amended.

E and R amendments to LB 613:

1. In section 1, line 30, insert an underscored comma after "board".

2. In the title, line 3, insert "the" after "to"; in lines 3 and 4 strike "Accounting" and insert "Accountancy"; strike line 4 following the semicolon and strike lines 5 to 11 and insert "to provide when certificate holders or registrants may be classified as inactive; to provide that no one so classified shall be deemed the holder of a live permit; to provide a fee; to provide for return to active status; and to repeal the original section."

**LEGISLATIVE BILL 582.** Placed on Select File as amended.

E and R amendments to LB 582:

1. In new section 1, line 14, strike the comma.

2. In the title, line 2, strike "section" and insert "sections 79-498 and"; at the end of line 3 insert "to provide for continuation of free high school tuition payments by the annexing district after annexation or merger"; and in line 5 strike "section" and insert "sections".

**LEGISLATIVE BILL 712.** Placed on Select File.

**LEGISLATIVE BILL 680.** Placed on Select File as amended.

E and R amendments to LB 680:

1. For correlation purposes, in section 1, line 2, insert "as amended by section 6, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; in line 35 strike "in" and insert "of"; in line 64 insert "; and provided further, nothing contained in this section shall be construed to prevent or prohibit the commission from accepting and approving bonds which run for a term longer than the license period" before the period; and in line 134 strike ", provided" and insert "; Provided".

2. In section 2, line 2, insert "as amended by section 6, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,".

3. In the title, line 3, insert "as amended by section 6, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; and in line 26 insert "to eliminate obsolete provisions;" after the semicolon.

**LEGISLATIVE BILL 651.** Placed on Select File as amended.

E and R amendment to LB 651:

1. In the title, line 11, insert a comma after "highways"; and in line 12 insert "to provide for claims for refunds by any nonprofit boat club or association;" after the semicolon.

**LEGISLATIVE BILL 643.** Placed on Select File as amended.

E and R amendments to LB 643:

1. Add a new section to be known as section 3 and to read as follows:

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

2. In the title, strike lines 4 to 6 and insert "to eliminate the limitation on the reimbursement for examination of a domestic insurance company; to provide how the amount of such reimbursement shall be determined; to repeal the original section; and to declare an emergency."

**LEGISLATIVE BILL 644.** Placed on Select File as amended.

E and R amendments to LB 644:

1. Add a new section to be known as section 4 and to read as follows:

“Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

2. In the title, line 6, strike “and”; and in line 7 insert “; and to declare an emergency” before the period.

**LEGISLATIVE BILL 540.** Correctly enrolled.

**LEGISLATIVE BILL 502.** Correctly enrolled.

**LEGISLATIVE BILL 501.** Correctly enrolled.

**LEGISLATIVE BILL 450.** Correctly enrolled.

**LEGISLATIVE BILL 392.** Correctly enrolled.

**LEGISLATIVE BILL 701.** Correctly enrolled.

**LEGISLATIVE BILL 616.** Correctly enrolled.

**LEGISLATIVE BILL 482.** Correctly enrolled.

**LEGISLATIVE BILL 399.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 540 LB 502 LB 501 LB 450  
LB 392 LB 701 LB 482 LB 399 LB 616

#### **Member Excused**

Mr. Lautenschlager was excused at 9:50 a.m. for the remainder of the day.

#### **Visitors**

Mr. Portsche introduced Mrs. Gladys Sorensen, Teacher, and eight students from Belmont School, Lincoln.

## NOTICE OF COMMITTEE HEARINGS

## Government

LB 719 Monday, May 18, 1959

2:00 p.m.

## BILLS ON FINAL READING

The following bills were read and put upon final passage:

## LEGISLATIVE BILL 318.

A bill for an act to amend section 32-806, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to clarify the provisions thereof; and to repeal the original section.

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

Voting in the affirmative, 35:

Adams	Gerdes	Nelson	Simmons
Aufenkamp	Hollenbeck	Orme	Skarda
Burbach	Jensen	Otto	Stryker
Claussen	Klaver	Peck	Syas
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams
Fulton	Munnely	Russillo	

Voting in the negative, 0.

Not voting, 8:

Bowen	Carpenter	Lautenschlager	Swanson
Bridenbaugh	Erlewine	Olinger	Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

## LEGISLATIVE BILL 474.

A bill for an act to amend sections 60-301 and 60-305.03, Revised Statutes Supplement, 1957, relating to motor vehicle registration; to define terms; to provide for the proportional registration in this state of fleets of three or more commercial vehicles as prescribed; to provide procedures for and the effect of such regis-

tration; to provide for adjustments of fees as prescribed; to grant authority to and impose duties on the Director of Motor Vehicles; to authorize declarations or reciprocity agreements or arrangements as prescribed; to provide an operative date; to provide a savings provision for existing reciprocity agreements or arrangements; and to repeal the original sections.

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

Voting in the affirmative, 35:

Adams	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Orme	Skarda
Burbach	Jensen	Otto	Stryker
Claussen	Klaver	Peck	Thompson
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Portsche	Webb
Donner	McHugh	Romans	Williams
Fenske	Moulton	Ruhnke	

Voting in the negative, 0.

Not voting, 8:

Bowen	Erlewine	Olinger	Syas
Carpenter	Lautenschlager	Swanson	Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Member Excused

Mr. Fulton was excused at 10:15 a.m. for a short period.

#### LEGISLATIVE BILL 486.

A bill for an act relating to state highways; to provide that, in the event of the restriction of use or closing of state highways during construction, improvement, or maintenance and suitable notice, as prescribed, has been given of such restriction or closing, it shall be unlawful to willfully enter such restricted or closed portion or ignore such notice; to provide an exception; to provide penalties; and to provide for civil liability.

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

Voting in the affirmative, 32:

Adams	Gerdes	Nelson	Simmons
Aufenkamp	Jensen	Orme	Skarda
Bridenbaugh	Klaver	Otto	Stryker
Burbach	Liebers	Peck	Syas
Claussen	Marvel	Pizer	Thompson
Cooper	McHugh	Portsche	Vosoba
Diers	Moulton	Ruhnke	Webb
Fenske	Munnelly	Russillo	Williams

Voting in the negative, 3:

Donner	Hollenbeck	Romans
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Not voting, 8:

Bowen	Erlewine	Lautenschlager	Swanson
Carpenter	Fulton	Olinger	Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 515.

A bill for an act relating to aeronautics; to define guest passenger of aircraft; to provide for claim for damages; and to provide the rights of passengers.

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

Voting in the affirmative, 35:

Adams	Gerdes	Nelson	Simmons
Aufenkamp	Hollenbeck	Orme	Skarda
Bridenbaugh	Jensen	Otto	Stryker
Burbach	Klaver	Peck	Syas
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Portsche	Vosoba
Diers	McHugh	Romans	Webb
Donner	Moulton	Ruhnke	Williams
Fenske	Munnelly	Russillo	

Voting in the negative, 0.

Not voting, 8:

Bowen	Erlewine	Lautenschlager	Swanson
Carpenter	Fulton	Olinger	Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 518.

A bill for an act to amend section 75-103, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to provide that appointments to fill the vacancy in the office of railway commissioner shall be for the unexpired term; and to repeal the original section.

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

Voting in the affirmative, 34:

Adams	Gerdes	Nelson	Russillo
Aufenkamp	Hollenbeck	Orme	Simmons
Bridenbaugh	Jensen	Otto	Skarda
Burbach	Klaver	Peck	Syas
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Portsche	Vosoba
Diers	McHugh	Romans	Webb
Donner	Moulton	Ruhnke	Williams
Fenske	Munnelly		

Voting in the negative, 0.

Not voting, 9:

Bowen	Fulton	Olinger	Swanson
Carpenter	Lautenschlager	Stryker	Tews
Erlewine			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 519.

A bill for an act to amend section 60-302, Revised Statutes Supplement, 1957, relating to motor vehicles; to provide that each new application for registration shall contain the principal color or colors of the motor vehicle; and to repeal the original section.

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

Voting in the affirmative, 36:

Adams	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Orme	Skarda
Burbach	Jensen	Otto	Stryker
Claussen	Klaver	Peck	Syas
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 7:

Bowen	Erlewine	Olinger	Tews
Carpenter	Lautenschlager	Swanson	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Speaker Pizer Presiding**

#### **MOTION—Return LB 317 to Select File**

Mr. President: I move to return LB 317 to Select File for the following specific amendment. (Signed) William Moulton

1. Amend the bill, page 2, lines 10 and 11, by re-inserting the stricken matter.

The motion prevailed with 25 ayes, 0 nays, and 18 not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 317.** The pending Moulton specific amendment found in this Day's Journal was adopted with 26 ayes, 0 nays, and 17 not voting.

Advanced to E and R for re-engrossment.

#### **Member Excused**

Mr. Klaver was excused at 10:35 a.m. for the remainder of the day.

#### **Visitors**

Mr. Marvel introduced Mr. John Keeney, Superintendent, and nine students and three sponsors from Cowles.



**LEGISLATIVE BILL 379.** Laid over.

**LEGISLATIVE BILL 457.** E and R amendment found in the Legislative Journal for the Eighty-sixth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 368.** E and R amendment found in the Legislative Journal for the Eighty-sixth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 50.** E and R amendments found in the Legislative Journal for the Eighty-sixth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 710.** E and R amendments found in the Legislative Journal for the Eighty-sixth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 583.**

Mr. Russillo offered the following amendment which was adopted by unanimous consent:

1. Amend the bill, section 2, line 17, by striking "zero" and inserting "one".

Mr. Cooper requested unanimous consent that the following amendment be adopted:

1. Amend the Ruhnke amendment by striking after the word "research" in the fifth line all of the following language, and inserting therefor the following: "and education relating to the utilization, distribution and marketing of agricultural products, including grains, meat, poultry, dairy and other livestock products, horticulture and forestry crops, forage crops and seeds; for the development and evaluation of new crops that may be grown as substitute crops for those now in surplus; and for the evaluation and study of the market potential of new products coming from such research by the University of Nebraska College of Agriculture."

Amendment pending.

Laid over.

**LEGISLATIVE BILL 536.** E and R amendments found in the Legislative Journal for the Eighty-sixth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 525.** E and R amendment found in the Legislative Journal for the Eighty-sixth Day was adopted.

Mr. Burbach offered the following amendments which were adopted by unanimous consent:

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

"Section 1. That section 84-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-407. (1) The Board of Educational Lands and Funds shall appoint a competent and experienced land surveyor, who shall also be a competent draftsman, to be known and designated as the State Surveyor. He shall take charge under the supervision of the board of the field notes, maps, charts, and records of the United States surveys and perform such other duties as may be prescribed by the board.

(2) The board may, when in its judgment there is need of expediting the execution of surveys applied or petitioned for and of expediting the settlement of the disputes referred to in section 84-410, appoint one or more competent experienced deputy land surveyors.

(3) Each of the deputy surveyors shall make such surveys as may be assigned him and report his work together with all necessary notes and maps to the board. Upon approval of his report and accompanying documents by the board, the same shall be used in all respects as though made by the chief State Surveyor. Each deputy appointed under the provisions of this section, except as otherwise provided in section 84-407.01, shall be entitled to twenty *thirty-two* dollars per day and necessary expenses for the time actually engaged in service, to be paid to the State Treasurer by the parties applying for or petitioning for a survey or resurvey, and parties interested in any dispute over surveys or boundaries."

2. Amend the bill by renumbering sections 1 and 2 as sections 2 and 3, respectively.

3. Amend renumbered section 3 by striking lines 1 and 2 and inserting the following:

“Sec. 3. That original sections 84-407 and 84-409, Reissue Revised Statutes of Nebraska, 1943, are repealed.”.

4. Amend the title to conform.

Advanced to E and for engrossment.

### **President Burney Presiding**

#### **Announcement**

Mr. Liebers announced that there are still a few bills which will affect the budget which have not been reported out of committees, and he requested that these bills be given immediate consideration.

#### **Visitors**

Mr. Munnelly introduced Mrs. Bertha Buckner, Principal, three teachers, and eighty students from Washington School, Omaha.

Mr. Peck introduced Mr. W. H. Plourd and Mr. C. H. Hosler from Fullerton.

Mr. McHugh introduced Mrs. Esther Buck, Teacher, and fourteen students from South Bend District 57, and six sponsors.

#### **SELECT FILE**

**LEGISLATIVE BILL 682.** E and R amendments found in the Legislative Journal for the Eighty-sixth Day were adopted.

Mr. Jensen offered the following amendments which were adopted by unanimous consent:

1. Amend section 1 of the bill, lines 11 and 12 by striking “livestock and”, and by striking line 24 and inserting “Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.”.

2. Amend section 2 of the bill, line 7 by inserting after “livestock” the following:

"and may provide for reciprocal and proportionate taxation of livestock located in this state for only a part of a year".

3. Amend the title to conform.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 580.** E and R amendments found in the Legislative Journal for the Eighty-sixth Day were adopted.

Advanced to E and R for engrossment.

### **SUSPEND RULES—Consider LB 712**

Mr. President: I move that the rules be suspended and that we consider LB 712 on Select File today. (Signed) Norman A. Otto

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 712.** Advanced to E and R for engrossment.

### **Visitors**

Mr. Marvel introduced Harold Bergt, Principal, and nineteen students from Zion Lutheran School, Hastings, and William Tegmeier and eight students from St. Paul Lutheran School, Kenesaw.

### **GENERAL FILE**

**LEGISLATIVE BILL 410.** Considered.

The pending Otto amendments found in the Legislative Journal for the Eighty-sixth Day were adopted with 20 ayes, 7 nays, and 16 not voting.

### **Member Excused**

Mr. Russillo was excused at 11:45 a.m. for the remainder of the day.

Sections 2, 3, and 4, and the title read and considered.

Standing Committee amendments 2 and 3 found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for review.

**MOTION—Adjournment**

Mr. President: I move that when we reach the close of business at noon today, we adjourn until Monday, May 11, 1959.  
(Signed) George Syas

The motion prevailed.

**Visitors**

Mr. Stryker introduced Mrs. Rhoda Cook, Mrs. Katherine Raric, and Mrs. Sara Jacob, Teachers, and seventy-three students from Districts 71 and 30, Bellwood.

**Invitation**

Mr. Portsche announced that Saturday, May 9, the senators are invited to the All Sports Day at the University of Nebraska, and that they are to use their identification cards for admittance.

**Adjournment**

At 11:54 a.m., on a motion by Mr. Pizer, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## EIGHTY-EIGHTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Monday, May 11, 1959

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

Prayer was offered by Mr. Lautenschlager.

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

**Corrections for the Journal**

Page 1532, line 33, delete the second word "the" after the word "and".

The Journal for the Eighty-seventh Day was approved as corrected.

**Visitors**

Mr. Stryker introduced Mr. Graham and Miss Vollmer, Teachers, and nine students from Luther Academy, Wahoo.

**Communications**

Letter from U. S. Representative Glenn Cunningham, acknowledging receipt of Legislative Resolution 31.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 26.** Replaced on Select File as amended.

E and R amendment to LB 26:

1. Add a new section to be known as section 4 and to read as follows:

"Sec. 4. That original section 44-222, Revised Statutes Supplement, 1957, is repealed."

**LEGISLATIVE BILL 350.** Replaced on Select File as amended.

E and R amendment to LB 350:

1. In section 6, line 33, strike the comma and show as stricken.

**LEGISLATIVE BILL 610.** Placed on Select File as amended.

E and R amendments to LB 610:

1. In the McHugh General File Amendment, line 2, strike "township" and insert "more"; and in line 3 insert "and" before "having".

2. In the title, strike lines 4 to 6 and insert "to provide a procedure for the withdrawal of an area from a rural fire protection district for the formation of a suburban fire protection district; to provide that all property of the original district shall be retained by it; to provide for the adjustment of indebtedness; and to repeal the original section."

**LEGISLATIVE BILL 369.** Placed on Select File as amended.

E and R amendment to LB 369:

1. In the title, lines 3 and 5, insert "Nebraska" after "the".

**LEGISLATIVE BILL 370.** Placed on Select File as amended.

E and R amendments to LB 370:

1. In section 1, lines 1 and 2, strike "compensation court" and insert "Nebraska Workmen's Compensation Court"; in lines 12 and 16 strike "the compensation" and insert "such"; in lines 15, 19 and 20, 22, and 25 strike "compensation court"; in lines 23 and 24 strike "compensation"; and in line 26 strike "of the compensation court".

2. In Standing Committee Amendment 1, lines 3 and 4, strike "judges' retirement fund" and insert "Nebraska Retirement Fund for Judges"; and in line 5 strike "the judges' retirement act" and insert "sections 24-701 to 24-714".

3. In the title, lines 2 and 5, insert "Nebraska" after "the"; and in line 9 insert "to provide that such acting judge shall not be liable for contributions to nor eligible for benefits from the Nebraska Retirement Fund for Judges;" after the semicolon.

**LEGISLATIVE BILL 371.** Placed on Select File as amended.

E and R amendments to LB 371:

1. In Standing Committee Amendment 1, line 3, strike the period and insert a period at the end of the line.

2. In the title, line 3, insert "Nebraska" after "the"; in line 7 strike "such" and insert "some"; in lines 10 and 11 strike "sufficient to produce the maximum compensation benefit" and insert "in an amount one and one half times the maximum compensation rate for total disability".

**LEGISLATIVE BILL 418.** Placed on Select File.

**LEGISLATIVE BILL 412.** Placed on Select File as amended.

E and R amendment to LB 412:

1. In section 2, line 28, strike "intensity" and insert "density".

**LEGISLATIVE BILL 23.** Correctly engrossed.

**LEGISLATIVE BILL 157.** Correctly engrossed.

**LEGISLATIVE BILL 288.** Correctly engrossed.

**LEGISLATIVE BILL 401.** Correctly engrossed.

**LEGISLATIVE BILL 544.** Correctly engrossed.

**LEGISLATIVE BILL 564.** Correctly engrossed.

**LEGISLATIVE BILL 600.** Correctly engrossed.

**LEGISLATIVE BILL 712.** Correctly engrossed.

**LEGISLATIVE BILL 515.** Correctly enrolled.

**LEGISLATIVE BILL 486.** Correctly enrolled.

**LEGISLATIVE BILL 519.** Correctly enrolled.

**LEGISLATIVE BILL 518.** Correctly enrolled.

**LEGISLATIVE BILL 318.** Correctly enrolled.

**LEGISLATIVE BILL 474.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman



**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 515 LB 486 LB 519  
LB 518 LB 318 LB 474

**BILLS ON FINAL READING****LEGISLATIVE BILL 685.**

Mr. Carpenter renewed his pending motion found in the Legislative Journal for the Eightieth Day to return LB 685 to Select File for specific amendments.

The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

**Visitors**

Mr. Bowen introduced Mrs. Vern Stokes, Teacher, and nine students from District 26, Red Cloud.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 516. With emergency.**

A bill for an act to amend section 48-159, Revised Statutes Supplement, 1957, relating to Nebraska Workmen's Compensation Court; to increase the salary to be paid judges of the Nebraska Workmen's Compensation Court; to provide when a change may be made in such salary; 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, 23:

Adams	Liebers	Pizer	Syas
Aufenkamp	McHugh	Portsche	Tews
Carpenter	Moulton	Russillo	Vosoba
Claussen	Munnelly	Simmons	Webb
Cooper	Otto	Skarda	Williams
Klaver	Peck	Swanson	

Voting in the negative, 19:

Bowen	Fenske	Lautenschlager	Romans
Bridenbaugh	Fulton	Marvel	Ruhnke
Burbach	Gerdes	Nelson	Stryker
Diers	Hollenbeck	Olinger	Thompson
Donner	Jensen	Orme	

Not voting, 1:

Erlewine

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

Voting in the affirmative, 24:

Adams	Liebers	Pizer	Swanson
Aufenkamp	McHugh	Portsche	Syas
Carpenter	Moulton	Romans	Tews
Claussen	Munnelly	Russillo	Vosoba
Cooper	Otto	Simmons	Webb
Klaver	Peck	Skarda	Williams

Voting in the negative, 18:

Bowen	Fenske	Lautenschlager	Orme
Bridenbaugh	Fulton	Marvel	Ruhnke
Burbach	Gerdes	Nelson	Stryker
Diers	Hollenbeck	Olinger	Thompson
Donner	Jensen		

Not voting, 1:

Erlewine

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

#### LEGISLATIVE BILL 255.

A bill for an act to amend section 79-1254, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify the provisions respecting the employment and re-employment of teachers and superintendents by Class II, III, and VI districts; to include Class I district within such provisions; and to repeal the original

section and also sections 79-517 and 79-518, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 37:

Adams	Gerdes	Olinger	Skarda
Aufenkamp	Hollenbeck	Orme	Stryker
Bowen	Jensen	Otto	Swanson
Bridenbaugh	Klaver	Peck	Syas
Burbach	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Ruhnke	Vosoba
Diers	McHugh	Russillo	Webb
Donner	Munnely	Simmons	Williams
Fulton			

Voting in the negative, 3:

Fenske	Nelson	Romans
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Not voting, 3:

Carpenter	Erlewine	Moulton
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 351.

A bill for an act to amend section 21-101, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to redefine domestic corporation; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Diers	Klaver	Olinger
Aufenkamp	Donner	Lautenschlager	Orme
Bowen	Fenske	Liebers	Otto
Bridenbaugh	Fulton	Marvel	Peck
Burbach	Gerdes	McHugh	Pizer
Claussen	Hollenbeck	Munnely	Portsche
Cooper	Jensen	Nelson	Romans

Ruhnke	Skarda	Syas	Vosoba
Russillo	Stryker	Tews	Webb
Simmons	Swanson	Thompson	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Erlewine	Moulton
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 352.

A bill for an act to amend section 21-1202, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to redefine foreign corporations; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Donner	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Erlewine	Jensen
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 353.

A bill for an act relating to real property; to provide for the protection of land titles against references and recitals as to certain instruments which should be recorded.

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

Voting in the affirmative, 40:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Donner	Moulton	Ruhnke	Webb
Fenske	Munnelly	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Erlewine	Jensen
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 367.

A bill for an act to amend sections 57-210 and 57-223, Revised Statutes Supplement, 1957, relating to oil and gas leases; to provide procedures for the ratification of any unauthorized or defective oil and gas lease executed by any executor, administrator, guardian, or trustee; to provide the procedure for execution of leases and contracts as prescribed by certain trustees; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Diers	Lautenschlager	Olinger
Aufenkamp	Donner	Liebers	Orme
Bowen	Fenske	Marvel	Otto
Bridenbaugh	Fulton	McHugh	Peck
Burbach	Gerdes	Moulton	Pizer
Claussen	Hollenbeck	Munnelly	Portsche
Cooper	Klaver	Nelson	Romans

Ruhnke	Skarda	Syas	Vosoba
Russillo	Stryker	Tews	Webb
Simmons	Swanson	Thompson	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Erlewine	Jensen
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Visitors

Mr. Adams introduced Mrs. L. Johnson and Welcome Bryant, Teachers, and sixty students from Howard Kennedy School, Omaha.

### LEGISLATIVE BILL 451.

A bill for an act to amend sections 25-10,102, 25-10,104, 26-1,143, and 27-1509, Reissue Revised Statutes of Nebraska, 1943, relating to actions of replevin; to provide procedure for placing the parties in status quo where a trial of the merits of an action of replevin is prevented by reason of irregularity in process or for any jurisdictional reason; to harmonize the provisions of said sections as to disposition upon proceedings prior to trial; and to repeal the original sections.

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

Voting in the affirmative, 41:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdas	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Carpenter	Liebers	Pizer	Tews
Claussen	Marvel	Portsche	Thompson
Cooper	McHugh	Romans	Vosoba
Diers	Moulton	Ruhnke	Webb
Donner	Munnelly	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Erlewine                      Jensen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Visitors

Mr. Donner introduced Mrs. Owen Parks and Mrs. Gwen Morrison, Teachers, and sixteen students from District 113, Royal.

Mr. Aufenkamp introduced Leland Hull, Superintendent, and twenty-one students from the Johnson Public Schools, and four sponsors.

### LEGISLATIVE BILL 455.

A bill for an act to repeal section 29-1801, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure, as being inconsistent with later enacted legislation.

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

Voting in the affirmative, 41:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme --	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Carpenter	Liebers	Pizer	Tews
Claussen	Marvel	Portsche	Thompson
Cooper	McHugh	Romans	Vosoba
Diers	Moulton	Ruhnke	Webb
Donner	Munnely	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Erlewine                      Jensen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 456.**

A bill for an act to amend section 77-2018.02, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that notice of hearing may be dispensed with and immediate determination of inheritance tax may be made upon compliance with prescribed conditions; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Gerdes	Nelson	Simmons
Aufenkamp	Hollenbeck	Olinger	Skarda
Bowen	Jensen	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Carpenter	Liebers	Pizer	Tews
Claussen	Marvel	Portsche	Thompson
Cooper	McHugh	Romans	Vosoba
Diers	Moulton	Ruhnke	Webb
Fenske	Munnelly	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 2:

Donner                      Erlewine

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 630.**

A bill for an act relating to cabin trailers; to define a term; to require permits for cabin trailers in this state as prescribed; to provide exceptions; to provide where such permit shall be obtained; to provide fees; to provide for number plates and renewal tabs and the display thereof; to provide procedures; to provide for the taxing of cabin trailers as motor vehicles; to require the payment of taxes before the issuance of any permit or renewal; to require reports; to make certain acts unlawful; to provide penalties; and to repeal sections 81-2,198, 81-2,199, 81-2,200, 81-2,201, 81-2,202, 81-2,203, 81-2,204, 81-2,205, 81-2,206, 81-2,207, 81-2,208, 81-2,209, and 81-2,210, Reissue Revised Statutes of Nebraska, 1943.



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

Voting in the affirmative, 41:

Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Donner	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 2:

Adams                      Erlewine

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 639.** With emergency.

A bill for an act to provide the salary of the Lieutenant Governor, a constitutional state officer mentioned in Article XVII, section 3, of the Constitution of Nebraska; to provide when the same shall become operative; 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:

Aufenkamp	Jensen	Otto	Skarda
Bowen	Klaver	Peck	Swanson
Bridenbaugh	Lautenschlager	Pizer	Syas
Burbach	Liebers	Portsche	Tews
Carpenter	Marvel	Romans	Thompson
Claussen	McHugh	Ruhnke	Vosoba
Cooper	Moulton	Russillo	Webb
Gerdes	Munnely	Simmons	Williams
Hollenbeck	Orme		

Voting in the negative, 7:

Diers  
Donner

Fenske  
Fulton

Nelson  
Olinger

Stryker

Not voting, 2:

Adams

Erlewine

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

**LEGISLATIVE BILL 388.** With emergency.

A bill for an act to amend section 81-1,105, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to require that a bank transact its general business at the place of business specified in its charter; to permit any such bank to maintain an attached auxiliary teller office; to permit any bank located in any city of the first class, primary class, or metropolitan class, or two or more such banks jointly, to establish and maintain not more than one detached, drive-in auxiliary teller office; to prescribe where such detached office may be located and the services to which it shall be limited; 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, 28:

Bridenbaugh	Hollenbeck	Orme	Russillo
Burbach	Jensen	Otto	Simmons
Carpenter	Klaver	Peck	Skarda
Claussen	Lautenschlager	Pizer	Syas
Cooper	Marvel	Portsche	Tews
Diers	McHugh	Romans	Webb
Gerdes	Munnely	Ruhnke	Williams

Voting in the negative, 12:

Aufenkamp	Fulton	Nelson	Swanson
Bowen	Liebers	Olinger	Thompson
Fenske	Moulton	Stryker	Vosoba

Not voting, 3:

Adams

Donner

Erlewine

Mr. Donner moved that the Legislature reconsider its action on final passage of LB 388 with the emergency clause attached.

Mr. Munnelly requested a Call of the House.

A Call of the House was ordered and showed 41 members present.

Mr. Munnelly moved that the Call be raised. The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

The Donner motion prevailed with 29 ayes, 12 nays, and 2 not voting.

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, 29:

Adams	Gerdes	Orme	Russillo
Bridenbaugh	Hollenbeck	Otto	Simmons
Burbach	Klaver	Peck	Skarda
Carpenter	Lautenschlager	Pizer	Syas
Claussen	Marvel	Portsche	Tews
Cooper	McHugh	Romans	Webb
Diers	Munnelly	Ruhnke	Williams
Donner			

Voting in the negative, 13:

Aufenkamp	Jensen	Nelson	Swanson
Bowen	Liebers	Olinger	Thompson
Fenske	Moulton	Stryker	Vosoba
Fulton			

Not voting, 1:

Erlewine

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

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 33.** Re: Legislative Council Study of the Field of Higher Education for Nebraska.

Introduced by Richard D. Marvel, 31st District; George Syas, 4th District; and Norman A. Otto, 34th District.

WHEREAS, the need for higher education is becoming of increasing importance to the citizens of the State of Nebraska, and

WHEREAS, the demands for additional funds for the institutions of higher education continue to grow, and

WHEREAS, no recent study has been made toward the eventual goal of the establishment of an integrated plan for considering the higher educational needs and facilities of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee of seven members to make a study in the field of higher education for the State of Nebraska. The study to consist of

(a) The facilities, faculties and enrollments of the institutions of higher education, both public and private, and their relationship to each other and the total picture of higher education in this state.

(b) Consideration of the anticipated needs of the citizens of the state for the next ten years, and

(c) Method of financing these needs during the next ten years.

That the committee report its findings and recommendations to the next regular session of the Legislature.

2. That the committee be authorized to secure the services of professional survey personnel acceptable to both lay and professional leaders to assist in making such study.

Referred to the Legislative Council Executive Board.

#### **UNANIMOUS CONSENT—Add Co-introducers**

Mr. Marvel requested unanimous consent that the following names be added as co-introducers of LR 33: Fern Hubbard Orme, 20th District; Joe T. Vosoba, 23rd District; Ray C. Simmons, 11th District; George C. Gerdes, 41st District; David D. Tews, 15th District; and Marvin Lautenschlager, 30th District. No objections. So ordered.

#### **Member Excused**

Mr. Russillo was excused for Wednesday, May 13, 1959.

**UNANIMOUS CONSENT—Change of Order**

Mr. Russillo requested unanimous consent that LB 279, LB 281, LB 282, and LB 283, previously scheduled for consideration on General File on May 13, be made the first order of business on General File Tuesday, May 12, 1959. No objections. So ordered.

**Visitors**

Speaker Pizer introduced Mrs. Lela Kisk, Teacher, and twenty-three students from Riverton, Iowa, Junior High School, and four mothers.

**President Burney Presiding****SELECT FILE****LEGISLATIVE BILL 685.**

Mr. Carpenter moved the adoption of his pending specific amendments found in the Legislative Journal for the Eightieth Day.

The motion prevailed with 30 ayes, 10 nays, and 3 not voting.

Mr. Carpenter offered the following amendments:

1. Amend the bill by adding a new section to be known as section 3 and to read as follows:

"Sec. 3. That section 84-712, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-712. *All Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, are hereby fully empowered and authorized to examine the same, free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business; Provided, when it shall be requested by any claimant before the United States Veterans' Bureau or any claimant before the United States Bureau of Pensions, his or her agent or attorney, that certified copies of any public record be furnished for the proper and effective presentation of any such claim in such bureau, the officer in charge of such public records shall furnish or cause to be furnished said claimant, his or her agent or attorney, a certified copy thereof free of charge.*

2. Amend the bill by renumbering renumbered sections 3 and 4 as sections 4 and 5 respectively.

3. Amend renumbered section 4, line 1 by inserting before "section" the following: "section 84-712, Reissue Revised Statutes of Nebraska, 1943, and", and line 4 by striking "is" and inserting "are".

4. Amend the title to conform.

Amendments pending.

Laid over.

**LEGISLATIVE BILL 290.** The pending Carpenter amendment found in the Legislative Journal for the Eighty-fourth Day was adopted by unanimous consent.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 379.** Laid over.

**LEGISLATIVE BILL 583.** The pending Cooper amendment found in the Legislative Journal for the Eighty-seventh Day was adopted by unanimous consent.

Mr. Carpenter offered the following amendments which were adopted by unanimous consent:

1. Add the emergency clause.

2. Amend the title to conform.

Advanced to E and R for engrossment.

#### Visitors

Mr. Stryker introduced Mrs. George Hageman, Leader, and twenty-two members from the Ithaca Women's Club.

**LEGISLATIVE BILL 686.** Laid over.

**LEGISLATIVE BILL 304.** E and R amendments found in the Legislative Journal for the Eighty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 613.** E and R amendments found in the Legislative Journal for the Eighty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 582.** Laid over.

**LEGISLATIVE BILL 680.** E and R amendments found in the Legislative Journal for the Eighty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 651.** E and R amendment found in the Legislative Journal for the Eighty-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 643.** E and R amendments found in the Legislative Journal for the Eighty-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 644.** E and R amendments found in the Legislative Journal for the Eighty-seventh Day were adopted.

Advanced to E and R for engrossment.

#### **MOTION—Reconsider Action on LB 57**

Mr. President: I move that we reconsider our action of May 6, 1959, on LB 57 when the bill failed to receive the constitutional majority on Final Reading. (Signed) Joe T. Vosoba

Mr. Vosoba requested a Call of the House.

A Call of the House was ordered and showed 41 members present.

Mr. Vosoba moved that the Call be raised. The motion prevailed with 36 ayes, 0 nays, and 7 not voting.

The Vosoba motion to reconsider lost with 25 ayes, 15 nays, and 3 not voting.

#### **GENERAL FILE**

**LEGISLATIVE BILL 411.**

Mr. Williams moved that LB 411 be indefinitely postponed.

Mr. Portsche requested a Call of the House.

A Call of the House was ordered and showed 42 members present.

Mr. Portsche moved that the Call be raised. The motion prevailed with 39 ayes, 0 nays, and 4 not voting.

The Williams motion lost with 20 ayes, 20 nays, and 3 not voting.

Read and considered.

Mr. Russillo offered the following amendments which were adopted:

1. Amend Section 1, line 23 by reinstating the stricken matter after the word "cupola" in line 23 through lines 23, 24, 25 and 26.

2. Amend the title to conform.

Standing Committee amendments found in the Legislative Journal for the Fifty-seventh Day were adopted.

Mr. Portsche moved that LB 411 be advanced to E and R for review.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 21:

Carpenter	Liebers	Orme	Skarda
Donner	Marvel	Otto	Syas
Fulton	McHugh	Pizer	Tews
Gerdes	Moulton	Portsche	Thompson
Jensen	Munnely	Ruhnke	Webb
Lautenschlager			

Voting in the negative, 20:

Adams	Claussen	Nelson	Simmons
Aufenkamp	Cooper	Olinger	Stryker
Bowen	Diers	Peck	Swanson
Bridenbaugh	Fenske	Romans	Vosoba
Burbach	Hollenbeck	Russillo	Williams

Not voting, 2:

Erlewine	Klaver
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The Portsche motion prevailed and LB 411 was advanced to E and R for review.



**Member Excused**

Mr. Adams was excused at 11:45 a.m. for the remainder of the day.

**Visitors**

Mr. Simmons introduced Pat Gustin, Teacher, and eight students from District 55, North Bend, and 1 mother.

Speaker Pizer introduced Mrs. Ruth Hollenbeck, Teacher, and thirty students from Mound City, Missouri, and eight sponsors.

**GENERAL FILE**

**LEGISLATIVE BILL 238.** Section 1 read and considered.

Mr. Aufenkamp moved the adoption of the Standing Committee amendments found in the Legislative Journal for the Eighty-first Day.

Motion pending.

Laid over temporarily.

**Presented to the Governor**

Presented to the Governor for approval on May 8, 1959, at 4:00 p.m.: LB 399 LB 482 LB 616 LB 701 LB 392 LB 450  
LB 501 LB 502 LB 540

(Signed) Jo Fisher, Enrolling Clerk

**Recess**

At 11:50 a.m., on a motion by Mr. Pizer, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Adams and Erlewine who were excused.

**MESSAGE FROM THE GOVERNOR**

May 8, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 8, 1959, he approved LB 137, LB 138, LB 408, and LB 665.

Respectfully submitted,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

### GENERAL FILE

#### LEGISLATIVE BILL 238. Considered.

Standing Committee amendments found in the Legislative Journal for the Eighty-first Day were adopted.

Section 2 and the title read and considered.

Mr. Aufenkamp offered the following amendment:

1. Amend LB 238, Section 1, line 10, by striking "*hourly*" and inserting in lieu thereof "*monthly*".

Amendment pending.

Laid over until Thursday, May 14, 1959, at the request of Mr. Carpenter.

### Visitor

President Burney introduced Mr. M. O. Lindner from the Arizona House of Representatives.

### UNANIMOUS CONSENT—Consider LB 658

Mr. Carpenter requested unanimous consent that LB 658 be placed at the head of General File for consideration at this time. No objections. So ordered.

### GENERAL FILE

#### LEGISLATIVE BILL 658. Read and considered.

Mr. Otto offered the following amendment which was adopted:

1. Amend Standing Committee Amendment 1, line 2, by striking "*twelve and one half*" and inserting in lieu thereof "*twelve*".

Standing Committee Amendment 1 was adopted as amended.

Mr. Otto offered the following amendment which was adopted:

1. Amend Standing Committee Amendment 2, line 4, by striking "*two and one half*" and inserting in lieu thereof "*two*".

Standing Committee Amendment 2 was adopted as amended.

Standing Committee Amendments 3, 4 and 5, found in the Legislative Journal for the Sixty-fourth Day were adopted.

Mr. Carpenter offered the following amendments which were adopted:

1. Amend section 2 of the bill, line 13 by striking "such" and inserting "*such all*".

2. Amend section 2 of the bill, lines 37 to 39 by striking the following:

"but in counties of less than 200,000 *two hundred thousand* population no fees based on admission tickets or passes shall be payable".

Mr. Aufenkamp offered the following amendments:

1. Amend the bill by striking section 3 and inserting:

"Sec. 3. *There is hereby imposed a tax of two per cent on the gross sum wagered by the pari-mutuel method at each race meeting. The tax imposed by this section shall, within ten days after the close of each race meeting, be paid into the state treasury for deposit in the General Fund.*"

2. Amend the title to conform.

Mr. Aufenkamp requested a record vote.

### Speaker Pizer Presiding

Voting in the affirmative, 9:

Aufenkamp	Fulton	Ruhnke	Syas
Bowen	Olinger	Stryker	Vosoba
Donner			

Voting in the negative, 31:

Bridenbaugh	Hollenbeck	Munnelly	Russillo
Burbach	Jensen	Nelson	Skarda
Carpenter	Klaver	Orme	Swanson
Claussen	Lautenschlager	Otto	Tews
Cooper	Liebers	Peck	Thompson
Diers	Marvel	Pizer	Webb
Fenske	McHugh	Portsche	Williams
Gerdes	Moulton	Romans	

Not voting, 3:

Adams                      Erlewine                      Simmons

The Aufenkamp amendment lost.

Advanced to E and R for review.

### Visitors

Mrs. Orme introduced Mr. R. B. Hughes, Teacher, and twenty-nine students from Irving Junior High School, Lincoln.

Mr. McHugh introduced Mr. H. L. Goyer, and Mr. John Goyer, a member of an Agency of the United Nations in Geneva, Switzerland.

Speaker Pizer introduced Mr. and Mrs. A. L. Larson from North Platte.

Mr. Webb introduced Mr. Lloyd Buchfinck from Mullen.

### LEGISLATIVE BILL 404. Read and considered.

Mr. Tews offered the following amendment which was adopted:

1. Amend LB 404, section 1, by reinstating the stricken matter and by striking "eight" in line 15 and inserting "nine".

Mr. Aufenkamp offered the following amendments which were adopted:

1. Amend the bill by adding three new sections immediately after section 1 to be known as sections 2, 3, and 4, and to read as follows:

"Sec. 2. That section 84-314, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-314. The Auditor of Public Accounts shall have the power to appoint a deputy, who shall give a bond to the State of Nebraska (1) with good and sufficient surety, (2) in the amount required by section 11-119, (3) to be approved by the Governor, and (4) deposited with the Secretary of State. When so appointed the deputy

may do and perform in the absence of the auditor such acts herein authorized and required of the auditor, as the auditor may authorize him to do, subject to the same restrictions. The deputy auditor shall receive a salary of such amount as shall be fixed by the Auditor of Public Accounts, but not to exceed ~~sixty-five hundred seven thousand~~ dollars per annum, to be paid monthly by warrant of the auditor on the State Treasurer.

Sec. 3. That section 84-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-509. The deputy secretary of state shall receive a salary of such amount as shall be fixed by the Secretary of State but not to exceed ~~sixty-five hundred seven thousand~~ dollars per annum, to be paid monthly by warrant of the Auditor of Public Accounts on the State Treasurer.

Sec. 4. That section 84-608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-608. The State Treasurer shall have the power to appoint a deputy. The deputy may do and perform, in the absence of the treasurer, all of the acts and duties that he may be authorized to perform by the treasurer, subject to the same restrictions as the treasurer, and the treasurer shall be responsible for all the official acts of his deputy. Such deputy shall receive a salary of not to exceed ~~sixty-five hundred seven thousand~~ dollars per annum to be fixed by the State Treasurer, payable monthly by warrant of the Auditor of Public Accounts on the State Treasurer.”.

2. Amend the bill by renumbering sections 2 and 3 as sections 5 and 6 respectively.

3. Amend renumbered section 5, line 1 by striking “Section 1” and inserting “Sections 1, 2, 3, and 4”, and line 4 by inserting “*deputy auditor of public accounts, deputy secretary of state, and deputy state treasurer*” before “and”.

4. Amend renumbered section 6, line 1 by striking “section 84-206” and inserting “sections 84-206, 84-314, 84-509, and 84-608”, and line 2 by striking “is” and inserting “are”.

5. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 2.** Section 1 read and considered.

Mr. Aufenkamp offered the following amendment:

1. Amend Standing Committee amendment 1, line 2, by striking the word “*fourteen*” and inserting the word “*thirteen*”.

**President Burney Presiding**

Mr. Moulton moved the previous question. The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

Mr. Tews requested a Call of the House.

A Call of the House was ordered and showed 41 members present.

Mr. Carpenter moved that the Call be raised. The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

Mr. Tews requested a record vote on the Aufenkamp amendment.

Voting in the affirmative, 24:

Aufenkamp	Donner	Liebers	Ruhnke
Bowen	Fulton	Marvel	Stryker
Bridenbaugh	Gerdes	Nelson	Syas
Burbach	Hollenbeck	Olinger	Thompson
Claussen	Jensen	Orme	Webb
Diers	Lautenschlager	Otto	Williams

Voting in the negative, 17:

Carpenter	Moulton	Portsche	Skarda
Cooper	Munnelly	Romans	Swanson
Fenske	Peck	Russillo	Tews
Klaver	Pizer	Simmons	Vosoba
McHugh			

Not voting, 2:

Adams	Erlewine
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The Aufenkamp amendment was adopted.

Mr. Aufenkamp moved that Standing Committee amendments 1 and 2 found in the Legislative Journal for the Eighty-first Day be adopted as amended.

Motion pending.

Mr. Carpenter offered the following amendment:

1. Amend Standing Committee Amendment 1, by striking "fourteen" and inserting "an amount not less than the salary of the city attorney of Omaha".

Amendment pending.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 255.** Correctly enrolled.

**LEGISLATIVE BILL 351.** Correctly enrolled.

**LEGISLATIVE BILL 352.** Correctly enrolled.

**LEGISLATIVE BILL 353.** Correctly enrolled.

**LEGISLATIVE BILL 367.** Correctly enrolled.

**LEGISLATIVE BILL 451.** Correctly enrolled.

**LEGISLATIVE BILL 455.** Correctly enrolled.

**LEGISLATIVE BILL 456.** Correctly enrolled.

**LEGISLATIVE BILL 630.** Correctly enrolled.

**LEGISLATIVE BILL 639.** Correctly enrolled.

**LEGISLATIVE BILL 388.** Correctly enrolled.

**LEGISLATIVE BILL 516.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 255 LB 351 LB 352  
LB 353 LB 367 LB 451 LB 455 LB 456 LB 630 LB 639  
LB 388 LB 516

**Adjournment**

At 4:15 p.m., on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## EIGHTY-NINTH DAY

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Legislative Chamber, Lincoln, Nebraska

Tuesday, May 12, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Pizer presiding.

Prayer was offered by the Chaplain.

**President Burney Presiding**

The roll was called and all members were present except Mr. Erlewine who was excused, Mr. Carpenter who was excused until 9:20 a.m., and Mr. Tews who was excused until 10:30 a.m.

**Corrections for the Journal**

Page 1564, insert "Referred to the Legislative Council Executive Board." after line 25.

The Journal for the Eighty-eighth Day was approved as corrected.

**Presented to the Governor**

Presented to the Governor for approval on May 11, 1959, at 2:30 p.m.: LB 518 LB 318 LB 474 LB 519 LB 486 LB 515

Presented to the Governor for approval on May 12, 1959, at 8:25 a.m.: LB 351 LB 255 LB 352 LB 367 LB 353 LB 451  
LB 455 LB 456 LB 630 LB 639 LB 388 LB 516

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 290.** Replaced on Select File as amended.

E and R amendments to LB 290:



1. In line 3 of the Carpenter Amendment 1, adopted May 11, strike "lien" and insert "withholding"; and also in line 3 strike "attach" and insert "apply".

2. In the title, line 9, strike "and"; and in line 10 insert "; and to provide that such withholding shall apply solely to money owing by the state" before the period.

**LEGISLATIVE BILL 682.** Replaced on Select File as amended.

E and R amendments to LB 682:

1. Add a quotation mark at the end of the new matter added to line 24 by the Jensen Unanimous Consent Amendment 1.

2. In the Jensen Unanimous Consent Amendment 2, line 3, strike "may" and insert "to".

3. In the title, line 6, insert "and for reciprocal and proportionate taxation of livestock located in this state for only a part of a year" before the semicolon.

**LEGISLATIVE BILL 688.** Replaced on Select File as amended.

E and R amendments to LB 688:

1. In section 1, line 4, insert "Section 1." before "Any".

2. In section 2, line 4, insert "Sec. 3." before "All".

**LEGISLATIVE BILL 525.** Replaced on Select File as amended.

E and R amendments to LB 525:

1. In renumbered section 2, line 1, strike "Section" and insert "Sec.".

2. In the title, line 2, strike "section" and insert "sections 84-407 and"; in line 5 insert "and deputy surveyors" after "surveyor"; in line 5 strike "his" and insert "their"; and in line 6 strike "section" and insert "sections".

**LEGISLATIVE BILL 628.** Placed on Select File as amended.

E and R amendments to LB 628:

1. For correlation purposes, in section 1, line 2, insert "as amended by section 7, Legislative Bill 137, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; in line 4 strike "sections 60-507 to 60-509" and insert "section 60-508"; and in line 11 strike "this section" and insert "section 60-508".

2. In section 2, line 2, insert "as amended by section 7, Legislative Bill 137, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,".

3. In the title, line 3, insert "as amended by section 7, Legislative Bill 137, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,".

**LEGISLATIVE BILL 692.** Placed on Select File as amended.

E and R amendments to LB 692:

1. In section 1, strike the new matter in lines 17 to 20; in line 11, after "*vided*," insert "*such prohibition shall not apply to acting county judges appointed under the provisions of section 24-507; and provided further*,"; and in line 23 strike the comma, showing the same as stricken.

2. Add a new section to be known as section 3 and to read as follows:

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

3. In the title, line 8, strike "and"; and in line 9 insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 340.** Correctly engrossed.

**LEGISLATIVE BILL 344.** Correctly engrossed.

**LEGISLATIVE BILL 423.** Correctly engrossed.

**LEGISLATIVE BILL 435.** Correctly engrossed.

**LEGISLATIVE BILL 483.** Correctly engrossed.

**LEGISLATIVE BILL 484.** Correctly engrossed.

**LEGISLATIVE BILL 659.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 34.** Re: Memorializing Congress to Enact Legislation Relative to the Establishment of a Soil and Water Research Laboratory in the Great Plains States.

Introduced by Hans O. Jensen, 25th District, Chairman, Agriculture Committee.

WHEREAS, there is a tremendous need for additional research in the conservation and development of the soil and water resources of the Great Plains Region of the United States of America; and

WHEREAS, the conservation and development of these two basic resources will do much to stabilize the economy of this vast area, which in the past has been ravaged by drought, dust storms and floods; and

WHEREAS, the establishment of a major soil and water research laboratory located in the Great Plains area has been recommended by the Great Plains Agricultural Council, the National Association of Soil Conservation Districts, and a Soil and Water Research Facility Committee appointed by the Secretary of Agriculture of the United States of America; and

WHEREAS, there are presently pending before the Congress of the United States of America several bills authorizing the establishment of a soil and water research laboratory in the Great Plains area;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN THE SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislature of the State of Nebraska is wholeheartedly in support of the establishment of additional facilities for an expanded program of research in soil and water conservation in the Great Plains area;

2. That the President and the Vice-President of the United States and the representatives in Congress of the United States be hereby urged and requested to take all necessary action to provide such assistance as may be necessary to establish a staff, equip and maintain, one major and strategically located laboratory in the Great Plains states to conduct research in soil and water conservation that is not possible or practical through existing programs;

3. That certified copies of this resolution be promptly transmitted to the President and Vice-President of the United States; Secretary of the United States Department of Agriculture; Chairman of the United States Senate; Speaker of the House of Representatives of the United States; Chairman of the Committee on Agriculture and Forestry of the United States Senate; Chairman of the House Committee on Agriculture; Chairman of the United

States Senate Appropriations Committee; Chairman of the United States Senate Agricultural Sub-Committee on Appropriations; Chairman of the House Committee on Appropriations; Chairman of the House Agricultural Sub-Committee on Appropriations; United States Senator Roman L. Hruska; United States Senator Carl T. Curtis; United States Representative Phil Weaver; United States Representative Glenn Cunningham; United States Representative Donald F. McGinley; and United States Representative Lawrence Brock.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 307.

A bill for an act to amend sections 54-727, 54-727.01, and 54-728, Revised Statutes Supplement, 1957, relating to livestock; to redefine terms; to prohibit the manufacture or distribution of virulent hog cholera virus or modified live hog cholera vaccine without a permit; to make certain acts unlawful; to provide exceptions; to provide penalties; and to repeal the original sections.

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

Voting in the affirmative, 39:

Adams	Gerdes	Nelson	Simmons
Aufenkamp	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams
Fulton	Munnelly	Russillo	

Voting in the negative, 0.

Not voting, 4:

Bowen	Carpenter	Erlewine	Tews
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 358.**

A bill for an act to amend section 42-319, Reissue Revised Statutes of Nebraska, 1943, relating to liens; to provide when a judgment or order for alimony or maintenance shall cease to be a lien upon property; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Gerdas	Nelson	Simmons
Aufenkamp	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams
Fulton	Munnelly	Russillo	

Voting in the negative, 0.

Not voting, 4:

Bowen	Carpenter	Erlewine	Tews
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 360. With emergency.**

A bill for an act relating to real property; to provide that possibilities of reverter or rights of entry or re-entry for breach of condition are future interests and not alienable or devisable; to provide for period of limitation for condition or possibility of reverter; to provide when this act shall not apply; 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	Burbach	Cooper	Fenske
Aufenkamp	Carpenter	Diers	Fulton
Bridenbaugh	Claussen	Donner	Gerdas

Hollenbeck	Moulton	Portsche	Swanson
Jensen	Munnelly	Romans	Syas
Klaver	Nelson	Ruhnke	Thompson
Lautenschlager	Olinger	Russillo	Vosoba
Liebers	Orme	Simmons	Webb
Marvel	Otto	Skarda	Williams
McHugh	Peck	Stryker	

Voting in the negative, 1:

Pizer

Not voting, 3:

Bowen	Erlewine	Tews
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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.

#### LEGISLATIVE BILL 361.

A bill for an act relating to testamentary gifts of securities or money to minors; to provide that testamentary gifts of money or securities may be made to minors under the same terms and conditions as now provided for inter vivos gifts under the Nebraska Uniform Gifts to Minors Act; to provide how distribution of such bequest may be made; and to provide for the appointment of a custodian when the testator has failed to make such designation or when the custodian designated by the testator is unwilling or unable to serve.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Russillo
Aufenkamp	Gerdas	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Bowen                      Erlewine                      Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 416.

A bill for an act to amend section 43-512, Revised Statutes Supplement, 1957, relating to dependent children; to provide that when the investigation of a dependent child discloses a parent able but having failed to contribute to the support of such child a copy of the findings of such investigation shall be filed with the county attorney; to clarify and harmonize the provisions of such section; to increase the monthly allowance that may be paid for monthly assistance for dependent children; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Bowen                      Erlewine                      Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 458.

A bill for an act relating to civil actions; to provide for service of process in actions arising out of the use or operation of motor vehicles over and upon any street, highway, or any other place

within the State of Nebraska by a person who was a resident of this state at the time of such use or operation but who before action is brought becomes a nonresident of this state; to provide the venue of any such action; and to provide the manner of making service of process and the effect thereof.

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

Voting in the affirmative, 38:

Adams	Fulton	Nelson	Russillo
Aufenkamp	Gerdes	Olinger	Simmons
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Fenske	Moulton		

Voting in the negative, 0.

Not voting, 5:

Bowen	Munnelly	Skarda	Tews
Erlewine			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 481. With emergency.**

A bill for an act to amend section 16-321, Reissue Revised Statutes of Nebraska, 1943, and section 17-568.01, Revised Statutes Supplement, 1957, relating to purchases by municipalities; to increase the value of purchases that may be made by certain municipalities without a prior estimate by the city engineer and without advertising for bids; to prescribe additional emergency situations in which purchases, regardless of amount, may be made without such estimate or advertising; 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, 39:

Adams	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Williams
Fenske	Moulton	Ruhnke	

Voting in the negative, 2:

Cooper                      Webb

Not voting, 2:

Erlewine                  Tews

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

### Visitors

Mr. Portsche introduced Lucille Langley, Teacher, and twenty-five students from Elliott School, Lincoln, and one mother.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 35.** Re: Legislative Council Study of the Department of Roads and State Highway Commission.

Introduced by Terry Carpenter, 42nd District; William R. Skarda, Jr., 7th District; and John P. Munnelly, 8th District.

WHEREAS, the Department of Roads is custodian of the state highway system with full authority in all departmental administrative details in all matters engineering design, with the construction, operation and protection thereof, and

WHEREAS, the State Highway Commission has advisory duties to the Department of Roads.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee of five members to make a study of the Department of Roads and State Highway Commission. The study to consist of:

- (a) Contracts and the procedure for letting same;
- (b) Bonds of contracts and how the amount is fixed;
- (c) The procedure for letting of all contracts;
- (d) Selection and location of highways;
- (e) Efficiency rating of highways constructed and to be constructed in the future;
- (f) Condemnation procedure and manner of determining damages; and
- (g) Qualifications formulas determining amounts for which contractors can qualify.

2. That the committee be authorized to secure the services of the office of the Attorney General to assist in making such study.

3. That the Budget Committee provide for an appropriation of fifteen thousand dollars to the Legislative Council to cover the expenses of making such study.

#### **UNANIMOUS CONSENT—Add Co-introducers**

Mr. Carpenter requested unanimous consent to add the following names as co-introducers of LR 35: Lewis Webb, 39th District; John Aufenkamp, 2nd District; Michael P. Russillo, 9th District; Marvin Lautenschlager, 30th District; and Kenneth L. Bowen, 32nd District. No objections. So ordered.

#### **UNANIMOUS CONSENT—Amend LR 35**

Mr. Aufenkamp requested unanimous consent to amend LR 35 by changing the membership of the committee from five to seven. No objections. So ordered.

Referred to the Legislative Council Executive Board.

#### **UNANIMOUS CONSENTS—Executive Sessions**

Mr. Liebers requested unanimous consent for permission for the Budget Committee to hold an executive session at 1:30 p.m. today, May 12. No objections. So ordered.

Mr. Syas requested unanimous consent for permission for the Education Committee to hold an executive session at 2:00 p.m. today, May 12. No objections. So ordered.

Mr. Jensen requested unanimous consent for permission for the Agriculture Committee to hold an executive session at 2:00 p.m. today, May 12. No objections. So ordered.

### Notice of Committee Meeting

Mr. Aufenkamp announced that there would be a meeting of the Salaries and Claims Committee at 2:00 p.m. today, May 12, for consideration of the Starkweather reward money.

### SELECT FILE

**LEGISLATIVE BILL 685.** The pending Carpenter amendments found in the Legislative Journal for the Eighty-eighth Day were adopted by unanimous consent.

Laid over until Thursday, May 14, 1959, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 379.** Laid over.

**LEGISLATIVE BILL 686.** E and R amendments found in the Legislative Journal for the Eighty-seventh Day were adopted.

Mr. Jensen offered the following amendment which was adopted by unanimous consent:

1. Amend section 10 of the bill by striking line 2 and all amendments thereto and inserting "*kills, or destroys any fish, or game bird or animal, in this state*".

Mr. Syas offered the following amendment which was adopted by unanimous consent:

1. Add the emergency clause and amend the title to conform.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 582.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 26.** E and R amendment found in the Legislative Journal for the Eighty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 350.** E and R amendment found in the Legislative Journal for the Eighty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 610.** E and R amendments found in the Legislative Journal for the Eighty-eighth Day were adopted.

Laid over until Monday, May 18, 1959, at the request of Mr. McHugh.

**LEGISLATIVE BILL 369.** E and R amendment found in the Legislative Journal for the Eighty-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 370.** E and R amendments found in the Legislative Journal for the Eighty-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 371.** E and R amendments found in the Legislative Journal for the Eighty-eighth Day were adopted.

Mr. Vosoba offered the following amendment which was adopted by unanimous consent:

1. Amend the title, line 5, by striking "voluntary" and inserting in lieu thereof "volunteer".

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 418.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 412.** E and R amendment found in the Legislative Journal for the Eighty-eighth Day was adopted.

Advanced to E and R for engrossment.

**GENERAL FILE****LEGISLATIVE BILL 2.** Considered.

Mr. Carpenter withdrew his pending amendment found in the Legislative Journal for the Eighty-eighth Day.

Standing Committee amendments 1 and 2 found in the Legislative Journal for the Eighty-first Day were adopted as amended.

Sections 2, 3, and 4 and the title read and considered.

Mr. Aufenkamp offered the following amendment which was adopted with 24 ayes, 15 nays, and 4 not voting:

1. Amend Standing Committee amendment 3, line 2, by striking the word "*twelve*" and inserting the word "*eleven*".

Standing Committee amendment 3 was adopted as amended.

Standing Committee amendments 4 and 5 were adopted.

Advanced to E and R for review with 26 ayes, 11 nays, and 6 not voting.

**Visitors**

Mr. Adams introduced Mr. Joseph Mosley and Mrs. Ione Hanger, Teachers, and sixty-five students from Howard Kennedy School, Omaha.

Mr. Fulton introduced Elsie Jensen and Leona Richardson, Teachers, and forty students from Filley Consolidated Schools.

Mr. McHugh introduced Kenneth Koehler, Principal, Mrs. Francis Hughes and Mrs. Cornelia Nelson, Teachers, and sixty students from Avery School, Omaha, and four sponsors.

**STANDING COMMITTEE REPORTS****Enrollment and Review****LEGISLATIVE BILL 658.** Placed on Select File as amended.

E and R amendments to LB 658:

1. In Standing Committee Amendment 3, line 3, strike "*State*".

2. In the Carpenter General File Amendment 2, line 3, insert a semicolon before "*but*"; and in line 5, insert "*showing the old matter as stricken*" before the period.

3. In section 2, line 11, strike the stricken comma as in the statutes; and in line 51 insert "*and in section 3 of this act*" after "section".

4. In section 5, line 1, strike the comma after "2-1207".

5. In the title, line 2, strike the comma after "2-1207"; in line 7 insert "to require all licensees to pay to the State Racing Commission fifteen cents for each person admitted upon a ticket of admission;" after the semicolon; in line 7 strike "graduated"; beginning with "to" in line 10 strike through the semicolon in line 12; in lines 12 and 13 strike "certain officers" and insert "the Tax Commissioner"; in line 13 strike "and"; and also in line 13, insert "; and to declare an emergency" before the period.

(Signed) Joe T. Vosoba, Chairman

#### GENERAL FILE

**LEGISLATIVE BILL 279.** Read and considered.

**Speaker Pizer Presiding**

Mr. Bridenbaugh moved that LB 279 be indefinitely postponed.

**President Burney Presiding**

The motion lost with 19 ayes, 22 nays, and 2 not voting.

Advanced to E and R for review.

#### Visitors

Mr. Ruhnke introduced Marvin Engel, Principal, and eight students from Peace Lutheran School, Deshler, and sponsor, Henry Schmidt.

Mr. Tews introduced Sister M. Patricia, Sister M. Achilles, and thirty-six students from Sacred Heart School, Norfolk, and 4 sponsors.

Mr. McHugh introduced Sister Mary Cecile and twenty-seven students from St. Mary School, Bellevue.

#### SUSPEND RULES—Consider LB 658

Mr. President: I move to suspend the rules and consider LB 658 on Select File at this time. (Signed) Terry Carpenter

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 658.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.

**Member Excused**

Mr. Munnelly was excused for the remainder of the week.

**Adjournment**

At 12:01 p.m., on a motion by Mr. Fenske, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## NINETIETH DAY

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 13, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Munnely and Russillo who were excused.

The Journal for the Eighty-ninth Day was approved.

**Explanation of Vote**

Mr. President: It was my intention to vote "Aye" on Final Reading of LB 639. (Signed) John Adams, Sr.

**Communications**

Letter from U. S. Senator Roman L. Hruska, acknowledging receipt of Legislative Resolution 31.

**Invitation**

Invitation to the members to attend the State Track Meet Friday and Saturday afternoons at the University Stadium; admission by showing of identification card.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 643.** Replaced on Select File as amended.

E and R amendment to LB 643:

1. In Enrollment and Review Amendment 2, line 2, strike "to".



**LEGISLATIVE BILL 131.** Placed on Select File as amended.

E and R amendments to LB 131:

1. In Standing Committee Amendment 2, line 6, strike the underscored period and insert an underscored comma.

2. In section 1, line 9, insert "*and*" after the first comma and insert an underscored period after the second "*System*" and strike the balance of the section.

3. In line 6 of new section 5, added by Standing Committee Amendment 4, strike "*have*" and insert "*has*".

4. In the Jensen General File Amendment 1, line 4, insert an underscored comma after "*Board*".

5. In Standing Committee Amendment 6, line 3, strike "*State Investment Board*" and insert "*State Treasurer*".

6. In renumbered section 7, line 4, strike "*authorized*" and insert "*authorized directed*"; and in line 9, strike "*in*".

7. Add a new section to be known as section 11 and to read as follows:

"Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

8. In the title, line 2, insert "77-2331," before "*and*"; strike lines 5 to 9 and insert "the State Investment Board and to prescribe its composition, powers, and duties; to provide the qualifications, terms of office, and compensation of members of the board; to"; in line 11 strike "*that*" and strike lines 12 to 15 and insert "for investment of funds belonging to prescribed retirement systems and prescribed funds of the state treasury under the direction of such board; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 410.** Placed on Select File as amended.

E and R amendments to LB 410:

1. In section 1, line 22, strike the semicolon, showing the same as stricken, and insert an underscored period.

2. In Standing Committee Amendment 2, line 3 strike "*by striking the period and inserting*" and insert "*by inserting before the period*"; and in line 13 strike the underscored period.

3. In the Otto General File Amendment 1, line 4, strike "*but shall not*" and insert "*for not to*"; and in line 9, insert "*showing all old matter as stricken*" before the period.

4. For correlation purposes, in section 1, line 2, insert "*as amended by section 6, Legislative Bill 224, Sixty-ninth Session, Nebraska State Legislature, 1959,*" after "*1943,*"; and in line 25 insert "*for each year of service*" after "*month*".

5. Because of Standing Committee Amendment 2, strike section 3 and renumber section 4 as section 3.

6. In renumbered section 3, lines 1 and 2, strike "*sections 79-1522, 79-1531, and 79-1533,*" and insert "*section 79-1531,*"; and at the end of line 2 insert "*and section 79-1522, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 224, Sixty-ninth Session, Nebraska State Legislature, 1959,*".

7. In the title, line 2, strike "*sections 79-1522, 79-1531, and 79-1533,*" and insert "*section 79-1531,*"; in line 3 insert "*and section 79-1522, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 224, Sixty-ninth Session, Nebraska State Legislature, 1959,*" after "*1943,*"; and in line 5 strike "*to increase the*" and insert "*to permit an optional increase in the*".

**LEGISLATIVE BILL 411.** Placed on Select File as amended.

E and R amendments to LB 411:

1. Because of the Russillo General File Amendment 1, strike sections 1 and 3 and renumber original section 2 as section 1.

2. In renumbered section 1, line 1, strike "*Sec.*" and insert "*Section*".

3. In the title, strike lines 2 to 13 and insert "*FOR AN ACT relating to railroads; to require that one year after the effective date of this act each caboose car be equipped with a sanitary water cooler with individual drinking cups and appropriate dispenser.*".

**LEGISLATIVE BILL 363.** Correctly engrossed.

**LEGISLATIVE BILL 368.** Correctly engrossed.

**LEGISLATIVE BILL 457.** Correctly engrossed.

**LEGISLATIVE BILL 536.** Correctly engrossed.

**LEGISLATIVE BILL 580.** Correctly engrossed.

**LEGISLATIVE BILL 584.** Correctly engrossed.

**LEGISLATIVE BILL 621.** Correctly engrossed.

**LEGISLATIVE BILL 658.** Correctly engrossed.

**LEGISLATIVE BILL 689.** Correctly engrossed.

**LEGISLATIVE BILL 307.** Correctly enrolled.

**LEGISLATIVE BILL 358.** Correctly enrolled.

**LEGISLATIVE BILL 360.** Correctly enrolled.

**LEGISLATIVE BILL 361.** Correctly enrolled.

**LEGISLATIVE BILL 416.** Correctly enrolled.

**LEGISLATIVE BILL 458.** Correctly enrolled.

**LEGISLATIVE BILL 481.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **Budget**

**LEGISLATIVE BILL 717.** Placed on General File.

(Signed) Otto H. Liebers, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 307 LB 358 LB 360  
LB 361 LB 416 LB 458 LB 481

#### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 36.** Re: Legislative Council Study of Free High School Tuition.

Introduced by Frank Nelson, 28th District; Arnold Ruhnke, 22nd District; and Dale Erlewine, 37th District.

WHEREAS, the cost of free high school tuition varies in this state from \$6.50 per week to \$37.00 per week, and

WHEREAS, the amount of \$15.00 as fixed by the Legislature is in excess of the average free high school cost, and

WHEREAS, the facilities furnished varies in the state, and

WHEREAS, the courses of study offered in the high schools vary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee of seven members to make a study of the facilities of high schools and courses of study offered by high schools, to determine the average free high school cost and the reason for the variance in facilities furnished and courses of study offered. That the committee report its findings and recommendations to the next regular session of the Legislature.

Referred to the Legislative Council Executive Board.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Education be permitted to introduce a bill, the purpose of which is set forth in the following statement. (Signed) George Syas, Chairman

#### **STATEMENT—Introduce Bill**

This bill has been prepared to provide that a revolving fund would be established to be used by the county superintendents to pay for the cost of special education for physically and mentally handicapped children, the cost to be borne by participating schools who have contracted for such service with the county superintendent.

This bill is the result of a situation known to exist in Thayer County, which may also exist in other counties. The eight Thayer County schools presently have employed a speech therapist and find that under present statutes the only method by which they can pay the instructor is by each school's paying its proportionate share of the salary. In other words, each school writes a check, eight in number, for each month's salary. With the enactment of this bill, the county superintendent will pay the salary and will be reimbursed by the local school districts of the county participating in the program. In turn, the State Department of Education must reimburse each school district.

The bill is permissive legislation and will simplify the above outlined procedure of payments.

The Committee voted that the bill be introduced, 4 ayes, 1 not voting and 2 absent and not voting.

(Signed) George Syas, Chairman

Permission to introduce the bill granted with 30 ayes, 4 nays, and 9 not voting.

### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 720.** By Committee on Education, George Syas, 4th District, Chairman.

A bill for an act relating to schools; to provide that the county board may appropriate funds out of the county general fund to establish a revolving fund to be used by the county superintendent to set up a program of special education for physically or mentally handicapped children; to provide for reimbursement of such fund; and to declare an emergency.

### **MOTION—Suspend Rules, Refer LB 720**

Mr. President: I move that we suspend the rules and refer LB 720 to the Education Committee. (Signed) William Moulton

The motion prevailed with 31 ayes, 2 nays, and 10 not voting.

### **Visitors**

Mr. Fenske introduced Mr. and Mrs. Don Brown from Lodgepole.

Mr. Stryker introduced Mrs. Eldon Kracl, Teacher, and twenty-four students from the Bruno Public School, and five sponsors.

### **RESOLUTIONS**

#### **LEGISLATIVE RESOLUTION 34.**

LR 34 was adopted with 41 ayes, 0 nays, and 2 not voting.

### **Visitors**

Mr. Bridenbaugh introduced his wife, Mrs. Hal Bridenbaugh, and Mrs. Harold Harris.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 76.**

A bill for an act to amend section 39-793, Revised Statutes Supplement, 1957, relating to motor vehicles; to clarify the pro-

visions thereof; to provide that any person arrested as prescribed and whom the arresting officer has good cause to believe is driving during any period of suspension or revocation of his operator's license or after any period of suspension and before renewal of such license, or any person resisting lawful arrest, shall be taken forthwith to the nearest or most accessible magistrate; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Moulton	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Munnelly	Russillo
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Member Excused**

Mr. Vosoba was excused at 10:00 a.m. for the remainder of the morning to attend a meeting of the Building Commission.

#### **LEGISLATIVE BILL 405.**

A bill for an act to amend sections 8-112, 8-118, 8-119, 8-121, 8-122, 8-123, 8-124, 8-128, 8-138, 8-142, 8-145, 8-150, and 8-152, Reissue Revised Statutes of Nebraska, 1943, and section 8-801, Revised Statutes Supplement, 1957, section 8-120, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 186, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 8-136, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 186, Sixty-ninth Session,

Nebraska State Legislature, 1959, relating to banks and banking; to eliminate therefrom reference to savings, commercial and co-operative banks; to redefine terms; to reduce the time for publishing notice for reduction or increase of capital; to repeal the original sections and also sections 8-125, 8-160, and 8-161, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 37:

Aufenkamp	Fulton	Moulton	Ruhnke
Bowen	Gerdas	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Claussen	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Webb
Erlewine	McHugh	Romans	Williams
Fenske			

Voting in the negative, 0.

Not voting, 6:

Adams	Munnelly	Syas	Vosoba
Carpenter	Russillo		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 459.

A bill for an act to amend section 25-530, Revised Statutes Supplement, 1957, relating to civil procedure; to extend the provisions thereof to any use or operation of a motor vehicle within the State of Nebraska; to provide the venue of an action against a nonresident of the State of Nebraska arising out of the use and operation by such nonresident or his agent of a motor vehicle over or upon any street, highway, or any other place within the State of Nebraska; and to repeal the original section.

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

Voting in the affirmative, 38:

Adams	Fenske	Moulton	Ruhnke
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams
Erlewine	McHugh		

Voting in the negative, 0.

Not voting, 5:

Carpenter	Russillo	Skarda	Vosoba
Munnely			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Explanation of Vote

Mr. President: Had I been present, I would have voted "aye" on LB 459. (Signed) William R. Skarda, Jr.

#### LEGISLATIVE BILL 461. Read.

Mr. Aufenkarap moved that the rules be suspended and that LB 461 be laid over on Final Reading until Monday, May 18, 1959.

The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

#### Visitors

Mr. Moulton introduced Sister Aureliana, Sister Loretta, and thirty-one students from Saint Stanislaus School, Omaha.

Mr. McHugh introduced Mrs. Eleanor Wagner, Teacher, and thirty students from District 37, Gretna, and six sponsors.

Mr. Simmons introduced Mrs. Irma Christensen, Teacher, and nine students from Garry Owen School, District 9, Washington County, and sponsor, Mrs. Kelly Ryan.

Mr. Swanson introduced Mr. and Mrs. W. E. May from Cozad.



**LEGISLATIVE BILL 507.**

A bill for an act to amend sections 71-2601 and 71-2602, Reissue Revised Statutes of Nebraska, 1943, relating to the State Board of Health; to increase the membership of the State Board of Health by adding thereto one member of the Nebraska Pharmaceutical Association; to provide that the Governor shall be an ex officio member of such board with the right to vote only to break a tie; to provide for expiration of the term of office of the member of the Nebraska Pharmaceutical Association first appointed; and to repeal the original sections.

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

Voting in the affirmative, 38:

Adams	Fenske	Moulton	Ruhnke
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams
Erlewine	McHugh		

Voting in the negative, 0.

Not voting, 5:

Carpenter	Russillo	Stryker	Vosoba
Munnelly			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 511.**

A bill for an act to amend sections 2-1010, 2-1013, 2-1025, and 2-1029, Reissue Revised Statutes of Nebraska, 1943, relating to plant diseases, insects and animal diseases; to redefine terms; to provide for a dealer's certificate for dealers and nurserymen distributing nursery stock from more than one place of business; to prohibit any person selling, offering for sale, or knowingly moving any living insect pest or living plant disease without obtaining a permit as prescribed; to provide the manner of storing nursery stock; to pro-

vide for inspection of nursery stock and payment of cost of such inspection; to provide penalties; and to repeal the original sections.

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

Voting in the affirmative, 39:

Adams	Erlewine	Moulton	Simmons
Aufenkamp	Fenske	Nelson	Skarda
Bowen	Fulton	Olinger	Stryker
Bridenbaugh	Gerdes	Orme	Swanson
Burbach	Hollenbeck	Otto	Syas
Carpenter	Jensen	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Webb
Diers	Marvel	Romans	Williams
Donner	McHugh	Ruhnke	

Voting in the negative, 0.

Not voting, 4:

Klaver	Munnelly	Russillo	Vosoba
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Visitors

Mr. Gerdes introduced Mr. James Scarborough from Anchorage, Alaska, and Mr. Reed of the Nebraska Wheat Commission.

Mr. Romans introduced Messrs. George Dworak from Ord and Cliff Goodrich from North Loup.

### LEGISLATIVE BILL 647.

A bill for an act to amend section 12-505, Reissue Revised Statutes of Nebraska, 1943, relating to cemetery associations; to provide that such association may purchase cemetery lots sold at public sale as prescribed; to provide that such association may reclaim the unused portion of any lot or subdivision in which there has been no burial and no payment of annual assessment for a period of twenty years; to provide how such reclamation shall be effected; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Erlewine	McHugh	Ruhnke
Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams

Voting in the negative, 0.

Not voting, 3:

Munnelly                  Russillo                  Vosoba

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Speaker Pizer Presiding**

### **UNANIMOUS CONSENT—Executive Session**

Mr. Burbach requested unanimous consent for permission for the Miscellaneous Subjects Committee to hold an executive session at 1:45 p.m. today, May 13, in the West Senate Lounge. No objections. So ordered.

### **STANDING COMMITTEE REPORTS**

#### **Agriculture**

**LEGISLATIVE BILL** 1. Placed on General File.

**LEGISLATIVE BILL 106.** Placed on General File.

**LEGISLATIVE BILL 107.** Indefinitely postponed.

**LEGISLATIVE BILL 428.** Placed on General File as amended.

Standing Committee amendments to LB 428:

1. On Page 2, Section 1, Line 32, insert the word "and" after the semicolon and strike lines 33 and 34 and show same as stricken and on line 35 strike "(8)" and insert in lieu thereof "(7)".

2. On Page 4, Sec. 2, strike lines 57 through 62 and show same as stricken and insert in lieu thereof the following: "The

*Commission is also authorized and shall have the duty, when funds have been made available, to advertise and promote the scenic, historic and outdoor recreational values and attractions of the State, and to do such things pertaining thereto as will attract nonresident trade to Nebraska."*

(Signed) Hans O. Jensen, Chairman

### SELECT FILE

**LEGISLATIVE BILL 379.** Bracketed at the request of Mr. Otto.

**LEGISLATIVE BILL 290.** E and R amendments found in the Legislative Journal for the Eighty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 682.** E and R amendments found in the Legislative Journal for the Eighty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 688.** E and R amendments found in the Legislative Journal for the Eighty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 525.** E and R amendments found in the Legislative Journal for the Eighty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 628.** E and R amendments found in the Legislative Journal for the Eighty-ninth Day were adopted.

Laid over temporarily.

**LEGISLATIVE BILL 692.** E and R amendments found in the Legislative Journal for the Eighty-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 628.** Advanced to E and R for engrossment.

**Visitors**

Mr. Simmons introduced eight members of the Never Idle Extension Club from Fremont.

Mr. McHugh introduced Mrs. Myrna Smith, Teacher, and seventeen students from District 86, Louisville, and six sponsors.

**GENERAL FILE**

**LEGISLATIVE BILL 397.**

Mr. Bridenbaugh requested unanimous consent that LB 397 be laid over on General File until Monday, May 18, 1959. No objections. So ordered.

Mr. Marvel requested unanimous consent that LB 397 be made the first order of business on Monday, May 18, 1959. No objections. So ordered.

**LEGISLATIVE BILL 281.** Laid over until Monday, May 18, 1959 at the request of Mr. Munnelly.

**LEGISLATIVE BILL 283.** Laid over until Monday, May 18, 1959 at the request of Mr. Syas.

**LEGISLATIVE BILL 282.** Laid over until Monday, May 18, 1959 at the request of Mr. Syas.

**UNANIMOUS CONSENT—First Order of Business**

Mr. Syas requested unanimous consent that LB 281, LB 283, and LB 282 be considered the first order of business on Monday, May 18, 1959. No objections. So ordered.

**Visitors**

Mr. Diers introduced Mr. A. H. Woolever from York.

Mr. Webb introduced Mr. Gordon Brooks from Chappell.

**GENERAL FILE**

**LEGISLATIVE BILL 640.** Read and considered.

Laid over temporarily.

**LEGISLATIVE BILL 362.** Laid over.

**LEGISLATIVE BILL 640.** Considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-fifth Day were adopted.

**President Burney Presiding**

Mr. Carpenter offered the following amendments:

1. Strike all after "Section 1." and insert in lieu thereof:

"No distributor or wholesaler of alcoholic liquors, except beer, shall refuse to sell the alcoholic liquors regularly sold by such distributor or wholesaler to a duly licensed retail alcoholic liquor licensee whose license is in good standing and whose place of business is located in the territory or area in which such distributor or wholesaler ordinarily and regularly sells such alcoholic liquors."

2. Amend the title to conform.

Amendments pending.

Laid over until Wednesday, May 20, 1959 at the request of Mr. Simmons.

**Visitors**

Mr. Simmons introduced Father Francis J. O'Borny, Sister Veronica, and Sister David, and fifty-two students from St. Wenceslaus School, Dodge.

**Members Excused**

Mr. Moulton was excused at 11:30 a.m. for the remainder of the day.

Mr. Portsche was excused at 11:35 a.m. for the remainder of the day.

Mr. Liebers was excused for this afternoon, May 13.

**LEGISLATIVE BILL 4.** Laid over.

**UNANIMOUS CONSENT—Withdraw LB 94**

Mr. Syas requested unanimous consent to withdraw LB 94. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 348.** Sections 1 and 2 read and considered.

Mr. Jensen offered the following amendment which was adopted:

1. Strike Standing Committee Amendments 1 and 2, and also Section 1 of the bill, and renumber the following sections.

Mr. Jensen moved that Standing Committee Amendments 3 and 4 found in the Legislative Journal for the Sixty-second Day be adopted.

Motion pending.

**Recess**

At 11:59 a.m., on a motion by Mr. Klaver, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Liebers, Moulton, Munnely, Portsche, Russillo, and Tews who were excused.

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 34

**Invitation**

Invitation to the members from Colonel Corbin from the Lincoln Air Force Base to breakfast at the Officers Club prior to their departure for Omaha on May 21.

**Visitor**

Mr. Jensen introduced Mr. Wilber Splinter.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 511.** Correctly enrolled.

**LEGISLATIVE BILL 647.** Correctly enrolled.

**LEGISLATIVE BILL 76.** Correctly enrolled.

**LEGISLATIVE BILL 405.** Correctly enrolled.

**LEGISLATIVE BILL 459.** Correctly enrolled.

**LEGISLATIVE BILL 507.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **Visitors**

Mr. Pizer introduced Mrs. Angela Rhynalds, Teacher, Mr. Donald Best, Principal, Mrs. Best, and six students from the Girls Training School, Geneva.

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 511 LB 647 LB 76 LB 405 LB 459 LB 507

#### **GENERAL FILE**

**LEGISLATIVE BILL 348.** Considered.

Mr. Jensen withdrew his pending motion found in this Day's Journal that Standing Committee Amendments 3 and 4 be adopted.

Mr. Jensen offered the following amendments which were adopted:

1. Amend the bill by striking section 2 and Standing Committee Amendments 3 and 4.
2. Amend the bill by renumbering sections 3 to 7 as sections 1 to 4 respectively.
3. Amend renumbered section 4, lines 1 and 2, by striking "2-910, 2-943".
4. Amend the title to conform.

Sections 3 and 4 read and considered.

Mr. Jensen moved the adoption of Standing Committee amendments 5 and 6 found in the Legislative Journal for the Sixty-second Day.

Mr. Ruhnke requested unanimous consent that LB 348 be laid over.



Mr. Donner objected.

The Jensen motion lost.

Mr. Burbach moved that LB 348 be indefinitely postponed.

The motion prevailed with 21 ayes, 14 nays, and 8 not voting.

#### Visitors

Mr. Lautenschlager introduced former Senator Walter Raecke from Central City.

Mr. McHugh introduced Mrs. Keith Barkley, President, and eight members of the Sarpy County Extension Club, Gretna.

Mr. Romans introduced Mrs. Robert Rising from Wheat Ridge, Colorado, and Mrs. Joe Morten, Jr., from South Sioux City.

**LEGISLATIVE BILL 487.** Laid over until Wednesday, May 20, 1959, at the request of Mr. Peck.

**LEGISLATIVE BILL 646.** Considered.

Mr. Vosoba offered the following amendments which were adopted:

1. Amend the bill, Section 1, line 16, by striking "seven" and inserting in lieu thereof "eight".

2. Amend the title to conform.

Mr. Stryker moved that LB 646 be indefinitely postponed.

#### Speaker Pizer Presiding

The motion lost with 17 ayes, 17 nays, and 9 not voting.

Advanced to E and R for review.

**LEGISLATIVE BILL 528.** Laid over.

**LEGISLATIVE BILL 391.** Considered.

Mr. Ruhnke renewed his pending motion to indefinitely postpone LB 391, found in the Legislative Journal for the Eightieth Day.

The motion prevailed.

**LEGISLATIVE BILL 636.** Laid over.

**LEGISLATIVE BILL 338.** Laid over until Tuesday, May 19, 1959 at the request of Mr. Lautenschlager.

**Invitation**

Mr. Gerdes invited the members to see pictures which he had taken on his trip to the Far East, at 7:30 p.m. this evening in the Lincoln Room at the Cornhusker Hotel.

**President Burney Presiding**

**GENERAL FILE**

**LEGISLATIVE BILL 364.** Read and considered.

Advanced to E and R for review.

**Member Excused**

Mr. Swanson was excused at 3:30 p.m. for the remainder of the day.

**LEGISLATIVE BILL 357.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 356.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 284.** Laid over.

**LEGISLATIVE BILL 607.** Laid over.

**LEGISLATIVE BILL 372.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixtieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 420.** Laid over.

**LEGISLATIVE BILL 611.** Laid over.

**LEGISLATIVE BILL 295.** Read and considered.

Mr. Skarda offered the following amendments which were adopted:

1. Amend the bill by adding three new sections as follows:

Section 4. That Section 14-365.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-365.03. The governing body of such municipality may make all necessary rules and regulations governing the use, operation, and control thereof. The governing body may establish just and equitable rates or charges to be paid to it for the use of such disposal plant and sewerage system, including any storm sewer system, *by the owner of the property served or by each the person, firm, or corporation using the services. whose premises are served thereby.* If the service charge so established is not paid when due, such sum may be recovered by the municipality in an action of assumpsit, or it may be certified to the tax assessor and assessed against the premises served, and collected or returned in the same manner as other municipal taxes are certified, assessed, collected, and returned.

Section 5. That Section 14-365.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-365.10. The mayor and city council of any metropolitan city, in addition to other sources of revenue available to the city, may by ordinance set up a rental or use charge to be collected from users of any system of sewerage, including any storm sewer system, and provide methods of collection thereof. The charges shall be charged to each property served by the sewerage system, including any storm sewer system, shall be a lien upon the property served, and may be collected either from the owner or the person, firm, or corporation *requesting using the service.* All money raised from the charges shall be used for maintenance or operation of the existing system, for payment of principal and interest on bonds issued, as is provided for in section 14-365.06, or to create a reserve fund for the payment of future maintenance or construction of a new sewer system for the city. Any funds raised from this charge shall be placed in a separate fund and not be used for any other purpose or diverted to any other fund.

Section 6. That original section 14-365.03 and section 14-365.10, Reissue Revised Statutes of Nebraska, 1943, are repealed.

2. Amend title to conform.

Advanced to E and R for review.

**Member Excused**

Mr. Burbach was excused for Thursday, May 14, 1959.

**LEGISLATIVE BILL 655.** Laid over.

**LEGISLATIVE BILL 377.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-first Day were adopted.

Mr. Fenske moved that LB 377 be indefinitely postponed.

The motion prevailed with 18 ayes, 14 nays, and 11 not voting.

#### **Presented to the Governor**

Presented to the Governor for approval on May 13, 1959, at 3:35 p.m.: LB 307 LB 358 LB 360 LB 361 LB 416 LB 458 LB 481

(Signed) Jo Fisher, Enrolling Clerk

#### **UNANIMOUS CONSENT—Change of Order**

Mr. Cooper requested unanimous consent that LB 652 be considered on General File on Monday, May 25, 1959.

Mr. Stryker objected.

Mr. Cooper moved that LB 652 be considered on General File on Monday, May 25, 1959.

The motion lost with 17 ayes, 7 nays, and 19 not voting.

#### **MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) Harry L. Pizer

Mr. Carpenter requested a record vote.

Voting in the affirmative, 18:

Fenske	Klaver	Otto	Simmons
Fulton	Lautenschlager	Pizer	Thompson
Gerdes	Marvel	Romans	Vosoba
Hollenbeck	Nelson	Ruhnke	Webb
Jensen	Orme		

Voting in the negative, 14:

Adams	Claussen	McHugh	Skarda
Bridenbaugh	Cooper	Olinger	Stryker
Burbach	Donner	Peck	Williams
Carpenter	Erlewine		

Not voting, 11:

Aufenkamp	Liebers	Portsche	Syas
Bowen	Moulton	Russillo	Tews
Diers	Munnely	Swanson	

The motion prevailed, and at 4:12 p.m. the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## NINETY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska

Thursday, May 14, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Burbach and Munnely who were excused.

The Journal for the Ninetieth Day was approved.

**Communications**

A Joint Resolution from the State of Wisconsin memorializing Congress to reduce age requirements for eligibility for old-age and survivors insurance.

Letter from U. S. Senator Carl T. Curtis, acknowledging receipt of Legislative Resolution 31.

Letter to Mr. Nelson from the Attorney General relative to LB 157.

**UNANIMOUS CONSENT—Print Opinion**

Mr. Nelson requested unanimous consent that the foregoing opinion from the Attorney General relative to LB 157 which was read by the Clerk of the Legislature, be printed in the Journal. No objections. So ordered.

May 13, 1959

Senator Frank Nelson  
Nebraska Legislature  
State Capitol  
Lincoln, Nebraska

Dear Senator:

You inquired as to the opinion of this office with respect to the constitutionality of L. B. 157 as it has been amended to date. Orig-

inally L. B. 157 merely added Antelope and Boone counties to the Nebraska brand area. It has subsequently been amended rather extensively. A provision of the bill as it is now amended leaves original Section 54-134, R. S. Supp., 1957, as it was before, and adds several new provisions. One of the new provisions would provide for a procedure whereby additional counties could be brought into the brand area upon a petition of a percentage of owners of cattle in a county joining the brand area. The amendment provides for an election upon notice in a legal newspaper. It is provided that the notice shall state, "that the election has been called for the purpose of affording the electors an opportunity to approve or reject the proposition of including the county in the brand area as defined in Section 54-134." It is later provided that, "approval of the inclusion of the county in the brand area as defined in Section 54-134 shall be by sixty per cent of the qualified electors \* \* \*."

This office is of the opinion that amended L. B. 157 is unconstitutional as a delegation of legislative authority in violation of Article II, Section 1, and Article III, Section 1, of the Nebraska Constitution. Section 54-134 is a section which enumerates a number of counties and other areas, less than a county, within counties, and states that such areas shall constitute the Nebraska brand inspection area. The attempt of the amendments to this bill is to empower individuals to enlarge upon the field theretofore prescribed by the Legislature by the adoption of Section 54-134. The Legislature recognizes that the enumeration of the brand area is a legislative field. Yet the very language of the amendment is that the approval at the election provided shall include the county in the brand area "as defined in Section 54-134".

Amendments to L. B. 157 also provided that, "if an owner or operator of cattle owns or controls a ranch or farm within the brand inspection area and also owns or controls a ranch or farm in an area within ten miles of the brand inspection area, \* \* \*", he may be given permission to move his cattle freely to and from the ranch or farm without inspection. We deem this provision a matter within the legislative realm and not one which appears patently unconstitutional.

In the short time we have had to study this proposal, it appears to us that the general file amendment of April 28, which adds the procedure for including additional counties to the area, is one which would not be constitutional.

Very truly yours,

CLARENCE S. BECK  
Attorney General

(Signed) Richard H. Williams  
Richard H. Williams  
Assistant Attorney General

RHW:wjj

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 686.** Replaced on Select File as amended.

E and R amendments to LB 686:

1. In the Jensen Unanimous Consent Amendment 1, line 1, strike "section 10" and insert "renumbered section 11".

2. In renumbered section 11, lines 4 and 5, as amended by Enrollment and Review Amendment 2 adopted May 12, strike "*game bird, animal, or fish*" and insert "*fish, or game bird or animal*".

3. Add a new section to be known as section 13 and to read as follows:

"Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

4. In the title, line 25, strike the first "and"; and in line 27 insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 583.** Replaced on Select File as amended.

E and R amendments to LB 583:

1. In line 2 of the Carpenter General File Amendment 1, adopted April 23, insert "after 'Governor'" after "inserting".

2. In the Thompson General File Amendment 2, line 5, insert ", showing the same as stricken" before "and"; and in line 7, insert ", showing the same as stricken," after "period".

3. In line 1 of the Ruhnke General File Amendment adopted May 5, strike "Standing Committee Amendment 2" and insert "the Thompson General File Amendment 2"; and in line 4 strike "(8)" and insert "(7)".

4. In the Cooper Unanimous Consent Amendment, line 2, strike "fifth" and insert "eighth"; and strike line 12 and insert "*of Nebraska College of Agriculture; and (8) ten*".



5. In section 2, line 24, before “(5)” insert “and” as in the statutes; also in line 24 strike “(5) (7)” and insert “(6)”.

6. For correlation purposes, in section 1, line 2, insert “as amended by section 3, Legislative Bill 220, Sixty-ninth Session, Nebraska State Legislature, 1959,” after “1943,”; in line 3 strike “, for the use of” and insert “a fund to be known as the State Institutional and Military Department Building Fund to be used by”; in lines 6 and 7 strike “Nebraska State Trade School” and insert “Nebraska Vocational Technical School”; in line 10 insert a period after “needs” and strike the balance of line 10 and through the period in line 17.

7. For correlation purposes, in section 2, line 2, insert “as amended by section 2, Legislative Bill 241, Sixty-ninth Session, Nebraska State Legislature, 1959,” after “1943,”; and in lines 6 and 7 and in line 21 strike “Nebraska State Trade School” and insert “Nebraska Vocational Technical School”.

8. In section 3, strike lines 1 to 3 and insert

“Sec. 3. That original section 72-1005, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 220, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 72-1007, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 241, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed.”.

9. Add a new section to be known as section 4 and to read as follows:

“Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

10. In the title strike lines 2 to 11 and insert

“FOR AN ACT to amend section 72-1005, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 220, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 72-1007, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 241, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the State Institutional and Military Department Building Fund; to increase the mill levy for such fund; to change the proportions in which such fund is distributed; to specify purposes for which prescribed portions of such fund shall be used; to repeal the original sections; and to declare an emergency.”.

**LEGISLATIVE BILL 404.** Placed on Select File as amended.

E and R amendments to LB 404:

1. In the Tews General File Amendment 1, line 2, insert <sup>\*</sup>“, and showing same as stricken,” after “15”.

2. In renumbered section 5, line 1, as amended by the Aufenkamp General File Amendment 3, strike “Sections 1, 2, 3, and 4 of this” and insert “This”; and in line 5 strike “salary” and insert “salaries”.

3. In the title, strike lines 2 to 6 and insert:

“FOR AN ACT to amend sections 84-206, 84-314, 84-309, and 84-608, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to increase the salaries of the deputy attorney general, deputy auditor of public accounts, deputy secretary of state, and deputy state treasurer; to provide when such salaries may be changed; and to repeal the original sections.”.

**LEGISLATIVE BILL 279.** Placed on Select File as amended.

E and R amendments to LB 279:

1. In section 8, line 20, insert “and” after “account”.

2. For correlation purposes, in section 13, line 2, insert “as amended by section 1, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959,” after “1943,”; and in line 8 strike “the Women’s Industrial Home”.

3. In section 21, line 2, strike “83-108,”; and in line 4 insert “and section 83-108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959,” after “1943,”.

4. In the title, line 3, strike “83-108,”; and in line 5 insert “and section 83-108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959,” after “1943,”.

**LEGISLATIVE BILL 50.** Correctly engrossed.

**LEGISLATIVE BILL 317.** Correctly re-engrossed.

**LEGISLATIVE BILL 350.** Correctly engrossed.

**LEGISLATIVE BILL 613.** Correctly engrossed.

**LEGISLATIVE BILL 644.** Correctly engrossed.

**LEGISLATIVE BILL 664.** Correctly engrossed.

**LEGISLATIVE BILL 710.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 23.**

A bill for an act to amend sections 53-103 and 53-123, Reissue Revised Statutes of Nebraska, 1943, and sections 53-124, 53-127, and 53-179, Revised Statutes Supplement, 1957, and section 53-138.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to liquors; to define terms; to provide for the licensing of nonprofit corporations for the sale of alcoholic liquors for consumption on the premises; to provide for the licensing of bottle clubs; to provide fees; to provide for applications to the Nebraska Liquor Control Commission; to provide for bonds; to provide for hearings and the giving of notice thereof; to provide when such hearing may be waived; to provide for the issuance of licenses; to provide for the renewal of licenses without formal application; to authorize the issuance of such licenses outside the limits of any incorporated city or village; to provide to whom liquor may be sold or served under such licenses; to permit the sale or dispensing of alcoholic liquor on Sunday under such licenses; to make certain acts unlawful; to provide penalties; and to repeal the original sections.

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

Voting in the affirmative, 20:

Adams	Fulton	Otto	Stryker
Aufenkamp	Jensen	Portsche	Syas
Bridenbaugh	Klaver	Ruhnke	Tews
Carpenter	Marvel	Russillo	Vosoba
Donner	Olinger	Skarda	Williams

Voting in the negative, 21:

Bowen	Diers	Gerdes	Liebers
Claussen	Erlewine	Hollenbeck	McHugh
Cooper	Fenske	Lautenschlager	Moulton

Nelson  
Orme  
Peck

Pizer  
Romans

Simmons  
Swanson

Thompson  
Webb

Not voting, 2:

Burbach                      Munnelly

Having failed to receive a constitutional majority, the bill failed of passage.

**LEGISLATIVE BILL 157.** Laid over on Final Reading until Monday, May 18, 1959, at the request of Mr. Munnelly.

**LEGISLATIVE BILL 288.** With emergency.

A bill for an act relating to taxation; to provide when the amount of taxes levied against car companies, mercantile or other companies, firms or individuals taxed under the provisions of sections 77-624 to 77-633, Reissue Revised Statutes of Nebraska, 1943, shall become a lien upon money and credits; to provide that the Tax Commissioner or his designated agent may collect such amount by distress warrant and levy; to provide for surrender of any money or credits upon which such levy has been made; to provide liability in the event of failure or refusal to make such surrender; to provide how money resulting from such levy shall be applied; 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	Fenske	Moulton	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Pizer	Tews
Cooper	Lautenschlager	Portsche	Thompson
Diers	Liebers	Romans	Vosoba
Donner	Marvel	Ruhnke	Webb
Erlewine	McHugh	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Burbach                      Munnelly                      Peck

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

#### LEGISLATIVE BILL 401.

A bill for an act to amend section 15-231, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the primary class; to extend the authority of a city of the primary class to include the operation of a hospital; to extend such authority to include any hospital the governing body of which is appointed by the mayor or council; to authorize such a city to receive donations and bequests of money or property for such purposes; to remove the requirement of an election before bonds for such purposes may be issued; to remove the limit on the amount of such bonds that may be issued; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Burbach                      Munnelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 544.

A bill for an act to amend section 23-120, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to allow the expenditure of inheritance tax funds for county buildings without

first submitting the proposition to a vote of the people of the county; to provide for notice before taking vote on such expenditures exceeding a prescribed limitation; and to repeal the original section.

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

Voting in the affirmative, 17:

Bridenbaugh	Liebers	Peck	Simmons
Cooper	McHugh	Portsche	Stryker
Diers	Moulton	Romans	Swanson
Fulton	Orme	Russillo	Syas
Lautenschlager			

Voting in the negative, 22:

Adams	Gerdes	Olinger	Tews
Aufenkamp	Hollenbeck	Otto	Thompson
Bowen	Jensen	Pizer	Vosoba
Donner	Klaver	Ruhnke	Webb
Erlewine	Marvel	Skarda	Williams
Fenske	Nelson		

Not voting, 4:

Burbach	Carpenter	Claussen	Munnelly
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Having failed to receive a constitutional majority, the bill failed of passage.

#### **LEGISLATIVE BILL 564. With emergency.**

A bill for an act relating to highways; to authorize county boards to grade, pave, curb, gutter or hard-surface a highway lying within the corporate limits of a city or village having a population of not more than fifteen hundred inhabitants, as prescribed; to provide for paying for such paving or hard-surfacing of such highway by such cities and villages; 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	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Burbach                      Munnelly

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

#### LEGISLATIVE BILL 600.

A bill for an act to amend section 25-314, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide the procedure for service of process when a company, firm, or unincorporated organization does not have a usual place of doing business or activity within the state, nor a clerk or general agent within the state; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Burbach                      Munnelly

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

# **LEGISLATIVE BILL 712. With emergency.**

A bill for an act relating to revenue and taxation; to provide a waiver of penalties for late filing of personal tax schedules for the year 1959 as prescribed; 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	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Carpenter	Jensen	Otto	Swanson
Claussen	Klaver	Peck	Syas
Cooper	Lautenschlager	Pizer	Tews
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams
Erlewine	McHugh	Ruhnke	

Voting in the negative, 2:

Thompson                      Vosoba

Not voting, 2:

Burbach                      Munnelly

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

## **Member Excused**

Mr. Moulton was excused at 10:06 a.m. for the remainder of the day.



**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 2.** Placed on Select File as amended.

E and R amendments to LB 2:

1. In Standing Committee Amendment 2, insert “, showing the same as stricken,” at the end of line 1.

2. In the title, line 4, strike “courts” and insert “salaries”; and in line 5 insert “the Governor,” before “and”.

(Signed) Joe T. Vosoba, Chairman

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Banking, Commerce and Insurance be permitted to introduce a bill relating to the purchase of installment paper. In the absence of the chairman and, by his express authorization and the authorization of the Committee, this motion is being made by the undersigned as a member of the Committee. (Signed) Terry Carpenter, Member

Permission to introduce the bill granted with 30 ayes, 0 nays, and 13 not voting.

**Visitors**

Mr. Skarda introduced Miss Agnes Nelson, Principal, Mrs. Elvina Holly, Teacher, and twenty students from Garfield School, Omaha.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 721.** By Committee on Banking, Commerce and Insurance, Terry Carpenter, 42nd District, Member.

A bill for an act to amend section 45-167, Revised Statutes Supplement, 1959, section 45-165, Revised Statutes Supplement, 1959, as amended by section 2, Legislative Bill 143, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 45-168, Revised Statutes Supplement, 1959, as amended by section 3, Legislative Bill 143, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the purchase of installment paper; to harmonize the provisions thereof with previous legislation; to provide appointment of resident agent and service of process; to provide for examination of books

and records of licensees; to provide for transfer of certain books, records and physical property of the Department of Banking to the Tax Commissioner; to repeal the original sections; and to declare an emergency.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Agriculture be permitted to introduce a bill providing for the creation of the Nebraska Agricultural Products Research Fund; to provide for a tax levy for such fund; and to provide how such fund shall be used. (Signed) Hans O. Jensen, Chairman

Permission to introduce the bill granted with 32 ayes, 0 nays, and 11 not voting.

#### **Visitors**

Mr. Erlewine introduced Mrs. Chris Kuehl from Paxton, Mrs. Sam Hilliard from Roscoe, and Gale Erlewine from Grant.

#### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 722.** By Committee on Agriculture, Hans O. Jensen, 25th District, Chairman.

A bill for an act relating to agriculture; to create the Nebraska Agricultural Products Research Fund; to provide for a levy as prescribed; to provide that the funds raised by such levy shall be used by the Department of Agriculture and Inspection for research of new, additional and improved uses of agricultural products; to provide for powers of the department; and to declare an emergency.

#### **MOTION—Return LB 628 to Select File**

Mr. President: I move that LB 628 be returned to Select File for the following specific amendments. (Signed) Joe T. Vosoba

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

“Section 1. That section 60-501, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 137, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

60-501. The following words and phrases, when used in sections 60-501 to 60-569, shall, for the purposes of sections 60-501 to 60-569, have the meanings respectively ascribed to them in this

section, except in those instances where the context clearly indicates a different meaning:

- (1) Department means Department of Motor Vehicles;
- (2) Judgment mean any judgment which shall have become final by the expiration of the time within which an appeal might have been perfected without being appealed, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages;
- (3) License means any license issued to any person under the laws of this state pertaining to operation of a motor vehicle within this state;
- (4) Motor vehicles means any self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails;
- (5) Nonresident means every person who is not a resident of this state;
- (6) Nonresident's operating privilege means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state;
- (7) Operator means every person who is in actual physical control of a motor vehicle;
- (8) Owner means a person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of sections 60-501 to 60-569;
- (9) Person means every natural person, firm, partnership, association or corporation;

(10) Proof of financial responsibility means evidence of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of ~~five~~ *ten* thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of ~~ten~~ *twenty* thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ~~one~~ *five* thousand dollars because of injury to or destruction of property of others in any one accident;

(11) Registration means registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;

(12) State means any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada; and

(13) The forfeiture of bail, not vacated, or of collateral deposited to secure an appearance for trial shall be regarded as equivalent to conviction of the offense charged.”.

2. Amend section 1 of the bill, line 1 by striking “Section 1.” and inserting “Sec. 2.”.

3. Amend the bill by adding two new sections immediately after renumbered section 2 to be known as sections 3 and 4 and to read as follows:

“Sec. 3. That section 60-534, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-534. Such owner's policy of liability insurance: (1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and (2) shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle as follows: ~~Five~~ *Ten* thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, ~~ten~~ *twenty* thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ~~one~~

five thousand dollars because of injury to or destruction of property of others in any one accident.

Sec. 4. That section 60-549, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-549. Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him ~~eleven~~ *twenty-five* thousand dollars in cash, or securities such as may legally be purchased by savings bonds or for trust funds of a market value of ~~eleven~~ *twenty-five* thousand dollars. The State Treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless it is accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.”.

4. Amend section 2 of the bill by striking lines 1 and 2 and inserting:

“Sec. 5. That original sections 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, 1943, and section 60-504, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 137, Sixty-ninth Session, Nebraska State Legislature, 1957, are repealed.”.

5. Amend the title to conform.

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

### Visitors

Mr. Skarda introduced Mrs. Jessie Bryant, Mrs. Mary Jenkins, Tom Tolen, and Lois Bottom, Teachers, and ninety students from Beals School, Omaha.

### MOTION—Return LB 483 to Select File

Mr. President: I move that LB 483 be returned to Select File for the following specific amendment. (Signed) Norman A. Otto

1. Add the emergency clause and amend the title to conform.

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

### SELECT FILE

**LEGISLATIVE BILL 483.** The pending Otto specific amendment found in this Day's Journal was adopted with 35 ayes, 0 nays, and 8 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 628.** The pending Vosoba specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 685.** Laid over until Monday, May 18, 1959, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 643.** E and R amendment found in the Legislative Journal for the Ninetieth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 131.** E and R amendments found in the Legislative Journal for the Ninetieth Day were adopted.

Laid over until Monday, May 18, 1959, at the request of Mr. Jensen.

**LEGISLATIVE BILL 410.** E and R amendments found in the Legislative Journal for the Ninetieth Day were adopted.

Laid over until Monday, May 18, 1959, at the request of Mr. Otto.

**LEGISLATIVE BILL 411.** E and R amendments found in the Legislative Journal for the Ninetieth Day were adopted.

Advanced to E and R for engrossment.

**Visitor**

Mr. Bridenbaugh introduced James Fegley from South Sioux City.

**Presented to the Governor**

Presented to the Governor for approval on May 14, 1959, at 10:00 a.m.: LB 507 LB 511 LB 647 LB 76 LB 459 LB 405

(Signed) Jo Fisher, Enrolling Clerk

## GENERAL FILE

## LEGISLATIVE BILL 545. Read and considered.

Standing Committee amendments found in the Legislative Journal for the Fifty-sixth Day were adopted.

Mr. Gerdes offered the following amendments:

1. Amend Section 2 of the Bill, line 7 by inserting the words "issue and" just before the word "renew" and by striking the word "only".

2. Amend line 4 of new section 3, added by Standing Committee Amendment No. 2, by inserting before the period, "*and be valid in kindergarten to sixth grade inclusive for a period of five years in schools organized as Class II school districts*", and line 6 by striking the word "rural", and line 7 by striking the word "Nebraska", and line 8 by inserting immediately after the word "education" "*in Nebraska or another state*".

3. Amend renumbered Section 4, line 5 by striking "one year" and inserting "two years" line 8 by striking the word "thirty" and show as stricken and inserting the word "forty", and by reinserting the stricken matter in lines 9, 10, and 11 up to and including "equivalent.". In line 9 by striking the reinserted word "two" and show as stricken and by inserting the word "three". Line 18 by striking the word "four" and show as stricken and inserting the word "three".

4. Amend the title to conform.

Amendments pending.

Laid over.

## Visitors

Mr. Carpenter introduced Messrs. Allen Neal, Glenn Trebelhorn, and Bill Trebelhorn from Melbeta.

## LEGISLATIVE BILL 247. Read and considered.

Mr. Syas moved that the Standing Committee amendment found in the Legislative Journal for the Fifty-sixth Day be adopted.

Mr. Ruhnke offered the following amendment:

1. Amend Standing Committee Amendment 1, line 13, by inserting after the word "subdivision" the following:

*"; Provided, that the State Board of Education may approve a school for the collection of free high school tuition money where*

*a hardship would result to the students and a substantial effort is being made to meet the standards established".*

#### **President Burney Presiding**

Amendment pending.

Mr. Claussen requested unanimous consent that LB 247 be laid over until Thursday, May 21, 1959.

Mr. Syas objected.

Mr. Claussen moved that LB 247 be laid over until Monday, May 18, 1959.

Motion pending.

#### **Members Excused**

Mr. Marvel was excused for this afternoon, May 14.

Messrs. Bridenbaugh, Hollenbeck, and Syas were excused for Friday, May 15.

Mr. Thompson was excused for the remainder of the week.

Mr. Tews was excused until Tuesday, May 19.

#### **Recess**

At 11:58 a.m., on a motion by Mr. Klaver, the Legislature recessed until 2:00 p.m.

#### **After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Burbach, Marvel, Moulton, Munnelly, and Thompson who were excused.

#### **MESSAGES FROM THE GOVERNOR**

May 12, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:



Governor Brooks has requested me to inform your Honorable Body that on May 12, 1959, he approved LB 332, LB 367 and LB 520.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

May 14, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 13, 1959, he approved LB 255, LB 318, LB 351, LB 352, LB 392, LB 399, LB 450, LB 451, LB 455, LB 456, LB 482, LB 486, LB 501, LB 502, LB 515, LB 518, LB 519, LB 616, LB 630, LB 701.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

#### GENERAL FILE

#### LEGISLATIVE BILL 247. Considered.

Mr. Claussen withdrew his pending motion found in this Day's Journal that LB 247 be laid over until Monday, May 18.

The pending Ruhnke amendment found in this Day's Journal was adopted.

Mr. Carpenter offered the following amendment which was adopted:

1. Amend the Ruhnke amendment, line 3, by striking the word "may" and inserting in lieu thereof "shall".

Standing Committee amendment found in the Legislative Journal for the Fifty-sixth Day was adopted as amended.

Mr. Syas offered the following amendment:

1. Amend the Standing Committee amendment to section 1, line 2, by striking the word "standards" and inserting the words "rules and regulations", and amend the title to conform.

Amendment pending.

Laid over temporarily.

**LEGISLATIVE BILL 238. Considered.**

The pending Aufenkamp amendment found in the Legislative Journal for the Eighty-eighth Day was adopted.

Mr. Carpenter offered the following amendment:

1. Amend the bill, section 1, by striking "Employees" in line 5, strike all of lines 6 through 21, and strike "or wage." in line 22, and insert in lieu thereof the following:

*"Employees working on the hourly basis shall be paid wages equivalent to their regular wages for the usual number of work hours for days declared by statutory act or proclamation of the President of the United States or the Governor to be holidays."*

Amendment pending.

Laid over.

**Visitors**

Mr. Peck introduced Mr. Edward Kelley from Columbus.

Mr. Donner introduced Mark Thrasher and Mrs. Ludwig Tagel from Ewing, and Cletus Muff, Rev. Francis Kubart, Mrs. Alva Parks, and Mrs. Butch Funk from Clearwater.

**UNANIMOUS CONSENT—Return LB 614 to Select File**

Mr. Carpenter requested unanimous consent that LB 614 be returned to Select File for the following specific amendments. No objections. So ordered.

1. Amend the bill by adding a new section to the bill to be known as section 8 and to read as follows:

"Sec. 8. For the purpose of section 7 of this act, flammable liquids are divided into three classes, as follows:

(1) Class I. Flammable liquids with a flash point not to exceed twenty degrees fahrenheit.

(2) Class II. Flammable liquids with a flash point above twenty degrees fahrenheit, and not to exceed seventy degrees fahrenheit.

(3) Class III. Flammable liquids with a flash point above seventy degrees fahrenheit and below two hundred degrees fahrenheit.”.

2. Amend the bill by renumbering sections 8 to 10 as sections 9 to 11 respectively.

3. Amend the title to conform.

#### GENERAL FILE

**LEGISLATIVE BILL 362.** Laid over until Tuesday, May 19, 1959, at the request of Mr. Simmons.

**LEGISLATIVE BILL 4.** Laid over until Tuesday, May 19, 1959, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 528.** Laid over until Tuesday, May 19, 1959, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 636.** Laid over until Tuesday, May 19, 1959, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 284.** Laid over temporarily.

**LEGISLATIVE BILL 607.** Read and considered.

Laid over until Monday, May 18, 1959, at the request of Mr. Vosoba.

**LEGISLATIVE BILL 420.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-first Day were adopted.

Laid over until Tuesday, May 19, 1959, at the request of Mr. Klaver.

#### Visitors

Mr. Fulton introduced Mrs. W. Montgomery, Teacher, and sixteen students from the Cortland Grade School.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 611.** Section one read and considered.

Standing Committee amendments 1 and 2, found in the Legislative Journal for the Sixty-first Day were adopted.

Mr. Fulton offered the following amendments:

1. Amend section 1 of the bill, line 14 by inserting "and dog" after "horses".
2. Amend section 2 of the bill, line 7 by inserting "and the licensing and regulation of the wagering on results of dog races by the pari-mutuel or certificate method" after "enterprises;".
3. Amend the title to conform.

Mr. Webb requested a record vote.

Voting in the affirmative, 18:

Carpenter	Gerdes	Orme	Skarda
Diers	Hollenbeck	Otto	Swanson
Donner	Jensen	Pizer	Syas
Erlewine	Klaver	Romans	Vosoba
Fulton	Lautenschlager		

Voting in the negative, 16:

Adams	Fenske	Olinger	Russillo
Aufenkamp	Liebers	Peck	Simmons
Bridenbaugh	McHugh	Portsche	Stryker
Cooper	Nelson	Ruhnke	Webb

Not voting, 9:

Bowen	Marvel	Munnelly	Thompson
Burbach	Moulton	Tews	Williams
Claussen			

The Fulton amendments were adopted.

Laid over until Tuesday, May 19, 1959 at the request of Mr. Olinger.

**LEGISLATIVE BILL 655.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-first Day were adopted.

**President Burney Presiding**

Advanced to E and R for review.

**LEGISLATIVE BILL 284.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixieth Day were adopted.

Mr. Carpenter offered the following amendment which was adopted:

1. Amend section 10 of the bill by striking lines 8 to 12 and inserting in lieu thereof the following: "per cent per annum. Such certificates of indebtedness shall not be paid before maturity thereof except as may be specifically authorized by the department, or permitted under specific rules and regulations promulgated by the department to meet special contingencies. *unless the certificate holder signs a written statement to be kept in the files of the corporation that he is in need of money represented by the certificate of indebtedness before the maturity date, stating the definite amount needed. The certificate of indebtedness may be paid before maturity to the extent required to meet such need, but the certificate holder shall forfeit accrued and unpaid interest on the amount withdrawn. When a portion of a certificate of indebtedness is paid before maturity, the certificate shall be canceled and a new certificate shall be issued for the unpaid portion of the indebtedness, with the same terms, rate, date, and maturity as the original certificate of indebtedness. Certificates of*".

The following Munnelly amendment was adopted on a motion by Mr. Peck:

1. Amend section 10 of the bill, lines 8 to 12 to read as follows: "per cent per annum. Such certificates of indebtedness shall not be paid before maturity thereof except as may be specifically authorized by the department. *or permitted under specific rules and regulations promulgated by the department to meet special contingencies. Certificates of*".

Advanced to E and R for review.

**Member Excused**

Mr. Klaver was excused for Friday, May 15.

**MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) Michael P. Russillo

The motion lost.

**Members Excused**

Messrs. Aufenkamp and Russillo were excused at 4:00 p.m. for the remainder of the day.

**GENERAL FILE**

**LEGISLATIVE BILL 545.** Considered.

The pending Gerdes amendments found in this Day's Journal were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 247.** Considered.

The pending Syas amendment found in this Day's Journal was adopted.

Advanced to E and R for review.

**Visitor**

Mr. Stryker introduced Mr. Lyman Hanson.

**Adjournment**

At 4:13 p.m., on a motion by Mr. Simmons, the Legislature adjourned.

Hugo. F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**NINETY-SECOND DAY**

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Legislative Chamber, Lincoln, Nebraska  
Friday, May 15, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by Rev. Martin Schroeder from Grand Island.

The roll was called and all members were present except Messrs. Bridenbaugh, Hollenbeck, Klaver, Munnely, Syas, Tews, and Thompson who were excused, Mr. Cooper who was excused until 9:18 a.m., and Mr. Vosoba who was excused until 9:45 a.m.

**Corrections for the Journal**

Page 1618, line 25, correct the spelling of "Reissue".

Page 1624, line 9, correct the spelling of "penalties".

The Journal for the Ninety-first Day was approved as corrected.

**Communications**

Letter from U. S. Representative Lawrence Brock, acknowledging receipt of Legislative Resolution 31 and enclosing a copy of the Congressional Record and H.R. 2970.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 483.** Replaced on Select File as amended.

E and R amendments to LB 483:

1. Add a new section to be known as section 3 and to read as follows:

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

2. In the title, line 7, strike "and"; and in line 8, insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 628.** Replaced on Select File as amended.

E and R amendments to LB 628:

1. In new section 1, line 13, strike "mean" and insert "means" as in the statutes.

2. In new section 4, line 7 strike "bonds" and insert "banks" as in the statutes.

3. In renumbered section 5, line 1, strike "60-509, 60-534," and insert "60-534"; in line 2 insert "and section 60-509, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 137, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,,"; and in line 3 strike "60-504" and insert "60-501".

4. In the title, line 1, insert "sections 60-534 and 60-549, Reissue Revised Statutes of Nebraska, 1943, and" after "amend"; in line 3, insert "and section 60-501, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 137, Sixty-ninth Session, Nebraska State Legislature, 1959," before "relating"; and in line 7 strike "section" and insert "sections".

**LEGISLATIVE BILL 646.** Placed on Select File as amended.

E and R amendments to LB 646:

1. In the Ruhnke General File Amendment, line 2, insert ", showing the same as stricken," before the first "and".

2. In the Vosoba General File Amendment, line 2, insert ", showing the same as stricken," before "and".

3. In section 2, line 4, strike "Insurance" and insert "the Department of Agriculture and Inspection, Director of Insurance, and Director of Motor Vehicles".

4. In the title, line 5, strike "insurance" and insert "the Department of Agriculture and Inspection, the Director of Insurance, and the Director of Motor Vehicles".



**LEGISLATIVE BILL 364.** Placed on Select File as amended.

E and R amendments to LB 364:

1. In section 2, strike line 11 and insert "at or after the time of the service of the order summons and interrogatories."
2. In the title, line 6, strike "effect" and insert "affect".

**LEGISLATIVE BILL 357.** Placed on Select File as amended.

E and R amendment to LB 357:

1. In section 1, line 8, insert "but" before "on".

**LEGISLATIVE BILL 356.** Placed on Select File.

**LEGISLATIVE BILL 372.** Placed on Select File as amended.

E and R amendment to LB 372:

1. In the title, line 6, insert "or otherwise in satisfaction" before "of".

**LEGISLATIVE BILL 295.** Placed on Select File as amended.

E and R amendments to LB 295:

1. In section 4, line 1, strike "Section 4. That Section" and insert "Sec. 4. That section".
2. In section 5, line 1, strike "Section 5. That Section" and insert "Sec. 5. That section".
3. In section 6, strike line 1 and insert "Sec. 6. That original sections 14-365.03 and".
4. In the title, line 2, insert "to amend sections 14-365.03 and 14-365.10, Reissue Revised Statutes of Nebraska, 1943," after "ACT"; also in line 2 strike "the collection of"; in line 3 insert "in cities of the metropolitan class" after "fees"; and in line 14 insert "; to provide that such fees shall be charged to the owner of the property served or the person, firm, or corporation using the service; and to repeal the original section" before the period.

**LEGISLATIVE BILL 304.** Correctly engrossed.

**LEGISLATIVE BILL 369.** Correctly engrossed.

**LEGISLATIVE BILL 371.** Correctly engrossed.

**LEGISLATIVE BILL 418.** Correctly engrossed.

**LEGISLATIVE BILL 582.** Correctly engrossed.

**LEGISLATIVE BILL 651.** Correctly engrossed.

**LEGISLATIVE BILL 680.** Correctly engrossed.

**LEGISLATIVE BILL 712.** Correctly enrolled.

**LEGISLATIVE BILL 600.** Correctly enrolled.

**LEGISLATIVE BILL 564.** Correctly enrolled.

**LEGISLATIVE BILL 401.** Correctly enrolled.

**LEGISLATIVE BILL 288.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 712 LB 600 LB 564  
LB 401 LB 288

#### **Bills Referred to Standing Committees**

LB	Committee
721.....	Banking, Commerce and Insurance
722.....	Revenue

(Signed) Dwight W. Burney  
Lieutenant Governor

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 340.**

A bill for an act to amend sections 14-360, 14-361, and 14-365.01, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to authorize a city of the metropolitan class

to create sewerage and drainage districts in territory within three miles of the corporate limits thereof except as provided; to require connections and assessment of the cost thereof; to remove the requirement for keeping on file plans in the office of the city engineer; to provide for levy of taxes; and to repeal the original sections.

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

Voting in the affirmative, 31:

Adams	Fenske	Moulton	Romans
Aufenkamp	Fulton	Nelson	Ruhnke
Bowen	Gerdas	Olinger	Russillo
Burbach	Jensen	Orme	Simmons
Carpenter	Lautenschlager	Otto	Skarda
Claussen	Liebers	Peck	Swanson
Diers	Marvel	Pizer	Williams
Donner	McHugh	Portsche	

Voting in the negative, 1:

Webb

Not voting, 11:

Bridenbaugh	Hollenbeck	Stryker	Thompson
Cooper	Klaver	Syas	Vosoba
Erlewine	Munnelly	Tews	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Explanation of Vote

Mr. President: Had I been present, I would have voted "aye" on LB 340. (Signed) John R. Cooper

### LEGISLATIVE BILL 344. With emergency.

A bill for an act to amend section 39-1622, Revised Statutes Supplement, 1957, relating to highways; to provide that the board of trustees of any road improvement district shall assess to the extent of special benefits the cost of such portion of improvements as are local improvements upon property found especially benefited thereby; to provide for the payment of the remainder of such costs through taxation as prescribed; 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, 33:

Adams	Fulton	Nelson	Ruhnke
Aufenkamp	Gerdas	Olinger	Russillo
Bowen	Jensen	Orme	Simmons
Burbach	Lautenschlager	Otto	Skarda
Carpenter	Liebers	Peck	Stryker
Cooper	Marvel	Pizer	Swanson
Diers	McHugh	Portsche	Webb
Donner	Moulton	Romans	Williams
Fenske			

Voting in the negative, 0.

Not voting, 10:

Bridenbaugh	Hollenbeck	Syas	Thompson
Claussen	Klaver	Tews	Vosoba
Erlewine	Munnely		

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

#### LEGISLATIVE BILL 423.

A bill for an act to amend section 48-604, Revised Statutes Supplement, 1957, relating to unemployment compensation; to provide that employment as defined shall not include service performed by an individual as a real estate salesman when the remuneration for such service is solely by way of commission; and to repeal the original section.

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

Voting in the affirmative, 34:

Aufenkamp	Diers	Jensen	Nelson
Bowen	Donner	Lautenschlager	Olinger
Burbach	Erlewine	Liebers	Orme
Carpenter	Fenske	Marvel	Otto
Claussen	Fulton	McHugh	Peck
Cooper	Gerdas	Moulton	Pizer

Portsche	Russillo	Stryker	Webb
Romans	Simmons	Swanson	Williams
Ruhnke	Skarda		

Voting in the negative, 0.

Not voting, 9:

Adams	Klaver	Syas	Thompson
Bridenbaugh	Munnelly	Tews	Vosoba
Hollenbeck			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 435.

A bill for an act to amend sections 16-206 and 17-526, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class and cities of the second class and villages; to clarify the provisions thereof; to authorize cities of the second class and villages to regulate, license or prohibit the running at large of dogs; to authorize destruction of dogs; and to repeal the original sections.

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

Voting in the affirmative, 34:

Adams	Fenske	Nelson	Ruhnke
Aufenkamp	Fulton	Olinger	Russillo
Bowen	Gerdes	Orme	Simmons
Burbach	Jensen	Otto	Skarda
Claussen	Lautenschlager	Peck	Stryker
Cooper	Liebers	Pizer	Swanson
Diers	Marvel	Portsche	Webb
Donner	McHugh	Romans	Williams
Erlewine	Moulton		

Voting in the negative, 1:

Carpenter

Not voting, 8:

Bridenbaugh	Klaver	Syas	Thompson
Hollenbeck	Munnelly	Tews	Vosoba

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Visitors

Mr. Aufenkamp introduced Glen Sheely, Teacher, and fourteen students from the Campus School, Peru.

### LEGISLATIVE BILL 484. With emergency.

A bill for an act to amend section 85-311, Reissue Revised Statutes of Nebraska, 1943, relating to state normal schools; to eliminate the provision requiring the matriculation fee to be held and disbursed as a library fund; to provide that such fees shall be held as an institutional cash fund as prescribed; 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, 35:

Adams	Erlewine	Moulton	Ruhnke
Aufenkamp	Fenske	Nelson	Russillo
Bowen	Fulton	Olinger	Simmons
Burbach	Gerdes	Orme	Skarda
Carpenter	Jensen	Otto	Stryker
Claussen	Lautenschlager	Peck	Swanson
Cooper	Liebers	Pizer	Webb
Diers	Marvel	Portsche	Williams
Donner	McHugh	Romans	

Voting in the negative, 0.

Not voting, 8:

Bridenbaugh	Klaver	Syas	Thompson
Hollenbeck	Munnely	Tews	Vosoba

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

### LEGISLATIVE BILL 659. Dale Erlewine, 37th District; John R. Cooper, 1st District.

A bill for an act for submission to the electors of amendments to Article XII, sections 5 and 6, of the Constitution of Nebraska,

relating to corporations; to provide that preferred stockholders may or may not have a vote and that preferred stock may or may not be of the same par value as other stock of the corporation; to provide for the submission of the proposed amendments to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; to provide the effective date of such proposed amendment if adopted; and to provide that the Governor, if such amendment is adopted, shall make a proclamation thereof as prescribed.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1960, there shall be submitted to the electors of the State of Nebraska, for approval, the following amendments to Article XII, sections 5 and 6, of the Constitution of Nebraska, which are hereby proposed by the Legislature:

"Sec. 5. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies every stockholder shall have the right to vote in person or proxy for the number of shares owned by him, for as many persons as there are directors or managers to be elected or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number his shares shall equal, or to distribute them upon the same principle among as many candidates as he shall think fit, and such directors or managers shall not be elected in any other manner; *Provided*, that any mutual or cooperative company or association may, in its articles of incorporation, limit the number of shares of stock any stockholder may own, the transfer of said stock, and the right of each stockholder or member to one vote only in the meetings of such company or association; *and provided further*, a corporation in its articles of incorporation may provide that preferred stockholders shall have no right to vote.

Sec. 6. No corporation shall be permitted to issue stock or bonds except for an equivalent in money paid or labor done, or property actually received and applied to the purpose for which such corporation was created, and neither labor nor property shall be received in payment of stock or bonds at a greater value than the actual value at the time said labor was done or property delivered, and all fictitious increase of stock or indebtedness shall be void; all stock shall have a face par value; and all stock in the same corporation shall be of equal par value, except that preferred stock may or may not be of same par value."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the

Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that preferred stockholders may or may not have a vote and that preferred stock may or may not be of equal par value of all stock of the corporation.

- ☐ For  
☐ Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 34:

Adams	Fenske	Nelson	Ruhnke
Bowen	Fulton	Olinger	Russillo
Burbach	Gerdes	Orme	Simmons
Carpenter	Jensen	Otto	Skarda
Claussen	Lautenschlager	Peck	Stryker
Cooper	Liebers	Pizer	Swanson
Diers	Marvel	Portsche	Webb
Donner	McHugh	Romans	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 9:

Aufenkamp	Klaver	Syas	Thompson
Bridenbaugh	Munnelly	Tews	Vosoba
Hollenbeck			

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **SUSPEND RULES—Consider LB 658**

Mr. President: I move that the rules be suspended and we consider LB 658 on Final Reading today. (Signed) Terry Carpenter

The motion prevailed with 31 ayes, 0 nays, and 12 not voting.



**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 658.** With emergency.

A bill for an act to amend sections 2-1207 and 2-1208, Reissue Revised Statutes of Nebraska, 1943, relating to pari-mutuel wagering; to increase the percentage entitled to be retained by the licensee out of the total sum wagered by the pari-mutuel method on each horse race; to require all licensees to pay to the State Racing Commission fifteen cents for each person admitted upon a ticket of admission; to impose a tax on the gross amount wagered at each race meeting held within this state; to provide an exemption; to provide when such tax shall be paid; to provide duties for the Tax Commissioner; 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, 35:

Aufenkamp	Fenske	Nelson	Russillo
Bowen	Fulton	Olinger	Simmons
Burbach	Gerdes	Orme	Skarda
Carpenter	Jensen	Otto	Stryker
Claussen	Lautenschlager	Peck	Swanson
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Portsche	Webb
Donner	McHugh	Romans	Williams
Erlewine	Moulton	Ruhnke	

Voting in the negative, 0.

Not voting, 8:

Adams	Hollenbeck	Munnelly	Tews
Bridenbaugh	Klaver	Syas	Thompson

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

**MOTION—Adjournment**

Mr. President: I move that we adjourn at noon today until Monday, May 18, 1959. (Signed) William Moulton

The motion prevailed.

**SELECT FILE**

**LEGISLATIVE BILL 614.** The pending Carpenter specific amendments found in the Legislative Journal for the Ninety-first Day were adopted by unanimous consent.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 686.** E and R amendments found in the Legislative Journal for the Ninety-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 583.** E and R amendments found in the Legislative Journal for the Ninety-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 404.** E and R amendments found in the Legislative Journal for the Ninety-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 279.** E and R amendments found in the Legislative Journal for the Ninety-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 2.** E and R amendments found in the Legislative Journal for the Ninety-first Day were adopted.

Advanced to E and R for engrossment.

**Presented to the Governor**

Presented to the Governor for approval on May 15, 1959, at 9:20 a.m.: LB 712

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 658.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 658

**GENERAL FILE**

**LEGISLATIVE BILL 238.** Considered.

The pending Carpenter amendments found in the Legislative Journal for the Ninety-first Day were adopted.

Mr. Carpenter requested unanimous consent that LB 238 be mimeographed with the amendments correlated, and placed on the members' desks. No objections. So ordered.

Laid over.

**Visitor**

Mr. Gerdes introduced Mr. Chuck Cook from Colon.

**LEGISLATIVE BILL 406.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 596.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-second Day were adopted.

Mr. Carpenter offered the following amendment which was adopted:

1. Amend Standing Committee Amendment 1, line 1, by striking "lines 1 through 6" and inserting in lieu thereof "lines 3 through 6", and line 3 by striking "Section 1." and inserting in lieu thereof "44-349.".

Advanced to E and R for review.

**LEGISLATIVE BILL 626.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 629.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-third Day were adopted.

Advanced to E and R for review.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 554.** Laid over.

**LEGISLATIVE BILL 436.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-third Day were adopted.

Advanced to E and R for review.

**Visitors**

Mr. Fulton introduced Mrs. Marvin Sutter, Teacher, and thirty students from Barneston Public Schools.

Mr. Olinger introduced Mrs. Martha Heyne, Teacher, and seventeen students from the Pender Public Schools, and two mothers.

Mr. Lautenschlager introduced Mrs. Hugh Miner, Teacher, and thirty-four students from Stolley Park School, Grand Island, and seven mothers.

**UNANIMOUS CONSENT—Change of Order**

Mr. Liebers requested unanimous consent that LB 652, LB 88, LB 1, and LB 428 be scheduled for special consideration on General File on Wednesday, May 20, 1959. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 537.** Laid over until Monday, May 25, 1959, at the request of Mr. Liebers.

**LEGISLATIVE BILL 572.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-fourth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 573.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-fourth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 322.** Read and considered.

Mr. Ruhnke offered the following amendment which was adopted:

1. Amend Standing Committee amendment 13, line 1, by striking "23" and inserting in lieu thereof "22".

Standing Committee amendments found in the Legislative Journal for the Sixty-fifth Day were adopted as amended.

Advanced to E and R for review.

**LEGISLATIVE BILL 437.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-fifth Day were adopted.

Advanced to E and R for review.

**President Burney Presiding**

**Members Excused**

Messrs. Peck, Stryker, and Gerdes were excused for Monday, May 18.

**Visitors**

Mr. Bowen introduced Norma Peterson, Teacher, and three students from School District 69, Webster County, and two sponsors, Mrs. Mildred Peterson and Mrs. Steve Diesley.

Mr. Ruhnke introduced Rose Junker and Ruth Connell, Teachers, and sixteen students from School District 63, Jefferson County, and thirteen mothers.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 37.** Re: Reaffirmation of Confidence in the Chancellor and Board of Regents.

Introduced by J. W. Burbach, 14th District; Joe T. Vosoba, 23rd District; and Norman A. Otto, 34th District.

WHEREAS, certain members of the Legislature have, on the floor of this body and elsewhere, made accusations of disloyalty against selected faculty members of the University of Nebraska; and

WHEREAS, the Board of Regents and Chancellor are by law charged with the responsibility of operating the University of Nebraska, including judging the qualifications of the faculty, and for those purposes said Board of Regents are elected by the people of Nebraska; and

WHEREAS, this Legislature is confronted with an unprecedented number of legislative bills and has more than enough work to do before adjournment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the majority of the Legislature do not approve of unfounded insinuations and charges of disloyalty expressed in the legislative chamber against University faculty members whose employment is the responsibility of the Board of Regents.

2. That the Legislature reaffirms its faith and confidence in the abilities and qualifications of the Chancellor and Board of Regents to operate the University of Nebraska and to determine the qualifications of its faculty.

**LEGISLATIVE RESOLUTION 38.** Re: Legislative Council Study of Salaries, Duties, and Retirement Systems of State Officers and Employees.

Introduced by Kenneth L. Bowen, 32nd District; Richard D. Marvel, 31st District; and Hans O. Jensen, 25th District.

WHEREAS, salaries of officers and employees of the state are constantly before the Legislature for adjustment, and

WHEREAS, some salaries are fixed by statute, some by the appropriation bill, some by the Governor, and some by heads of the various boards, commissions, and departments, and

WHEREAS, there is nothing that provides the Legislature with information as to the duties the various officers and employees perform, and

WHEREAS, retirement benefits are provided for part of the officers and employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee of five members to study the salaries of officers and employees of the state and to report their findings and recommendations to the next regular session of the Legislature. The study to consist of:

- (a) Rates of pay, both monthly and hourly;
- (b) Duties of respective officers and employees;
- (c) Retirement systems of such officers and employees now in effect and retirement systems for other officers and employees; and
- (d) Adequacy of compensation as compared to comparable duties and responsibilities in private business.

Referred to the Legislative Council Executive Board.

#### **UNANIMOUS CONSENT—Change of Order**

Mr. Moulton requested unanimous consent that LB 281, LB 282, and LB 283, previously scheduled for Monday, May 18, 1959, be laid over on General File until Tuesday, May 19, 1959. No objections. So ordered.

#### **Visitors**

Mr. McHugh introduced Mrs. Dorothy Gruber, Teacher, and twenty students from School District 25, Cass County.

Mr. Fulton introduced Mrs. Elaine Rathjen, Teacher, and sixteen students from School District 49, Gage County, and seven sponsors.

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Revenue**

LB 722      Wednesday, May 20, 1959

2:00 p.m.

**Presented to the Governor**

Presented to the Governor for approval on May 15, 1959, at 10:15 a.m.: LB 658

(Signed) Jo Fisher, Enrolling Clerk

**GENERAL FILE****LEGISLATIVE BILL 678. Read and considered.**

Mr. Carpenter offered the following amendments:

1. Amend the bill by striking sections 1 and 2 and inserting in lieu thereof 16 new sections to read as follows:

"Section 1. There is hereby created, pursuant to the provisions of Article V, section 1, of the Constitution of Nebraska, a court to be known as the Court of Claims.

Sec. 2. The Court of Claims shall have jurisdiction to hear and adjudicate all claims against the State of Nebraska seeking the recovery of money only arising out of either contract or tort on and after January 1, 1951. Consent is hereby given to sue the State of Nebraska in the court established by this act subject to the limitations prescribed.

Sec. 3. The Court of Claims shall be composed of one judge who shall be appointed by the Governor.

Sec. 4. The term of office of the judge of the Court of Claims shall be four years. He shall be required to possess the qualifications and shall be paid the same salary as a judge of the district court.

Sec. 5. The office of the Court of Claims shall be maintained at the State Capitol.

Sec. 6. All actions in the Court of Claims shall be instituted by the filing of a petition and two copies thereof in the office of the clerk of the district court of either (1) the county where the plaintiff resides, if an individual, or where the plaintiff maintains its principal place of business, if a partnership, corporation, or association, or (2) the county where the cause of action, or some part thereof, arose.

Sec. 7. Upon filing of the petition, the clerk of the district court shall docket the case in a separate docket maintained by him for that purpose, and shall issue a summons for the State of Nebraska which, together with one copy of the petition, shall be sent to the Attorney General by registered mail. The other copy of the petition shall be sent by registered mail to the office of the Court of Claims. For his complete services in the case, the



clerk of the district court shall be paid a fee of five dollars, which shall be paid to him by the party filing the petition at the time of the institution of the action and shall be taxed as costs in the action.

Sec. 8. The Attorney General shall, within twenty days after receipt of copy of the petition, file an answer and two copies thereof in the office of the clerk of the district court where the action was instituted. The petition and answer shall be the only pleadings permitted. One copy of the answer shall be sent by the clerk of the district court to the plaintiff and one copy to the office of the Court of Claims by registered mail.

Sec. 9. As soon as possible after answer has been filed, the judge of the Court of Claims shall set the cause for hearing in the county where the petition was filed, and shall notify the plaintiff and the Attorney General of the date set for trial by registered mail. The district court rooms of that county, or other space, shall be made available to the Court of Claims for the purpose of conducting the trial. The case shall be tried as a suit in equity without the intervention of a jury. In the taking of evidence, the rules of evidence prevailing in the trial of civil cases shall be observed by the Court of Claims. The Court of Claims shall render either a judgment for the recovery of money or a judgment of dismissal of the action, and shall tax the costs of suit against the unsuccessful party. The judgment rendered shall be subject to review by the Supreme Court in the form and manner provided by law for appeals from the district court to the Supreme Court. No bond on appeal shall be required of the State of Nebraska.

Sec. 10. In case a judgment is rendered against the State of Nebraska, and becomes final either by failure to appeal or affirmation in whole or in part by the Supreme Court of Nebraska, the clerk of the district court shall transmit a duly certified copy of the judgment to the Auditor of Public Accounts, who shall thereupon prepare a proper voucher and send it to the clerk of the district court for execution by judgment creditor. Upon return of the voucher properly executed, the Auditor of Public Accounts shall draw his warrant upon the State Treasurer on the Judgment Fund created by section 11 of this act for the amount of the judgment with interest computed at six per cent per annum upon the judgment from the date of entry thereof to the date of issuance of the warrant.

Sec. 11. There is hereby created a fund in the state treasury to be known as the "Judgment Fund," on which all warrants shall be drawn by the Auditor of Public Accounts for the payment of

judgments rendered against the State of Nebraska. The Legislature shall, in the biennial appropriation bill, appropriate to the office of the Court of Claims such amount as shall be reasonably anticipated will cover all judgments rendered against the State of Nebraska during the biennium.

Sec. 12. The Court of Claims shall be empowered to promulgate rules of procedure, not inconsistent with the provisions of this act, to carry out and effectuate the provisions thereof.

Sec. 13. The judge of the Court of Claims shall appoint a reporter, who shall possess the same qualifications and be paid the same salary as a reporter of the district court. It shall be the duty of the reporter to take in shorthand and transcribe in duplicate all testimony given at hearings and trials before the court, and to certify to same with an appropriate certificate. One copy of the testimony so taken shall become a part of the permanent records of the Court of Claims, and one copy shall be made available for transmission to the Supreme Court in case an appeal thereto shall be taken by either party.

Sec. 14. The Court of Claims shall employ such employees as the court finds necessary for the speedy dispatch of its work. They shall be paid such compensation as the judge of the court may prescribe.

Sec. 15. The provisions of this act shall be construed with and supplemental to sections 77-2406 to 77-2410, Reissue Revised Statutes of Nebraska, 1943, and a claim against the State of Nebraska founded on or growing out of contract, either express or implied, may be prosecuted either under the sections above set forth or under this act, at the election of the claimant.

Sec. 16. That sections 81-857, 81-858, 81-859, 81-860, and 81-861, Reissue Revised Statutes of Nebraska, 1943, are repealed."

2. Amend the title of the bill by striking lines 2 to 7 and inserting in lieu thereof the following:

"FOR AN ACT to create a court to be known as the Court of Claims; to prescribe the jurisdiction, powers, and duties of such court; to provide procedure before such court for hearing and adjudication of claims against the State of Nebraska; to provide for the appointment, term, qualifications, and compensation of the judge and reporter of such court; to provide for performance of duties by the clerk of the district court for such court and payment of fee to him therefor; to provide for the employment of such assistance as may be necessary; and to repeal sections 81-857, 81-858, 81-859, 81-860, and 81-861, Reissue Revised Statutes of Nebraska, 1943."

Amendments pending.

Laid over until Wednesday, May 20, 1959, at the request of Mr. Carpenter.

**Visitors**

Mr. Diers introduced Harold Stelzer, Teacher, and fifty students from the Lutheran School, York, and seventeen adults.

**MESSAGE FROM THE GOVERNOR**

May 15, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 15, 1959, he approved LB 658.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**GENERAL FILE**

**LEGISLATIVE BILL 579.** Read and considered.

Advanced to E and R for review.

**Visitors**

Mr. Adams introduced Mrs. Edith Hall, Principal, and one hundred students from Kellom School, Omaha, and three sponsors.

**Member Excused**

Mr. Claussen was excused for Monday, May 18, 1959.

**Visitors**

Mr. Liebers introduced Mrs. J. Bray, Teacher, and twenty-nine students from the Raymond Schools, and seven adults.

**MOTION—Reconsider Action on LB 611**

Mr. President: I move to reconsider the action which was taken Thursday, May 14, on LB 611 with regard to the Fulton amendment which would place in the constitutional amendment the right to hold dog racing. (Signed) William Moulton

Motion pending.

**Adjournment**

At 11:57 a.m., on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**NINETY-THIRD DAY**

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Legislative Chamber, Lincoln, Nebraska  
Monday, May 18, 1959

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

Prayer was offered by Mr. Webb.

The roll was called and all members were present except Messrs. Gerdes, Hollenbeck, McHugh, Peck, and Tews, who were excused, Mr. Portsche who was excused until 10:00 a.m., Mr. Stryker who was excused until 11:20 a.m., and Mr. Claussen who was excused until 11:30 a.m.

The Journal for the Ninety-second Day was approved.

**Visitors**

Speaker Pizer introduced Miss Carol Shaffer and Mr. Clarence Pollock, Teachers, and fifteen students from Powhattan, Kansas, High School.

**MESSAGES FROM THE GOVERNOR**

May 8, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 7, 1959, he approved LB 589.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

May 15, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 15, 1959, he approved LB 76, LB 307, LB 358, LB 361, LB 388, LB 405, LB 416, LB 458, LB 459, LB 481, LB 507, LB 511, LB 647 and LB 712.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

May 15, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 15, 1959, he approved LB 353, LB 360, LB 474 and LB 540.\*

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

#### Communications

Letter to Mr. Russillo from Commander W. J. Pressler, U. S. Navy Recruiting Station, Omaha, regarding the achievements of the "All-Nebraska Beef State Company '59" while undergoing nine weeks of recruit training at San Diego, California.

\* Original LB 540 shows May 14, 1959 as approval date.

## LEGISLATIVE EXPENSES, April 1959

## Account E-2 Members' Salaries

Gross Amount .....	\$8,600.00
Members' net payments .....	\$7,985.00
Withholding Tax .....	400.00
Deferred payment O.A.S.I. ....	215.00
Total .....	\$8,600.00

## Account E-4 Officers' and Employees' Salaries

	Days Worked	Monthly Rate	Gross Wages
George L. Santo, Sergeant-at-Arms ..	22	200.	200.00
Max Baskins, Asst. Sergeant-at-Arms .....	22	195.	195.00
Ruby B. Nelson, Postmaster .....	22	220.	220.00
Martin Schroeder, Chaplain .....	22	170.	170.00
Donna Jean Nelson, Secy., Lieutenant Governor .....	22	300.	300.00
Theba Lubken, Journal Clerk .....	22	375.	375.00
Monica Mahloch, Asst. Journal Clerk ..	22	300.	300.00
Jo Fisher, Enrolling Clerk .....	22	375.	375.00
Joy Hobelman, Asst. Enrolling Clerk ..	17	285.	220.15
Janice Fifer, Bookkeeper .....	22	300.	300.00
Donna Cleavenger, Office Asst. & Secy. ....	22	300.	300.00
Elsye Firestone, Docket Clerk .....	22	275.	275.00
Dorothy Hubertus, Stencil Cutter and Mimeo. Operator .....	22	275.	275.00
Gertrude Tyler, Telephone Operator ..	22	200.	200.00
Eunice Bradley, Supervisor, Steno. Pool .....	22	325.	325.00
Eloise Galloway, Supervisor, Steno. Pool .....	22	325.	325.00
Sherill Burgess, Secretary .....	22	300.	300.00
Jo Ann Hansen, Public Works Com. Clerk .....	22	300.	300.00
Bonnie J. Drohman, Stenographer ....	22	260.	260.00
Arline Kottas, Stenographer .....	22	260.	260.00
Shirley Sicner, Stenographer .....	22	260.	260.00
Phyllis Camp, Stenographer .....	22	260.	260.00
De Ann Shipp, Stenographer .....	22	260.	260.00
Janet Hothan, Stenographer .....	22	260.	260.00
Marion Mueller, Stenographer & Com. Clerk .....	22	270.	285.00

Darlene Mohlman, Stenographer .....	22	270.	270.00
Donna Lynch, Education Com. Clerk .....	22	300.	300.00
Sue Steenson, Misc. Subjects			
Com. Clerk .....	22	300.	300.00
Delores Knudsen, Government			
Com. Clerk .....	22	300.	300.00
Miriam Gabelman, Revenue			
Com. Clerk .....	22	300.	300.00
Dorothy Kelly, Agriculture			
Com. Clerk .....	22	300.	300.00
Sally Bloom, Public Health			
Com. Clerk .....	22	300.	300.00
Virginia Trook, Salaries & Claims			
Com. Clerk .....	22	300.	300.00
Genevieve O'Connor, Banking, Commerce and Insurance Com. Clerk....	11	300.	150.00
Betty Minder, Judiciary Com. Clerk ..	22	300.	300.00
Verda Samuelson, Labor & Public Welfare Com. Clerk .....	22	300.	300.00
Dorothea Fuchs, Budget Com. Clerk ..	22	300.	300.00
Jeanne Allen, Clerk Typist .....	22	260.	260.00
Annette Cobb, Asst. Enrolling Clerk ..	5	285.	64.75
Phyllis Daniels, Page .....	22	180.	180.00
Mary Jo Peters, Page .....	22	180.	180.00
Kay Vincent, Page .....	22	180.	180.00
Beverly Sternberg, Page .....	22	180.	180.00
Sharon Zade, Page .....	10	180.	81.80
Mary Jane Hall, Page .....	22	180.	180.00
Sally Cook, Page .....	22	180.	180.00
C. A. Mohrman, Chief Clk., Bill Room ..	24	300.	327.30
John D. Curtis, Clerk Bill Room .....	24	235.	256.32
C. W. Touzalin, Clerk Bill Room .....	24	235.	256.32
F. R. Miller, Clerk Bill Room .....	24	235.	256.32
J. N. Schneider, Clerk Bill Room .....	24	235.	256.32
James A. Rivers, Clerk Bill Room .....	24	235.	256.32
Corbett Krumtum, Custodian .....	22	235.	235.00
Joseph Eickmeier, Custodian .....	22	200.	200.00
Everett Hall, Custodian .....	22	200.	200.00
Francis V. Robinson, Asst. Clk. of Legislature .....	22	650.	650.00
William Hansen, Clerk Bill Room .....	24	235.	256.32
Grace Clapp, Proof-reader .....	62½hr.	1.60	100.00
Tilla Koenig, Proof-reader .....	62½hr.	1.60	100.00
Elizabeth Reger, Proof-reader .....	53hrs.	1.60	84.80
Bertha Johnston, Proof-reader .....	53hrs.	1.60	84.80

Total Gross Wages

\$15,226.52



## Account E-5 Incidental Expenses

Nebraska Typewriter Co., Rental of Equipment .....	\$ 150.00
Joe Christensen Printing, Legislative Journal for March .....	2,500.16
Nebraska Typewriter Co., Rental of Equipment.....	2.00
Lincoln Telephone & Tel. Co., Service ending 3-16-59 .....	25.63
Nebraska Typewriter Co., Mimeograph Ink .....	45.00
Sanitary Towel & Laundry, Linen Service January, February, & March .....	5.30
Rosewell Floral Co., Flowers for Senator Aufenkamp .....	7.50
Nebraska Typewriter Co., Typewriter Service .....	5.80
Latsch Brothers' Inc., Parts for Chairs & Paper-cutter .....	77.00
Purchasing Dept. Central Acct., Rental for IBM ....	30.50
Purchasing Dept. Revolving Fund, Multilithing .....	43.00
Nebraska Typewriter Co., Typewriter repair .....	18.85
Ash Williams Recording Ser., Recording tapes .....	13.50
Nebraska Typewriter Co., Stencils .....	32.49
Don B. Johnson, Adv. Co., Nebr. State Flag .....	18.00
Moore Business Forms, Gummed Labels .....	34.69
R. & H. Hoover Co., Repairs to Sweeper .....	1.97
Supt. of State Building & Grounds, Telephone Service .....	15.82
Supt. of State Building & Grounds, Telephone Service .....	101.62
Capitol Printing Co., Printing LB's 681-710 .....	1,019.70
<b>Total</b> .....	<b>\$4,148.53</b>

## Account 7 Salary of Lieutenant Governor

Lieutenant Governor Salary, net .....	\$131.32
Blue Cross, Blue Shield .....	10.40
Deferred payment O. A. S. I. ....	3.63
Tax Commissioner, Contribution Fund .....	21.78
<b>Total</b> .....	<b>\$167.13</b>

## Account 8 Clerk's Salary, Other Wages, Maintenance &amp; Supplies

Hugo F. Srb, net salary for April .....	\$571.27
Continental National Bank, Withholding Tax .....	78.80
Tax Commissioner, Contribution Fund .....	100.02
<b>Total</b> .....	<b>\$750.09</b>

**STANDING COMMITTEE REPORTS****Public Works**

**LEGISLATIVE BILL 715.** Placed on General File.

(Signed) Arnold Ruhnke, Chairman

**Presented to the Governor**

Presented to the Governor for approval on May 15, 1959, at 3:00 p.m.: LB 600 LB 564 LB 401 LB 288

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 614.** Replaced on Select File as amended.

E and R amendment to LB 614:

1. In Enrollment and Review Amendment 5, line 6, insert "flammable" after "prescribed"; and in line 7, insert "to define terms;" after the second semicolon.

**LEGISLATIVE BILL 655.** Placed on Select File as amended.

E and R amendments to LB 655:

1. In Standing Committee Amendment 1, lines 3 and 4, strike "Sections 35-501 to 35-518, Revised Statutes Supplement, 1957," and insert "Chapter 35, article 5, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto"; in lines 5 and 6, strike ", and showing the same as stricken"; in lines 7 and 8 strike ", and show same as stricken"; in line 11 strike the comma after "assessed"; and in line 12 insert a comma before "releved".

2. In section 1, line 5, strike "section" and insert "sections"; in line 6 strike "section"; and in line 7 insert "and amendments thereto" after "1943,".

3. In new section 2, line 4, remove the parentheses and insert commas.

4. Strike the Standing Committee Amendment to renumbered section 4, line 15, and insert "as provided in section 2 of this act".

5. In renumbered section 4, line 30, strike "anywise" and insert "any way".

6. In Standing Committee Amendment 5, line 18, strike "provided that in every case," and insert "*Provided*, that in every case".

7. In renumbered section 5, strike lines 2 and 3 as amended, and insert "Revised Statutes of Nebraska, 1943, sections 35-516.01 and 39-1635, Revised Statutes Supplement, 1957, and section 35-515, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 202, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed."

8. In new section 6, insert a comma after "effect" in line 2 and after "approval" in line 3.

9. In the title, strike line 2 and insert "FOR AN ACT relating to annexation; to provide for the annexation of territory of any"; in line 3 strike "or road districts" and insert "district, road district, or fire protection district"; strike line 7 and line 8 through the semicolon and insert "any such district;"; in line 14 strike "and"; and strike lines 16 and 17 and insert "braska, 1943, sections 35-516.01 and 39-1635, Revised Statutes Supplement, 1957, and section 35-515, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 202, Sixty-ninth Session, Nebraska State Legislature, 1959; and to declare an emergency."

**LEGISLATIVE BILL 26.** Correctly engrossed.

**LEGISLATIVE BILL 290.** Correctly engrossed.

**LEGISLATIVE BILL 370.** Correctly engrossed.

**LEGISLATIVE BILL 412.** Correctly engrossed.

**LEGISLATIVE BILL 682.** Correctly engrossed.

**LEGISLATIVE BILL 688.** Correctly engrossed.

**LEGISLATIVE BILL 659.** Correctly enrolled.

**LEGISLATIVE BILL 484.** Correctly enrolled.

**LEGISLATIVE BILL 435.** Correctly enrolled.

**LEGISLATIVE BILL 423.** Correctly enrolled.

**LEGISLATIVE BILL 344.** Correctly enrolled.

**LEGISLATIVE BILL 340.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**Visitor**

Mr. Burbach introduced Mr. Bill Maule from Crofton.

**MOTION—Request Report**

Mr. President: I move the Board of Control make a detailed report on the removal of Mr. Bovey, Warden of the Penitentiary. (Signed) Terry Carpenter.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 26:

Aufenkamp	Fenske	Nelson	Skarda
Bowen	Fulton	Orme	Swanson
Burbach	Jensen	Romans	Syas
Carpenter	Klaver	Ruhnke	Thompson
Cooper	Lautenschlager	Russillo	Webb
Donner	Marvel	Simmons	Williams
Erlewine	Moulton		

Voting in the negative, 7:

Diers	Munnelly	Otto	Vosoba
Liebers	Olinger	Pizer	

Not voting, 10:

Adams	Gerdes	Peck	Stryker
Bridenbaugh	Hollenbeck	Portsche	Tews
Claussen	McHugh		

The Carpenter motion prevailed.

**MOTION—Request Report**

Mr. President: I move that a like report be requested from the Governor. (Signed) Hans O. Jensen

Mr. Carpenter requested a record vote.

Voting in the affirmative, 27:

Aufenkamp	Erlewine	Moulton	Skarda
Bowen	Fenske	Nelson	Swanson
Bridenbaugh	Fulton	Orme	Syas
Burbach	Jensen	Romans	Thompson
Carpenter	Klaver	Ruhnke	Webb
Cooper	Lautenschlager	Russillo	Williams
Donner	Marvel	Simmons	

Voting in the negative, 7:

Diers	Munnelly	Otto	Vosoba
Liebers	Olinger	Pizer	

Not voting, 9:

Adams	Hollenbeck	Peck	Stryker
Claussen	McHugh	Portsche	Tews
Gerdes			

The Jensen motion prevailed.

#### **MOTION—Reconsider Action**

Mr. President: I move we reconsider our action just taken on requesting the reports. (Signed) John Adams, Sr.

Motion lost for want of a second.

#### **Visitors**

Mr. Webb introduced Lois Predmore from Ogallala.

Mr. Pizer introduced Mr. and Mrs. L. R. Bomarh from North Platte.

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 659 LB 484 LB 435 LB 423 LB 344 LB 340

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Public Works be permitted to introduce a bill relating to highways so as to require brakes on commercial trailers and semitrailers as prescribed. (Signed) Arnold Ruhnke, Chairman

#### **STATEMENT—Introduce Bill**

The Public Works Committee recommends the introduction of the attached bill.

I have received an opinion from the Attorney General's office stating that they believe LB 381, as passed, would make it mandatory that all trailers be equipped with brakes on each wheel that could be operated from the driver's position of the towing vehicle. This, of course, would include all light, two-wheeled trailers and I do not believe that this was the intention of the Legislature.

This bill provides that only commercial trailers and semitrailers need be so equipped.

A copy of the letter from the Attorney General's office is attached. (Signed) Arnold Ruhnke, Chairman

Permission to introduce the bill granted with 30 ayes, 0 nays, and 13 not voting.

### BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 723.** By Committee on Public Works, Arnold Ruhnke, 22nd District, Chairman.

A bill for an act to amend section 39-721, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 381, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to highways; to require brakes on commercial trailers and semitrailers as prescribed; to repeal the original section; and to declare an emergency.

### SUSPEND RULES—Place LB 723 on General File

Mr. President: I move that the rules be suspended and that LB 723 be placed on General File without a public hearing. (Signed) William Moulton

Mr. Moulton requested a Call of the House.

A Call of the House was ordered and showed 34 members present.

Mr. Moulton moved that the Call be raised. The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

The Moulton motion prevailed with 31 ayes, 3 nays, and 9 not voting, and LB 723 was placed on General File.

### Visitors

Speaker Pizer introduced Mr. and Mrs. Gustof Stafnees, Director of the Carillon School, Mechelen, Belgium.

### RESOLUTIONS

#### LEGISLATIVE RESOLUTION 37.

Mr. Simmons offered the following amendment:

Amend Legislative Resolution 37 by striking the first "WHERE-AS" paragraph and the paragraph number "1.", and that paragraph numbered "2." be changed to "1."

**Speaker Pizer Presiding****Communications**

Letter to Speaker Pizer from Merritt H. Powell, Lincoln, a student at the University of Nebraska Law College, relative to the instructors at the Law College.

Letter from Mr. Romans relative to the public hearing on LB 708, read at the request of Mr. Carpenter.

**Visitors**

Mr. Russillo introduced Sister Camille, Sister Magdalena, Sister Mary Viola, and one hundred twenty-nine students and sponsors from St. Cecelia's Cathedral, Omaha.

Mr. Adams introduced twenty-four students and two sponsors from the Sacred Heart High School, Omaha.

Mr. Fenske introduced the Harold Anderson family from Kimball.

Mr. Jensen introduced Harry Mills, Superintendent, Ida G. Bell, Teacher, and twenty students from Hampton School, and six sponsors.

**LEGISLATIVE RESOLUTION 37.**

The Simmons amendment considered.

Mr. Fenske moved the previous question. The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

The Simmons amendment was adopted with 18 ayes, 17 nays, and 8 not voting.

Messrs. Burbach, Otto, and Vosoba offered the following amendment which was adopted with 18 ayes, 13 nays, and 12 not voting:

1. In Paragraph numbered "2", strike the "." after the word "faculty", and add ", and will continue to hold such faith and confidence until it appears that those charged with administration of the University have failed to carry out their responsibilities to the students and people of this state."

Mr. Russillo moved that LR 37 be indefinitely postponed.

Mr. Burbach requested a Call of the House.

A Call of the House was ordered and showed 36 members present.

Mr. Lautenschlager moved that the Call be raised. The motion lost with 21 ayes, 5 nays, and 17 not voting.

Mr. Donner moved that the Call be raised. The motion prevailed with 31 ayes, 0 nays, and 12 not voting.

Mr. Vosoba requested a record vote.

Voting in the affirmative, 18:

Aufenkamp	Erlewine	Pizer	Swanson
Bridenbaugh	Fenske	Romans	Syas
Cooper	Fulton	Russillo	Webb
Diers	Lautenschlager	Simmons	Williams
Donner	Nelson		

Voting in the negative, 17:

Adams	Liebers	Orme	Skarda
Burbach	Marvel	Otto	Stryker
Carpenter	Munnely	Portsche	Thompson
Jensen	Olinger	Ruhnke	Vosoba
Klaver			

Not voting, 8:

Bowen	Gerdes	McHugh	Peck
Claussen	Hollenbeck	Moulton	Tews

The Russillo motion prevailed and LR 37 was indefinitely postponed.

### **President Burney Presiding**

#### **Guests**

Mr. Simmons escorted Chief Justice Ademola and Lady Ademola, from Nigeria, Africa, to the rostrum.

Chief Justice Ademola addressed the Legislature.

### **UNANIMOUS CONSENT—Time of Committee Hearing**

Mr. Syas requested unanimous consent to suspend the rules and schedule LB 720 for hearing at 1:00 p.m. on Tuesday, May 26, 1959. No objections. So ordered.

### **NOTICE OF COMMITTEE HEARINGS**

#### **Education**

LB 720 Tuesday, May 26, 1959

1:00 p.m.



### Visitors

Mr. Adams introduced Miss Stauffer, Principal, Mrs. McCart, Teacher, and eighteen students from Druid Hill School, Omaha.

Mr. Romans introduced Mr. Eugene Bustard from Lincoln.

### Point of Personal Privilege—Visitors

One Hundred years ago, 1859, Antone Santo and family came to Nebraska from Delphos Allen County Ohio to Old Arago in Richardson County. Through all the years regardless of Indian raids, Jayhawkers pillaging during agonizing Civil War days in 1860, severe winters, intense heat and drought with no farm relief or Governmental aid of any sort in by-gone days, they remained steadfast and loyal Nebraskans to this very day in 1959.

Of the nine children of Joseph and Anna Santo family, only two survive, Fred Bryan Santo and George.

Fred and wife, Grace, are visiting George and the Unicameral Legislature from Rawlins, Wyoming, where Fred is a Union Pacific Engineer of many years' service.

(Signed) John R. Cooper

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 363.

A bill for an act to amend section 36-303, Revised Statutes Supplement, 1957, relating to chattel mortgages; to clarify the provisions thereof; to provide the procedure for extending the lien of chattel mortgages as prescribed; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Claussen	Fulton	Munnelly
Aufenkamp	Cooper	Jensen	Nelson
Bowen	Diers	Klaver	Olinger
Bridenbaugh	Donner	Liebers	Orme
Burbach	Erlewine	Marvel	Otto
Carpenter	Fenske	Moulton	Pizer

Portsche	Simmons	Swanson	Vosoba
Romans	Skarda	Syas	Webb
Ruhnke	Stryker	Thompson	Williams
Russillo			

Voting in the negative, 0.

Not voting, 6:

Gerdes	Lautenschlager	Peck	Tews
Hollenbeck	McHugh		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 368.

A bill for an act to amend section 57-304, Reissue Revised Statutes of Nebraska, 1943, and section 57-303, Revised Statutes Supplement, 1957, relating to liens on oil-field equipment; to provide that notice of such liens shall be filed within four months after the oil-field equipment was transported and delivered; to provide that an action to foreclose such lien shall be brought within two years of the filing of such lien; and to repeal the original sections.

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

Voting in the affirmative, 35:

Adams	Donner	Olinger	Skarda
Aufenkamp	Erlewine	Orme	Stryker
Bowen	Fenske	Otto	Swanson
Bridenbaugh	Jensen	Pizer	Syas
Burbach	Liebers	Portsche	Thompson
Carpenter	Marvel	Romans	Vosoba
Claussen	Moulton	Ruhnke	Webb
Cooper	Munnelly	Russillo	Williams
Diers	Nelson	Simmons	

Voting in the negative, 0.

Not voting, 8:

Fulton	Hollenbeck	Lautenschlager	Peck
Gerdes	Klaver	McHugh	Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 457.**

A bill for an act relating to courts and procedure therein; to provide for service of any order, motion, notice, or document, except a summons, upon a party represented by attorney upon such attorney; to provide the manner of such service; to provide for designation on the record of the address of a party to an action or his attorney for purpose of such service; to provide the manner of making proof of service; and to provide for additional time for making such service when service is made by mail.

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

Voting in the affirmative, 37:

Adams	Erlewine	Nelson	Simmons
Aufenkamp	Fenske	Olinger	Skarda
Bowen	Jensen	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Pizer	Syas
Carpenter	Liebers	Portsche	Thompson
Claussen	Marvel	Romans	Vosoba
Cooper	Moulton	Ruhnke	Webb
Diers	Munnelly	Russillo	Williams
Donner			

Voting in the negative, 0.

Not voting, 6:

Fulton	Hollenbeck	Peck	Tews
Gerdes	McHugh		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Explanation of Vote**

Mr. President: Had I not been called to the phone, I would have voted "aye" on LB 368 and LB 457. (Signed) George F. Fulton

**Visitors**

Mr. Diers introduced Mr. Robert Gillette, Teacher, and eleven students from School District 90, Seward County, and two adults.

**LEGISLATIVE BILL 536.** With emergency.

A bill for an act to amend section 75-105, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to increase the annual salary payable to the secretary of the State Railway Commission; to provide when such increase shall be effective; 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, 24:

Adams	Lautenschlager	Otto	Swanson
Aufenkamp	Liebers	Pizer	Syas
Burbach	Marvel	Portsche	Thompson
Cooper	Moulton	Romans	Vosoba
Donner	Munnelly	Simmons	Webb
Fulton	Orme	Skarda	Williams

## Voting in the negative, 10:

Bowen	Fenske	Olinger	Russillo
Bridenbaugh	Jensen	Ruhnke	Stryker
Diers	Nelson		

## Not voting, 9:

Carpenter	Gerdes	Klaver	Peck
Claussen	Hollenbeck	McHugh	Tews
Erlewine			

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

## Voting in the affirmative, 24:

Adams	Liebers	Pizer	Swanson
Aufenkamp	Marvel	Portsche	Syas
Burbach	Moulton	Romans	Thompson
Cooper	Munnelly	Russillo	Vosoba
Fulton	Orme	Simmons	Webb
Lautenschlager	Otto	Skarda	Williams

## Voting in the negative, 10:

Bowen	Donner	Jensen	Olinger
Bridenbaugh	Erlewine	Nelson	Ruhnke
Diers	Fenske		

Not voting, 9:

Carpenter	Hollenbeck	McHugh	Stryker
Claussen	Klaver	Peck	Tews
Gerdes			

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

#### LEGISLATIVE BILL 580.

A bill for an act to amend sections 2-927, 2-928, 2-940, and 2-943, Reissue Revised Statutes of Nebraska, 1943, relating to weed eradication districts; to provide for financing the operations of such districts by a tax of not to exceed one-fourth mill on the assessed valuation of all taxable rural property, except intangible property within such district; to provide for the determination of the amount of such tax and the collection thereof; to repeal the original sections and also sections 2-929, 2-930, 2-931, 2-932, 2-933, 2-934, 2-935, 2-937, 2-938, and 2-939, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 32:

Adams	Fulton	Nelson	Russillo
Bridenbaugh	Jensen	Olinger	Simmons
Burbach	Klaver	Orme	Skarda
Carpenter	Lautenschlager	Otto	Stryker
Claussen	Liebers	Pizer	Swanson
Cooper	Marvel	Portsche	Syas
Donner	Moulton	Romans	Thompson
Fenske	Munnelly	Ruhnke	Vosoba

Voting in the negative, 6:

Aufenkamp	Diers	Webb	Williams
Bowen	Erlewine		

Not voting, 5:

Gerdes	McHugh	Peck	Tews
Hollenbeck			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Adjournment**

At 12:01 p.m., on a motion by Mr. Munnelly, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**NINETY-FOURTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Tuesday, May 19, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

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

The Journal for the Ninety-third Day was approved.

**Members Excused**

Mr. Marvel requested unanimous consent that he and Messrs. Thompson, Erlewine, Bowen, and Swanson be excused from 9:30 until 10:00 a.m. this morning. No objections. So ordered.

**UNANIMOUS CONSENT—Bills on Final Reading**

Mr. Marvel requested unanimous consent that bills on Final Reading be considered after the members return at 10:00 a.m. this morning. No objections. So ordered.

**MESSAGE FROM THE GOVERNOR**

May 18, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

I am respectfully returning to you, without my signature, LB 516 and LB 639.

The people of the State of Nebraska have consistently rejected any attempt to increase the salary of the most important body in our entire governmental system, to wit: The Unicameral Legislature. I cannot help but view this as a demonstration of their sentiment with reference to salaries of other constitutional officers. Until such time as the people of Nebraska authorize salary increases for the legislative body, this office cannot look favorably upon salary increases for others.

At this writing I understand that you are considering legislation which will include a salary increase for the Governor. In the event such legislation reaches my desk, I intend to view that legislation in the same light as I have viewed the proposals herewith returned to you.

Our state employees are in one of the very lowest salary brackets for the work which they do and yet we have been unable to establish a civil service system which would tend to better the terms of employment and give to them a much needed sense of security. While I realize that our present salary structure is inadequate, I do not feel that it should be revised on a piecemeal basis and until such time as the salaries of all state employees can be adjusted to a proper level, as well as the salaries of the legislature, we should exercise considerable restraint in our expenditure of public funds in this area.

Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:sn

#### MOTION—Pass LB 639

Mr. President: I move that LB 639 be passed notwithstanding the objections of the Governor. (Signed) Terry Carpenter

Voting in the affirmative, 30:

Adams	Hollenbeck	Peck	Swanson
Bowen	Jensen	Portsche	Syas
Bridenbaugh	Liebers	Romans	Tews
Burbach	Marvel	Ruhnke	Thompson
Carpenter	Moulton	Russillo	Vosoba
Claussen	Munnelly	Simmons	Webb
Cooper	Orme	Skarda	Williams
Gerdes	Otto		



Voting in the negative, 10:

Aufenkamp	Fenske	Nelson	Pizer
Diers	Fulton	Olinger	Stryker
Donner	Lautenschlager		

Not voting, 3:

Erlewine	Klaver	McHugh
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A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed notwithstanding the Governor's objections.

**MOTION—Pass LB 516**

Mr. President: I move that LB 516 be passed notwithstanding the objections of the Governor. (Signed) Michael P. Russillo

Voting in the affirmative, 18:

Adams	Moulton	Romans	Swanson
Carpenter	Munnelly	Russillo	Syas
Cooper	Otto	Simmons	Tews
Gerdes	Peck	Skarda	Williams
Hollenbeck	Portsche		

Voting in the negative, 22:

Aufenkamp	Erlewine	Marvel	Ruhnke
Bowen	Fenske	Nelson	Stryker
Bridenbaugh	Fulton	Olinger	Thompson
Burbach	Jensen	Orme	Vosoba
Diers	Lautenschlager	Pizer	Webb
Donner	Liebers		

Not voting, 3:

Claussen	Klaver	McHugh
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A constitutional three-fifths majority having failed to vote in the affirmative, the bill failed of passage notwithstanding the Governor's objections.

**Announcement—Flowers**

President Burney announced that the bouquet of flowers on the Lieutenant Governor's desk was furnished by William Hansen, a bill room employee, and his wife.

**MOTION—Employees Excused**

Mr. President: I move that the employees be excused, wherever possible, Thursday, May 21, and also Thursday afternoon and Friday, May 28 and 29. (Signed) William Moulton.

The motion prevailed.

**STANDING COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 429.** Placed on General File as amended.

Standing Committee amendments to LB 429:

1. Amend section 1. (1) of the bill in line 1 by striking the word "beverages" and inserting the word "liquors"; in line 2 after the word "sold" insert the words "or purchased"; strike out the words "including beer and wine"; in line 3 after the word "to" insert the words "or by" and strike out the words "wholesaler or" and strike out the word "whole" and insert the word "distributor"; in line 4 strike out the word "saler"; in line 5 strike out the words "beverages, including beer and" and insert the word "liquors"; in line 6 strike out the word "wine"; in line 7 strike out the word "producer" and insert the word "manufacturer"; in line 11 strike out the words "and shall be available to every licensed re-" and insert a period; strike out all of line 12.

2. Amend section 1 (3) of the bill in line 25 by striking out the word "wholesaler" and inserting the word "distributor"; in line 26 strike out the word "wholesaler" and insert the word "distributor"; in line 27 strike out the word "exclusive"; in line 30 strike out the word "wholesaler" and insert the word "distributor".

3. Amend section 1. (5) of the bill by striking the word "wholesaler" in line 52 and inserting the word "distributor"; by striking the word "his" in line 53 and inserting the word "such"; after the word "and" in line 53 insert the words "the Commission"; in line 56 strike the words "beverages for off-premises consumption" and insert the word "liquors".

4. Amend section 1 (6) of the bill by striking the word "beverages" in line 59 and inserting the word "liquors"; strike the words in line 59 "for off-premises consumption"; in line 61 strike the word "beverages" and insert the word "liquors"; in line 68 strike the word "section" and insert the word "act"; in line 86 strike the word "beverages" and insert the word "liquors"; in line 90 strike the

word "section" and insert the word "act"; in line 90 strike the word "acts"; in line 91 strike the word "or"; in line 93 strike the word "section" and insert the word "act".

5. Amend section 2 of the bill by striking the words "Each manufacturer and wholesaler" in line 8 and by striking all of lines 9 and 10 and the word "effect" in line 11.

6. Amend section 3 of the bill by striking lines 1 to 10 inclusive and inserting the following:

"Sec. 3. For the purpose of raising the funds necessary to defray the expenses incurred in the enforcement and administration of this act, there shall be paid to the Nebraska Liquor Control Commission by each licensee for the sale of alcoholic liquors at retail and by each manufacturer and distributor of alcoholic liquors a sum equal to fifteen (15) per cent of the prevailing annual License Fee for such licensee, and which shall be paid together with such annual License Fee. All such sums shall be paid over by the Commission to the State Treasurer and shall be appropriated by the Legislature to the Commission for the enforcement and administration of this act."

7. Amend the title to read:

"FOR AN ACT relating to alcoholic liquors; to provide that no alcoholic liquors shall be sold or purchased which contains a label stating the brand or name of the owner unless a schedule of minimum consumer prices shall have first been filed therefor with the Nebraska Liquor Control Commission; to provide for the filing of minimum consumer price lists with the Commission; to provide that the Commission shall compile, publish and mail to each retailer authorized to sell alcoholic liquors, such list; to provide a tax for the administration and enforcement of the act; to provide for violations and penalties, and that the Legislature shall appropriate the tax to the Commission for the enforcement and administration of the act.

Be it enacted by the people of the State of Nebraska."

(Signed) John P. Munnelly, Chairman

**Presented to the Governor**

Presented to the Governor for approval on May 19, 1959, at 9:00 a.m.: LB 484 LB 659 LB 435 LB 423 LB 344 LB 340

(Signed) Jo Fisher, Enrolling Clerk

## STANDING COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 583.** Replaced on Select File as amended.

E and R amendments to LB 583:

1. In section 1, strike line 22 and insert "year 1957 1959 and annually thereafter for ten years to and".

2. In section 2, strike lines 5 to 11 and insert "lected and one hundred fifty thousand dollars thereof transferred to the State Board of Education for the Nebraska Vocational Technical School and to be deducted from their proportionate share of such levy, and to be expended upon the approval of the State Board of Education. After said amount has been transferred, the balance shall be credited to said respective boards in the following proportions:".

3. In the title, as amended by Enrollment and Review Amendment 10, line 13, insert "to eliminate obsolete matter;" after the semicolon.

**LEGISLATIVE BILL 284.** Placed on Select File as amended.

E and R amendments to LB 284:

1. In section 2, line 16, insert "loan" before "and".

2. In section 4, line 6, insert "and" after "time".

3. In section 5, line 9, strike "that have" and insert "having".

4. In section 9, line 2, strike the comma; and in line 9 strike the comma.

5. In line 1 of the Munnely General File Amendment to section 10, insert ", as amended by the Carpenter General File Amendment," after "12"; in line 4 strike the period and insert an underscored comma; and in lines 6 and 7 strike "Certificates of".

6. In Standing Committee Amendment 1, line 13, strike "banks" and insert "bank".

7. In Standing Committee Amendment 2, strike lines 3 to 25 and insert:

"8-432. If the industrial loan and investment company shall *willfully* fail to comply with any of the provisions of sections 8-418 to 8-433, in the making or collection of any loan which is subject to said sections, the loan shall be void and the lender shall have

no right to collect and receive any principal, interest or charges the lender shall be entitled to collect, receive, and retain only that part of the total principal and accrued interest on such loan as shall exceed one thousand dollars; *Provided, nothing in this section shall apply and there shall be no penalty in the case of clerical error or where interest is inadvertently charged for a period not to exceed one week.* Any industrial loan and investment company and any of the several members, officers, directors, agents and employees thereof who shall willfully violate or participate in the willful violation of said sections shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars and not less than one hundred dollars or by imprisonment for not less than thirty days or more than six months."

8. In the title, line 8, insert "and for the revocation of licenses" before the semicolon; in line 13 insert "and for the repayment of amounts borrowed" before the semicolon; in lines 13 and 14 strike "to provide for the amount of required collateral from borrowers;" and insert "to authorize borrowing from commercial banks or other corporate lenders, the pledge of collateral, and a limit on the amount that may be so borrowed; to provide an exception;"; and in line 15 insert "to change the penalties for certain violations;" after the second semicolon.

**LEGISLATIVE BILL 545.** Placed on Select File as amended.

E and R amendments to LB 545:

1. In section 1, line 16, insert "until September 15, 1965," before "any"; in line 20, strike "that"; and also in line 20 insert "such certificate may be so converted" after "1965,".

2. In Standing Committee Amendment 1, line 2, strike the second quotation mark; and in line 8 strike ", and show as stricken".

3. In new section 3, line 5, strike the second "a" and insert "an".

4. In renumbered section 4, line 9, strike the period.

5. In Standing Committee Amendment 4, line 5, strike the period and insert a period at the end of the line.

6. In Standing Committee Amendment 5, strike ", and show stricken".

7. In section 7, line 2, strike "79-1247.01, and 79-1267" and insert "and 79-1247.01".

8. In the title, line 3, strike "79-1247.01, and 79-1267" and insert "and 79-1247.01"; in line 8 insert "to establish the Nebraska Rural Elementary School Certificate and prescribe requirements for its issuance and renewal;" after the semicolon; in line 11 insert "to provide that no teacher's certificate shall be issued to any alien;" after the semicolon; and in line 12 strike "section 79-1210" and insert "sections 79-1210 and 79-1267".

**LEGISLATIVE BILL 247.** Placed on Select File as amended.

E and R amendments to LB 247:

1. In the Syas General File Amendment 1, insert ", showing the same as stricken," at the end of line 2.

2. In Standing Committee Amendment 1, line 13, strike "standards" and insert "rules and regulations".

3. In the title, line 5, insert "to require the approval of high schools for the collection of free high school tuition money on prescribed conditions;" after the semicolon.

**LEGISLATIVE BILL 406.** Placed on Select File as amended.

E and R amendment to LB 406:

1. In the title, line 8, insert "State" before "Game".

**LEGISLATIVE BILL 596.** Placed on Select File as amended.

E and R amendments to LB 596:

1. Strike the Standing Committee and Carpenter General File Amendments.

2. In section 1, lines 3 to 6 strike the new matter and show all old matter as stricken, and insert at the end of line 6 "*No policy or contract of insurance or renewal thereof shall be made, issued, used, or delivered by any insurer in this state unless it states on its face whether it is issued by a stock, mutual, reciprocal, assessment, or fraternal company; Provided, that any insurer organized under special charter provisions may so indicate upon its policy and may add a statement of the plan under which it operates in this state.*".

3. In the title, line 6, insert "reciprocal," after "mutual,"; and in line 7 insert "to provide an exception;" after the semicolon.

**LEGISLATIVE BILL 626.** Placed on Select File as amended.

E and R amendments to LB 626:

1. In section 1, lines 6 and 7, strike "subsection" and insert "~~subsection~~ *subdivision*"; in line 9 strike "subsections" and insert "~~subsections~~ *subdivisions*"; and in line 11, strike "*subsections*" and insert "*subdivisions*".

2. In the title, line 4, strike "subsections" and insert "subdivisions"; and in lines 5 and 6 strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1957".

**LEGISLATIVE BILL 629.** Placed on Select File as amended.

E and R amendments to LB 629:

1. For correlation purposes, in section 1, line 2, insert "as amended by section 1, Legislative Bill 482, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,".

2. In section 1, line 13, strike "*graveling*,".

3. In section 2, line 2, insert "as amended by section 1, Legislative Bill 482, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,".

4. In the title, line 3, insert "as amended by section 1, Legislative Bill 482, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,".

**LEGISLATIVE BILL 436.** Placed on Select File as amended.

E and R amendment to LB 436:

1. In the title, at the end of line 3, insert "to provide that levy of the county road tax within cities or villages shall be optional,"; and in line 5 insert "collected within cities or villages" after "tax".

**LEGISLATIVE BILL 572.** Placed on Select File as amended.

E and R amendments to LB 572:

1. In section 1, line 7, strike "Department of Fire Prevention, and Civil Defense" and insert "State Fire Marshall, and Civil Defense Agency".

2. In section 3, strike line 7 and insert "State Fire Marshall and Civil Defense Agency.".

3. In the title, line 4, strike "all firemen periodically" and insert "one trainee from each fire company"; in line 6 strike ", Grand Island, Nebraska"; in line 6 strike "to train" and strike the balance of the title and insert "to authorize cities and villages to contract for the training of firemen and to pay the costs of such training; to provide for attendance at any fire training school in this state approved by the State Fire Marshall and the Civil Defense Agency."

**LEGISLATIVE BILL 437.** Placed on Select File as amended.

E and R amendments to LB 437:

1. In Standing Committee Amendment 1, insert ", showing the same as stricken," before "and" in lines 2 and 4 and before the first "and" in line 3.

2. In the title, line 4, insert "and clerks" after "judges".

**LEGISLATIVE BILL 579.** Placed on Select File.

**LEGISLATIVE BILL 279.** Correctly engrossed.

**LEGISLATIVE BILL 525.** Correctly engrossed.

**LEGISLATIVE BILL 643.** Correctly engrossed.

**LEGISLATIVE BILL 692.** Correctly engrossed.

**LEGISLATIVE BILL 363.** Correctly enrolled.

**LEGISLATIVE BILL 368.** Correctly enrolled.

**LEGISLATIVE BILL 457.** Correctly enrolled.

**LEGISLATIVE BILL 536.** Correctly enrolled.

**LEGISLATIVE BILL 580.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 363 LB 368 LB 457 LB 536 LB 580

#### **MOTION—Return LB 686 to Select File**

Mr. President: I move that LB 686 be recalled to Select File for the following specific amendments. (Signed) Hans O. Jensen



1. Amend renumbered section 9 of the bill, line 20 by striking "Fish and" and inserting "State".

2. Amend the title of the bill by striking line 6 and inserting "and fish;".

3. Amend Enrollment and Review Amendment 7, adopted May 12, 1959, line 6 by striking "thereof;".

The motion prevailed with 30 ayes, 0 nays, and 13 not voting.

### Visitors

Speaker Pizer introduced Mrs. Eileen Oltman, Teacher, and sixteen students from School District 132, Oketo, Kansas, and four sponsors.

Mr. Diers introduced Joyce Devorak, Teacher, and eleven students from School District 30, Seward County, and six sponsors.

### SELECT FILE

**LEGISLATIVE BILL 686.** The pending Jensen specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 685.** Laid over until Friday, May 22, 1959, at the request of Mr. Carpenter.

### LEGISLATIVE BILL 131.

Mr. Klaver offered the following amendment which was adopted by unanimous consent:

1. Amend section 4 of the bill, line 8 by striking "such salary" and inserting "*a salary of not to exceed ten thousand dollars,*".

Mr. Jensen offered the following amendments which were adopted by unanimous consent:

1. Amend the bill by inserting immediately after renumbered section 7 a new section to be known as section 8 and to read as follows:

"Sec. 8. That section 77-2302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2302. The State Treasurer may , *with the approval of the State Investment Board*, invest not more than sixty per cent of the money of the state funds in warrants of this state, of any county of this state, or of any irrigation district situated in the State of Nebraska at par whenever he deems it proper and carry the same at their value as cash. He may , *with the approval of the State Investment Board*, invest current funds not needed for daily needs in United States bonds.”.

2. Renumber section 8, added by Standing Committee Amendment 7, as section 9 and renumber original sections 8 and 9 as 10 and 11, respectively.

3. In renumbered section 11, line 1, insert “77-2302,” after “60-449”.

4. In the title, line 2, insert “77-2302,” after “60-449,”.

Mr. Carpenter requested unanimous consent that LB 131 be laid over until Friday, May 22, 1959.

Mr. Romans requested unanimous consent that LB 131 be laid over until Monday, May 25, 1959.

Mr. Fenske objected.

Mr. Jensen offered the following amendments which were adopted by unanimous consent:

1. Amend renumbered section 10, line 2 by inserting before “are” the following:

“and also section 77-2302, Reissue Revised Statutes of Nebraska, 1943,”.

2. Amend the title to conform.

Mr. Fenske moved that LB 131 be indefinitely postponed.

The motion lost with 18 ayes, 23 nays, and 2 not voting.

Advanced to E and R for engrossment.

### Visitors

Mr. Simmons introduced Mrs. L. Anderson, Teacher, and twelve students from the Nashville School of Omaha.

### LEGISLATIVE BILL 410.

Mr. Otto offered the following amendment which was adopted by unanimous consent:

1. Amend the bill, section 1, by striking line 16 beginning with the word "The", by striking lines 17 to 21 and by striking line 22 to and including the semicolon and showing the same as stricken matter.

Advanced to E and R for engrossment.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 610.** Bracketed at the request of Mr. Ruhnke.

**UNANIMOUS CONSENT—Consider Bills on Final Reading**

Mr. Munnelly requested unanimous consent to consider the bills on Final Reading at this time. No objections. So ordered.

**MOTION—Reconsider Action on LB 23**

Mr. President: I move that we reconsider our action on Final Reading of LB 23. (Signed) John P. Munnelly

The motion prevailed with 28 ayes, 13 nays, and 2 not voting.

**MOTION—Place LB 708 on General File**

Mr. Munnelly renewed his pending motion found in the Legislative Journal for the Eightieth Day to place LB 708 on General File.

Mr. Simmons requested a record vote.

Voting in the affirmative, 13:

Adams	Marvel	Orme	Skarda
Burbach	Moulton	Otto	Syas
Jensen	Munnelly	Portsche	Vosoba
Klaver			

Voting in the negative, 27:

Aufenkamp	Erlewine	Nelson	Simmons
Bowen	Fenske	Olinger	Stryker
Bridenbaugh	Fulton	Peck	Swanson
Carpenter	Gerdes	Pizer	Tews
Claussen	Hollenbeck	Romans	Thompson
Cooper	Lautenschlager	Ruhnke	Webb
Diers	Liebers	Russillo	

Not voting, 3:

Donner

McHugh

Williams

The Munnelly motion lost.

#### **Visitors**

Mr. Russillo introduced Mrs. Marie Kavan, Principal, Miss Edna Hoff, Teacher, and thirty-two students from Columbian School, Omaha.

Mr. Moulton introduced Mrs. Maude Mhenuson and twenty-four students from District 59, Bennington, and three sponsors.

### **STANDING COMMITTEE REPORTS**

#### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 714.** Indefinitely postponed.

(Signed) John P. Munnelly, Chairman

### **BILLS ON FINAL READING**

#### **LEGISLATIVE BILL 23.**

Mr. Bowen requested unanimous consent that LB 23 be laid over until Monday, May 25, 1959.

Mr. Fenske objected.

Mr. Bowen moved that LB 23 be laid over until Monday, May 25, 1959.

Mr. Bowen requested a Call of the House.

A Call of the House was ordered and showed 41 members present.

Mr. Skarda moved that the Call be raised. The motion prevailed with 41 ayes, 0 nays, and 2 not voting.

The Bowen motion prevailed with 22 ayes, 16 nays, and 5 not voting.

**President Burney Presiding**

**LEGISLATIVE BILL 584.**

Messrs. Klaver, Swanson, McHugh, Vosoba, Ruhnke, Erlewine, and Stryker moved that LB 584 be returned to Select File for the following specific amendment:

1. Strike the enacting clause.

Mr. Williams moved the previous question. The motion prevailed with 25 ayes, 13 nays, and 5 not voting.

The motion prevailed with 23 ayes, 17 nays, and 3 not voting, and LB 584 was returned to Select File.

**Visitors**

Mr. Moulton introduced Mrs. R. O. Linnville and Mrs. A. Chloupek, Teachers, and forty-two students from District 60, Douglas County.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 621. With emergency.**

A bill for an act to amend section 37-502, Revised Statutes Supplement, 1957, relating to game and fish; to permit the taking of game fish by bow and arrow during prescribed times; to regulate the taking of fish by various means on the Missouri River; 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, 39:

Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Claussen	Klaver	Pizer	Tews
Cooper	Lautenschlager	Portsche	Thompson
Diers	Liebers	Romans	Vosoba
Donner	Marvel	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske	Munnelly	Simmons	

Voting in the negative, 1:

Orme

Not voting, 3:

Adams

Carpenter

McHugh

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

**LEGISLATIVE BILL 689.** By Committee on Government, Dwain Williams, 35th District, Chairman.

A bill for an act for submission to the electors of an amendment to Article IV, section 4, of the Constitution of Nebraska, relating to the executive; to authorize the Legislature to prescribe by law the manner of contesting of elections for the offices of the executive; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1960, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article IV, section 4, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 4. The returns of every election for the officers of the executive department shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the Legislature, who shall immediately after the organization of the Legislature, and before proceeding to other business, open and publish the same in the presence of a majority of the members of the Legislature. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal and the highest number of votes, the Legislature shall choose one of such persons for said office. The conduct of election contests for any of said offices shall be in such manner as may be prescribed by law."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to authorize the Legislature to prescribe by law the manner of contesting of elections for the offices of the executive.

- ☐ For  
☐ Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 41:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

McHugh                      Olinger

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 461.

A bill for an act relating to criminal procedure; to provide in criminal cases on application of the county attorney for review by the Supreme Court on error proceedings of any ruling or decision of the district court adverse to the State of Nebraska; to prescribe the procedure for obtaining and maintaining such error proceedings; to provide for appointment of a lawyer to support the ruling of the district court and to provide for payment of his compensation; to prescribe the effect of the judgment of the Supreme Court on further proceedings in the case; to amend section 29-2316, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section, and also sections 29-2021, 29-2314, and 29-2315, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 30:

Bridenbaugh	Gerdas	Orme	Russillo
Burbach	Hollenbeck	Otto	Simmons
Carpenter	Lautenschlager	Peck	Skarda
Claussen	Liebers	Pizer	Swanson
Cooper	Moulton	Portsche	Syas
Donner	Munnelly	Romans	Tews
Erlewine	Nelson	Ruhnke	Vosoba
Fulton	Olinger		

Voting in the negative, 11:

Adams	Diers	Klaver	Webb
Aufenkamp	Fenske	Marvel	Williams
Bowen	Jensen	Thompson	

Not voting, 2:

McHugh                      Stryker

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Recess

At 11:52 a.m., on a motion by Mr. Nelson, the Legislature recessed until 2:00 p.m.

### After Recess

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

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

## BILLS ON FINAL READING

### LEGISLATIVE BILL 157.

Mr. Romans moved that LB 157 be returned to Select File for the following specific amendments.

Specific amendments by Romans:



1. Amend the bill by striking sections 2 and 3.
2. Amend the bill by renumbering sections 4 and 5 as sections 2 and 3 respectively.
3. Amend the title to conform.

Specific amendments by Gerdes:

1. Amend the bill by striking the John Donner Amendments 1 and 2 adopted April 28, 1959 and all amendments thereto.
2. Amend the title to conform.

The motion prevailed with 34 ayes, 7 nays, and 2 not voting, and LB 157 was returned to Select File.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 50.** With emergency.

A bill for an act to amend sections 30-603 and 30-604, Reissue Revised Statutes of Nebraska, 1943, relating to decedents' estates; to provide that limitations for filing of claims shall not apply to claims for taxes on personal property as prescribed; to provide that no order of final distribution or discharge of any personal representative shall be entered until a prescribed certificate of the county assessor and statement of the county treasurer have been filed; 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, 42:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 1:

McHugh

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

#### LEGISLATIVE BILL 317.

A bill for an act to amend sections 32-216, 32-220, and 32-223, Revised Statutes Supplement, 1957, relating to elections; to eliminate the requirement of designation of registration registers; to change the form of registers; to change the personal application of voters when registering, as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 42:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 1:

McHugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 350.

A bill for an act to amend sections 21-103, 21-107, 21-108, 21-183, 21-1208, and 21-1209, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to provide for indemnifying a di-

rector or officer serving as director or officer of another corporation as prescribed; to provide for furnishing composite articles of incorporation by the Secretary of State; to provide for a verification of facts as specified in the consent for dissolution; to eliminate provisions for filing duplicate articles and changing of registered office in office of register of deeds; to make composite articles of incorporation available as evidence; to eliminate provision for posting of corporate name; and to repeal the original sections and also section 21-174, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 41:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	Moulton	Ruhnke	Webb
Donner	Munnely	Russillo	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Fenske                      McHugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 613.

A bill for an act to amend section 1-136, Revised Statutes Supplement, 1957, relating to the Public Accountancy Act of 1957; to provide when certificate holders or registrants may be classified as inactive; to provide that no one so classified shall be deemed the holder of a live permit; to provide a fee; to provide for return to active status; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Gerdes	Nelson	Russillo
Aufenkamp	Hollenbeck	Olinger	Simmons
Bridenbaugh	Jensen	Orme	Skarda
Burbach	Klaver	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Donner	Moulton	Romans	Vosoba
Erlewine	Munnelly	Ruhnke	Williams
Fulton			

Voting in the negative, 5:

Bowen	Fenske	Stryker	Webb
Diers			

Not voting, 1:

McHugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 644.** With emergency.

A bill for an act to amend section 44-119.01, Revised Statutes Supplement, 1957, relating to insurance; to increase the salaries of actuaries and examiners, as prescribed; to provide when such increases shall become operative; 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, 28:

Adams	Jensen	Otto	Skarda
Burbach	Klaver	Peck	Swanson
Carpenter	Liebers	Pizer	Syas
Claussen	Marvel	Portsche	Tews
Cooper	Moulton	Romans	Thompson
Gerdes	Munnelly	Russillo	Vosoba
Hollenbeck	Olinger	Simmons	Williams

Voting in the negative, 14:

Aufenkamp	Donner	Lautenschlager	Ruhnke
Bowen	Erlewine	Nelson	Stryker
Bridenbaugh	Fenske	Orme	Webb
Diers	Fulton		

Not voting, 1:

McHugh

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

Voting in the affirmative, 26:

Burbach	Liebers	Pizer	Swanson
Carpenter	Marvel	Portsche	Syas
Claussen	Moulton	Romans	Tews
Cooper	Munnelly	Russillo	Thompson
Gerdes	Olinger	Simmons	Vosoba
Hollenbeck	Otto	Skarda	Williams
Klaver	Peck		

Voting in the negative, 14:

Aufenkamp	Donner	Lautenschlager	Ruhnke
Bowen	Erlewine	Nelson	Stryker
Bridenbaugh	Fenske	Orme	Webb
Diers	Fulton		

Not voting, 3:

Adams	Jensen	McHugh
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A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken and the title agreed to.

**President Burney Presiding**

#### **LEGISLATIVE BILL 664.**

A bill for an act to amend sections 41-101, 41-109, 41-110, 41-112, 41-113, 41-114, 41-117, 41-118, 41-119, 41-122, 41-123, 41-123.01, 41-123.02, 41-123.03, 41-123.04, 41-124, 41-125, 41-126, 41-127, and 41-129, Reissue Revised Statutes of Nebraska, 1943, relating to hotels and inns; to define motel; to include motels within the hotels and inns law; and to repeal the original sections.

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

Voting in the affirmative, 42:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 1:

McHugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 710. With emergency.**

A bill for an act to amend sections 76-711, 76-712, and 76-719, Re-issue Revised Statutes of Nebraska, 1943, relating to eminent domain; to provide for withdrawal of a portion of the money deposited by the condemner in the county court by order of the county judge as prescribed; to provide for a deficiency; to provide for payment of the entire award as soon as deposited in the absence of appeal; to provide when the award shall be deposited; to provide that failure to deposit the award within the prescribed time shall be deemed an abandonment of the condemnation proceedings; to provide for interest; to provide what laws shall govern in condemnation proceedings; 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, 40:

Adams	Erlewine	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	Moulton	Russillo	Williams

Voting in the negative, 2:

Fenske                      Pizer

Not voting, 1:

McHugh

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

#### SELECT FILE

#### LEGISLATIVE BILL 157.

The pending Romans specific amendments found in this Day's Journal were adopted with 25 ayes, 0 nays, and 18 not voting.

The pending Gerdes specific amendments found in this Day's Journal were adopted with 35 ayes, 0 nays, and 8 not voting.

Laid over.

#### LEGISLATIVE BILL 584.

Mr. Klaver moved the adoption of the specific amendment found in this Day's Journal to strike the enacting clause.

#### Member Excused

Mr. Pizer was excused at 3:30 p.m. for the remainder of the day.

Mr. Klaver requested a record vote.

Mr. Klaver requested a Call of the House.

A Call of the House was ordered and showed 40 members present.

Mr. Lautenschlager moved that the Call be raised. The motion prevailed with 33 ayes, 1 nay, and 9 not voting.

Voting in the affirmative, 19:

Aufenkamp	Erlewine	Nelson	Syas
Bowen	Fenske	Ruhnke	Vosoba
Bridenbaugh	Fulton	Russillo	Webb
Claussen	Jensen	Stryker	Williams
Diers	Klaver	Swanson	

Voting in the negative, 21:

Burbach	Lautenschlager	Olinger	Romans
Carpenter	Liebers	Orme	Simmons
Cooper	Marvel	Otto	Skarda
Donner	Moulton	Peck	Tews
Gerdes	Munnely	Portsche	Thompson
Hollenbeck			

Not voting, 3:

Adams	McHugh	Pizer
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The Klaver motion lost.

Mr. Tews offered the following amendment which was adopted by unanimous consent:

1. For correlation purposes, in section 1, line 102, strike "and 60-428".

Mr. Tews requested unanimous consent that the following amendment be adopted:

1. Amend the bill, page 5, line 113 of section 1 by adding after the word "less" the following:

*"to and from the school building where he attends school, or while performing duties in connection with gainful employment."*

Mr. Vosoba objected.

Mr. Tews moved that LB 584 be returned to General File for the foregoing specific amendment.

The motion prevailed with 29 ayes, 9 nays, and 5 not voting.

#### Members Excused

Mr. Erlewine was excused at 3:50 p.m. for the remainder of the day.

Mr. Moulton was excused for Wednesday, May 20, 1959.



**LEGISLATIVE BILL 483.** E and R amendments found in the Legislative Journal for the Ninety-second Day were adopted.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 628.** E and R amendments found in the Legislative Journal for the Ninety-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 646.** E and R amendments found in the Legislative Journal for the Ninety-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 364.** E and R amendments found in the Legislative Journal for the Ninety-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 357.** E and R amendment found in the Legislative Journal for the Ninety-second Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 356.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 372.** E and R amendment found in the Legislative Journal for the Ninety-second Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 295.** E and R amendments found in the Legislative Journal for the Ninety-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 614.** E and R amendment found in the Legislative Journal for the Ninety-third Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 655.** E and R amendments found in the Legislative Journal for the Ninety-third Day were adopted.

Advanced to E and R for engrossment.

### STANDING COMMITTEE REPORTS

#### Miscellaneous Subjects

**LEGISLATIVE BILL 716.** Indefinitely postponed.

(Signed) J. W. Burbach, Chairman

#### Government

**LEGISLATIVE BILL 656.** Placed on General File as amended.

Standing Committee amendments to LB 656:

1. Amend the bill by striking sections 1 and 2.
2. Amend the bill by renumbering section 3 as section 1, by reinstating the stricken matter in lines 3 to 11 and lines 18 to 21, line 7 of reinstated matter strike "five hundred" and insert "*five hundred two thousand*".
3. Amend the bill by adding three new sections immediately after renumbered section 1 to be known as sections 2, 3, and 4, and to read as follows:

"Sec. 2. That section 18-301, Revised Statutes Supplement, 1957, as amended by section 3, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

18-301. Any officer of any city in this state who shall be interested, directly or indirectly, in any contract to which the city is a party, or who shall enter into any contract to furnish or shall furnish to any contractor or subcontractor with a city of which he is an officer, any material to be used in performing any contract with such city, when the consideration of either of such type of contract is in an amount in excess of *five hundred two thousand* dollars in any one year, and no contract may be divided for the purpose of evading the requirements of this section, shall, upon conviction thereof, be fined in any sum not less than one thousand dollars nor more than five thousand dollars; *Provided*, the receiving of deposits, cashing of checks, and buying and selling warrants and bonds of indebtedness of any city of the first or

second class or village of this state by a financial institution shall not be considered a contract under the provisions of this section.

Sec. 3. That section 18-302, Revised Statutes Supplement, 1957, be amended to read as follows:

18-302. Any officer of any village in this state who shall be interested, directly or indirectly, in any contract to which such village is a party, or who shall enter into any contract to furnish, or shall furnish to any contractor or subcontractor with the village of which he is an officer, any material to be used in performing any contract with such village, when the consideration of either of such type of contracts is in an amount in excess of five hundred *two thousand* dollars in any one year, and no contract may be divided for the purpose of evading the requirements of this section, shall upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than one thousand dollars.

Sec. 4. That section 23-146, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-146. No county officer or county surveyor shall in any manner, either directly or indirectly, be pecuniarily interested in or receive the benefit of any contracts executed by the county for the furnishing of supplies or any other purpose *when the consideration of the same is in an amount in excess of two thousand dollars in any one year, and no contract may be divided for the purpose of evading the requirements of this section.* No county officer or county surveyor shall furnish any supplies for the county on order of the county board, without contract. It shall be unlawful for any person, firm, or corporation to enter into any contract or agreement with any county board for any article, service, public improvement, material, or labor, where such person is a member of such county board, or when any member of such county board is an agent, official, or employee of such firm or corporation *if such contract or agreement is in violation of the limitation above set forth.* All such contracts or agreements in violation of the limitations above set forth are hereby declared unlawful and shall be wholly void as an obligation against the county.”.

4. Amend the bill by striking section 4 and inserting the following:

“Sec. 5. That original section 23-146, Reissue Revised Statutes of Nebraska, 1943, sections 17-611 and 18-302, Revised Statutes Supplement, 1957, and section 18-301, Revised Statutes Supplement, 1957, as amended by section 3, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed.”.

5. Amend the title to conform.

(Signed) Dwain Williams, Chairman

**Adjournment**

At 3:56 p.m., on a motion by Mr. Carpenter, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**NINETY-FIFTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 20, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by Rev. Carroll Lemon, Secretary, Nebraska Council of Churches, Lincoln.

The roll was called and all members were present except Mr. Moulton who was excused, Mr. Bowen who was excused until 9:20 a.m., and Messrs. Munnely and Skarda who were excused until 9:30 a.m.

**Corrections for the Journal**

Page 1684, line 14, strike "shall be credited" and insert "shall be credited".

Page 1707, line 34, show the word "such" as stricken.

The Journal for the Ninety-fourth Day was approved as corrected.

**Invitation**

Invitation to the members from Paul Halpine to a dinner at the Compass Room on June 3, 1959.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 410.** Replaced on Select File as amended.

E and R amendments to LB 410:

1. Because of the Otto Unanimous Consent Amendment, strike Enrollment and Review Amendment 1 adopted May 14.

2. In the title, line 5, immediately after "system;" insert "to eliminate certain provisions concerning the annuity of an emeritus member;".

**LEGISLATIVE BILL 396.** Placed on Select File as amended.

## E and R amendments to LB 396:

1. For correlation purposes, strike Standing Committee Amendment 1; in section 1, line 2, insert "as amended by section 10, Legislative Bill 405, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; in section 1, strike lines 4 to 6 and insert "8-136. Banks, in cities"; and in section 1, strike lines 20 to 23 and insert "at their market value."

2. For correlation purposes, in section 2, line 2, insert "as amended by section 10, Legislative Bill 405, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,".

3. For correlation purposes, in the title, line 3, insert "as amended by section 10, Legislative Bill 405, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,".

**LEGISLATIVE BILL 573.** Placed on Select File as amended.

## E and R amendments to LB 573:

1. In Standing Committee Amendment 1, line 2, insert ", showing the same as stricken," before "and".

2. For correlation purposes, add a new section to be known as section 1 and to read as follows:

"Section 1. That section 25-1601, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 78, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

25-1601. (1) All citizens of the United States residing in any of the counties of this state and having the qualifications of electors in such counties, who are over the age of twenty-five years and under the age of seventy years and who are intelligent, of fair character, of approved integrity, well informed, able to read, write, and understand the English language, of sound mind and discretion, and free from all disqualifications herein set forth and from all other legal exceptions, are and shall be competent persons to serve on all grand and petit juries in their respective counties. Persons disqualified to serve as either grand or petit jurors are: Judges of any court, clerks of the Supreme or district courts, sheriffs, jailers, persons who have served either as petit or grand jurors in any court of record within two years previous to the time their names are drawn as jurors, either as petit or grand jurors, persons, or the wife or husband of any such person, who are parties to suits

pending in the district court of the county of his, her, or their then residence for trial at that jury panel, persons who have been convicted of a criminal offense punishable by imprisonment in the penitentiary, and persons who are subject to liability for the commission of any offense which by special provision of law does and shall disqualify them. Persons who are husband and wife shall not be jurors on the same panel.

(2) Any persons belonging to any of the following classes, who shall make such request to the court, shall be exempt from serving on grand and petit juries: (a) Coroners; (b) ministers of the gospel; (c) county commissioners or supervisors; (d) practicing attorneys; (e) practicing physicians; (f) practicing dentists; (g) druggists; (h) postmasters; (i) carriers of the United States mail; (j) licensed embalmers; (k) members of a fire department or company of any city or village or *any member of any such company who has retired after ten years or more of service*; (l) members of the national or state guard; (m) clerks of any court other than Supreme or district courts; (n) persons subject to a bodily infirmity amounting to a disability; (o) members of the Legislature during the term for which elected; and (p) public and parochial school teachers during the term of school.

Nothing in this section set forth shall be deemed to prohibit the district court or any judge thereof, from exercising, in its or his sound discretion, the power of excusing any grand or petit juror or any person summoned for grand or petit jury service, for any disclosed reason or cause which is deemed good and sufficient by such court or judge; *Provided*, in districts having more than one judge of the district court, the court may by rule or order assign or delegate to the presiding judge or any one or more judges the sole authority to grant such excuses.”.

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

4. In renumbered section 2, line 1, strike “Section” and insert “Sec.”; and in line 28 strike “and”, showing the same as stricken.

5. In renumbered section 3, line 1, insert “25-1601, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 78, Sixty-ninth Session, Nebraska State Legislature, 1959, and section” after “section”; and in line 2 strike “is” and insert “are”.

6. In the title, line 2, insert “25-1601, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 78, Sixty-ninth Session, Nebraska State Legislature, 1959, and section” after “section”; insert “to provide an exemption from any city or village poll tax,” at the end of line 3; in line 4 strike “voluntary”

and insert "volunteer"; and in line 12 strike "section" and insert "sections".

**LEGISLATIVE BILL 2.** Correctly engrossed.

**LEGISLATIVE BILL 404.** Correctly engrossed.

**LEGISLATIVE BILL 411.** Correctly engrossed.

**LEGISLATIVE BILL 710.** Correctly enrolled.

**LEGISLATIVE BILL 664.** Correctly enrolled.

**LEGISLATIVE BILL 613.** Correctly enrolled.

**LEGISLATIVE BILL 350.** Correctly enrolled.

**LEGISLATIVE BILL 317.** Correctly enrolled.

**LEGISLATIVE BILL 50.** Correctly enrolled.

**LEGISLATIVE BILL 621.** Correctly enrolled.

**LEGISLATIVE BILL 689.** Correctly enrolled.

**LEGISLATIVE BILL 461.** Correctly enrolled.

**LEGISLATIVE BILL 644.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 710 LB 664 LB 613 LB 350 LB 317 LB 50 LB 621 LB 689 LB 461 LB 644

#### **Members Excused**

Messrs. Stryker and Syas were excused for Friday, May 22.

#### **Visitors**

Mr. Fulton introduced Mmes. Carl Grauer, Harry Spilker, Al Hetherington, Merle Harding, Galo Hare, Dee Bell, William Shaver, and forty-eight members of the Beatrice Women's Club.

#### **Members Excused**

Messrs. Donner, Romans, Webb, and Klaver were excused for Friday, May 22.



**SUSPEND RULES—Bills on Final Reading**

Mr. President: I move to suspend the rules and read the bills today, that are scheduled for Final Reading for Friday, May 22.  
(Signed) Harry L. Pizer

The motion prevailed with 30 ayes, 1 nay, and 12 not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 304. With emergency.**

A bill for an act to amend section 44-821, Revised Statutes Supplement, 1957, relating to insurance; to increase the loss fund of a domestic hail assessment association; to provide that no assessment hail association hereafter organized shall begin to transact business until it shall have made a deposit in addition to such loss fund, to be used as a reserve, with the Department of Insurance; to provide the amount of such deposit; to require a similar deposit of an existing association before it shall transact further business; to provide when such deposit shall be returned; to provide that no new policy of insurance shall be issued while such reserve is impaired; 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, 38:

Adams	Fenske	Nelson	Russillo
Aufenkamp	Fulton	Olinger	Simmons
Bridenbaugh	Gerdes	Orme	Stryker
Burbach	Hollenbeck	Otto	Swanson
Carpenter	Jensen	Peck	Syas
Claussen	Klaver	Pizer	Thompson
Cooper	Lautenschlager	Portsche	Vosoba
Diers	Liebers	Romans	Webb
Donner	Marvel	Ruhnke	Williams
Erlewine	McHugh		

Voting in the negative, 0.

Not voting, 5:

Bowen	Munnelly	Skarda	Tews
Moulton			

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

#### Visitors

Mr. Vosoba introduced Mrs. Erma Ourecky and Mrs. Betty Alswede, Teachers, and forty-five students from School District 82, Wilber, ten mothers and two fathers.

#### LEGISLATIVE BILL 369. With emergency.

A bill for an act to amend section 48-155, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Workmen's Compensation Court; to provide for the selection of a judge of the Nebraska Workmen's Compensation Court to act as presiding judge during the disqualification, disability, or absence of the presiding judge; 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, 38:

Adams	Fenske	Nelson	Russillo
Aufenkamp	Fulton	Olinger	Simmons
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Thompson
Claussen	Lautenschlager	Portsche	Vosoba
Cooper	Liebers	Romans	Webb
Diers	Marvel	Ruhnke	Williams
Erlewine	McHugh		

Voting in the negative, 0.

Not voting, 5:

Donner	Munnelly	Skarda	Tews
Moulton			

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

#### Visitors

Mr. Lautenschlager introduced Theron Kirkpatrick, Teacher, and seventeen students from School District 11, Clarks, and seven mothers.

**LEGISLATIVE BILL 371.** With emergency.

A bill for an act to amend section 48-126.01, Revised Statutes Supplement, 1957, relating to the Nebraska Workmen's Compensation Act; to provide that when a member of a volunteer fire department, injured in the performance of his duties as member of such department, is not regularly employed by some other person, it shall be deemed that he is receiving income from his business or other employment equivalent to wages in an amount one and one half times the maximum compensation rate for total disability; 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	Erlewine	McHugh	Russillo
Aufenkamp	Fenske	Nelson	Simmons
Bowen	Fulton	Olinger	Stryker
Bridenbaugh	Gerdes	Orme	Swanson
Burbach	Hollenbeck	Otto	Syas
Carpenter	Jensen	Peck	Tews
Claussen	Klaver	Pizer	Thompson
Cooper	Lautenschlager	Portsche	Vosoba
Diers	Liebers	Romans	Webb
Donner	Marvel	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Moulton	Munnelly	Skarda
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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.

**LEGISLATIVE BILL 418.** With emergency.

A bill for an act to amend section 31-512, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary drainage districts; to increase the amount of work that may be done without submitting the work to be done to bidders; 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	Erlewine	McHugh	Russillo
Aufenkamp	Fenske	Nelson	Simmons
Bowen	Fulton	Olinger	Stryker
Bridenbaugh	Gerdes	Orme	Swanson
Burbach	Hollenbeck	Otto	Syas
Carpenter	Jensen	Peck	Tews
Claussen	Klaver	Pizer	Thompson
Cooper	Lautenschlager	Portsche	Vosoba
Diers	Liebers	Romans	Webb
Donner	Marvel	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Moulton	Munnelly	Skarda
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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.

#### Explanations of Vote

Mr. President: Had I been in my seat on Final Reading of LB 304, LB 369, LB 371, and LB 418, I would have voted "Aye".

(Signed) John P. Munnelly

(Signed) William R. Skarda, Jr.

#### LEGISLATIVE BILL 582.

A bill for an act to amend sections 79-498 and 79-4,102, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for continuation of free high school tuition payments by the annexing district after annexation or merger; to increase the free high school tuition fee; and to repeal the original sections.

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

Voting in the affirmative, 38:

Adams	Claussen	Fulton	Lautenschlager
Aufenkamp	Cooper	Gerdes	Liebers
Bowen	Diers	Hollenbeck	Marvel
Bridenbaugh	Donner	Jensen	McHugh
Carpenter	Fenske	Klaver	Munnelly

Olinger	Portsche	Stryker	Thompson
Orme	Romans	Swanson	Vosoba
Otto	Russillo	Syas	Webb
Peck	Simmons	Tews	Williams
Pizer	Skarda		

Voting in the negative, 4:

Burbach	Erlewine	Nelson	Ruhnke
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Not voting, 1:

Moulton

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 651.

A bill for an act to amend sections 66-452 and 66-462, Reissue Revised Statutes of Nebraska, 1943, relating to refund tax gasoline; to provide that refund tax motor vehicle fuel may be used in machinery used solely for quarrying purposes; to provide that vehicles or machines which cannot lawfully be licensed for highway use shall not be subject to the provision that no claim for refund shall be allowed for any motor vehicle which, if operated on the public highways, would require registration and licensing; to provide for claims for refunds by any nonprofit boat club or association; and to repeal the original sections.

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

Voting in the affirmative, 41:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine			

Voting in the negative, 1:

Nelson

Not voting, 1:

Moulton

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 680.** With emergency.

A bill for an act to amend section 53-164.01, Revised Statutes Supplement, 1957, as amended by section 6, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to liquors; to provide for the payment of the tax on alcoholic liquors on or before the fifteenth day of the calendar month following the month in which shipments are made and for the filing of reports therefor; to provide for penalties for failure to pay such tax or file such reports; to provide that no tax shall be levied or collected on alcoholic liquors manufactured within this state and shipped outside this state for sale and consumption outside this state; to provide for the filing of a surety bond in order to insure the payment of such taxes; to provide for the issuance of permits to out-of-state shippers which shall permit shipment of alcoholic liquors to only licensed distributors within this state and a fee therefor and conditions of such permit; to provide for violations of such permit and penalties; to provide for credit for tax paid on beer only sold and delivered to any instrumentality of the Armed Forces of the United States engaged in resale as provided in section 53-160.01, and the deduction therefor from the tax due in the following monthly report; to eliminate obsolete provisions; 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, 42:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 1:

Moulton

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

#### LEGISLATIVE BILL 26.

A bill for an act to amend section 44-222, Revised Statutes Supplement, 1957, relating to insurance; to provide that the surplus to policyholders, for purposes of determining the maximum exposure on any one risk, shall be as reflected by the last annual statement of the company; to provide that reinsurers must be acceptable to the Director of Insurance as prescribed; to require reports of reinsurance; to provide for prosecutions; to provide for the suspension of an insurer's authority to do business in this state; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Romans	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Munnelly	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Aufenkamp Moulton

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 290.**

A bill for an act relating to the collection of obligations owing to the State of Nebraska; to provide for the filing of a statement with the Auditor of Public Accounts on account of any such obligation; to provide for the withholding of an amount, not in excess of the amount of such statement, from any debt then owing by the State of Nebraska to the person indebted on such obligation; to provide for the filing of successive statements; and to provide that such withholding shall apply solely to money owing by the state.

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

Voting in the affirmative, 42:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 1:

Moulton

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 370. With emergency.**

A bill for an act relating to the Nebraska Workmen's Compensation Court; to provide for the appointment by the Governor of a competent and disinterested person to act as acting judge of the Nebraska Workmen's Compensation Court in the event of the disqualification or absence of any judge or other emergency; to provide the term of such appointment; to provide for the compensation of such acting judge; to provide that such acting judge shall not be liable for contributions to nor eligible for benefits



from the Nebraska Retirement Fund for Judges; to provide that such acting judge shall be subject to call by the presiding judge; 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	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 1:

Moulton

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

#### LEGISLATIVE BILL 412.

A bill for an act relating to cities of the primary class; to provide for a planning department; to provide for personnel of such a department; to provide for a comprehensive plan for the improvement and development of such a city; to provide for a planning director and duties; and to provide for a board of zoning appeals and its powers and duties.

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

Voting in the affirmative, 42:

Adams	Bowen	Burbach	Claussen
Aufenkamp	Bridenbaugh	Carpenter	Cooper

Diers	Lautenschlager	Peck	Stryker
Donner	Liebers	Pizer	Swanson
Erlewine	Marvel	Portsche	Syas
Fenske	McHugh	Romans	Tews
Fulton	Munnelly	Ruhnke	Thompson
Gerdes	Nelson	Russillo	Vosoba
Hollenbeck	Olinger	Simmons	Webb
Jensen	Orme	Skarda	Williams
Klaver	Otto		

Voting in the negative, 0.

Not voting, 1:

Moulton

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 682.** By Committee on Agriculture, Hans O. Jensen, 25th District, Chairman.

A bill for an act for submission to the electors of an amendment to Article VIII, section 1, of the Constitution of Nebraska, relating to revenue; to provide that the Legislature may provide for a different method of taxing livestock and for reciprocal and proportionate taxation of livestock located in this state for only a part of a year; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1960, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that the Legislature may provide for a different method of taxing motor vehicles; *Provided*, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of

such county in the same proportion that the levy of each bears to the total levy of said county on personal tangible property. The Legislature may prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. Taxes uniform as to class may be levied by valuation upon all other property. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment authorizing the Legislature to provide a different method of taxing livestock and to provide for reciprocal and proportionate taxation of livestock located in this state for only a part of a year.

- ☐ For  
☐ Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 40:

Adams	Erlewine	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdes	Orme	Stryker
Bridenbaugh	Hollenbeck	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Munnelly	Russillo	Williams

Voting in the negative, 1:

Klaver

Not voting, 2:

Fenske

Moulton

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 688.

A bill for an act to amend sections 1 and 3, Legislative Bill 119, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to cities and villages, all; to extend the provisions of Legislative Bill 119, Sixty-ninth Session, Nebraska State Legislature, 1959, so that police and emergency service may be provided outside the corporate limits of a municipality; and to repeal the original sections.

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

Voting in the affirmative, 35:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Gerdes	Nelson	Skar'da
Bowen	Hollenbeck	Olinger	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Romans	Webb
Diers	Marvel	Ruhnke	Williams
Donner	McHugh	Russillo	

Voting in the negative, 2:

Thompson

Vosoba

Not voting, 6:

Cooper

Fulton

Orme

Portsche

Erlewine

Moulton

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION—Afternoon Session**

Mr. President: I move that we reconvene today at 1:30 p.m. to consider the following noncontroversial bills in the following order: LB 428, LB 554, LB 504, LB 500, LB 303, LB 426, LB 667, LB 349, LB 463, LB 578, LB 378, LB 570, LB 591, LB 595, LB 531, LB 633, LB 594, LB 549, LB 700, LB 653, LB 693, LB 622, LB 625, LB 505, LB 704, and LB 699, and that we adjourn at 5:00 p.m. (Signed) Terry Carpenter

The motion prevailed with 32 ayes, 4 nays, and 7 not voting.

**UNANIMOUS CONSENT—Consider LB 88**

Mr. Ruhnke requested unanimous consent that LB 88 be considered first on General File today. No objections. So ordered.

**UNANIMOUS CONSENT—Consider LB 652**

Mr. Cooper requested unanimous consent that LB 652 be considered immediately after LB 88 on General File today. No objections. So ordered.

**SELECT FILE****LEGISLATIVE BILL 157.**

Mr. Nelson offered the following amendments which were adopted by unanimous consent:

1. Amend the Gerdes Amendment 1, section 54-143, adopted May 1, 1959, line 17 by inserting "*not more than ten miles*" after "cattle" and line 24 by inserting after the period the following: "*Any owner or operator moving cattle either in or out of the brand inspection area as provided in this section shall keep records showing the exact cattle moved in and out of the brand inspection area and where disposed when sold. The records shall be available for inspection by the Nebraska brand committee or its agents or representatives. Anyone failing to keep or falsifying the records required by the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than five hundred dollars.*"

2. Amend the title to conform.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 583.** E and R amendments found in the Legislative Journal for the Ninety-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 284.** E and R amendments found in the Legislative Journal for the Ninety-fourth Day were adopted.

Advanced to E and R for engrossment.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 545.** E and R amendments found in the Legislative Journal for the Ninety-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 247.** E and R amendments found in the Legislative Journal for the Ninety-fourth Day were adopted.

Bracketed at the request of Mr. Syas.

**LEGISLATIVE BILL 406.** E and R amendment found in the Legislative Journal for the Ninety-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 596.** E and R amendments found in the Legislative Journal for the Ninety-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 626.** E and R amendments found in the Legislative Journal for the Ninety-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 629.** E and R amendments found in the Legislative Journal for the Ninety-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 436.** E and R amendment found in the Legislative Journal for the Ninety-fourth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 572.** E and R amendments found in the Legislative Journal for the Ninety-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 437.** E and R amendments found in the Legislative Journal for the Ninety-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 579.** Advanced to E and R for engrossment.

**Presented to the Governor**

Presented to the Governor for approval on May 20, 1959, at 9:10 a.m.: LB 363 LB 368 LB 457 LB 580 LB 536

(Signed) Jo Fisher, Enrolling Clerk

**Visitors**

Mr. McHugh introduced Messrs. Ernest Arp, Rex Young, Don Meyers, and Dick Whittel.

**MOTION—Return LB 131 to Select File**

Mr. President: I move that LB 131 be returned to Select File for the following specific amendment. (Signed) Hans O. Jensen

1. Amend the bill by striking the second Jensen Unanimous Consent Amendments adopted May 19, 1959, numbered 1 to 4, and amend the bill to include section 77-2302.

The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 131.** The pending Jensen specific amendment found in this Day's Journal was adopted by unanimous consent.

Advanced to E and R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 88.** Read and considered.

Advanced to E and R for review.

**Visitors**

Mr. Hollenbeck introduced a group from Rushville.

Mr. Lautenschlager introduced Mr. Dan Twiford, State Department of Education; Ying Shen, Han Tsung Chen, and Kuei-Yen Chang from Free China; and Paterno Santiago from the Philippines.

**President Burney Presiding****LEGISLATIVE BILL 652.** Read and considered.

Mr. Peck moved the adoption of the Standing Committee amendments found in the Legislative Journal for the Seventy-first Day.

Mr. Peck offered the following amendments which were adopted:

1. Amend Standing Committee Amendment 1 by striking section 13 and renumbering section 14 as section 13.
2. Amend the title to conform.

Mr. Simmons offered the following amendment:

1. Amend Standing Committee Amendment, section 3, line 4 by striking "or mailed to the buyer:" and inserting "to the buyer at the time the instrument is signed.", line 42 by inserting "and mark "canceled" and return to the buyer all instruments signed by him" before the period.

Amendment pending.

Mr. Cooper requested unanimous consent to continue consideration of LB 652 on General File after recess. No objections. So ordered.

**Recess**

At 12:00 o'clock noon, on a motion by Mr. Cooper, the Legislature recessed until 1:30 p.m.

**After Recess**

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

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



## STANDING COMMITTEE REPORTS

### Enrollment and Review

LEGISLATIVE BILL 295. Correctly engrossed.  
 LEGISLATIVE BILL 356. Correctly engrossed.  
 LEGISLATIVE BILL 357. Correctly engrossed.  
 LEGISLATIVE BILL 364. Correctly engrossed.  
 LEGISLATIVE BILL 372. Correctly engrossed.  
 LEGISLATIVE BILL 483. Correctly re-engrossed.  
 LEGISLATIVE BILL 614. Correctly engrossed.  
 LEGISLATIVE BILL 370. Correctly enrolled.  
 LEGISLATIVE BILL 412. Correctly enrolled.  
 LEGISLATIVE BILL 682. Correctly enrolled.  
 LEGISLATIVE BILL 290. Correctly enrolled.  
 LEGISLATIVE BILL 26. Correctly enrolled.  
 LEGISLATIVE BILL 688. Correctly enrolled.  
 LEGISLATIVE BILL 680. Correctly enrolled.  
 LEGISLATIVE BILL 582. Correctly enrolled.  
 LEGISLATIVE BILL 651. Correctly enrolled.  
 LEGISLATIVE BILL 418. Correctly enrolled.  
 LEGISLATIVE BILL 371. Correctly enrolled.  
 LEGISLATIVE BILL 369. Correctly enrolled.  
 LEGISLATIVE BILL 304. Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### President Signs

While the Legislature was in session and capable of trans-  
 acting business, the President signed: LB 370 LB 412 LB 682  
 LB 290 LB 26 LB 688 LB 680 LB 582 LB 651 LB 418  
 LB 371 LB 369 LB 304

**GENERAL FILE****LEGISLATIVE BILL 652.** Considered.

Mr. Simmons requested a division of his pending amendment numbered 1, found in this Day's Journal, for separate consideration of the amendment to line 4 and to line 42 of section 3.

Mr. Simmons offered the following amendment which was adopted by unanimous consent:

Amend the pending Simmons amendment 1, line 3, by inserting after the word "signed" the following: "(except for contracts made in conformance with section 7)".

**Members Excused**

The members of the Revenue Committee were excused at 2:00 p.m. for the Revenue Committee hearing.

The pending Simmons amendment to line 4 was adopted as amended with 33 ayes, 2 nays, and 8 not voting.

Mr. Simmons offered the following amendment which was adopted by unanimous consent:

Amend the Simmons amendment 1, by adding at the end of line 5, "original instrument or".

The pending Simmons amendment to line 42 was adopted as amended.

Mr. Simmons offered the following amendment:

2. Amend Standing Committee Amendment, section 5, by striking "When the basic time" and by striking lines 38 to 41.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 11:

Bridenbaugh	Diers	Simmons	Vosoba
Carpenter	Nelson	Stryker	Williams
Claussen	Ruhnke	Thompson	

Voting in the negative, 23:

Adams	Donner	Hollenbeck	Marvel
Aufenkamp	Fenske	Klaver	McHugh
Bowen	Fulton	Lautenschlager	Orme
Cooper	Gerdes	Liebers	Peck

Pizer  
Russillo

Skarda  
Swanson

Syas  
Tews

Webb

Not voting, 9:

Burbach  
Erlewine  
Jensen

Moulton  
Munnelly

Olinger  
Otto

Portsche  
Romans

The Simmons amendment 2 lost.

### Visitors

Mr. Vosoba introduced Mrs. Marjorie Kalkwarf and Mrs. Betty Menke, Teachers, and forty-nine students from District 2, Crete, and seven parents.

Mr. Skarda introduced Father Anthony Petrussec, Sister Mary Brenden, Sister Keneth, and forty-nine students from Saints Peter and Paul School, Omaha.

Mr. Simmons offered the following amendment:

3. Amend Standing Committee Amendment, section 7 by striking lines 1 to 21 and inserting:

"Sec. 7. No other security shall be taken with reference to a retail installment contract other than the merchandise sold under such contract."

The amendment was rejected with 10 ayes, 22 nays, and 11 not voting.

Mr. Simmons offered the following amendment which was adopted with 18 ayes, 17 nays, and 9 not voting, the Lieutenant Governor having voted aye:

4. Amend Standing Committee Amendment, section 10, line 1 by striking "knowingly".

Mr. Simmons offered the following amendment:

5. Amend Standing Committee Amendment, section 11, line 9 by striking "balance", and line 18 by striking "one" and inserting "four".

Mr. Simmons requested a division of the question.

**Speaker Pizer Presiding**

The Simmons amendment 5 to line 9 was adopted.

#### Member Excused

Mr. Otto was excused at 3:30 p.m. for the remainder of the day.

#### Mr. Klaver Presiding

#### Visitors

Mr. Vosoba introduced Robert B. Waring, W. E. Bohling, and Earl Bohling from Edgar.

Mr. Simmons requested a record vote on amendment 5 to line 18.

Voting in the affirmative, 7:

Bridenbaugh	Carpenter	Olinger	Vosoba
Burbach	Claussen	Simmons	

Voting in the negative, 28:

Adams	Fulton	McHugh	Russillo
Aufenkamp	Gerdes	Munnelly	Skarda
Bowen	Hollenbeck	Orme	Swanson
Cooper	Klaver	Peck	Syas
Diers	Lautenschlager	Portsche	Tews
Donner	Liebers	Romans	Thompson
Fenske	Marvel	Ruhnke	Webb

Not voting, 8:

Erlewine	Moulton	Otto	Stryker
Jensen	Nelson	Pizer	Williams

The amendment lost.

#### Visitors

Mr. Peck introduced Mr. and Mrs. Glenn Erber and nine students from Christ Lutheran School, Columbus, and one sponsor.

Mr. Simmons offered the following amendment which was adopted:

6. Amend Standing Committee Amendment, section 12, line 5 by striking the comma and inserting "and", and by striking "small" and inserting "installment".

Mr. Vosoba offered the following amendments:

1. Amend the Standing Committee Amendments by adding a new section to be known as Section 15 and to read as follows:

“Sec. 15. No other security shall be taken with reference to a retail installment contract other than the merchandise sold under such contract.”.

2. Amend the title to conform.

**Speaker Pizer Presiding**

Mr. Simmons requested a record vote.

Voting in the affirmative, 10:

Bridenbaugh	Claussen	Olinger	Stryker
Burbach	Diers	Simmons	Vosoba
Carpenter	Marvel		

Voting in the negative, 28:

Adams	Gerdes	Nelson	Russillo
Aufenkamp	Hollenbeck	Orme	Skarda
Bowen	Klaver	Peck	Swanson
Cooper	Lautenschlager	Pizer	Syas
Donner	Liebers	Portsche	Tews
Fenske	McHugh	Romans	Thompson
Fulton	Munnelly	Ruhnke	Webb

Not voting, 5:

Erlewine	Moulton	Otto	Williams
Jensen			

The Vosoba amendments lost.

Standing Committee amendments found in the Legislative Journal for the Seventy-first Day were adopted as amended.

Advanced to E and R for review.

**Member Excused**

Mr. Stryker was excused at 4:00 p.m. for the remainder of the day.

**MOTION—Return LB 295 to Select File**

Mr. President: I move that LB 295 be returned to Select File for the following specific amendment. (Signed) William R. Skarda, Jr.

1. Add the emergency clause and amend the title to conform.

The motion prevailed with 33 ayes, 0 nays, and 10 not voting, and LB 295 was returned to Select File.

**Members Excused**

Messrs. Fulton and Marvel were excused at 4:10 p.m. for the remainder of the day.

**President Burney Presiding****MESSAGES FROM THE GOVERNOR**

May 12, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has asked me to notify your Honorable Body that on May 12, 1959, he permitted LB 407 to become a law without his signature.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

May 20, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 20, 1959, he approved LB 288, LB 340, LB 344, LB 401, LB 423, LB 435, LB 484, LB 564, LB 600 and LB 659.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**Presented to the Governor**

Presented to the Governor for approval on May 20, 1959, at  
2:30 p.m.: LB 412 LB 370 LB 682 LB 369 LB 371  
LB 418 LB 651 LB 582 LB 680 LB 688 LB 26 LB 290  
LB 304 LB 644 LB 461 LB 689 LB 621 LB 50 LB 317  
LB 350 LB 613 LB 664 LB 710

(Signed) Jo Fisher, Enrolling Clerk

**GENERAL FILE**

**LEGISLATIVE BILL 428.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Ninetieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 554.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-third Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 504.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 500.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 303.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 426.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Sixty-sixth Day was adopted.

Mr. Williams offered the following amendment which was adopted:

1. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 667.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-sixth Day were adopted.

Mr. Cooper offered the following amendments which were adopted:

1. That Subdivision 6 of Section 1, be amended by striking from Line 25 (Page 2) the words "three consecutive months", and substituting therefor, the words "forty days".

2. That Section 53 be amended by striking from Line 7 (Page 22) the words "three months", and substituting therefor, the words "forty days".

Advanced to E and R for review.

**Speaker Pizer Presiding****LEGISLATIVE BILL 349.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 463.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-seventh Day were adopted.

Mr. Vosoba offered the following amendments which were adopted:

1. Add the Emergency Clause.
2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 578.** Laid over.



**LEGISLATIVE BILL 378.** Laid over.

**LEGISLATIVE BILL 570.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 591.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for review.

**Members Excused**

Messrs. Cooper, Bowen and Russillo were excused for Friday, May 22.

**Adjournment**

At 4:49 p.m., on a motion by Mr. Fenske, the Legislature adjourned until 9:00 a.m. Friday, May 22.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## NINETY-SIXTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Friday, May 22, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Bowen, Cooper, Donner, Klaver, Munnely, Romans, Russillo, Syas, Thompson, and Webb who were excused.

The Journal for the Ninety-fifth Day was approved.

**Communications**

Letter from Rollin R. Bailey, Chairman, Lancaster County Board, favoring LB 606.

Letter from J. E. Moody, General Services Administration, acknowledging receipt of Legislative Resolution 31.

Letters acknowledging receipt of Legislative Resolution 34 from Harold D. Cooley, Chairman, House Committee on Agriculture; Sam Rayburn, Speaker, House of Representatives; U. S. Representative Glenn Cunningham; Wilton B. Persons, Assistant to the President; Allen J. Ellender, Chairman, Senate Committee on Agriculture and Forestry, enclosing copy of Senate Report to accompany S. Res. 48; U. S. Senator Carl T. Curtis; Arthur C. Perry, Administrative Assistant to Lyndon B. Johnson; and the Congressional Records from U. S. Representative Lawrence Brock.

**STANDING COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 590.** Placed on General File as amended.

Standing Committee amendments to LB 590:

1. Amend the bill by striking sections 1 to 4 and inserting the following:

"Section 1. (1) After October 1, 1959, no person holding a license issued under the provisions of subdivision (5) of section 53-124, Revised Statutes Supplement, 1957, shall permit any employee to sell or dispense any alcoholic liquors or to serve as manager of any retail liquor business unless such employee is a permit holder as provided in section 2 of this act.

(2) After October 1, 1959, no person holding a license issued under the provisions of subdivisions (1), (2), (3), (4), or (5), of section 53-124, Revised Statutes Supplement, 1957, shall permit any employee to solicit customers or sell, on behalf of such licensee, any alcoholic liquors unless such employee is a permit holder as provided in section 2 of this act.

(3) After October 1, 1959, no person, other than a licensee under the provisions of section 53-124, Revised Statutes Supplement, 1957, and employees of a licensee under subdivisions (6), (7) and (8) of section 53-124, Revised Statutes Supplement, 1957, shall sell or dispense any alcoholic liquors or represent any manufacturer or distiller brewer or distributor in selling or soliciting customers or orders for the sale of alcoholic liquors unless he be a permit holder as hereinafter provided.

Sec. 2. Each application for a permit shall be accompanied by a fee of two dollars. If the commission is satisfied that an applicant is eligible to receive a permit, it shall issue such permit, as a pocket card, in such form as the commission shall prescribe. Any permit holder shall carry such card on his person at all times when performing any of the acts authorized by such permit and shall exhibit it to any retail licensee or any law enforcement officer on demand.

Sec. 3. All permits required by this act, unless surrendered or revoked by the commission, shall expire on September 30, 1960 and annually thereafter and may be renewed for a period of one year upon the payment of the fee provided for the permit.

Sec. 4. Any person employed by a licensee under section 53-124, Revised Statutes Supplement, 1957, shall be deemed the holder of a permit for ten days after employment if he shall at the time of his employment make an application for such permit, as herein provided, and forward the same by certified mail to the commission. During such period such employee shall carry the record of mailing instead of the permit.

Sec. 5. All fees collected under this act shall be deposited in the Nebraska state treasury in a fund to be known as the Liquor Control Permit Fund. The commission may use such part of the money in this fund as is necessary for the administration and en-

forcement of this act. The fund shall be paid out only upon proper vouchers approved by the chairman of the commission and upon warrants issued by the Auditor of Public Accounts and countersigned by the State Treasurer as provided by law. The expense of the administration and enforcement of this act shall be kept within the income collected and deposited with the State Treasurer as herein provided, and such expense shall not be supported or paid from any other state fund.

Sec. 6. The permit, of any permit holder violating the provisions of this act, the Nebraska Liquor Control Act or any rule or regulation of the commission made pursuant to law, shall be subject to suspension or revocation by the commission in the manner provided in sections 53-1115 and 53-1116, Revised Statutes Supplement, 1957.

Sec. 7. No permit shall be issued except upon the application to the commission on such form and in such detail as the commission shall prescribe, to the end that the commission may determine the identity of the applicant, the character and moral fitness of the applicant to hold such a permit and his previous record of employment in the liquor business. The statements and answers made in such application shall have the same force and effect as if given under oath."

(Signed) John P. Munnelly, Chairman

#### Enrollment and Review

**LEGISLATIVE BILL 686.** Replaced on Select File as amended.

E and R amendment to LB 686:

1. In the title, line 18, strike "Fish and" and insert "State".

**LEGISLATIVE BILL 628.** Replaced on Select File as amended.

E and R amendment to LB 628:

1. In the Vosoba Unanimous Consent Amendment 4, line 7, strike "1957" and insert "1959".

**LEGISLATIVE BILL 131.** Replaced on Select File as amended.

E and R amendments to LB 131:

1. In the Jensen Specific Amendment, line 3, insert "the repeal of" after "include".

2. In Enrollment and Review Amendment 8, line 10, insert "and also section 77-2302, Reissue Revised Statutes of Nebraska, 1943" after "sections".

**LEGISLATIVE BILL 157.** Replaced on Select File as amended.

E and R amendments to LB 157:

1. All amendments proposed in section 1 having been stricken, strike section 1 and renumber sections 2 and 3 as sections 1 and 2 respectively.

2. In renumbered section 2, strike lines 1 and 2 as amended and insert:

"Sec. 2. That original section 54-143, Reissue Revised Statutes of Nebraska, 1943, is repealed."

3. In the title, strike lines 2 to 7 and all amendments thereto and insert:

"FOR AN ACT to amend section 54-143, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska brand inspection area; to provide that cattle may be moved in or out of the Nebraska brand area as prescribed without inspection; to provide authority for the Nebraska brand committee or its representatives; to require the keeping of records as prescribed; to make certain acts unlawful; to provide penalties; and to repeal the original section."

**LEGISLATIVE BILL 322.** Placed on Select File as amended.

E and R amendments to LB 322:

1. Amend Standing Committee Amendment 14 to read "Amend renumbered section 26 by inserting a comma at the end of line 1, by striking 'and' in line 2, and in line 2 insert ', and others' after 'attorney'."

2. In section 2, line 2, strike "shall otherwise require" and insert "otherwise requires"; in line 4 strike "where" and insert "when the"; in line 4 insert "the" after "under"; in line 12 insert "any" before "interest"; and in line 24 strike the semicolon and insert "or".

3. In section 3, lines 7 and 10, strike "thereof" and insert "thereto"; in line 12 strike the comma; remove paragraphing from lines 4, 12, 14, and 18; and in line 20 strike the period and insert a comma.

4. In section 4, lines 12 and 13, strike "as provided for herein,".
5. In section 5, line 1, strike "It may" and insert "The county board may,"; insert a comma at the end of line 4; and in line 9 strike "is".
6. In section 6, line 1, strike "said levy as" and insert "the levy"; and in line 2 strike the comma.
7. In renumbered section 7, line 2, strike "is set out" and insert "provided"; and in line 4 strike the comma.
8. In renumbered section 8 insert "the" at the end of line 7.
9. In renumbered section 9, line 8, insert "and" before "a".
10. In renumbered section 10, strike line 12 and insert "of benefits to be assessed and damages to be awarded and shall decide any other"; and in line 14 strike "that" and insert "who".
11. In renumbered section 11, line 3, strike the comma.
12. In renumbered section 12, line 2, strike "is" and strike "for"; in lines 10 and 17 strike the period and insert a semicolon; and in line 20 strike "herein." and insert "in this section; and".
13. In renumbered section 13, line 2, strike "above" and insert "provisions of section 12 of this act".
14. In renumbered section 14, line 3, strike "said" and insert "which".
15. In renumbered section 16, line 3, strike "as" and insert "at; and in line 12, insert "for" after "as".
16. In renumbered section 17, line 4, strike "exceeding" and insert "to exceed"; in line 7 strike "is outlined herein" and insert "provided in this section"; and in lines 9 and 10 strike "the assessments herein provided for" and insert "collection of such assessments".
17. In renumbered section 18, line 3, strike "is"; in line 5 insert "the" before "date"; in line 7 strike "the" and insert "such"; in line 7 strike "said improvement causes"; in line 19 insert "neither" before "the"; in line 20 strike "or" and insert "nor"; and in line 20 strike "not".
18. In renumbered section 19, line 2, strike "that" and insert "who"; in line 3 strike "is provided for herein" and insert "provided in section 9 of this act"; in line 4 strike "fail" and insert "fails"; in line 6 strike "neither" and insert "nor"; and in line 8 strike "herein" and insert "had under this act".

19. In renumbered section 20, line 7, strike “these”; and in line 9 strike “award” and insert “amount to be so assessed”.

20. In renumbered section 21, lines 4 and 5, strike “same manner as” and insert “manner provided”; and in line 6 strike “award” and insert “amount to be so assessed”.

21. In renumbered section 22, line 1, insert “(1)” after “22.”; in line 2, strike “obstructions” and insert a comma; in line 4 insert “obstructions” after the comma; in line 7 strike “(1)” and insert “(2)”; in line 7 strike “the” and insert “an”; in line 14 strike “(2)” and insert “(3)”; in line 15 strike “is”; in line 16 strike “subparagraph (a) above” and insert “subsection (2) of this section”; and in line 19 strike “as is” and insert “in the manner”.

22. In renumbered section 24, line 13, insert a comma after “board”.

23. In renumbered section 25, line 4, strike “or other agency in charge thereof”.

24. In renumbered section 28, line 4, strike “is”.

25. In renumbered section 29, line 1, strike “The” and insert “Neither the”; and in line 2 strike “not”.

26. In renumbered section 30, line 7, strike “as is provided for” and insert “in the manner provided”.

27. In renumbered section 31, line 5, strike “thereto” and insert “and independent legislation”.

28. In the title, line 2, strike “districts”; in line 11 strike “organization of such districts” and insert “assistance by the county in the control and maintenance of drainage in areas not within the boundaries of any drainage district or sanitary drainage district”; and at the end of line 12 insert “to provide for notice, hearings, and appeals; to provide for the levy of a tax; to provide for the assessment of benefits and award of damages as prescribed;”.

**LEGISLATIVE BILL 88.** Placed on Select File as amended.

E and R amendment to LB 88:

1. In section 1, line 20, strike the semicolon and insert a colon as in the statutes.

**LEGISLATIVE BILL 284.** Correctly engrossed.

**LEGISLATIVE BILL 406.** Correctly engrossed.

**LEGISLATIVE BILL 436.** Correctly engrossed.

**LEGISLATIVE BILL 437.** Correctly engrossed.  
**LEGISLATIVE BILL 572.** Correctly engrossed.  
**LEGISLATIVE BILL 579.** Correctly engrossed.  
**LEGISLATIVE BILL 583.** Correctly engrossed.  
**LEGISLATIVE BILL 596.** Correctly engrossed.  
**LEGISLATIVE BILL 626.** Correctly engrossed.  
**LEGISLATIVE BILL 629.** Correctly engrossed.  
**LEGISLATIVE BILL 655.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **UNANIMOUS CONSENT—Consider Noncontroversial Bills**

Mr. Carpenter requested unanimous consent that we consider on General File today the remainder of the list of noncontroversial bills which appears on Page 1725 of the Journal, beginning with LB 595; that LB 690 be added to the list; and that LB 723 be placed at the head of the list. No objections. So ordered.

#### **Visitors**

Mr. Fenske introduced Rev. and Mrs. Lyle Ingersoll and sons from Sidney, and Mildred Ingersoll from Chappell.

Mr. Williams introduced Mrs. Richard Diers from Scottsbluff.

#### **SELECT FILE**

##### **LEGISLATIVE BILL 685.**

Mr. Otto offered the following amendments which were adopted by unanimous consent:

1. Amend section 1 of the bill by striking all new matter and amendments thereto, and line 16 by inserting after the period the following:

*"The Tax Commissioner may refuse to disclose the names of corporations making such reports where he believes that disclosure will not promote effective administration of the revenue laws."*

2. Amend the bill by striking the Standing Committee Amendments 1 and 2, the Carpenter Amendments 1 to 4, adopted April 17, 1959, Enrollment and Review Amendments 1 to 4, adopted



April 22, 1959, the Carpenter Amendment adopted May 11, 1959, and any other amendment offered or adopted.

3. Amend the bill by adding four new sections to be known as sections 2 to 5 and to read as follows:

*"Sec. 2. Each corporation required to report according to the provisions of this section shall attach a statement to its schedule showing the financial condition of the corporation according to its books at the close of the most recent fiscal year, which statement shall be kept by the assessor in a place where only taxing officials may have access thereto.*

Sec. 3. That section 84-712, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-712. *All Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, are hereby fully empowered and authorized to examine the same, free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business; Provided, when it shall be requested by any claimant before the United States Veterans' Bureau or any claimant before the United States Bureau of Pensions, his or her agent or attorney, that certified copies of any public record be furnished for the proper and effective presentation of any such claim in such bureau, the officer in charge of such public records shall furnish or cause to be furnished said claimant, his or her agent or attorney, a certified copy thereof free of charge.*

Sec. 4. That original section 84-712, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

4. Amend the title to conform.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 295.** The pending Skarda specific amendment found in the Legislative Journal for the Ninety-fifth Day was adopted with 29 ayes, 0 nays, and 14 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 410.** E and R amendments found in the Legislative Journal for the Ninety-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 396.** E and R amendments found in the Legislative Journal for the Ninety-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 573.** E and R amendments found in the Legislative Journal for the Ninety-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 610.** Laid over until Monday, May 25, 1959 at the request of Mr. McHugh.

#### GENERAL FILE

**LEGISLATIVE BILL 723.** Read and considered.

Laid over temporarily.

#### Speaker Pizer Presiding

**LEGISLATIVE BILL 595.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 531.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Mr. Ruhnke offered the following amendment which was adopted:

1. Amend the bill, Section 2, by inserting a box before "For" in line 12, and a box before "Against" in line 13.

Mr. Marvel offered the following amendment which was adopted:

1. Amend the title to conform.

Laid over.

**Visitors**

Mr. McHugh introduced Mrs. August Wendt, President, and twelve members of the Four Square Club, Murdock.

Mr. Carpenter introduced Mmes. Guy Thomason, Kenneth Scheid, Hap Stoneking, and William Haslet from Scottsbluff.

**LEGISLATIVE BILL 633.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Advanced to E and R for review.

**President Burney Presiding****LEGISLATIVE BILL 723.** Considered.

Mr. Ruhnke offered the following amendments which were adopted:

1. Amend section 2 of the bill, line 1 by inserting "*with a carrying capacity of more than six thousand pounds*" after "trailers".
2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 594.** Laid over.**LEGISLATIVE BILL 549.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventieth Day were adopted.

Mr. Stryker offered the following amendments which were adopted:

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

"Section 1. That section 2-2309, Revised Statutes Supplement, 1957, be amended to read as follows:

2-2309. It is hereby declared to be the public policy of the State of Nebraska to protect and foster the health, prosperity, and general welfare of its people by protecting and stabilizing the wheat industry and the economy of the areas producing wheat. The Department of Agriculture and Inspection shall be the agency

of the State of Nebraska for such purpose. In connection therewith and in furtherance thereof, such department shall, upon the recommendations of the advisory committee, have the power to:

(1) Formulate the general policies and programs of the State of Nebraska respecting the discovery, promotion, and development of markets and industries for the utilization of wheat grown within the State of Nebraska;

(2) Adopt and devise a program of education and publicity;

(3) Cooperate with local, state, or national organizations, whether public or private, in carrying out the purposes of sections 2-2301 to 2-2319, and to enter into such contracts as may be necessary;

(4) Adopt such rules and regulations as are necessary to promptly and effectively enforce the provisions of sections 2-2301 to 2-2319; and

(5) Conduct, in addition to the things enumerated, any other program for the development, utilization, and marketing of wheat grown in the State of Nebraska. ; and

(6) *Make refunds for overpayments of the excise tax according to rules and regulations adopted by the department."*

2. Amend Standing Committee Amendment 1, section 1, line 1 by striking "Section 1" and inserting "Sec. 2.", by striking lines 1 and 2 and inserting:

"Sec. 3. That original sections 2-2309 and 2-2315, Revised Statutes Supplement, 1957, are repealed."

3. Renumber sections accordingly.

Advanced to E and R for review.

#### Visitors

Mr. Carpenter introduced Mr. Dick McGee from Scottsbluff, and Mr. Vance Nelson from Bayard.

Mr. McHugh introduced Mrs. Alice Pankonin, Vice President, and six ladies from the Golden Circle Club, Louisville.

#### Member Excused

Mr. Liebers was excused for this afternoon, May 22.

## STANDING COMMITTEE REPORTS

## Revenue

**LEGISLATIVE BILL 722.** Placed on General File as amended.

Standing Committee amendments to LB 722:

1. Amend section 1 of the bill, line 8 by striking "1968" and inserting "1964, and any funds received by gift or from the federal government to be used for the purpose as provided in section 2 of this act"

2. Amend section 2 of the bill, line 2 by inserting after the word "act" the following: "*and any funds received by gift or from the federal government to be used for the purpose provided in this section*", and line 4 by inserting "*and development*" after "research".

3. Amend the bill by adding a new section immediately after section 2 to be known as section 3 and to read as follows:

"Sec. 3. To aid and advise the Director of the Department of Agriculture and Inspection in carrying out the provisions of section 1 of this act, there is created an advisory committee to consist of six members to consist of the director as chairman, the Dean of the University of Nebraska College of Agriculture, one member to be a landowner personally engaged in growing wheat, one member to be a landowner personally growing corn, one member to be a landowner personally raising livestock, and one member to be a person of business ability. All members of the committee shall be residents of the state. Within ten days after the effective date of this act, the Governor shall appoint the members of the committee except the director and Dean of the University of Nebraska College of Agriculture. The members to be appointed shall be appointed as follows: One member for a term of one year, one member for a term of two years, one member for a term of three years, and one member for a term of four years. As the terms of the members expire, their successor shall be appointed by the Governor for a term of four years and until their successors are appointed and qualified. Members of the committee shall receive no compensation but shall be paid their actual expenses while on official business of the committee.

3. Amend the bill by renumbering section 3 as section 4.

4. Amend the title to conform.

(Signed) Norman A. Otto, Chairman

**GENERAL FILE**

**LEGISLATIVE BILL 700.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 653.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 693.** Read and considered.

Advanced to E and R for review.

**Visitors**

Mr. Swanson introduced Miss Ethel Larson from Los Angeles, California.

Mr. Gerdes introduced Mr. and Mrs. Ervain Friehe and Mrs. Bradshaw from McCook.

**Announcement**

Mr. Peck announced that Mr. Erlewine had been awarded the Good Neighbor Award by Ak-Sar-Ben for outstanding services.

**GENERAL FILE**

**LEGISLATIVE BILL 622.** Laid over.

**LEGISLATIVE BILL 625.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 505.** Laid over.

**Mr. Jensen Presiding**

**LEGISLATIVE BILL 704.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 699.** Read and considered.

Advanced to E and R for review with 26 ayes, 3 nays, and 14 not voting.

**LEGISLATIVE BILL 690.** Read and considered.

Mr. Carpenter offered the following amendments which were adopted:

1. Amend section 11 of the bill, lines 81 and 105 by striking "fifty" and inserting "*thirty-three and one-third*", and lines 92 and 93 by striking "sixty-six and two-thirds" and inserting "*seventy-five*".

2. Add the emergency clause.

3. Amend the title to conform.

Advanced to E and R for review.

**UNANIMOUS CONSENT—Consider Bills**

Mr. Carpenter requested unanimous consent that the following noncontroversial bills be considered on General File at this time in the following order: LB 1, LB 706, LB 593, LB 698, LB 675, LB 696, LB 634, LB 529, LB 683, LB 635, LB 709, LB 707, LB 365, LB 617, LB 204, LB 702, LB 488, LB 717, LB 106, LB 715, and LB 656. No objections. So ordered.

**Visitors**

Mr. Otto introduced his wife and his two sons, Jim and Steve.

**GENERAL FILE****LEGISLATIVE BILL 1.** Read and considered.

Mr. Tews offered the following amendment which was adopted:

1. Add the emergency clause and amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 706.** Read and considered.**President Burney Presiding**

Laid over.

**LEGISLATIVE BILL 593.** Laid over.

**LEGISLATIVE BILL 698.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 675.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventy-sixth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 696.** Read and considered.

Advanced to E and R for review.

#### **MOTION—Change of Order**

Mr. President: I move that immediately after Select File on Monday, May 25, we take up on General File the following bills in the order listed and that those bills, and those bills only, be considered on said file until they are all moved from said file: LB 636, LB 429, LB 722, LB 282, LB 281, LB 283, LB 590, and LB 106. (Signed) Otto H. Liebers

The motion prevailed with 32 ayes, 0 nays, and 13 not voting.

#### **Members Excused**

Mr. Swanson was excused from 3:00 p.m. for the remainder of the day.

Messrs. Claussen and Simmons were excused for this afternoon, May 22.

#### **UNANIMOUS CONSENT—Withdraw LB 640**

Mr. Carpenter requested unanimous consent to withdraw LB 640. No objections. So ordered.

#### **Explanation of Vote**

Mr. President: Had I not been called away temporarily for a brief conference at the time the final vote on LB 688 was taken on Wednesday, I would have voted Aye. (Signed) Fern Hubbard Orme

#### **MOTION—Recess**

Mr. President: I move that we recess until 1:30 p.m. (Signed) Dale Erlewine



The motion prevailed with 20 ayes, 6 nays, and 17 not voting, and at 11:56 a.m. the Legislature recessed until 1:30 p.m.

#### **After Recess**

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

The roll was called and all members were present except Messrs. Claussen, Cooper, Donner, Klaver, Liebers, Munnely, Romans, Russillo, Simmons, Syas, Thompson, and Webb who were excused.

#### **GENERAL FILE**

**LEGISLATIVE BILL 634.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 529.** Laid over temporarily.

**LEGISLATIVE BILL 683.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventy-seventh Day were adopted.

Laid over.

#### **Member Excused**

Mr. Pizer was excused at 1:45 p.m. for a short period.

**LEGISLATIVE BILL 635.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 709.** Read and considered.

Laid over.

**LEGISLATIVE BILL 529.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Seventy-sixth Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 707.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 365.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventy-ninth Day were adopted.

Advanced to E and R for review.

**Guests**

Speaker Pizer escorted to the rostrum Grand Exalted Ruler Horace R. Wisely from Salinas, California, Grand Secretary Lee Donaldson from Edna, Pennsylvania, and Past Grand Exalted Ruler Hobart L. Blackledge from Kearney, who are attending the State Elks convention in Lincoln.

Mr. Wisely and Mr. Blackledge addressed the Legislature briefly.

**LEGISLATIVE BILL 617.** Laid over.**LEGISLATIVE BILL 204.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Eighty-first Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 702.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Eighty-second Day were adopted.

Advanced to E and R for review.

**Visitors**

Mr. Erlewine introduced Mr. Thalkin and Mr. Dunn.

Mr. Pizer introduced Mr. and Mrs. Charlie Young and son from North Platte, and a delegation of ten from Sterling.

**LEGISLATIVE BILL 488.** Laid over.**LEGISLATIVE BILL 717.** Laid over.**Speaker Pizer Presiding****LEGISLATIVE BILL 706.** Considered.

Mr. Williams offered the following amendments which were adopted:

1. Amend the bill, section 5, by striking lines 4 to 6 and inserting:

“certified to the county board. If a majority of the votes cast in any precinct are against the formation of such district, such precinct shall be excluded from any district that may be formed. If the county board finds that a majority of the votes cast in each precinct in precincts having a combined minimum assessed value of all taxable property, except intangible property, of three million dollars, it shall”.

2. Amend the title to conform.

Advanced to E and R for review.

#### **UNANIMOUS CONSENT—Revert to Select File**

Mr. McHugh requested unanimous consent to revert to Select File for consideration of LB 610. No objections. So ordered.

#### **SELECT FILE**

#### **LEGISLATIVE BILL 610.**

Mr. McHugh offered the following amendments which were adopted by unanimous consent:

1. Amend Section 1 of the Original Bill by striking lines 29-48 and inserting in lieu thereof:

“Any rural fire protection district which has been duly organized under the provisions of this Chapter, and which shall have within its boundaries at least two hundred homes and which has an assessed valuation of at least one million dollars is hereby authorized and empowered to convert to a suburban fire protection district in the manner provided by Section 2 of this Act.”

2. Amend Section 2 of the Original Bill by striking said section 2 and inserting in lieu thereof:

“Section 2. Whenever it shall be desired and proposed to convert a duly organized rural fire protection district to a suburban fire protection district as authorized by Section 1 of this Act, such conversion may be accomplished in the manner hereinafter provided. (1) The board of directors of such district shall adopt, by majority vote of all the directors thereof, a resolution setting forth the proposal to convert such district to a suburban fire protection district. (2) Such resolution shall then be submitted to the electors of the district for approval at a regular meeting, or a special

meeting thereof called for that purpose, after due notice of such regular or special meeting, and of the proposal for conversion, has been given in the manner prescribed by Section 35-507. (3) If such resolution for conversion is approved by a majority vote of the electors present and voting at such meeting, the secretary-treasurer of the district shall prepare a certified copy of said resolution and shall certify that said resolution was duly adopted by the board of directors of the district and approved by a majority vote of the electors thereof, in the manner provided herein, and shall forward the same to the county clerk of the county within which said district is located or, if such district is located within two or more counties, to the county clerk of the county within which the greater area of the district is situated. The secretary-treasurer of the district shall also deposit with the said county clerk a sum sufficient to defray the expense of publishing the notices herein-after required. (4) The county clerk shall then confer with the county clerk of any other county concerned and shall determine and certify that said district contains within its boundaries at least two hundred homes and has an assessed valuation of at least one million dollars, and shall thereafter designate a time and place for said proposal for conversion to be heard by the county board in which the district is located or, if said district is located within two or more counties, by a joint meeting of the county boards of the counties concerned. Notice of such hearing shall be given by publication two weeks in a newspaper of general circulation within each county in which said district is located, the last publication appearing at least seven days prior to said hearing. (5) At the time and place so fixed, the county board, or boards, shall meet and all persons residing in, or owning taxable property within, the district shall have an opportunity to be heard respecting said proposal for conversion. (6) Thereupon, the county board, or boards, shall determine whether the proposed conversion is suited to the general fire protection policy of the county, or each of such counties, as a whole, and shall make a written order of such determination which shall be filed in the office of the county clerk of each county in which such district is located. If said order and determination approves such conversion, said district shall thereafter cease to be a rural fire protection district and shall become a suburban fire protection district; Provided, that the conversion of any such rural fire protection district to a suburban fire protection district shall not impair or affect its right in or to property; nor shall it impair, affect or discharge any contract, obligation, lien or charge for or upon which it might be liable had such conversion not been made."

3. That original section 35-502, Revised Statutes Supplement, 1957, is repealed.

4. Amend the title to conform.

Advanced to E and R for engrossment.

**Member Excused**

Mr. Tews was excused at 2:40 p.m. for the remainder of the day.

**GENERAL FILE**

**LEGISLATIVE BILL 715.** Read and considered.

Laid over.

**Adjournment**

At 2:50 p.m., on a motion by Mr. Fenske, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## NINETY-SEVENTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Monday, May 25, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Pizer presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Portsche who was excused until 10:15 a.m.

**Corrections for the Journal**

Page 1748, line 17, correct the spelling of "enumerated".

The Journal for the Ninety-sixth Day was approved as corrected.

**Communications**

Note of appreciation from the H. G. Greenamyre family.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 652.** Placed on Select File as amended.

E and R amendments to LB 652:

1. In Standing Committee Amendment 2, line 1, strike "14" and insert "15".
2. In new section 2, line 9, insert "or" before "truck-tractor".
3. In new section 4, line 15, insert "time" before "price".
4. In new section 5, line 1, strike "(a)" and insert "(1)"; in line 4 strike "(1)" and insert "(a)"; in line 21 strike "(2)" and insert "(b)"; in line 30 strike "(b)" and insert "(2)"; in line 32 strike "(a)" and insert "(1)"; in line 42 strike "(c)" and insert

"(3)"; in line 47 strike "(a) and (b)" and insert "(1) and (2) of this section"; and in line 49 strike "(d)" and insert "(4)".

5. In new section 6, line 9, insert "and" after "seller"; and in line 39 strike "However, the" and insert "the".

6. In new section 9, line 9, strike the comma.

7. In new section 11, line 8, insert "of this act" after "5"; and in line 14 strike "(1)".

8. In new section 12, strike the quotation marks in lines 43 and 44; in line 44 insert ", which is hereby created," after "Fund"; in line 82 strike "it" and insert "he"; and in line 157 strike "it" and insert "he".

9. In new section 3, strike line 4 as amended and insert "thereof shall be delivered to the buyer at the time the instrument is signed, except for contracts made in conformance with section 7 of this act:".

10. Amend the second Simmons Unanimous Consent Amendment, line 2, by striking "5" and inserting "4"; and in line 2 by striking "instrument" and inserting "instruments".

11. In the title, as amended, lines 18 and 19, strike "to provide a salary for the Director of Banking,".

**LEGISLATIVE BILL 428.** Placed on Select File as amended.

E and R amendments to LB 428:

1. In section 1, lines 15 and 16, strike "education" and insert "educational" as in the statutes; and in line 35 show "(8)" as stricken.

2. For correlation purposes, in section 2, line 2, insert "as amended by section 21, Legislative Bill 108, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; in line 12, after "and" insert "whenever it is in the best interests of the public to do so, to stock the streams, lakes, and ponds, whether public or private, of this state with"; in line 49 strike "The commission shall"; and strike lines 50 to 56.

3. In Standing Committee Amendment 2, line 2, strike "show same as stricken and".

4. In section 3, line 2, insert "as amended by section 21, Legislative Bill 108, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,".

5. In the title, line 2, strike "sections" and insert "section"; in line 3 insert "as amended by section 21, Legislative Bill 108, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; and strike lines 6 and 7 and insert "responsibility for recreational areas and".

**LEGISLATIVE BILL 504.** Placed on Select File as amended.

E and R amendment to LB 504:

1. In section 1, line 10, insert "*State*" after "the".

**LEGISLATIVE BILL 500.** Placed on Select File as amended.

E and R amendment to LB 500:

1. In section 1 insert a comma at the end of line 11 as in the statutes.

**LEGISLATIVE BILL 303.** Placed on Select File as amended.

E and R amendment to LB 303:

1. In the title, line 5, insert "to authorize a school district to contract for the instruction of all or any part of its pupils;" after the semicolon.

**LEGISLATIVE BILL 646.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**MOTION—Place LB 714 on General File**

Mr. President: I move that LB 714 be placed on General File.  
(Signed) Joe T. Vosoba

Mr. Williams moved the previous question. The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

Mr. Klaver requested a Call of the House.

A Call of the House was ordered and showed 41 members present.

Mr. Donner moved that the Call be raised. The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

The Vosoba motion prevailed with 22 ayes, 18 nays, and 3 not voting, and LB 714 was placed on General File.

**President Burney Presiding**



**STANDING COMMITTEE REPORTS****Revenue**

**LEGISLATIVE BILL 552.** Placed on General File as amended.

Standing Committee amendments to LB 552:

1. Amend the bill by striking section 1, and then insert the following new sections:

"Section 1. (1) Goods, wares and merchandise in interstate commerce through the State of Nebraska shall be deemed to have acquired no situs in this state for the purpose of assessment for taxation.

(2) Every owner, keeper, or person in actual charge of any and every storage house, warehouse, or any place where goods, wares, or merchandise of any and all kinds and description, are stored or kept by him, either for himself or for others and whether for a profit or not shall, on or before February 1 of each year, furnish to the county assessor or county clerk, where he is ex officio county assessor, a list of all such goods, wares and merchandise held, stored, or kept by him, either for himself or for others either as owner, agent, consignee, or bailee on January 1 at 12:01 a.m. of each year for which the property is required to be listed, except that goods, wares and merchandise stored in transit in interstate commerce need not be so listed or reported.

(3) The persons mentioned in subsection (2) of this section, except as exempted in said subsection, shall give the name and address of every person, firm, or corporation for whom goods, wares, or merchandise are so stored giving the names of every such person and, if any such persons, firms, or corporations be nonresidents of the county, he shall give the names and addresses of the local agents of such nonresidents, if there be any.

(4) In listing and reporting the goods, wares and merchandise, as subsection (2) or (3) of this section requires, there shall be given, in addition to the names and addresses of the owners, a general description of the property so stored.

(5) Any person failing to furnish the list required by him, by subsections (2) to (4) of this section or failing to furnish it within the time required, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than five hundred dollars nor more than one thousand dollars.

Sec. 2. That section 77-1226, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 68, Sixty-ninth Session, Nebraska State Legislature, 1959, is repealed."

2. Amend the title of the bill by striking lines 2 to 5 and inserting the following:

"FOR AN ACT relating to taxation; to provide that goods, wares, and merchandise in interstate commerce through the State of Nebraska shall not be deemed to have taxable situs in the State of Nebraska and that commercial storage warehouses shall make reports to the assessor, except as prescribed; to provide penalties; and to repeal section 77-1226, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 68, Sixty-ninth Session, Nebraska State Legislature, 1959."

(Signed) Norman A. Otto, Chairman

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 39.** Re: Legislative Council Study of Utilization of Agricultural Surpluses, and Memorializing Congress to Establish a Research Laboratory.

Introduced by Harold B. Stryker, 17th District; Arnold Ruhnke, 22nd District; and Hans O. Jensen, 25th District.

WHEREAS, many agencies, both state and federal, are interested in research aimed at finding new uses for agricultural products, and

WHEREAS, these same agencies are interested in education and research in marketing and distribution that will result in new outlets for United States agricultural products, and

WHEREAS, the federal and state governments, agricultural commissions, and private organizations are appropriating money for the above named purposes, and

WHEREAS, there is need for correlation of the efforts of these various agencies in getting the most effective attack on these problems of utilization and marketing of our agricultural surpluses, and

WHEREAS, Nebraska is centrally located, and

WHEREAS, the solution of these problems is essential to the welfare of agriculture in Nebraska and the rest of the nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee of five members to study the extent to which these activities are being coordinated and the type of program needed to find a solution for these important problems, and report their findings to the next regular session of the Legislature.

2. That the Legislature urge the Congress of the United States to establish a laboratory at the University of Nebraska College of Agriculture for the purpose of doing both basic and applied research on problems concerned with finding new uses and outlets for agricultural products now in surplus; and for the purpose of correlating studies at the University of Nebraska with those in progress elsewhere.

#### **UNANIMOUS CONSENT—Add Co-introducers**

Mr. Stryker requested unanimous consent to add the names of the following members as co-introducers of LR 39: George Syas, 4th District; Don Thompson, 33rd District; J. W. Burbach, 14th District; Michael P. Russillo, 9th District; John R. Cooper, 1st District; George C. Gerdes, 41st District; and J. O. Peck, 26th District. No objections. So ordered.

#### **Visitors**

Mr. Vosoba introduced Messrs. Roland Huneke, Ray Glant, and Henry F. Bergmeier from Wilber.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

##### **LEGISLATIVE BILL 279.**

A bill for an act to amend sections 43-601, 43-602, 43-603, 83-107.01, 83-201, 83-202, 83-204, 83-205, 83-206, 83-207, 83-208, and 83-209, Reissue Revised Statutes of Nebraska, 1943, and section 43-108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to state institutions; to transfer the oversight and general control of the Nebraska School for the Deaf from the Board of Control to the State Department of Education; to transfer the care and education of children between the ages of five and twenty-one years who are both deaf and blind to the State Department of Education; to provide duties for the Commissioner of Education; to provide that the proceeds of the Deaf and Blind Educational and Maintenance Fund may be ex-

pended upon vouchers of the Commissioner of Education; to provide additional powers and duties for the State Department of Education and State Board of Education; to eliminate obsolete provisions therein; to provide the operative date of this act; and to repeal the original sections.

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

Voting in the affirmative, 24:

Adams	Hollenbeck	Moulton	Russillo
Bowen	Jensen	Munnelly	Skarda
Burbach	Klaver	Otto	Syas
Cooper	Liebers	Peck	Tews
Donner	Marvel	Portsche	Thompson
Fulton	McHugh	Romans	Vosoba

Voting in the negative, 17:

Aufenkamp	Fenske	Orme	Stryker
Bridenbaugh	Lautenschlager	Pizer	Swanson
Claussen	Nelson	Ruhnke	Webb
Diers	Olinger	Simmons	Williams
Erlewine			

Not voting, 2:

Carpenter      Gerdes

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 525.

A bill for an act to amend sections 84-407 and 84-409, Reissue Revised Statutes of Nebraska, 1943, relating to state surveyor; to increase the amount the state surveyor and deputy surveyors shall be paid per day for their services; and to repeal the original sections.

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

Voting in the affirmative, 33:

Adams	Bowen	Carpenter	Gerdes
Aufenkamp	Burbach	Cooper	Hollenbeck

Jensen	Munnelly	Portsche	Swanson
Klaver	Nelson	Romans	Syas
Lautenschlager	Olinger	Ruhnke	Tews
Liebers	Otto	Russillo	Thompson
Marvel	Peck	Simmons	Vosoba
McHugh	Pizer	Skarda	Webb
Moulton			

Voting in the negative, 10:

Bridenbaugh	Donner	Fulton	Stryker
Claussen	Erlewine	Orme	Williams
Diers	Fenske		

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 643.** With emergency.

A bill for an act to amend section 44-107.03, Revised Statutes Supplement, 1957, relating to insurance; to eliminate the limitation on the reimbursement for examination of a domestic insurance company; to provide how the amount of such reimbursement shall be determined; 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	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Otto	Syas
Carpenter	Lautenschlager	Peck	Tews
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Portsche	Vosoba
Diers	McHugh	Romans	Webb
Donner	Moulton	Ruhnke	Williams
Fenske			

Voting in the negative, 1:

Stryker

Not voting, 1:

Erlewine

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

**LEGISLATIVE BILL 692.** With emergency.

A bill for an act to amend section 7-111, Reissue Revised Statutes of Nebraska, 1943, relating to attorneys at law; to provide that the prohibition to practice as an attorney in any courts of this state shall not apply to acting county judges appointed under the provisions of section 24-507, Reissue Revised Statutes of Nebraska, 1943; 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, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

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

**LEGISLATIVE BILL 23.**

A bill for an act to amend sections 53-103 and 53-123, Reissue Revised Statutes of Nebraska, 1943, and sections 53-124, 53-127, and 53-179, Revised Statutes Supplement, 1957, and section 53-

138.02, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to liquors; to define terms; to provide for the licensing of nonprofit corporations for the sale of alcoholic liquors for consumption on the premises; to provide for the licensing of bottle clubs; to provide fees; to provide for applications to the Nebraska Liquor Control Commission; to provide for bonds; to provide for hearings and the giving of notice thereof; to provide when such hearing may be waived; to provide for the issuance of licenses; to provide for the renewal of licenses without formal application; to authorize the issuance of such licenses outside the limits of any incorporated city or village; to provide to whom liquor may be sold or served under such licenses; to permit the sale or dispensing of alcoholic liquor on Sunday under such licenses; to make certain acts unlawful; to provide penalties; and to repeal the original sections.

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

Voting in the affirmative, 28:

Adams	Donner	Munnelly	Skarda
Aufenkamp	Fulton	Otto	Swanson
Bridenbaugh	Jensen	Peck	Syas
Carpenter	Klaver	Portsche	Tews
Claussen	Marvel	Ruhnke	Thompson
Cooper	McHugh	Russillo	Vosoba
Diers	Moulton	Simmons	Williams

Voting in the negative, 15:

Bowen	Gerdes	Nelson	Romans
Burbach	Hollenbeck	Olinger	Stryker
Erlewine	Lautenschlager	Orme	Webb
Fenske	Liebers	Pizer	

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Members Excused

Messrs. Vosoba, Cooper, and Fulton were excused at 11:00 a.m. for the remainder of the morning to attend a highway meeting.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Revenue be permitted to introduce a bill proposing a constitutional amendment relating to the exemption from ad valorem taxation of goods and merchandise in transit stored in licensed storage areas within this state. (Signed) Norman A. Otto, Chairman

Permission to introduce the bill granted with 28 ayes, 2 nays, and 13 not voting.

**BILLS ON FIRST READING** •

The following bill was read the first time by title:

**LEGISLATIVE BILL 724.** By Committee on Revenue, Norman A. Otto, 34th District, Chairman.

A bill for an act for submission to the electors of an amendment to Article VIII of the Constitution of Nebraska; to authorize the Legislature to establish bonded and licensed storage areas for goods, wares, and merchandise in transit in the state which are intended for and which are shipped to final destinations outside this state, and to exempt such goods, wares and merchandise from ad valorem taxation while in such storage areas; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

**SUSPEND RULES—Refer LB 724**

Mr. President: I move that the rules be suspended and that LB 724 be referred to the Revenue Committee. (Signed) Terry Carpenter

The motion prevailed with 31 ayes, 0 nays, and 12 not voting.

**UNANIMOUS CONSENT—Executive Session**

Mr. Liebers requested unanimous consent for permission for the Budget Committee to meet in executive session from 1:00 until 2:00 p.m. today, May 25. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 686.** E and R amendment found in the Legislative Journal for the Ninety-sixth Day was adopted.

Advanced to E and R for engrossment.



**LEGISLATIVE BILL 628.** E and R amendment found in the Legislative Journal for the Ninety-sixth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 131.** E and R amendments found in the Legislative Journal for the Ninety-sixth Day were adopted.

Mr. Jensen moved to suspend the rules to permit him to amend LB 131 on Select File.

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

Mr. Jensen offered the following amendments which were adopted by unanimous consent:

1. Amend section 2 of the bill, line 6 by inserting after the period the following:

*"No person who is or has been during the previous ten years a National Committee man or woman or a state officer of either of the two major political parties shall be eligible to be a member of the State Investment Board."*

2. Amend the title to conform.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 157.** E and R amendments found in the Legislative Journal for the Ninety-sixth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 322.** E and R amendments found in the Legislative Journal for the Ninety-sixth Day were adopted.

Advanced to E and R for engrossment.

#### Visitors

Mr. Peck introduced Rev. and Mrs. Lyle Wacker and son, Kevin, from the Shell Creek Baptist Church, and Mr. and Mrs. Ben Auch from Mott, North Dakota.

**GENERAL FILE**

**LEGISLATIVE BILL 636.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 429.** Section 1 read and considered.

Standing Committee amendments 1, 2, 3, and 4 found in the Legislative Journal for the Ninety-fourth Day were read.

Mr. Carpenter offered the following amendments:

1. Amend the bill by striking sections 1 to 3 and inserting in lieu thereof the following:

"Section 1. The Liquor Control Commission shall not regulate or attempt to regulate the retail prices of alcoholic beverages including beer.

Sec. 2. At whatever price a wholesaler shall offer to sell alcoholic beverages, including beer, to a retailer shall be available to any other retailer in this state. Every retailer shall be entitled to the same discounts offered by a wholesaler to any other retailer."

2. Amend the title to conform.

**Speaker Pizer Presiding**

Amendments pending.

Laid over.

**Visitors**

Mr. Peck introduced Mr. Gerald Dankerk, Teacher, and twenty pupils from St. John's Luthern School, Columbus, and nine adults.

Mr. Olinger introduced Mr. George McGuire from Wisner.

**Recess**

At 11:55 a.m., on a motion by Mr. Thompson, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present.

**STANDING COMMITTEE REPORTS****Enrollment and Review****LEGISLATIVE BILL 23.** Correctly enrolled.**LEGISLATIVE BILL 692.** Correctly enrolled.**LEGISLATIVE BILL 643.** Correctly enrolled.**LEGISLATIVE BILL 525.** Correctly enrolled.**LEGISLATIVE BILL 279.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 23 LB 692 LB 643 LB 525 LB 279

**Visitors**

Mr. Hollenbeck introduced Mr. and Mrs. Harold Lang from Hay Springs.

**GENERAL FILE****LEGISLATIVE BILL 722.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Ninety-sixth Day were adopted.

Mr. Carpenter offered the following amendment:

1. Amend the bill, section 1, line 6, by striking “, except intangible property;”.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 27:

Adams	Donner	Lautenschlager	Stryker
Aufenkamp	Erlewine	Marvel	Swanson
Bowen	Fulton	Moulton	Thompson
Burbach	Gerdes	Olinger	Vosoba
Carpenter	Hollenbeck	Pizer	Webb
Claussen	Jensen	Portsche	Williams
Diers	Klaver	Ruhnke	

Voting in the negative, 10:

Bridenbaugh	McHugh	Otto	Russillo
Cooper	Nelson	Peck	Syas
Liebers	Orme		

Not voting, 6:

Fenske	Romans	Skarda	Tews
Munnelly	Simmons		

The Carpenter amendment was adopted.

### Visitor

Mr. Bowen introduced George Marshall from Superior.

Mr. Klaver moved that LB 722 be indefinitely postponed.

Mr. Klaver requested a record vote.

Voting in the affirmative, 3:

Adams	Donner	Klaver
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Voting in the negative, 37:

Aufenkamp	Gerdes	Olinger	Simmons
Bowen	Hollenbeck	Orme	Skarda
Bridenbaugh	Jensen	Otto	Stryker
Burbach	Lautenschlager	Peck	Swanson
Carpenter	Liebers	Pizer	Syas
Claussen	Marvel	Portsche	Thompson
Cooper	McHugh	Romans	Vosoba
Diers	Moulton	Ruhnke	Webb
Erlewine	Munnelly	Russillo	Williams
Fulton			

Not voting, 3:

Fenske	Nelson	Tews
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The Klaver motion lost.

Advanced to E and R for review.

### UNANIMOUS CONSENT—Change of Order

Mr. Syas requested unanimous consent that LB 281 be considered on General File before LB 282. No objections. So ordered.

**GENERAL FILE****LEGISLATIVE BILL 281.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventieth Day were adopted.

**Speaker Pizer Presiding**

Mr. Syas offered the following amendments which were adopted:

1. Amend Standing Committee Amendment 1, line 1 by striking "1" and inserting "2".

2. Amend Standing Committee Amendment 2 by striking "line" in line 2 and inserting a period, and by striking lines 3 to 5 thereof.

Mr. Bridenbaugh moved that LB 281 be indefinitely postponed.

**MESSAGE FROM THE GOVERNOR**

May 25, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 25, 1959, he approved LB 279.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**GENERAL FILE****LEGISLATIVE BILL 281.** Considered.

Mr. Aufenkamp requested a Call of the House.

A Call of the House was ordered and showed 41 members present.

Mr. Moulton moved that the Call be raised. The motion prevailed with 31 ayes, 1 nay, and 11 not voting.

The Bridenbaugh motion to indefinitely postpone lost with 18 ayes, 21 nays, and 4 not voting.

Advanced to E and R for review.

#### **UNANIMOUS CONSENT—Withdraw Amendments**

Mr. Carpenter requested unanimous consent to withdraw his pending amendments found in this Day's Journal to LB 429. No objections. So ordered.

#### **Presented to the Governor**

Presented to the Governor for approval on May 25, 1959, at 2:15 p.m.: LB 279 LB 525 LB 643 LB 692 LB 23

(Signed) Jo Fisher, Enrolling Clerk

#### **Delivered to the Secretary of State**

May 25, 1959

Your assistant clerk reports that LB 639, passed notwithstanding the objections of the Governor, was delivered to the Secretary of State this date at 2:25 o'clock p.m.

(Signed) Francis V. Robinson  
Assistant Clerk of the Legislature

#### **STANDING COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 396.** Correctly engrossed.

**LEGISLATIVE BILL 410.** Correctly engrossed.

**LEGISLATIVE BILL 573.** Correctly engrossed.

**LEGISLATIVE BILL 628.** Correctly engrossed.

**LEGISLATIVE BILL 686.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **GENERAL FILE**

**LEGISLATIVE BILL 282.** Considered.

Mr. Stryker moved to indefinitely postpone LB 282.

The motion prevailed.

**Visitors**

Mr. Burbach introduced Father Melvin Wiese, Mr. and Mrs. Edward Closter, Mr. John Mathin, Mr. Albert Meyer, and the baseball team from St. Ludger's of Creighton.

**LEGISLATIVE BILL 283.** Considered.

Mr. Syas offered the following amendments which were adopted:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for review.

**Adjournment**

At 4:46 p.m., on a motion by Mr. Nelson, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## NINETY-EIGHTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 26, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Donner who was excused until 10:05 a.m.

**Corrections for the Journal**

Page 1762, line 26, delete "State" and insert "States".

Page 1770, line 4, delete "engrossment" and insert "review".

The Journal for the Ninety-seventh Day was approved as corrected.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 131.** Replaced on Select File as amended.

E and R amendment to LB 131:

1. In the Jensen Unanimous Consent Amendment 1, adopted May 25, 1959, strike lines 1 and 2 and insert:

"1. Amend Standing Committee Amendment 1, line 8, by inserting, after the period:".

**LEGISLATIVE BILL 545.** Replaced on Select File as amended.

E and R amendments to LB 545:

1. In Standing Committee Amendment 6, line 3, strike the comma and insert a period at the end of the line.

2. In section 2, line 9, reinstate the stricken semicolon.



**LEGISLATIVE BILL 685.** Replaced on Select File as amended.

E and R amendments to LB 685:

1. Strike original sections 2 and 3, renumbered as sections 3 and 4.

2. In line 2 of new section 2, added by the Otto Unanimous Consent Amendment 3, strike "*this section*" and insert "*section 1 of this act*"; and in line 3 strike "*schedule*" and insert "*report*".

3. In line 2 of new section 4, added by the Otto Unanimous Consent Amendment 3, strike "is" and insert "and section 77-721, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, are".

4. In the title, strike lines 2 to 9 and all amendments thereto, and insert:

"FOR AN ACT to amend section 84-712, Reissue Revised Statutes of Nebraska, 1943, and section 77-721, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to public records; to provide when the Tax Commissioner may refuse to disclose the names of corporations reporting the names of Nebraska residents who own stock or shares of such company; to require that each such corporation attach to its report a statement of its financial condition to which only taxing officials shall have access; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 295.** Replaced on Select File as amended.

E and R amendments to LB 295:

1. Add a new section to be known as section 7 and to read as follows:

"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. In Enrollment and Review Amendment 4, line 9, strike "and"; and in line 10 insert "; and to declare an emergency" before the quotation mark.

**LEGISLATIVE BILL 554.** Placed on Select File as amended.

E and R amendments to LB 554:

1. In section 3, line 1, strike "approval" and insert "advice".

2. In Standing Committee Amendment 4, line 2, strike "geographical" and insert "geographically".
3. In section 12, line 14, insert a comma after "cated".
4. In section 16, line 11, strike ", by"; and in line 12 strike the comma before "information".
5. In section 17, line 6, strike "State" and insert "University".
6. In section 19, line 13, strike "16" and insert "18".
7. In section 20, lines 10 and 11, strike "Secretary of State" and insert "election commissioner or county clerk".
8. In the title, line 17, strike "shall" and insert "may".

**LEGISLATIVE BILL 426.** Placed on Select File as amended.

E and R amendments to LB 426:

1. In section 1, line 4, strike "of" and insert "or".
2. In new section 2, line 2, insert a comma after "class".
3. In the title, strike lines 3 to 7 and insert "when any municipality joins with any other political or governmental body for planning, as prescribed, it shall not be required that all members of the planning commission be residents of or doing business in the municipality; to provide how such commission may be designated; to designate as metropolitan or regional planning body any planning board or commission of a city of the metropolitan or primary class; and to declare an emergency."

**LEGISLATIVE BILL 667.** Placed on Select File as amended.

E and R amendments to LB 667:

1. In the Cooper General File Amendment 1, line 2, strike "Line 25" and insert "lines 25 and 26".
2. In section 3, line 3, strike the comma.
3. In section 5, lines 8 and 9, strike "*mayor's or the chairman's, as the case may be,*".
4. In section 6, lines 8 and 9, strike "*mayor's, or chairman's, as the case may be,*".
5. In section 8, line 2, strike the comma; and in line 12 insert an underscored comma after "*tion*".
6. In section 10, line 17, strike the comma.

7. In section 11, line 4, insert an underscored comma before "to".
8. In section 16, line 3, strike "and" and insert "to be".
9. In section 18, line 6, strike the comma.
10. In section 25, line 2, strike the comma.
11. In section 26, strike lines 2 and 3 and insert "*municipal clerk shall cause instructions to voters to be printed, five copies of which shall be furnished to*"; strike line 6 and insert "*which shall be posted in each voting place prior to the opening of the polls.*"; and in line 7 strike "*each voting place.*".
12. In section 27, strike the first sentence and insert "*The municipal clerk shall provide a sufficient number of ballots for each precinct in the municipality.*".
13. In section 28, insert an underscored comma after "delivered".
14. In section 32, line 4, strike "*by the state statutes*"; and in lines 6 and 7 strike "*by the state statutes pertaining to*" and insert "*for*".
15. In section 33, insert quotation marks before "You" in line 8 and after the period in line 11; in line 19 strike the comma; and in line 23 strike "*and*".
16. In section 35, line 21, strike "*such*"; and in line 22 strike "*the preceding section*" and insert "*section 34 of this act*".
17. In section 42, line 6, strike "43-4,111" and insert "32-4,111".
18. In section 43, line 9, strike "*election*" and insert "*completion of the official canvass*"; and in line 12 strike the comma.
19. In section 44, lines 6 and 7, strike "*the preceding section*" and insert "*section 43 of this act*"; and in line 12, enclose "Contested Ballots" in quotation marks.
20. In section 47, line 4, strike the comma; and in line 10, strike "*and*".
21. In section 52, line 9, strike the comma.
22. In section 59, line 40, strike "*such*", showing the same as stricken.
23. In the title, line 2, strike "class" and insert "classes".

**LEGISLATIVE BILL 463.** Placed on Select File as amended.

E and R amendments to LB 463:

1. Add a new section to be known as section 9 and to read as follows:

“Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

2. In the title, line 6, insert “or public power and irrigation districts” after “districts”; in line 7 strike “and”; and in line 8 insert “; and to declare an emergency” before the period.

**LEGISLATIVE BILL 570.** Placed on Select File as amended.

E and R amendment to LB 570:

1. In Standing Committee Amendment 4, line 1, strike “34” and insert “24”; and in line 3 strike “of Insurance”.

**LEGISLATIVE BILL 595.** Placed on Select File as amended.

E and R amendments to LB 595:

1. Strike Standing Committee Amendment 1.

2. In section 1, line 11, reinstate the stricken matter and strike the new matter; and in line 16, strike the comma and show as stricken.

3. In Standing Committee Amendment 2, line 3, insert an underscored semicolon before “*Provided*”; and in line 6 strike the period and insert a period at the end of the line.

4. In the title, lines 3 and 4, strike “extend” and insert “permit an extension of”.

**LEGISLATIVE BILL 723.** Placed on Select File as amended.

E and R amendment to LB 723:

1. In section 1, line 17, strike “and when so combined” and insert “when so combined”.

**LEGISLATIVE BILL 549.** Placed on Select File as amended.

E and R amendments to LB 549:

1. Strike original section 9.

2. Strike the Stryker General File Amendment 2.

3. In line 1 of section 1, added by Standing Committee Amendment 1, strike "Section 1." and insert "Sec. 2."

4. Strike Standing Committee Amendment 2.

5. Add two new sections to be known as sections 3 and 4 and to read as follows:

"Sec. 3. That original sections 2-2309 and 2-2315, Revised Statutes Supplement, 1959, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

6. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend sections 2-2309 and 2-2315, Revised Statutes Supplement, 1957, relating to agriculture; to provide for refund of overpayments of the wheat excise tax; to change the procedures for withholding, reporting, and paying of such tax as prescribed; to require the keeping of prescribed records; to repeal the original sections; and to declare an emergency."

(Signed) Joe T. Vosoba, Chairman

#### **UNANIMOUS CONSENT—Executive Sessions**

Mr. Williams requested unanimous consent for permission for the Government Committee to meet in executive session at 4:00 p.m. today, May 26. No objections. So ordered.

Mr. Liebers requested unanimous consent for permission for the Budget Committee to meet in executive session from 1:00 until 2:00 p.m. today, May 26. No objections. So ordered.

#### **Members Excused**

Mr. Peck was excused for this afternoon, May 26.

Mr. Olinger was excused from 11:15 a.m. for the remainder of the day.

Messrs. Gerdes and Erlewine were excused for Wednesday and Thursday morning, May 27 and 28.

#### **SUSPEND RULES—Final Reading**

Mr. President: I move that the rules be suspended and that we read the bills on Final Reading today which are scheduled for tomorrow. (Signed) Terry Carpenter.

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

**RESOLUTIONS****LEGISLATIVE RESOLUTION 39.**

Mr. Stryker offered the following amendment which was adopted:

1. Amend the resolution by striking paragraph numbers 1 and 2 and inserting in lieu thereof the following:

"1. That the Legislative Council appoint a committee of five members to study the extent to which these activities are being coordinated and the type of program needed to find a solution for these important problems, and to also study the possibility of obtaining federal funds to establish a laboratory at the University of Nebraska College of Agriculture for the purpose of doing both basic and applied research on problems concerned with finding new uses and outlets for agricultural products now in surplus; and for the purpose of correlating studies at the University of Nebraska with those in progress elsewhere, and report their findings to the next regular session of the Legislature."

Referred to the Legislative Council Executive Board.

**Visitors**

Mr. Thompson introduced Mrs. Cleatus Wasson and Donita from Oxford.

Mr. Pizer introduced Mr. and Mrs. E. P. Michel from New York City, New York.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 2.**

A bill for an act to amend sections 24-201.01 and 24-301.01, Reissue Revised Statutes of Nebraska, 1943, relating to salaries; to increase the salary of Chief Justice, Judges of the Supreme Court, the Governor, and judges of the district court; to provide when a change in such salaries shall become operative; and to repeal the original sections.

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

Voting in the affirmative, 28:

Adams	Jensen	Peck	Swanson
Aufenkamp	Klaver	Pizer	Syas
Carpenter	Liebers	Portsche	Tews
Cooper	Marvel	Romans	Thompson
Fulton	McHugh	Russillo	Vosoba
Gerdes	Moulton	Simmons	Webb
Hollenbeck	Munnelly	Skarda	Williams

Voting in the negative, 13:

Bowen	Erlewine	Nelson	Otto
Bridenbaugh	Fenske	Olinger	Ruhnke
Burbach	Lautenschlager	Orme	Stryker
Diers			

Not voting, 2:

Claussen	Donner
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 404.

A bill for an act to amend sections 84-206, 84-314, 84-509, and 84-608, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to increase the salaries of the deputy attorney general, deputy auditor of public accounts, deputy secretary of state, and deputy state treasurer; to provide when such salaries may be changed; and to repeal the original sections.

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

Voting in the affirmative, 30:

Adams	Hollenbeck	Orme	Simmons
Aufenkamp	Klaver	Otto	Skarda
Bridenbaugh	Lautenschlager	Peck	Swanson
Burbach	Liebers	Pizer	Syas
Carpenter	Marvel	Portsche	Tews
Claussen	McHugh	Romans	Vosoba
Cooper	Moulton	Russillo	Webb
Gerdes	Munnelly		

Voting in the negative, 12:

Bowen	Fenske	Nelson	Stryker
Diers	Fulton	Olinger	Thompson
Erlewine	Jensen	Ruhnke	Williams

Not voting, 1:

Donner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 411.

A bill for an act relating to railroads; to require that one year after the effective date of this act each caboose car be equipped with a sanitary water cooler with individual drinking cups and appropriate dispenser.

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

Voting in the affirmative, 16:

Carpenter	Liebers	Munnelly	Ruhnke
Fulton	Marvel	Orme	Skarda
Klaver	McHugh	Pizer	Syas
Lautenschlager	Moulton	Portsche	Thompson

Voting in the negative, 25:

Adams	Erlewine	Olinger	Stryker
Aufenkamp	Fenske	Otto	Swanson
Bowen	Gerdes	Peck	Tews
Bridenbaugh	Hollenbeck	Romans	Vosoba
Burbach	Jensen	Russillo	Webb
Claussen	Nelson	Simmons	Williams
Diers			

Not voting, 2:

Cooper                  Donner

Having failed to receive a constitutional majority, the bill failed of passage.

#### LEGISLATIVE BILL 356.

A bill for an act to amend section 26-117, Reissue Revised Statutes of Nebraska, 1943, relating to municipal courts in metro-



politan and primary cities; to increase the jurisdiction of municipal courts in metropolitan and primary cities in civil actions; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Stryker
Bridenbaugh	Jensen	Orme	Swanson
Burbach	Klaver	Otto	Syas
Carpenter	Lautenschlager	Peck	Tews
Claussen	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Cooper	Donner	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 357.

A bill for an act to amend section 26-1,109, Reissue Revised Statutes of Nebraska, 1943, relating to municipal courts; to provide that on appeal from a municipal court judgment the amount sought to be recovered by the petition, or cross-petition, if any, shall not be changed so as to exceed the jurisdictional limit of the municipal court; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Carpenter	Gerdes	Liebers
Aufenkamp	Claussen	Hollenbeck	Marvel
Bowen	Diers	Jensen	McHugh
Bridenbaugh	Fenske	Klaver	Moulton
Burbach	Fulton	Lautenschlager	Munnelly

Nelson	Pizer	Simmons	Thompson
Olinger	Portsche	Stryker	Vosoba
Orme	Romans	Swanson	Webb
Otto	Ruhnke	Syas	Williams
Peck	Russillo	Tews	

Voting in the negative, 0.

Not voting, 4:

Cooper	Donner	Erlewine	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 364.

A bill for an act to amend sections 25-1010, 25-1026, 25-1029, and 25-1056, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to clarify the garnishment procedure; to provide that garnishment shall affect only the property or credits of the defendant held by the garnishee at the time of the service of the summons and interrogatories; to provide that the garnishee shall answer regarding the property or credits of the defendant held by such garnishee at the time of service of the summons and interrogatories; and to repeal the original sections.

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

Voting in the affirmative, 41:

Adams	Gerdes	Nelson	Simmons
Aufenkamp	Hollenbeck	Olinger	Skarda
Bowen	Jensen	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnelly	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 2:

Carpenter	Donner
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 372.

A bill for an act to amend section 68-215.11, Reissue Revised Statutes of Nebraska, 1943, relating to sales of real estate; to change the procedure for sale of real estate by a county acquiring it by purchase in foreclosure or otherwise in satisfaction of an old age assistance lien; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Erlewine	McHugh	Romans	Vosoba
Fenske	Moulton	Ruhnke	Webb
Fulton	Munnely	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp	Carpenter	Donner
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Visitors

Mr. Syas introduced Mrs. Georgene Mardesen and Mr. Pete Rigatuso, Teachers, and forty-one students from Walnut Hill School, Omaha.

#### LEGISLATIVE BILL 483. With emergency.

A bill for an act to amend section 85-304, Reissue Revised Statutes of Nebraska, 1943, relating to normal schools; to authorize the Board of Education of State Normal Schools through an extension division to provide for holding of classes at various localities

throughout the state, avoiding unnecessary duplication of courses as prescribed; 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	Gerdes	Nelson	Simmons
Aufenkamp	Hollenbeck	Olinger	Skarda
Bowen	Jensen	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnelly	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 2:

Carpenter      Donner

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

#### **LEGISLATIVE BILL 614. With emergency.**

A bill for an act relating to petroleum products; to make it unlawful to sell petroleum products under deception as to quality or identity; to make unlawful use of marked containers or distributing equipment, to use imitation trade-marks, to sell under false mark or name, to wrongfully mix or blend, or to aid in violation of the provisions of this act except with prescribed consent; to require the underground storage of prescribed flammable liquids at automotive retail service stations; to provide exceptions; to define terms; to provide penalties; to repeal section 66-613, Reissue Revised Statutes of Nebraska, 1943; 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	Gerdes	Nelson	Simmons
Aufenkamp	Hollenbeck	Olinger	Skarda
Bowen	Jensen	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 2:

Carpenter      Donner

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

#### LEGISLATIVE BILL 284.

A bill for an act to amend sections 8-408, 8-410, and 8-432, Re-issue Revised Statutes of Nebraska, 1943, and section 8-403, Revised Statutes Supplement, 1957, relating to industrial loan and investment companies; to require a cash reserve for such companies as prescribed; to provide that executive officers shall be licensed and for the revocation of licenses; to provide for regulations and forms; to provide for surplus; to provide qualifications for directors; to provide for the amount of paid-up capital stock; to provide for reports as prescribed; to provide for borrowing of funds from the general public and for the repayment of amounts borrowed; to authorize borrowing from commercial banks or other corporate lenders, the pledge of collateral, and a limit on the amount that may be so borrowed; to provide an exception; to provide for violations; to provide penalties; to change the penalties for certain violations; and to repeal the original sections.

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

Voting in the affirmative, 41:

Adams	Gerdes	Nelson	Simmons
Aufenkamp	Hollenbeck	Olinger	Skarda
Bowen	Jensen	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Carpenter	Liebers	Pizer	Tews
Claussen	Marvel	Portsche	Thompson
Cooper	McHugh	Romans	Vosoba
Diers	Moulton	Ruhnke	Webb
Fenske	Munnelly	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 2:

Donner Erlewine

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 406.

A bill for an act to amend section 37-212, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to exclude receipts from state park concessions and permits from appropriation for prescribed game and fish purposes; to eliminate reference to allocation of funds to state parks from the State Game Fund; to expand the authority of the Game, Forestation and Parks Commission with respect to expenditures for game and fish purposes; and to repeal the original section.

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

Voting in the affirmative, 42:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske	Munnelly		

Voting in the negative, 0.

Not voting, 1:

Donner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Visitors

Mr. Tews introduced Sister Mary Janice, Mrs. George Dettrick, Mrs. George Monisee, and thirty-eight students from Sacred Heart School, Norfolk.

### LEGISLATIVE BILL 436.

A bill for an act to amend section 39-1904, Revised Statutes Supplement, 1957, relating to highways; to provide that levy of the county road tax within cities or villages shall be optional; to provide that one half of the county road tax collected within cities or villages when collected shall be paid to the cities and villages within the county where levied to be used for the construction, improvement, or maintenance of streets and alleys in the city or village; and to repeal the original section.

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

Voting in the affirmative, 41:

Aufenkamp	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams
Fulton			

Voting in the negative, 0.

Not voting, 2:

Adams

Donner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 437.

A bill for an act to amend section 26-106, Revised Statutes Supplement, 1957, relating to municipal courts; to increase the salary of judges and clerks of the municipal court; and to repeal the original section.

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

Voting in the affirmative, 33:

Adams	Hollenbeck	Munnelly	Simmons
Bowen	Jensen	Orme	Skarda
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Pizer	Syas
Carpenter	Liebers	Portsche	Tews
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Fulton	Moulton	Russillo	Williams
Gerdes			

Voting in the negative, 10:

Aufenkamp	Erlewine	Olinger	Stryker
Claussen	Fenske	Peck	Thompson
Donner	Nelson		

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 572.

A bill for an act relating to cities and villages, all; to authorize cities and villages to pay the expenses of one trainee from each fire company designated to attend the fire department training school at the state fire school; to authorize cities and villages to contract for the training of firemen and to pay the costs of such training; to provide for attendance at any fire training school in this state approved by the State Fire Marshal and the Civil Defense Agency.



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

Voting in the affirmative, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 579.

Mr. Vosoba moved that LB 579 be returned to Select File for the following specific amendment:

1. Amend section 1, line 8, by inserting after the word "section" the following:

"; *Provided*, that if the county clerk or register of deeds determines that all signatures on the instrument are legible, he shall not refuse to file the instrument".

The motion prevailed with 41 ayes, 0 nays, and 2 not voting and LB 579 was returned to Select File.

#### LEGISLATIVE BILL 583. With emergency.

A bill for an act to amend section 72-1005, Reissue Revised Statutes of Nebraska, 1943, as amended by section 3, Legislative Bill 220, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 72-1007, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 241, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the State Institutional and Military Department Building Fund; to increase the mill levy

for such fund; to eliminate obsolete matter; to change the proportions in which such fund is distributed; to specify purposes for which prescribed portions of such fund shall be used; 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, 42:

Adams	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Simmons
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 1:

Skarda

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

#### LEGISLATIVE BILL 596.

A bill for an act to amend section 44-349, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide all insurance corporations shall have on the face of every policy or certificate issued whether the corporation is a stock, mutual, reciprocal, assessment, or fraternal; to provide an exception; and to repeal the original section.

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

Voting in the affirmative, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 626.** With emergency.

A bill for an act to amend section 44-310.02, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide that securities described in subdivisions (9), (10), and (11) of section 44-309, Revised Statutes Supplement, 1957, shall be valued at cost in applying the limitation on investment of assets in such securities; to provide that the limitation percentage apply to admitted assets; 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	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Olinger

Tews

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

**LEGISLATIVE BILL 629.** With emergency.

A bill for an act to amend section 16-622, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 482, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to cities of the first class; to provide for the payment of graveling assessments in three equal payments; 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, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

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

**LEGISLATIVE BILL 655.** With emergency.

A bill for an act relating to annexation; to provide for the annexation of territory of any sanitary and improvement district,

road district, or fire protection district; to provide for the respective rights, powers, and duties of the district and city or village annexing a part or all of the territory within any such district; to provide for an adjustment of the property rights of the district and assumption of obligations by the city or village; to provide for the liquidation of the affairs of the district and dissolution of the district and release of the officers and discharge of their bonds; to repeal sections 31-716, 31-760, Reissue Revised Statutes of Nebraska, 1943, sections 35-516.01 and 39-1635, Revised Statutes Supplement, 1957, and section 35-515, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 202, Sixty-ninth Session, Nebraska State Legislature, 1959; 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, 43:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 0.

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

#### Visitors

Mr. Skarda introduced Miss Josephine Valasek and Miss Nicoline Buda, Teachers, and nineteen students from Edward Rosewater School, Omaha.

## MESSAGES FROM THE GOVERNOR

May 25, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

For reasons outlined to you in my letter of May 18, 1959, I am  
herewith returning to you, without my signature of approval,  
LB 536.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:sn

May 25, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body  
that on May 23, 1959, he approved LB 26, LB 50, LB 290, LB 304,  
LB 317, LB 350, LB 363, LB 369, LB 370, LB 371, LB 368, LB 412,  
LB 418, LB 457, LB 461, LB 580, LB 613, LB 644, LB 651, LB 664,  
LB 682, LB 688 and LB 710.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

## NOTICE OF COMMITTEE HEARINGS

## Revenue

LB 724 Monday, June 1, 1959

2:00 p.m.

**MOTION—Flag at Half Mast**

Mr. President: I move that the flag be flown at half mast during the funeral service of the late John Foster Dulles. (Signed) John Adams, Sr.

The motion prevailed.

**SELECT FILE**

**LEGISLATIVE BILL 579.** The pending Vosoba specific amendment found in this Day's Journal was adopted with 29 ayes, 0 nays, and 14 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 88.** E and R amendment found in the Legislative Journal for the Ninety-sixth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 652.** E and R amendments found in the Legislative Journal for the Ninety-seventh Day were adopted.

Advanced to E and R for engrossment.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 428.** E and R amendments found in the Legislative Journal for the Ninety-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 504.** E and R amendment found in the Legislative Journal for the Ninety-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 500.** E and R amendment found in the Legislative Journal for the Ninety-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 303.** E and R amendment found in the Legislative Journal for the Ninety-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 247.** Advanced to E and R for engrossment.

**MOTION—Pass LB 536**

Mr. President: I move that LB 536 be passed notwithstanding the objections of the Governor. (Signed) Jack Romans

Mr. Romans requested a Call of the House.

A Call of the House was ordered and showed 41 members present.

Mr. Klaver moved that the Call be raised. The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

Voting in the affirmative, 22:

Adams	Hollenbeck	Orme	Skarda
Burbach	Lautenschlager	Peck	Swanson
Carpenter	Marvel	Portsche	Syas
Cooper	McHugh	Romans	Tews
Fulton	Moulton	Russillo	Webb
Gerdes	Munnelly		

Voting in the negative, 18:

Aufenkamp	Erlewine	Nelson	Ruhnke
Bowen	Fenske	Olinger	Stryker
Bridenbaugh	Jensen	Otto	Thompson
Diers	Klaver	Pizer	Vosoba
Donner	Liebers		

Not voting, 3:

Claussen	Simmons	Williams
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A constitutional three-fifths majority having failed to vote in the affirmative, the bill failed of passage notwithstanding the Governor's objections.

**Visitors**

Mr. Pizer introduced Mr. and Mrs. Allan C. Richard and two sons from Picayune, Mississippi.



**UNANIMOUS CONSENT—Recall LB 283**

Mr. Syas requested unanimous consent to recall LB 283 to General File for the following specific amendments:

1. Amend section 2 of the bill, lines 22 to 27 by striking the new material and inserting:

*“; (6) three per cent thereof for expenditure by the State Board of Education for the Nebraska School for the Deaf and the Nebraska School for the Blind of which the first three hundred fifty thousand dollars thereof shall be expended on the Nebraska School for the Blind; and (8)”.*

2. Amend title to conform.

No objections. So ordered.

**MOTION—Change of Order**

Mr. President: I move that the following money bills be placed at the head of General File and considered in this order: LB 283, LB 429, LB 590, LB 487, LB 338, LB 4, LB 397, LB 238, LB 622, LB 687, LB 709, LB 127, LB 488, LB 606, LB 717, and LB 715. (Signed) Terry Carpenter

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

**UNANIMOUS CONSENT—Withdraw Bills**

Mr. Cooper requested unanimous consent to withdraw LB 315. No objections. So ordered.

Mr. Otto requested unanimous consent to withdraw LB 485. No objections. So ordered.

**UNANIMOUS CONSENT—Change of Order**

Mr. Stryker requested unanimous consent to add LB 454 to the list of bills for consideration on General File. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 283.** Considered.

The pending Syas specific amendments found in this Day's Journal were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 429.** Considered.

Mr. Simmons moved that LB 429 be indefinitely postponed.

Mr. Munnelly requested a record vote.

Voting in the affirmative, 25:

Aufenkamp	Fenske	Olinger	Stryker
Bridenbaugh	Gerdes	Peck	Swanson
Burbach	Hollenbeck	Pizer	Tews
Claussen	Liebers	Ruhnke	Thompson
Cooper	McHugh	Russillo	Webb
Diers	Nelson	Simmons	Williams
Donner			

Voting in the negative, 13:

Carpenter	Klaver	Munnelly	Skarda
Erlewine	Marvel	Orme	Syas
Fulton	Moulton	Portsche	Vosoba
Jensen			

Not voting, 5:

Adams	Lautenschlager	Otto	Romans
Bowen			

The Simmons motion prevailed and LB 429 was indefinitely postponed.

**President Burney Presiding**

**LEGISLATIVE BILL 590.** Read and considered.

Mr. Munnelly moved that the Standing Committee amendment found in the Legislative Journal for the Ninety-sixth Day be adopted.

Motion pending.

Laid over temporarily.

**LEGISLATIVE BILL 487.** Sections 1, 2, 3, 4, 5, and 6 read and considered.

Standing Committee amendments 1 and 2 found in the Legislative Journal for the Fifty-fifth Day were adopted.

**UNANIMOUS CONSENT—Executive Session**

Mr. Simmons requested unanimous consent for permission for the Judiciary Committee to meet in executive session at 1:30 p.m. today, May 26. No objections. So ordered.

**Visitors**

Mr. Munnelly introduced Sister Assumptia and nineteen pupils from Saint Adalbert School, Omaha.

**Recess**

At 12:00 o'clock noon, on a motion by Mr. Klaver, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Olinger and Peck who were excused.

**GENERAL FILE**

**LEGISLATIVE BILL 487.** Sections 7 through 17 and the title read and considered.

Standing Committee amendments 3, 4, and 5 found in the Legislative Journal for the Fifty-fifth Day were adopted.

Mr. Munnelly offered the following amendment which was adopted:

1. Amend Standing Committee Amendment 4, line 4, by striking "and" and inserting in lieu thereof "an".

Mr. Cooper offered the following amendment which was adopted with 18 ayes, 7 nays, and 18 not voting:

1. Amend the bill, section 10, page 20, line 20, after the word "commission" insert "and if licensees produce proof of publication from the official newspaper of the city or villages where license is held wherein he has caused to be published notice of intent to re-new retail license in the following form:

**NOTICE OF INTENT TO RENEW LIQUOR LICENSE**

Notice is hereby given that \_\_\_\_\_ have paid their  
name  
license and registration fees for automatic renewal of their license  
to sell beer and liquor for consumption On and Off the premises  
at \_\_\_\_\_ Street legally described as follows: Lots \_\_\_\_\_  
Addition.

That in accordance with Section 53-135, Revised Statutes of  
Nebraska, 1943, Reissue of 1959, Legislative Bill No. 487, Sixty-ninth  
Session of the Nebraska Legislature, automatic license will be  
granted unless the City Council or the Nebraska State Liquor  
Control Commission shall receive sufficient evidence to the con-  
trary within 30 days from \_\_\_\_\_; such evi-

Date Renewal Fee Paid

dence to be under oath either orally or by affidavit from any per-  
son, bearing upon the propriety of the automatic renewal of said  
license.

JOHN DOE, City Clerk"

**Members Excused**

Mr. McHugh was excused at 2:42 p.m. for the remainder of  
the day.

Messrs. Pizer and Thompson were excused for the remainder  
of the day.

Mr. Munnelly offered the following amendments which were  
adopted:

1. Amend the bill, section 17, lines 7 and 8 by striking "sec-  
tions 53-137 and 53-141" and inserting "section 53-137".

2. In the title, line 17, strike "sections 53-137 and 53-141" and  
insert "section 53-137".

Advanced to E and R for review.

**Member Excused**

Mr. Moulton was excused at 3:00 p.m. for the remainder of the  
day.

**LEGISLATIVE BILL 590. Considered.**

Mr. Burbach offered the following amendments which were  
adopted with 20 ayes, 2 nays, and 21 not voting:

1. Amend Standing Committee Amendment 1, section 1, lines 7 and 14 by inserting after "act" the following:

"; *Provided*, a permit shall not be required for a person who is employed not to exceed five days in any thirty day period", and line 23 by inserting after "provided" the following:

"; *Provided*, a permit shall not be required for a person who is employed not to exceed five days in any thirty day period".

2. Amend title to conform.

Standing Committee amendment found in the Legislative Journal for the Ninety-sixth Day was adopted as amended.

Advanced to E and R for review with 25 ayes, 2 nays, and 16 not voting.

**LEGISLATIVE BILL 338.** Read and considered.

Mr. Klaver moved that LB 338 be indefinitely postponed.

Motion pending.

**Mr. Stryker Presiding**

**MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) Kenneth L. Bowen

The motion lost with 10 ayes, 19 nays, and 14 not voting.

## **STANDING COMMITTEE REPORTS**

### **Education**

**LEGISLATIVE BILL 720.** Placed on General File as amended.

Standing Committee amendments to LB 720:

1. Amend the bill, Page 2, Section 1, Line 7 as follows: After the word "handicapped," add the word, "educable".

2. Amend the title to conform.

(Signed) George Syas, Chairman

### **Enrollment and Review**

**LEGISLATIVE BILL 655.** Correctly enrolled.

**LEGISLATIVE BILL 629.** Correctly enrolled.

LEGISLATIVE BILL 626. Correctly enrolled.  
LEGISLATIVE BILL 596. Correctly enrolled.  
LEGISLATIVE BILL 583. Correctly enrolled.  
LEGISLATIVE BILL 572. Correctly enrolled.  
LEGISLATIVE BILL 437. Correctly enrolled.  
LEGISLATIVE BILL 436. Correctly enrolled.  
LEGISLATIVE BILL 406. Correctly enrolled.  
LEGISLATIVE BILL 284. Correctly enrolled.  
LEGISLATIVE BILL 614. Correctly enrolled.  
LEGISLATIVE BILL 483. Correctly enrolled.  
LEGISLATIVE BILL 372. Correctly enrolled.  
LEGISLATIVE BILL 364. Correctly enrolled.  
LEGISLATIVE BILL 357. Correctly enrolled.  
LEGISLATIVE BILL 356. Correctly enrolled.  
LEGISLATIVE BILL 404. Correctly enrolled.  
LEGISLATIVE BILL 2. Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Burney Presiding**

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 655 LB 629 LB 626 LB 596 LB 583 LB 572 LB 437 LB 436 LB 406 LB 284 LB 614 LB 483 LB 372 LB 364 LB 357 LB 356 LB 404 LB 2

**Announcement**

President Burney announced that the members' postage allowance was ready to be picked up in the Post Office.

**Adjournment**

At 4:09 p.m., on a motion by Mr. Russillo, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**NINETY-NINTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Wednesday, May 27, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Erlewine and Gerdes who were excused.

**Corrections for the Journal**

Page 1803, line 25, correct the spelling of "striking".

The Journal for the Ninety-eighth Day was approved as corrected.

**Presented to the Governor**

Presented to the Governor for approval on May 27, 1959, at 8:15 a.m.: LB 655 LB 629 LB 626 LB 596 LB 583 LB 572  
LB 436 LB 406 LB 284 LB 614 LB 437 LB 483 LB 372  
LB 357 LB 364 LB 356 LB 2 LB 404

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 579.** Replaced on Select File as amended.

E and R amendment to LB 579:

1. In the title, line 11, insert "; and to provide an exception" before the period.

**LEGISLATIVE BILL 610.** Replaced on Select File as amended.

E and R amendments to LB 610:

1. Because of the McHugh Unanimous Consent Amendments, strike Standing Committee Amendments 1 and 2, the McHugh

General File Amendment 1, and Enrollment and Review Amendments 1 and 2 adopted May 12.

2. In the McHugh Unanimous Consent Amendment 2, line 3, strike "Section" and insert "Sec."

3. Strike the McHugh Unanimous Consent Amendment 3.

4. Add a new section to be known as section 3 and to read as follows:

"Sec. 3. That original section 35-502, Revised Statutes Supplement, 1957, is repealed."

**LEGISLATIVE BILL 653.** Placed on Select File as amended.

E and R amendments to LB 653:

1. Strike Standing Committee Amendment 1.

2. In section 1, line 11, strike "there" and insert "thereof" as in the statutes; in line 11 strike "Provided" and insert "and provided further"; also in line 11 insert ", as to any mortgage executed after the effective date of this act," after "that"; and strike lines 19 to 21.

3. In the title, line 10, strike "urban".

**LEGISLATIVE BILL 636.** Placed on Select File as amended.

E and R amendment to LB 636:

1. In the title, line 6, strike "board" and insert "boarding".

**LEGISLATIVE BILL 722.** Placed on Select File as amended.

E and R amendments to LB 722:

1. In Standing Committee Amendment 1, line 4, strike "as".

2. In the Carpenter General File Amendment 1, line 2, strike the semicolon and insert a comma.

3. In section 2, line 8, strike the comma.

4. In new section 3, line 3, strike "1" and insert "2"; in line 3 insert "hereby" after "is"; and in line 19 strike "successor" and insert "successors".

5. In the title, line 3, insert "to provide of what such fund shall consist;" after the semicolon; and in line 9 insert "to create an advisory committee and to provide for its composition and duties; to provide for the qualification, appointment, terms of



office, and compensation of the members of such committee;" after the semicolon.

**LEGISLATIVE BILL 88.** Correctly engrossed.

**LEGISLATIVE BILL 157.** Correctly re-engrossed.

**LEGISLATIVE BILL 428.** Correctly engrossed.

**LEGISLATIVE BILL 500.** Correctly engrossed.

**LEGISLATIVE BILL 504.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **UNANIMOUS CONSENT—Bills on Final Reading**

Mr. Fenske requested unanimous consent that bills scheduled for Final Reading tomorrow, May 28, be laid over until Monday, June 1. No objections. So ordered.

#### **SELECT FILE**

**LEGISLATIVE BILL 131.** E and R amendment found in the Legislative Journal for the Ninety-eighth Day was adopted.

Mr. Carpenter offered the following unanimous consent amendment:

1. Amend Jensen Unanimous Consent amendment of May 25 by inserting after "Parties" "or a head of any executive department".

Amendment pending.

Laid over until Monday, June 1, 1959, at the request of Mr. Jensen.

**LEGISLATIVE BILL 545.** E and R amendments found in the Legislative Journal for the Ninety-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 685.** E and R amendments found in the Legislative Journal for the Ninety-eighth Day were adopted.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 295.** E and R amendments found in the Legislative Journal for the Ninety-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 554.** E and R amendments found in the Legislative Journal for the Ninety-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 426.** E and R amendments found in the Legislative Journal for the Ninety-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 667.** E and R amendments found in the Legislative Journal for the Ninety-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 463.** E and R amendments found in the Legislative Journal for the Ninety-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 570.** E and R amendment found in the Legislative Journal for the Ninety-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 595.** E and R amendments found in the Legislative Journal for the Ninety-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 723.** E and R amendment found in the Legislative Journal for the Ninety-eighth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 549.** E and R amendments found in the Legislative Journal for the Ninety-eighth Day were adopted.

Advanced to E and R for engrossment.

**MOTION—Reconsider Action on LB 429**

Mr. President: I move that we reconsider our action of yesterday in indefinitely postponing LB 429. (Signed) David D. Tews

Mr. Tews requested a Call of the House.

A Call of the House was ordered and showed 40 members present.

Mr. Tews moved that the Call be raised. The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

Mr. Tews requested a record vote.

Voting in the affirmative, 16:

Adams	Lautenschlager	Munnelly	Syas
Donner	Liebers	Orme	Tews
Fulton	Marvel	Portsche	Thompson
Klaver	Moulton	Skarda	Vosoba

Voting in the negative, 19:

Aufenkamp	Diers	Olinger	Russillo
Bowen	Fenske	Otto	Simmons
Bridenbaugh	Hollenbeck	Peck	Swanson
Burbach	McHugh	Pizer	Webb
Claussen	Nelson	Romans	

Not voting, 8:

Carpenter	Erlewine	Jensen	Stryker
Cooper	Gerdes	Ruhnke	Williams

The Tews motion lost.

**Visitors**

Mr. Peck introduced Sister Harold and thirty students from Holy Family School, Lindsay.

**MOTION—Bills on General File**

Mr. President: I move that the following bills be considered as first order of business on General File: LB 338, LB 397, LB 238,

LB 622, LB 687, LB 709, LB 488, LB 717, LB 715, LB 454, LB 4, and LB 127. (Signed) Frank Nelson

The motion prevailed with 28 ayes, 0 nays, and 15 not voting.

### GENERAL FILE

#### LEGISLATIVE BILL 338. Considered.

The pending Klaver motion found in the Legislative Journal for the Ninety-eighth Day to indefinitely postpone was renewed for consideration.

#### Speaker Pizer Presiding

Mr. Claussen moved the previous question. The motion prevailed with 29 ayes, 4 nays, and 10 not voting.

Mr. Carpenter requested that the motion to indefinitely postpone be temporarily withdrawn in lieu of an amendment.

Mr. Ruhnke raised a point of order.

Mr. Carpenter moved that Mr. Klaver be permitted to withdraw his motion temporarily to indefinitely postpone.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 34:

Adams	Fulton	Munnelly	Stryker
Aufenkamp	Hollenbeck	Olinger	Swanson
Bridenbaugh	Jensen	Otto	Syas
Burbach	Klaver	Peck	Tews
Carpenter	Lautenschlager	Pizer	Thompson
Claussen	Liebers	Romans	Vosoba
Diers	Marvel	Simmons	Webb
Donner	McHugh	Skarda	Williams
Fenske	Moulton		

Voting in the negative, 6:

Bowen	Nelson	Ruhnke	Russillo
Cooper	Orme		

Not voting, 3:

Erlewine	Gerdes	Portsche
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The Carpenter motion prevailed.

**Member Excused**

Mr. Simmons was excused at 10:45 a.m. until 2:30 p.m.

Mr. Carpenter offered the following amendments:

1. Amend the bill by striking sections 1 to 22 and inserting in lieu thereof the following:

“Section 1. That Chapter 39, article 11, Revised Statutes Supplement, 1957, is repealed.”.

2. Amend the title to conform.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 14:

Adams	Fulton	Munnelly	Syas
Aufenkamp	Hollenbeck	Peck	Webb
Carpenter	Klaver	Skarda	Williams
Donner	Moulton		

Voting in the negative, 24:

Bowen	Fenske	Nelson	Ruhnke
Bridenbaugh	Jensen	Olinger	Russillo
Burbach	Lautenschlager	Orme	Swanson
Claussen	Liebers	Otto	Tews
Cooper	Marvel	Pizer	Thompson
Diers	McHugh	Romans	Vosoba

Not voting, 5:

Erlewine	Portsche	Simmons	Stryker
Gerdes			

The Carpenter amendments lost.

Mr. Klaver renewed his motion to indefinitely postpone.

Mr. Klaver requested a record vote.

Voting in the affirmative, 24:

Adams	Jensen	Orme	Stryker
Aufenkamp	Klaver	Otto	Syas
Carpenter	Liebers	Peck	Thompson
Claussen	Moulton	Portsche	Vosoba
Cooper	Munnelly	Ruhnke	Webb
Fenske	Olinger	Russillo	Williams

Voting in the negative, 16:

Bowen	Donner	Marvel	Romans
Bridenbaugh	Fulton	McHugh	Skarda
Burbach	Hollenbeck	Nelson	Swanson
Diers	Lautenschlager	Pizer	Tews

Not voting, 3:

Erlewine	Gerdes	Simmons
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The Klaver motion prevailed and LB 338 was indefinitely postponed.

#### **Visitors**

Mr. Tews introduced Mrs. Helda Robinson from San Jose, California.

Mr. Marvel introduced Ula Phelps, Ada Eavey, and Clara Dunn from Hastings.

#### **UNANIMOUS CONSENT—Change of Order**

Mr. Klaver requested unanimous consent that LB 397, LB 709, and LB 488 be considered on General File in that order. No objections. So ordered.

#### **President Burney Presiding**

#### **Member Excused**

Mr. Tews was excused at 11:15 a.m. for the remainder of the day.

#### **UNANIMOUS CONSENT—Executive Session**

Mr. Liebers requested unanimous consent for permission for the Budget Committee to meet in an executive session at 1:00 p.m. today, May 27. No objections. So ordered.

#### **GENERAL FILE**

**LEGISLATIVE BILL 397.** Considered.

Mr. Bridenbaugh renewed his pending motion to indefinitely postpone LB 397, found in the Legislative Journal for the Eighty-sixth Day.

The motion prevailed with 22 ayes, 13 nays, and 8 not voting

**Visitor**

Mr. Pizer introduced Mr. Ted Metcalfe, a former Lieutenant Governor.

**LEGISLATIVE BILL 709.** Considered.

Advanced to E and R for review.

**STANDING COMMITTEE REPORTS****Government**

**LEGISLATIVE BILL 719.** Placed on General File as amended.

Standing Committee amendments to LB 719:

1. Amend section 1 of the bill, line 21, by inserting "*of the State of Nebraska*" after the word "association", and striking lines 22 and 23 and inserting "(3) *secretary shall mean the Secretary of State*".

2. Amend the bill by striking the word "director" in section 4 lines 2, 4, 6, 7, and 23, section 5 lines 1 and 8, section 13 line 9, section 16 lines 1, 5, 8, and 37, section 18 line 3, and section 20 line 1, and inserting the word "*secretary*".

3. Amend the title to conform.

(Signed) Dwain Williams, Chairman

**Member Excused**

Mr. Portsche was excused for this afternoon, May 27.

**MOTION—Adjournment**

Mr. President: I move that when we adjourn today, we adjourn until Monday, June 1. (Signed) Terry Carpenter

Mr. Moulton moved that the Carpenter motion be amended to adjourn until 10:00 a.m. Monday, June 1.

The Moulton amendment lost with 16 ayes, 22 nays, and 5 not voting.

The Carpenter motion prevailed with 26 ayes, 12 nays, and 5 not voting.

**Recess**

At 11:54 a.m., on a motion by Mr. Pizer, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Erlewine, Gerdes, Portsche, and Tews who were excused, Mr. Simmons who was excused until 2:50 p.m., and Messrs. Fenske, Liebers, Marvel, Moulton, Pizer, Stryker, and Thompson who were excused until 3:00 p.m.

**STANDING COMMITTEE REPORTS****Salaries and Claims**

The Committee on Salaries and Claims recommends that the Legislature pay the following expenses in connection with the Fulton-Waldo recount election contest, to be paid from the Legislative Expenses.

**Claims:**

A. G. Kleman, City Clerk	\$ 44.68
Charles E. Dedrick, County Clerk	36.63
Capitol Printing Co., Tally Books	2.00
Fred Steinkamp, Jr. Dr., Delivering Ballots	8.00
Leora Chrastil, Checker	30.00
Fern Trabert, Checker	30.00
Mrs. John Glynn, Checker	30.00
Lillian Newell, Checker	30.00
Rose Golding, Checker	30.00
John Stewart, Checker	30.00
Total	<hr/> \$271.31

(Signed) John Aufenkamp, Chairman

**MOTION—Approve Report**

Mr. President: I move that the report of the Salaries and Claims Committee be approved. (Signed) John Aufenkamp

The motion prevailed.

**Visitors**

Mr. Bridenbaugh introduced Mr. and Mrs. Virgil Morris from South Sioux City.



**RESOLUTIONS****LEGISLATIVE RESOLUTION 40.** Re: Legislative Council Study of the State Railway Commission.

Introduced by Hal Bridenbaugh, 13th District; Edwin T. McHugh, 3rd District; and Ray C. Simmons, 11th District.

WHEREAS, the State Railway Commission is a department of state, created by an amendment to the Constitution adopted in 1906 and is charged with duties, both administrative and quasi-judicial in nature, which affect the rights and well-being of all citizens of the state, and,

WHEREAS, such duties have been constantly increasing during the fifty-three years which have expired since the creation of the State Railway Commission, and,

WHEREAS, a study should be made of the organization and functioning of the State Railway Commission in order to determine if changes should be made in order to bring about a more efficient and economical operation of the State Railway Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee of five members to make a comprehensive and detailed study of the organization and functioning of the State Railway Commission, and submit to the next regular session of the Legislature a complete report of its findings, together with its recommendations for changes and improvements.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Bridenbaugh requested unanimous consent that J. W. Burbach, 14th District, and John R. Cooper, 1st District, be added as co-introducers of LR 40. No objections. So ordered.

Referred to the Legislative Council Executive Board.

**GENERAL FILE**

**LEGISLATIVE BILL 488.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Eighty-fifth Day were adopted.

Mr. Jensen offered the following amendment which was adopted:

1. Amend the title of LB 488 to conform with the Standing Committee Amendments.

Mr. Burbach offered the following amendment which was adopted:

1. Amend the title of LB 488 to conform with the bill.

Advanced to E and R for review.

**LEGISLATIVE BILL 238.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 622.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 687.** Laid over.

**LEGISLATIVE BILL 717.** Laid over.

**LEGISLATIVE BILL 715.** Laid over.

#### **Member Excused**

Mr. McHugh was excused at 2:30 p.m. for a short period.

#### **Invitation**

Mr. Burbach announced that the dinner scheduled for this evening at the Compass Room has been postponed until Tuesday evening, June 9.

#### **GENERAL FILE**

**LEGISLATIVE BILL 454.** Laid over.

**LEGISLATIVE BILL 4.** Laid over.

**LEGISLATIVE BILL 127.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Eightieth Day were adopted.

Advanced to E and R for review.

**MESSAGE FROM THE GOVERNOR**

May 26, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 26, 1959, he approved LB 582, LB 621, LB 680, and LB 689.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**NOTICE OF COMMITTEE HEARINGS**

**Banking, Commerce and Insurance**

LB 721      Tuesday, June 2, 1959

2:00 p.m.

**UNANIMOUS CONSENT—Change of Order**

Mr. Ruhnke requested unanimous consent to consider LB 720 on General File at this time. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 720.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Ninety-eighth Day were adopted.

Advanced to E and R for review.

**UNANIMOUS CONSENT—Change of Order**

Mr. Cooper requested unanimous consent to consider LB 310 and LB 618 on General File at this time. No objections. So ordered.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 310.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Mr. Burbach offered the following amendment which was adopted:

1. Amend Section 1 of the bill, line 7, by striking "seven" and inserting "~~seven~~ eight".

Mr. Carpenter offered the following amendment:

1. Amend Standing Committee Amendment 3, by striking "*eight*" and insert "*ten*".

#### **MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) Terry Carpenter

The motion lost with 15 ayes, 20 nays, and 8 not voting.

#### **UNANIMOUS CONSENT—Withdraw LB 106**

Mr. Simmons requested unanimous consent to withdraw LB 106. No objections. So ordered.

#### **Visitors**

Mr. Donner introduced Paul Kelly, Teacher, and twenty-nine students from Albion School.

#### **President Burney Presiding**

#### **GENERAL FILE**

**LEGISLATIVE BILL 310.** Considered.

Mr. Stryker offered the following amendment which was adopted with 29 ayes, 10 nays, and 4 not voting:

1. Amend the Carpenter amendment to allow ten cents per mile in the county in which the sheriff is elected but the sheriff will be allowed eight cents per mile on all trips outside the county.

#### **Members Excused**

Messrs. Claussen, Simmons, and Romans were excused at 3:50 p.m. for the remainder of the day.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 20:

Adams	Liebers	Nelson	Stryker
Carpenter	Marvel	Peck	Syas
Cooper	McHugh	Pizer	Thompson
Fenske	Moulton	Russillo	Vosoba
Jensen	Munnelly	Skarda	Webb

Voting in the negative, 14:

Aufenkamp	Donner	Lautenschlager	Otto
Bridenbaugh	Fulton	Olinger	Ruhnke
Burbach	Hollenbeck	Orme	Swanson
Diers	Klaver		

Not voting, 9:

Bowen	Gerdes	Romans	Tews
Claussen	Portsche	Simmons	Williams
Erlewine			

The Carpenter amendment was adopted as amended.

Mr. Donner offered the following amendment which was adopted with 21 ayes, 11 nays, and 11 not voting:

1. Amend the bill to provide that counties may purchase and maintain the automobile used by the sheriff.

Mr. Cooper moved that LB 310 be advanced to E and R for review. Motion pending.

### Adjournment

At 4:15 p.m., on a motion by Mr. Fenske, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## ONE HUNDREDTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Monday, June 1, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Bowen and Hollenbeck who were excused.

**Corrections for the Journal**

Page 1816, line 20, delete "33.63" and insert "36.63".

Page 1816, line 30, delete "\$268.31" and insert "271.31".

The Journal for the Ninety-ninth Day was approved as corrected.

**Visitors**

Mr. Burbach introduced Mr. and Mrs. Laurence Frerichs, Susan, Luther, and Robert, from Bloomfield.

Mr. Thompson introduced Mr. Lloyd Riodan and two children.

Mr. Swanson introduced Mrs. John Dennis from Holdrege, and Mr. Robert Dyke and daughter, Cathy, from Lexington.

**Member Excused**

Mr. Bridenbaugh was excused for Tuesday, June 2.

**MESSAGES FROM THE GOVERNOR**

May 27, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 27, 1959, he approved LB 525, LB 643 and LB 692.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

May 29, 1959

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

Gentlemen and Mrs. Orme:

I have examined the provisions of L.B. 23 and have concluded that I cannot extend my approval to the same. Accordingly, I am herewith returning it to you without my signature.

The reasons for my disapproval are three fold:

(1) It would entail and authorize the licensing of an untold number of additional liquor outlets to the potential detriment of the general public;

(2) It would authorize the sale of liquor other than beer on Sunday; and

(3) In the issuance of additional licenses anticipated under this act, there is no opportunity for the governing body of the municipality in which applicant is located to state the position of such governing body with reference to such application.

Respectfully submitted,

(Signed) Ralph G. Brooks  
RALPH G. BROOKS, Governor

RGB:RBC

#### Communications

Letter from Carl Hayden, Chairman, United States Senate Committee on Appropriations, acknowledging receipt of Legislative Resolution 34.

Letter from George E. Wysong, Omaha, requesting legislation to eliminate the picketing practice by the Teamsters Union.

## STANDING COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 549.** Replaced on Select File as amended.

E and R amendment to LB 549:

1. In new section 3, line 2, strike "1959" and insert "1957".

**LEGISLATIVE BILL 652.** Replaced on Select File as amended.

E and R amendments to LB 652:

1. In new section 2, line 55, strike "small" and insert "installment".

2. In new section 12, line 83, strike "registered" and insert "either registered or certified"; and in lines 107 and 114 insert "either registered or" before "certified".

**LEGISLATIVE BILL 247.** Replaced on Select File as amended.

E and R amendments to LB 247:

1. In the Ruhnke General File Amendment 1, line 6, strike "*meet the standards*" and insert "*comply with the rules and regulations*".

2. In the title, strike line 5 as amended and insert "State Board of Education in the establishment of rules and regulations for prescribed purposes; to require the approval of high schools for the collection of free high school tuition money on prescribed conditions; and".

**LEGISLATIVE BILL 349.** Placed on Select File as amended.

E and R amendments to LB 349:

1. In section 1, lines 5, 8, 11, 14, 18, and 21, strike the period and insert a semicolon; and in line 25 strike the period and insert ";; and".

2. Strike "resident" and insert "registered" in: section 7, lines 3, 5, and 7; section 8, lines 1, 2, 6, 7, 8, 10, 11, 12, 13, 14, twice in line 24, 26, and 30; section 9, line 1; section 12, line 4; section 24, line 5; section 28, lines 12 and 13; section 29, line 19; section 35, line 19; section 50, lines 11 and 13; section 51, lines 13, 23, 25, 30, and 32; section 52, line 14; section 53, line 29; and section 70, lines 2 and 3.



3. In section 20, line 21, strike "amend" and insert "amending".
4. In section 22, line 10, strike "and" and insert "any".
5. In section 40, line 1, insert "(1)" before "Upon"; in line 7 strike "(1)" and insert "(a)"; in line 8 strike "(2)" and insert "(b)"; in line 10 strike "(a)" and insert "(i)"; in line 15 strike "(b)" and insert "(ii)"; in line 18, strike "(3)" and insert "(c)"; in line 24 insert "(2)" before "Duplicate"; in line 30 strike "(1)" and insert "(a)"; in line 33 strike "(2)" and insert "(b)"; in line 35 strike "(3)" and insert "(c)"; and in line 38 insert "(3)" before "The".
6. In section 44 insert "(3)" before "Upon" in line 23.
7. In section 47 insert "(3)" before "Upon" in line 26.
8. In section 53, line 27, strike "subsections" and insert "subdivisions".
9. In section 54, line 57, insert a comma after "liquidation".
10. In section 77, line 1, insert "(1)" before "The"; in lines 5, 9, 12, 16, 20, 22, and 25, strike "(1)", "(2)", "(3)", "(4)", "(5)", "(6)", and "(7)" respectively and insert "(a)", "(b)", "(c)", "(d)", "(e)", "(f)", and "(g)" respectively; in line 11 strike "or"; and in line 29 insert "(2)" before "No".
11. In section 79, line 5, strike ". Nor" and insert ", nor".
12. In section 80, strike "said" in line 1.
13. Because of the enactment of Legislative Bill 231, in section 93, line 3, strike "21-1528, and 21-1529" and insert "and 21-1528".
14. In the title, lines 12 and 13, strike "21-1528, and 21-1529" and insert "and 21-1528".

**LEGISLATIVE BILL 633.** Placed on Select File as amended.

E and R amendments to LB 633:

1. In section 4, line 12, strike "(1) state" and insert "state (1)".
2. In section 5, line 14, strike the comma.
3. In section 6, line 6, strike the comma after "tion" and insert a comma after "thereto"; and in line 11 insert a comma after "property" in each instance.
4. In section 7, line 5, strike the comma; and in line 9 insert a comma after "property" in each instance.

5. In section 9 insert a comma after "property" in line 12 and also in line 13.

6. In section 12, line 11, strike "Such bonds" and insert "Each such bond".

7. In new section 15, line 26, strike the comma after "and".

8. In section 18, insert a comma after "shall" in line 1, after "year" in line 2, and after "property" in each of lines 8 and 9.

9. In new section 21, line 34, strike "to".

10. In the title, line 10, strike "saving" and insert "savings".

**LEGISLATIVE BILL 700.** Placed on Select File as amended.

E and R amendment to LB 700:

1. In the title, line 10, insert "and" after the semicolon.

**LEGISLATIVE BILL 625.** Placed on Select File.

**LEGISLATIVE BILL 704.** Placed on Select File.

**LEGISLATIVE BILL 699.** Placed on Select File.

**LEGISLATIVE BILL 698.** Placed on Select File.

**LEGISLATIVE BILL 635.** Placed on Select File.

**LEGISLATIVE BILL 295.** Correctly re-engrossed.

**LEGISLATIVE BILL 322.** Correctly engrossed.

**LEGISLATIVE BILL 426.** Correctly engrossed.

**LEGISLATIVE BILL 463.** Correctly engrossed.

**LEGISLATIVE BILL 545.** Correctly engrossed.

**LEGISLATIVE BILL 570.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **MOTION—Bills in Committees**

Mr. President: I move that all bills in Committees not reported out to the Legislature as advanced to General File or indefinitely postponed by Tuesday, June 9, 1959, shall be considered as indefi-

nitely postponed, except the two Budget Bills and the Salaries and Claims Bills. (Signed) Sam Klaver

The motion prevailed with 29 ayes, 7 nays, and 7 not voting.

### Visitors

Mr. Carpenter introduced Mrs. W. E. Skinner from Scottsbluff.

Mr. Lautenschlager introduced Mrs. Stull and daughter from Grand Island.

Mr. Fulton introduced Jim Grafengetter and Gene Gage from Beatrice.

Mr. Claussen introduced Miss Slyia Rozmarin and Miss Rosalind Mohnsen from Leigh.

### BILLS ON FINAL READING

**LEGISLATIVE BILL 646.** Laid over.

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 396.

A bill for an act to amend section 8-136, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10, Legislative Bill 405, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to banks and banking; to change the reserves required to be carried by commercial banks against time deposits evidenced by certificates of deposit; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Bowen                      Carpenter                      Hollenbeck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 410.** Laid over until Wednesday, June 3, 1959, at the request of Mr. Marvel.

**LEGISLATIVE BILL 573.**

A bill for an act to amend section 25-1601, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 78, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 35-101, Revised Statutes Supplement, 1957, relating to volunteer firemen; to provide an exemption from any city or village poll tax; to provide that retired volunteer firemen may claim exemption from serving upon all grand and petit juries and juries in justice of peace courts; to provide that persons who received certificates of exemption for five years service prior to September 20, 1957, shall be entitled to all exemptions theretofore enjoyed by holders of such certificates; and to repeal the original sections.

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

Voting in the affirmative, 40:

Aufenkamp	Fulton	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Donner	McHugh	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fenske	Munnely	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Adams                      Bowen                      Hollenbeck

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 628.**

A bill for an act to amend sections 60-534 and 60-549, Reissue Revised Statutes of Nebraska, 1943, and section 60-509, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 137, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 60-501, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 137, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the Motor Vehicle Safety Responsibility Act; to increase the limits of liability policies and corporate surety bonds, as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 39:

Aufenkamp	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske	Munnelly	Simmons	

Voting in the negative, 1:

Romans

Not voting, 3:

Adams	Bowen	Hollenbeck
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 686.** With emergency.

A bill for an act to amend sections 37-208, 37-501, 37-506, and 37-509, Reissue Revised Statutes of Nebraska, 1943, and sections 37-204, 37-211, 37-214.01, and 37-610, Revised Statutes Supplement, 1957, and section 37-213, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 149, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to game and fish; to change the fees for nonresident fishing permits; to provide for

the confiscation of permits illegally used or obtained; to prohibit use by a nonresident of a resident permit illegally obtained; to reduce the period for obtaining of a resident permit by military personnel; to prohibit the stirring up of game from boats; to remove certain restrictions on the transportation of game; to remove certain restrictions on the taking of fish for propagation purposes and the stocking of fish; to provide for the deposit of certain receipts in the State Game Fund; to provide for special permits for the taking of game animals on the State Wild Game Preserve and the manner of issuance of such permits; to prohibit the waste of killed, captured, or destroyed game and to require the sanitary disposal thereof; to make certain acts unlawful; to provide penalties; to repeal the original sections and also section 37-409, Reissue Revised Statutes of Nebraska, 1943; 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	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Olinger	Skarda
Bridenbaugh	Gerdes	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Ruhnke	Williams
Erlewine	Moulton	Russillo	

Voting in the negative, 1:

Nelson

Not voting, 3:

Bowen	Hollenbeck	Thompson
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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.

### Visitors

Mr. Moulton introduced Mr. John McArinn, Principal, Mrs. Etta Murphy and Mrs. Virginia Hovet, Teachers, and sixty students from Ashland Park School, Omaha.

Mr. Webb introduced his wife and Mr. and Mrs. C. O. Webb from Fort Worth, Texas.

Mr. Gerdes introduced Mr. and Mrs. Garould Fairhead, Jeana, Gary, and Leigh, and Mr. and Mrs. Gene Gerdes.

### SELECT FILE

#### LEGISLATIVE BILL 131.

Mr. Carpenter moved that the rules be suspended to permit further amendment of LB 131.

The motion lost with 28 ayes, 0 nays, and 15 not voting.

Mr. Syas moved to reconsider the action on the Carpenter motion to suspend the rules.

The Syas motion prevailed with 28 ayes, 0 nays, and 15 not voting.

#### Speaker Pizer Presiding

The Carpenter motion prevailed with 29 ayes, 0 nays, and 14 not voting.

The pending Carpenter amendment found in the Legislative Journal for the Ninety-ninth Day was adopted by unanimous consent.

Mr. Jensen offered the following amendment which was adopted by unanimous consent:

1. Amend the bill, section 4, line 1, by striking the word "shall" and inserting in lieu thereof "may".

Mr. Klaver moved that LB 131 be indefinitely postponed.

Mr. Ruhnke moved the previous question. The motion prevailed with 34 ayes, 2 nays, and 7 not voting.

Mr. Klaver requested a Call of the House.

A Call of the House was ordered and showed 38 members present.

Mr. Klaver moved that the Call be raised. The motion prevailed with 38 ayes, 0 nays, and 5 not voting.

The Klaver motion prevailed with 23 ayes, 17 nays, and 3 not voting, and LB 131 was indefinitely postponed.

**Visitors**

Mr. Donner introduced Mrs. Elmer Harder from Albion.

Mr. Munnely introduced thirteen teachers and two hundred students from Saints Peter and Paul School, Omaha.

**MESSAGE FROM THE GOVERNOR**

May 28, 1959

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

State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

This letter is to request permission of your honorable body to introduce legislation whereby the salaries of state officers and employees will be paid on a semi-monthly basis.

For several weeks, a study has been underway at the principal instance of our able State Treasurer, Richard R. Larsen, to evaluate salary-paying procedures of the State of Nebraska. As a result of that study, it is believed that the convenience of the employees and the best interests of the State can be served economically by paying state employees on a semi-monthly basis.

While it is realized that it is late in the legislative session, and I dislike to trouble you with additional legislation, nevertheless, it is believed that, in the interest of our employees, this matter merits your prompt and effective consideration and attention.

I am informed that adoption of this legislation will require amendments to LB 72 and LB 74 in order to achieve the maximum degree of consistency, but I am confident that these amendments can be inserted during your consideration of these two legislative proposals.

I recommend the instant legislation to you and urge you to adopt it with all possible dispatch.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:sn



**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 725.** By Hans O. Jensen of Legislative District 25, Richard D. Marvel of Legislative District 31, Joe T. Vosoba of Legislative District 23, and David D. Tews of Legislative District 15, upon recommendation of the Governor.

A bill for an act to amend sections 24-201.01, 24-301.01, 48-605, 49-703, 55-141, 55-144, 71-2301, 72-201, 75-105, 80-401.02, 81-103, 81-148, 83-104, 83-106, 83-127, 84-206, 84-314, 84-509, 84-608, and 84-721, Reissue Revised Statutes of Nebraska, 1943, and sections 8-101, 8-103, 24-703, 50-112, and 53-112, Revised Statutes Supplement, 1957, relating to salaries of state officers and employees; to provide for the payment of salaries for the officers and employees of the state as prescribed on a bimonthly basis; and to repeal the original sections.

**Visitors**

Mr. Vosoba introduced Paul Nivoh from Wilber and Fat Flitner from Cheyenne.

**President Burney Presiding****SUSPEND RULES—Refer LB 725**

Mr. President: I move that the rules be suspended and that LB 725 be referred to the Government Committee. (Signed) William Moulton

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 579.** E and R amendment found in the Legislative Journal for the Ninety-ninth Day was adopted.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 610.** E and R amendments found in the Legislative Journal for the Ninety-ninth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 653.** E and R amendments found in the Legislative Journal for the Ninety-ninth Day were adopted.

Mr. Stryker moved that LB 653 be indefinitely postponed.

The motion lost with 5 ayes, 30 nays, and 8 not voting.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 636.** E and R amendment found in the Legislative Journal for the Ninety-ninth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 722.** E and R amendments found in the Legislative Journal for the Ninety-ninth Day were adopted.

Mr. Olinger requested unanimous consent that the Carpenter amendment adopted on May 25, 1959, be stricken. No objections. So ordered.

Advanced to E and R for engrossment.

#### **UNANIMOUS CONSENT—Time of Hearing**

Mr. Williams requested unanimous consent for permission to schedule the public hearing on LB 725 at 1:15 p.m. rather than 2:00 p.m. No objections. So ordered.

#### **NOTICE OF COMMITTEE HEARINGS**

##### **Government**

LB 725      Monday, June 8, 1959

1:15 p.m.

#### **UNANIMOUS CONSENT—Change of Order**

Mr. Carpenter requested unanimous consent that LB 719 be the first order of business on General File Thursday, June 4, 1959. No objections. So ordered.

#### **MOTION—Flowers**

Mr. President: I move that flowers be sent to the funeral of H. P. Caldwell, a former member of the Legislature. (Signed) John P. Munnelly

The motion prevailed.

**GENERAL FILE**

**LEGISLATIVE BILL 310.** Bracketed at the request of Mr. Cooper.

**LEGISLATIVE BILL 537.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-third Day were adopted.

Mr. Stryker offered the following amendment which was adopted:

1. Amend the bill, renumbered section 16, line 33, by striking "fifty-five per cent" and inserting "*a majority*".

Mr. Stryker offered the following amendments which were adopted:

1. Amend renumbered section 2, line 27, by adding after the semicolon the following language, "*when a proposed district contains part or all of two or more counties, at least one-fourth of the directors shall reside in any county which contains as much as one-fourth of the area that lies within the boundaries of such district,*".

2. Amend renumbered section 7 (original section 6), line 25, by adding the following at the end of the section, "*If the proposed district contains part or all of two or more counties, the boundaries of the district shall not include the land in any county, which contains as much as one-fourth of the area that lies within the proposed district, unless a majority of the votes cast by electors from that county favored the formation of the district; but the formation of the district may proceed as to the remainder of the proposed district where the required majority of favorable votes was cast.*"

Mr. Liebers offered the following amendment which was adopted:

1. Amend the bill, renumbered section 7, line 3, by striking "fifty-five per cent" and inserting "*a majority*".

Mr. Liebers offered the following amendments which were adopted:

1. Amend the bill, renumbered section 11, line 9, by striking "not".

2. Amend the bill, renumbered section 14, line 7, by adding at the end of the line "*political subdivisions,*"; further amend the section, line 19, by striking "*or*"; further amend the section, line 22, after "31-801" by adding the following "*or (4) to hold and save*

*the United States or others free from damages due to any construction works that may be undertaken."*

Mr. Liebers offered the following amendment which was adopted:

1. Add the emergency clause and amend the title to conform.  
Advanced to E and R for review.

#### **Member Excused**

Mr. Marvel was excused for this afternoon, June 1.

#### **Recess**

At 12:05 p.m., on a motion by Mr. Tews, the Legislature recessed until 2:00 p.m.

#### **After Recess**

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

The roll was called and all members were present except Messrs. Bowen, Hollenbeck, and Marvel who were excused, and Messrs. Burbach, Carpenter, and Otto who were excused until 2:45 p.m.

#### **GENERAL FILE**

**LEGISLATIVE BILL 584.** Laid over.

**LEGISLATIVE BILL 678.** Laid over temporarily.

**LEGISLATIVE BILL 362.** Considered.

Mr. Tews offered the following amendment which was adopted:

1. Amend the bill, Section 1, line 20, by inserting after the word "including" the following: "permits, certificates of public convenience and necessity, franchises, rate orders, and".

Messrs. Simmons and Vosoba offered the following amendment which was adopted:

1. Amend the bill, Section 1, page 2, line 8 by inserting after the word "courts" the following: ", including the Nebraska Workmen's Compensation Court".

Sections 2 through 11 and the title read and considered.

Standing Committee amendment found in the Legislative Journal for the Seventieth Day was adopted.

Advanced to E and R for review.

#### **Visitors**

Mr. Webb introduced Sidney and Lottie Cornell from Lincoln.

**LEGISLATIVE BILL 4.** Laid over.

**LEGISLATIVE BILL 528.** Laid over.

**LEGISLATIVE BILL 420.** Laid over.

**LEGISLATIVE BILL 611.** Laid over.

**LEGISLATIVE BILL 607.** Laid over.

**LEGISLATIVE BILL 578.** Laid over.

**LEGISLATIVE BILL 588.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Sixty-eighth Day was adopted.

#### **President Burney Presiding**

Mr. Moulton moved that LB 588 be indefinitely postponed.

Mr. Stryker moved the previous question. The motion prevailed with 19 ayes, 11 nays, and 13 not voting.

The Moulton motion prevailed with 25 ayes, 14 nays, and 4 not voting and LB 588 was indefinitely postponed.

#### **Visitors**

Mr. Swanson introduced Cal Ward, County Agent, Erick Erickson, Leader, and twelve 4-H Club members from Holdrege and two sponsors.

**LEGISLATIVE BILL 678.** Considered.

#### **Speaker Pizer Presiding**

Mr. Carpenter moved the adoption of his pending amendments found in the Legislative Journal for the Ninety-second Day.

**Member Excused**

Mr. Donner was excused at 3:45 p.m. for the remainder of the day.

Mr. Stryker moved the previous question. The motion prevailed with 22 ayes, 9 nays, and 12 not voting.

The Carpenter amendments were rejected with 15 ayes, 23 nays, and 5 not voting.

Advanced to E and R for review with 26 ayes, 9 nays, and 8 not voting.

**Visitors**

Mr. Swanson introduced Mr. and Mrs. Wayne Smith, Kay, Sally, and Sandra from Cozad.

**STANDING COMMITTEE REPORTS****Judiciary**

**LEGISLATIVE BILL 462.** Placed on General File as amended.

Standing Committee amendments to LB 462:

1. Amend section 4 of the bill, line 62, by inserting after "paper" the following:

*"; and except further, that said clerk shall be entitled to a fee of ten dollars for making a complete record of a case, said fee to be taxed as a part of the costs of the case".*

2. Amend the title to conform.

(Signed) Ray C. Simmons, Chairman

**Adjournment**

At 4:15 p.m., on a motion by Mr. Cooper, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**ONE HUNDRED-FIRST DAY**

---

Legislative Chamber, Lincoln, Nebraska  
Tuesday, June 2, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Bowen and Bridenbaugh who were excused.

**Corrections for the Journal**

Page 1822, line 13, delete "271.31" and insert "\$271.31".

Page 1832, insert "(Signed) Ralph G. Brooks" between lines 33 and 34.

The Journal for the One Hundredth Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

June 1, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on May 29, 1959, he approved LB 284, LB 356, LB 357, LB 364, LB 372, LB 406, LB 436, LB 483, LB 572, LB 614, LB 626, LB 629 and LB 655, and LB 596.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**MOTION—Point of Personal Privilege**

Mr. President: I move that I be permitted to proceed for not to exceed ten minutes under a point of personal privilege. (Signed) Terry Carpenter

The motion prevailed with 25 ayes, 8 nays, and 10 not voting.

**Communications**

Telegram from Dr. Benjamin Schwartz, Chairman of the Community and Civic Relations Committee and Rev. Walter Daniels, Executive Secretary of the Omaha Area Council of Churches, in protest against overriding the Governor's veto of the bottle club bill.

Letter from E. L. Peterson, Assistant Secretary, Department of Agriculture, Washington, D. C., acknowledging receipt of LR 34.

Letter from the Madison County Clerk, A. R. Boysen, opposing LB 705.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 693.** Placed on Select File as amended.

E and R amendment to LB 693:

1. In section 1, line 14, strike "of" and insert "or" as in the statutes.

**LEGISLATIVE BILL 1.** Placed on Select File as amended.

E and R amendments to LB 1:

1. Add a new section to be known as section 2 and to read as follows:

"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. In the title, line 4, insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 675.** Placed on Select File as amended.

E and R amendment to LB 675:



1. In the title, line 6, strike "not" and in lines 7 and 8 strike "or being locally taxed in Nebraska" and insert "and not paying a tax under the proration laws of this state".

**LEGISLATIVE BILL 696.** Placed on Select File as amended.

E and R amendment to LB 696:

1. In section 1, lines 50, 59, 63, and 66, strike "Account" and insert "Fund".

**LEGISLATIVE BILL 281.** Placed on Select File as amended.

E and R amendments to LB 281:

1. The amendments proposed by renumbered section 11, having already been made by Legislative Bill 279, strike renumbered section 11 and re-number renumbered sections 12 and 13 as sections 11 and 12 respectively.

2. Because of the enactment of Legislative Bill 279, strike renumbered sections 14 to 19 and re-number renumbered sections 20 and 21 as sections 13 and 14 respectively.

3. In section 7, line 10, strike the comma; and insert "and" at the end of line 20.

4. In renumbered section 13, line 1, strike "25" and insert "13".

5. For correlation purposes, in renumbered section 9, line 2, insert "as amended by section 10, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; strike the stricken matter in lines 3 to 5, 10 and 11, 27, 30, 31, 32, and 44; and remove underscoring from lines 5 and 6, 11, 27 and 28, 31, 32, and 44.

6. For correlation purposes, in renumbered section 10, line 2, insert "as amended by section 11, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; strike the stricken matter in lines 3, 4 and 5, and 6; and remove underscoring from lines 3 and 4 and 6 and 7.

7. For correlation purposes, in renumbered section 11, line 2, insert "as amended by section 9, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; strike lines 3 to 16 and insert:

"83-107.01. From and after August 10, 1945, the official names of the state institutions under the supervision of the Board of Control shall be as follows: (1) Nebraska School for the Blind, (2) Beatrice State Home, (3) (2) Nebraska Orthopedic Hospital, (4)

(3) Lincoln State Hospital, (5) (4) Norfolk State Hospital, (6) (5) Hastings State Hospital, (7) (6) Nebraska Soldiers' and Sailors' Home, (9) (7) State Penitentiary, (9) (8) Boys' Training School, (10) (9) Girls' Training School, (11) (10) Nebraska Psychiatric Institute, (12) (11) Nebraska Hospital for the Tuberculous, (12) (12) State Reformatory for Women, (14) (13) Home for Children, and (15) (14) State Reformatory."

8. For correlation purposes, in renumbered section 12, line 2, insert "as amended by section 13, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; in line 5 strike "Nebraska School for the Deaf,"; and strike the stricken matter in line 8.

9. Strike renumbered section 14 and all amendments thereto, and insert:

"Sec. 14. That original sections 83-203 and 83-210, Reissue Revised Statutes of Nebraska, 1943, section 43-601, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 43-602, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-107.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 9, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 83-108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 13, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, and also section 43-603, Reissue Revised Statutes of Nebraska, 1943, as amended by section 12, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 14, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-202, Reissue Revised Statutes of Nebraska, 1943, as amended by section 15, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-205, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-206, Reissue Revised Statutes of Nebraska, 1943, as amended by section 17, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-208, Reissue Revised Statutes of Nebraska, 1943, as amended by section 18, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 83-209, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed."

10. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT to amend sections 83-203 and 83-210, Reissue Revised Statutes of Nebraska, 1943, section 43-601, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 43-602, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-107.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 9, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 83-108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 13, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to state institutions; to"; in lines 10 and 11 strike "between the ages of five and" and insert "from birth to age"; in line 11 strike "years"; in lines 18 and 19 strike "to eliminate obsolete provisions therein;"; and in line 21 insert "and also section 43-603, Reissue Revised Statutes of Nebraska, 1943, as amended by section 12, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 14, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-202, Reissue Revised Statutes of Nebraska, 1943, as amended by section 15, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-205, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-206, Reissue Revised Statutes of Nebraska, 1943, as amended by section 17, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-208, Reissue Revised Statutes of Nebraska, 1943, as amended by section 18, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 83-209, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959" before the period.

**LEGISLATIVE BILL 590.** Placed on Select File as amended.

E and R amendments to LB 590:

1. In new section 1, line 18, insert a comma after "(7)"; insert a comma at the end of line 20; in line 21 insert a comma after "brewer"; and in line 23 strike "hereinafter provided" and insert "provided in this act".

2. In new section 2, strike the first sentence and insert "Application for the permit required by this act shall be made to the Nebraska Liquor Control Commission and shall be accompanied by an annual fee of two dollars."

3. In new section 4, line 5, strike "herein provided" and insert "provided in this act".

4. In new section 5, line 3, insert ", which fund is hereby created" after "Fund".

5. In new section 6, line 1, strike the comma; and in line 2 insert a comma after "Act".

6. In the title, line 2, strike "provide for the licensing" and insert "require permits"; in lines 7 and 8 strike "licenses; to provide penalties; and" and insert "permits; to create the Liquor Permit Control Fund and prescribe the use thereof; to provide for the administration of this act;"; and in line 9 insert "; and to provide the effect of statements and answers in applications" before the period.

**LEGISLATIVE BILL 709.** Placed on Select File.

**LEGISLATIVE BILL 488.** Placed on Select File as amended.

E and R amendments to LB 488:

1. In section 1, line 10, strike "Nebraska", showing the same as stricken; and in line 12, after "rules", insert a stricken comma as in the statutes.

2. Strike Standing Committee Amendment 1.

3. Strike the new matter in section 1, lines 49 to 61, and insert *"It shall be the duty of the supervisor of public warehouses, subject to the supervision of the State Railway Commission, employees of the Division of Motor Fuels of the Department of Agriculture and Inspection at ports of entry, weighing station employees of the Department of Roads, and other law enforcement agencies to enforce the provisions of this section. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment, and in addition shall be liable for any damages suffered by any person as a result of such violation. It shall be the duty of the Attorney General or any county attorney, upon request of the commission, to assist in the prosecution of any such violations."*

4. Add a new section to be known as section 3 and to read as follows:

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

5. In the title, strike lines 4 to 8 and insert "warehouses; to provide a penalty for violation of such section; to provide duties for certain officers; to provide for liability; to repeal the original section; and to declare an emergency."

**LEGISLATIVE BILL 303.** Correctly engrossed.

**LEGISLATIVE BILL 595.** Correctly engrossed.

**LEGISLATIVE BILL 723.** Correctly engrossed.

**LEGISLATIVE BILL 396.** Correctly enrolled.

**LEGISLATIVE BILL 573.** Correctly enrolled.

**LEGISLATIVE BILL 628.** Correctly enrolled.

**LEGISLATIVE BILL 686.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 396 LB 573 LB 628 LB 686

#### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 41.** Re: Legislative Council Study of Present and Proposed Methods of Taxing Livestock.

Introduced by Hans O. Jensen, 25th District; Arnold Ruhnke, 22nd District; and George C. Gerdes, 41st District.

WHEREAS, the people of this state have provided by Constitutional Amendments various methods of taxing personal property, and

WHEREAS, by such provisions of the Constitution, the Legislature has enacted laws whereby motor vehicles and grain are taxed on a more equitable basis.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to make a study of the present and proposed methods of taxing livestock and recommend to the next regular session of the Legislature any desirable changes which will provide for a better or more equitable basis of taxing livestock.

Referred to the Legislative Council Executive Board.

**LEGISLATIVE RESOLUTION 42.** Re: In Memory of Harold P. Caldwell.

Introduced by John P. Munnelly, 8th District; William R. Skarda, Jr., 7th District; Sam Klaver, 6th District; George Syas, 4th District; William Moulton, 10th District; John Adams, Sr., 5th District; and Michael P. Russillo, 9th District.

Harold P. Caldwell, a member of the Nebraska House of Representatives for the year 1925, died in Omaha, Nebraska, on May 31, 1959. After graduation from Creighton College of Law, he practiced law in Omaha until his untimely death. He served a short time as Attorney General of Nebraska in 1951. He was a former Omaha police commissioner. He was a member of the American Legion, 40 and 8, and the Knights of Columbus. He leaves a wife, a daughter, three brothers and a sister to mourn his death.

WHEREAS, it is the desire of this body to pay tribute to the memory of our beloved colleague.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That we pause for a moment in our deliberations and stand in humility and reverence in honor of our departed member, Harold P. Caldwell, who served so loyally and ably as a member of the Nebraska State Legislature.

2. That the Clerk of the Legislature be directed to spread at large on the Legislative Journal this resolution, and that a copy of said resolution, properly authenticated and suitably engrossed, be sent by the Clerk to the bereaved family of our departed colleague, as an expression of our respect for the deceased, and our sympathy for the bereaved.

**SUSPEND RULES—Adopt LR 42**

Mr. President: I move that the rules be suspended and that LR 42 be adopted. (Signed) Sam Klaver

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

The members stood for a moment in silent tribute.

### Visitors

Mr. Lautenschlager introduced Mr. and Mrs. Harry F. Brown from Seattle, Washington.

### BILLS ON FINAL READING

**LEGISLATIVE BILL 646.** Laid over.

### UNANIMOUS CONSENT—Return LB 685 to Select File

Mr. Carpenter requested unanimous consent that LB 685 be returned to Select File for the following specific amendments. No objections. So ordered.

1. Amend the bill by striking Unanimous Consent Amendment 3, adopted May 22, 1959, and inserting in lieu thereof the following:

*"Sec. 2. Each corporation organized or domesticated under the laws of this state shall file a return so that the assessor may determine whether or not its shares have a value for purposes of taxation, and as a part of such return shall attach a statement to its schedule showing the financial condition of the corporation. Each corporation required to report according to the provisions of this section shall attach a statement to its schedule showing the financial condition of the corporation according to its books at the close of the most recent fiscal year, which statement shall be kept by the assessor in a place where only taxing officials may have access thereto."*

2. Amend the title to conform.

### SELECT FILE

**LEGISLATIVE BILL 685.** The pending Carpenter specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 549.** E and R amendment found in the Legislative Journal for the One Hundredth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 652.** E and R amendments found in the Legislative Journal for the One Hundredth Day were adopted.

Advanced to E and R for engrossment with 34 ayes, 0 nays, and 9 not voting.

**LEGISLATIVE BILL 247.** E and R amendments found in the Legislative Journal for the One Hundredth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 349.** E and R amendments found in the Legislative Journal for the One Hundredth Day were adopted.

Advanced to E and R for engrossment.

#### Visitors

Mrs. Orme introduced Mr. Caspar F. Cowan from Portland, Maine.

President Burney introduced his wife and Mrs. Tom Dooley.

**LEGISLATIVE BILL 633.** E and R amendments found in the Legislative Journal for the One Hundredth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 700.** E and R amendment found in the Legislative Journal for the One Hundredth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 625.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 704.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 699.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 698.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 635.** Advanced to E and R for engrossment.



**Visitors**

Mrs. Orme introduced Mrs. G. E. Meeks, Teacher, and thirty-five students from Lincoln Southeast School.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Judiciary be permitted to introduce a bill, the purpose for which is contained in the attached statement. (Signed) Ray C. Simmons, Chairman

**STATEMENT—Introduce Bill**

This proposed bill is a uniform act adopted by several states and relates to the disposition of unclaimed property and is intended to cover all of the field of escheat which is now limited to estates of heirless decedents.

It brings under State jurisdiction such items as excess funds of dissolved corporations; unclaimed bank deposits; abandoned safe deposit boxes; unclaimed insurance benefits; undeliverable public utility deposit refunds and excess rate refunds; abandoned cashiers checks and travelers checks; ownerless shares of stocks with dividends; escrow funds; abandoned trust accounts and all other property to which the rightful owner has not made claim.

Procedure is set forth requiring holders of property in their possession that is unclaimed for a certain length of time to make report thereof and to pay the same into the state treasury by which the holder is relieved of all liability. The state holds the funds, provision is made for notice and other safeguards of due process, and payment may be made to the rightful owner after proof.

The state may use the unclaimed funds pending the claim of the rightful owner.

The bill follows the report of the National Conference of Uniform Law Commissioners and has been adopted by New York, Michigan, Massachusetts, Pennsylvania, Arizona, Utah, Oregon and Washington.

Permission to introduce the bill granted with 30 ayes, 1 nay, and 12 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 726.** By Committee on Judiciary, Ray C. Simmons, 11th District, Chairman.

A bill for an act relating to the disposition of unclaimed property and making uniform the law with reference thereto.

**SUSPEND RULES—Refer LB 726**

Mr. President: I move that the rules be suspended and LB 726 be referred to the Judiciary Committee. (Signed) William Moulton

The motion prevailed with 29 ayes, 1 nay, and 13 not voting.

**Visitors**

Mr. McHugh introduced Mrs. M. J. Sullivan, Leader, members of Girl Scout Troop 246, and five sponsors from Bellevue.

**GENERAL FILE**

**LEGISLATIVE BILL 584.** Considered.

Mr. Tews requested unanimous consent to withdraw his specific amendment found in the Legislative Journal for the Ninety-fourth Day, and the following amendments be submitted in lieu thereof. No objections. So ordered.

1. Amend the bill, by striking the Tews Amendment 1 offered May 19, 1959.

2. Amend section 1 of the bill, line 113 by adding after the word "less" the following:

*"to and from the school building where he attends school, or while performing duties in connection with carrying newspapers; Provided, that minors who have not attained the age of sixteen years shall not have any other person riding on the motor scooter while he is so operating it".*

3. Amend the title to conform.

The Tews amendments were adopted.

Mr. Klaver moved that LB 584 be indefinitely postponed.

Mr. Stryker moved the previous question. The motion prevailed with 29 ayes, 3 nays, and 11 not voting.

Mr. Klaver requested a record vote.

## Voting in the affirmative, 18:

Adams	Fenske	Otto	Swanson
Aufenkamp	Klaver	Ruhnke	Thompson
Claussen	Liebers	Russillo	Vosoba
Diers	Moulton	Stryker	Williams
Erlewine	Nelson		

## Voting in the negative, 22:

Burbach	Hollenbeck	Olinger	Romans
Carpenter	Jensen	Orme	Simmons
Cooper	Lautenschlager	Peck	Syas
Donner	Marvel	Pizer	Tews
Fulton	McHugh	Portsche	Webb
Gerdes	Munnely		

## Not voting, 3:

Bowen	Bridenbaugh	Skarda
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The Klaver motion lost.

Advanced to E and R for review with 20 ayes, 16 nays, and 7 not voting.

**LEGISLATIVE BILL 4.** Laid over.**Speaker Pizer Presiding****LEGISLATIVE BILL 528.** Considered.

Mr. Gerdes renewed his pending motion to indefinitely postpone LB 528, found in the Legislative Journal for the Eighty-second Day.

Mr. Stryker moved the previous question. The motion lost with 16 ayes, 19 nays, and 8 not voting.

Mr. Otto moved the previous question. The motion prevailed with 32 ayes, 1 nay, and 10 not voting.

The motion prevailed with 26 ayes, 12 nays, and 5 not voting, and LB 528 was indefinitely postponed.

**LEGISLATIVE BILL 420.** Considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 611.** Considered.

Mr. Moulton renewed his pending motion found in the Legislative Journal for the Ninety-second Day to reconsider the action with regard to the Fulton amendment.

Mr. Moulton requested a Call of the House.

A Call of the House was ordered and showed 38 members present.

Mr. Lautenschlager moved that the Call be raised. The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

The Moulton motion to reconsider prevailed with 22 ayes, 9 nays, and 12 not voting.

The Fulton amendment was rejected with 14 ayes, 23 nays, and 6 not voting.

Mr. Adams moved that LB 611 be indefinitely postponed.

**President Burney Presiding**

Mr. Lautenschlager moved the previous question. The motion prevailed with 24 ayes, 10 nays, and 9 not voting.

The Adams motion lost.

Advanced to E and R for review with 25 ayes, 12 nays, and 6 not voting.

**LEGISLATIVE BILL 607.** Considered.

Standing Committee amendments found in the Legislative Journal for the Sixtieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 578.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Sixty-seventh Day was adopted.

Mr. Carpenter moved that LB 578 be indefinitely postponed.  
Motion pending.

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 42

## STANDING COMMITTEE REPORTS

## Judiciary

**LEGISLATIVE BILL 359.** Placed on General File as amended.

Standing Committee amendments to LB 359:

1. Amend the bill by striking sections 1 and 2 and inserting the following:

“Section 1. That section 30-1806, Revised Statutes Supplement, 1957, be amended to read as follows:

30-1806. A testator may by will, devise and bequeath real and personal property to a trustee or to co-trustees of a trust, including an unfunded life insurance trust, which is evidenced by a written instrument in existence when the will is made and which is identified in the will, even though the trust is subject to amendment, modification, revocation, or termination. Unless the will provides otherwise, the estate so devised and bequeathed shall be governed by the terms and provisions of the instrument creating the trust, including any amendments or modifications in writing made at any time before or after the making of the will and before the death of the testator. Unless the will provides otherwise, the property so devised and bequeathed shall not be deemed held under a testamentary trust if the designated trustee is a corporate trustee authorized by law to act as an executor or administrator. The property so devised or bequeathed shall be administered under the provisions of sections 30-1801 to 30-1805 as if held under a trust created by will unless the designated trustee or one of the designated co-trustees is a corporate trustee authorized by law to exercise trust powers. An entire revocation of the trust prior to the testator's death shall invalidate the devise or bequest.

Sec. 2. That section 30-1807, Revised Statutes Supplement, 1957, be amended to read as follows:

30-1807. The provisions of sections 30-1901 to 30-1905 shall not apply to inter vivos trusts when the designated trustee is a corporate trustee authorized by law to act as an executor or administrator, and a corporate trustee authorized by law to act as an executor or administrator under an inter vivos trust shall not be required to comply with the provisions of sections 30-1901 to 30-1905 by reason of any testamentary bequest or devise to him as such corporate trustee unless such compliance is expressly required by the will, and in such circumstances only the property so bequeathed or devised shall be subject to administration under the provisions of sections 30-1901 to 30-1905. No trustee or co-

*trustee of an inter vivos trust, including an unfunded life insurance trust, shall be required to comply with the provisions of sections 30-1801 to 30-1805 by reason of any testamentary bequest or devise to him as such trustee if he or one of his co-trustees is a corporate trustee authorized by law to exercise trust powers unless such compliance is expressly required by the will and if compliance is so required, only the property so bequeathed or devised shall be subject to administration under sections 30-1801 to 30-1805.*

Sec. 3. That original sections 30-1806 and 30-1807, Revised Statutes Supplement, 1957, are repealed.”.

2. Amend the title to conform.

(Signed) Joe T. Vosoba, Vice Chairman

#### Visitors

Mr. Klaver introduced Mr. Bob McGowan and his son, Robert, from Omaha.

#### Recess

At 12:00 o'clock noon, on a motion by Mr. Claussen, the Legislature recessed until 2:00 p.m.

#### After Recess

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

The roll was called and all members were present except Messrs. Bowen and Bridenbaugh who were excused, and Messrs. Tews and Portsche who were excused until 2:45 p.m.

#### MESSAGE FROM THE GOVERNOR

June 2, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

This special message is to advise you that I have, on this date, signed LB 2, LB 404, and LB 437.

Particularly with reference to LB 2 have I experienced a great deal of difficulty in reaching this decision for two reason: (1) The dis-

regard of this legislative body for the salutary civil service legislation I proposed in order to bring security and stability of employment to our state employees; and (2) The fact that LB 2 includes a provision to increase the salary of Governor from \$11,000 to \$14,000 per annum.

With reference to both factors, however, I have concluded that they should not influence my judgment to the detriment and disadvantage of another separate branch of our governmental system. An analysis of the latest available information indicates that, with reference to the salaries paid to district judges, eight states pay less than does Nebraska, four states pay the same as does Nebraska, and thirty-eight other jurisdictions (including Hawaii and Puerto Rico) pay more than Nebraska pays its district judges. Projecting LB 2 with the pay raise therein included would place Nebraska in a position where but thirteen jurisdictions rank lower than does our state, with its able judiciary, and with Nebraska ranking thirty-third in population, this would leave us thirty-eighth in the salary scale. As the salary schedules in the more populous states indicate, population is a definite factor in determining the salaries of the judiciary.

Similarly, with reference to the proposal to increase the salaries of our supreme court judges, five states pay their supreme court members less and five states pay the same amount as does Nebraska. An analysis of all available information indicates that the Nebraska judicial salary scale is definitely below the national average and that, even with the present contemplated salary increase, Nebraska still will be below that of the average salary paid in other states with similar population factors.

While I have expressed opposition to salary increases until such time as the Legislature receives adequate compensation for its services and until such time as salary increases can be considered for all state employees, I have concluded that the judicial branch of our government, fortunately staffed at the moment by distinguished and dedicated men of learning, should receive the benefit contemplated by this legislation. Other considerations influencing my decision in this respect are the fact that no salary increase can become effective until 1965 if this legislation fails of enactment and the additional fact that our judicial retirement act will prevent the reelection of a great many of the members of our judiciary. The salary, even at the proposed level, is hardly sufficient to induce qualified men to assume this responsible position and those who do assume the position will be called upon to make a financial sacrifice in any event. The proposed salaries are distinctly below that originally contemplated by the Legislature and below that to which I had earlier expressed opposition, and I commend the Legislative

Committee for their deliberate effort in reaching these conclusions concerning salaries.

I shall respectfully seek your permission, however, to introduce legislation amending LB 2 to restore the salary of the Governor to the original level of \$11,000 because of my feeling on the subject as far as the pay standards of the other servants of Nebraska are concerned.

With reference to LB 437 increasing the salaries of municipal judges and the clerks of municipal courts, I have signed the same because I deem these matters of local consideration and there has been no opposition by the legislators in the affected cities.

If it will be of assistance to you in your deliberations, I expect to sign LB 4 when it reaches this office for substantially the same reasons as those outlined in my earlier comments concerning the judiciary and for the additional reason that salaries at the county level are in distinct need of an upward adjustment.

The salary increases of the deputies considered by LB 404 are nominal and I have accordingly approved the same.

I suggest to you, in view of my earlier veto of LB 536, that you might wish to reconsider your failure to override it on May 26 and provide to the Secretary of the Railway Commission the salary therein contemplated.

The salaries of the Workman's Compensation Court provided by LB 516 which I vetoed and which you failed to override on May 19 provided for increases in excess of that extended to other members of the judiciary, and I make no further recommendation concerning this item of legislation other than to suggest your reconsideration of your failure to override in view of the fact that the court salaries do not come from property taxes.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:sn

#### Visitors

Mr. Swanson introduced Mr. Erick Larson from Linkoping, Sweden, and his niece, Mrs. Margaret Buck from the Lincoln Air Force Base.

Mr. Carpenter introduced Mrs. Ralph Gamble and Mrs. Robert Wallace from Scottsbluff.



**MOTION—Reconsider Action on LB 536**

Mr. President: I move that the rules be suspended and we reconsider our action of May 26 in failing to override the Governor's veto of LB 536. (Signed) Terry Carpenter

Motion pending.

Laid over at the request of Mr. Jensen.

**MOTION—Reconsider Action on LB 516**

Mr. President: I move that the rules be suspended and we reconsider our action of May 19, 1959, in failing to override the Governor's veto of LB 516. (Signed) Terry Carpenter

Motion pending.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 578.** Considered.

Mr. Carpenter renewed his pending motion found in this Day's Journal to indefinitely postpone LB 578.

Mr. Ruhnke moved the previous question. The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

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

**President Burney Presiding**

Advanced to E and R for review.

**Visitors**

Mr. Fenske introduced David Allington, a University of Nebraska student from Sunol.

Mr. Peck introduced Mrs. Herman Silverberg and daughters from Genoa.

Mrs. Orme introduced Mrs. G. E. Meeks, Teacher, and thirty-five students from Southeast High School, Lincoln.

**LEGISLATIVE BILL 694.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Sixty-eighth Day was adopted.

Mr. Lautenschlager offered the following amendment which was adopted:

1. Amend section 2 of the bill, line 3 by inserting a comma after "physician", and line 4 by striking "or registered nurse" and inserting "registered nurse, or registered laboratory technologist".

Laid over.

**LEGISLATIVE BILL 378.** Laid over until Tuesday, June 9, 1959, at the request of Mr. Munnely.

**LEGISLATIVE BILL 531.** Considered.

Mr. Stryker offered the following amendments:

1. Amend section 1 of the bill, line 16, by striking "that the provisions of this section" and insert "that not more than three million dollars derived from sources other than such fees, excises, or license fees shall be appropriated for the purposes to which such fees, excises, or license fees are above restricted; *and provided further,* that the restrictions above imposed on expenditure of fees, excises, and license fees".

2. Amend Standing Committee Amendment 2, line 7 by inserting after "purposes" the following:

" , and limiting the amount from other sources that may be expended for such uses.

3. Amend the title to conform.

Amendments pending.

Laid over until Thursday, June 4, 1959, at the request of Mr. Thompson.

#### Visitors

Mr. Pizer introduced Mr. Robert A. Miller and his daughter Patricia Anne Miller from North Platte.

**LEGISLATIVE BILL 542.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 624.**

Mr. Carpenter moved that LB 624 be indefinitely postponed.

**Visitors**

President Burney introduced Don D. Maio and thirty-one 4-H Club boys and girls from Thurston County.

Mr. Carpenter requested unanimous consent to withdraw his motion to indefinitely postpone and that LB 624 be laid over and considered the first order of business on Monday, June 8, 1959. No objections. So ordered.

**Speaker Pizer Presiding****LEGISLATIVE BILL 594.** Read and considered.

Standing Committee amendments were adopted.

Mr. Munnelly offered the following amendments which were adopted:

1. Amend Standing Committee Amendment 1 as mimeographed in accordance with the order as shown in the Journal for April 14, 1959, by striking lines 1 to 15 and inserting "Amend the bill by striking sections 1 to 13 and inserting the following:".

2. Amend the title of the bill by striking lines 2 to 9 and inserting the following:

"FOR AN ACT relating to insurance; to provide for the regulation of life insurance and credit accident and health insurance sold in connection with loans or other credit transactions; to prescribe the form, amount and term of such insurance; to prescribe the regulatory duties of the Department of Insurance regarding life insurance and credit accident and health insurance sold in connection with loans or other credit transactions; and to provide penalties."

Mr. Munnelly offered the following amendment which was adopted:

1. Amend Standing Committee Amendment 1, section 8, line 3 by inserting ", to be delivered in this state," after the word "riders".

Advanced to E and R for review.

**Members Excused**

Messrs. Munnelly and Skarda were excused for a short period Wednesday morning, June 3.

LEGISLATIVE JOURNAL  
STANDING COMMITTEE REPORTS

**Judiciary**

**LEGISLATIVE BILL 718.** Indefinitely postponed.

(Signed) Ray C. Simmons, Chairman

**Adjournment**

At 3:57 p.m., on a motion by Mr. Klaver, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**ONE HUNDRED-SECOND DAY**

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Legislative Chamber, Lincoln, Nebraska

Wednesday, June 3, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Bowen and Carpenter who were excused, and Messrs. Munnely and Skarda who were excused until 10:30 a.m.

The Journal for the One Hundred-first Day was approved.

**MOTION—Flowers**

Mr. President: I move that the Clerk be instructed to send flowers to Senator Bowen in Red Cloud and to Senator Carpenter at the Lincoln General Hospital. (Signed) Harry L. Pizer

The motion prevailed.

**Visitors**

Mr. Ruhnke introduced Eugene Heitkotter and Paul Heitkotter from Chester.

**UNANIMOUS CONSENT—Read and Print Opinion**

Mr. Portsche requested unanimous consent to have an opinion from the Attorney General read and printed in the Journal. No objections. So ordered.

The Clerk read the following opinion:

May 5, 1959

Senator Stanley L. Portsche  
Nebraska Legislature  
State Capitol  
Lincoln, Nebraska

Dear Senator:

You have asked us regarding the effect of L. B. 611, assuming its passage by the Legislature and a favorable vote by the people at the general election in 1960. Our references will be to the bill as amended by the standing committee.

If adopted, the amendment would permit the Legislature to amend existing statutes in such a way as to authorize "any lottery or gift enterprise \* \* \* (unless) the consideration for a chance to participate involves the payment of money or the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time". In other words, the Legislature would be able to authorize promotions by merchants such as were held illegal by our Supreme Court in the case of *State, ex rel. Line v. Grant*. In that case, a merchant proposed to give away a toy automobile to the person whose name was drawn. In order to become eligible for the drawing it was necessary to go into his place of business and register. Since the object of the promotion obviously was to get people into his place of business in the hope that they would become customers, it was held that the promoter derived a benefit from it, and the Court necessarily held that this constituted sufficient consideration to make the scheme a lottery. If this amendment is adopted and the statutes changed, that type of promotion would be authorized, because I think we could all agree that the requirement of going in to register would not involve "an expenditure of substantial effort or time."

At the present time, almost without exception, all types of business promotions are illegal if the winner is determined by means of a drawing. This amendment would permit them to be legalized if you did not have to pay anything to enter and did not have to buy anything.

An example of what would still have to be illegal even if this amendment is adopted, is a promotion which our office was called on to stop just this past week. The merchants in this particular town who were members of the Chamber of Commerce advertised that anyone who came into any of their stores during a particular week and bought something would be given an entry blank. After the purchaser's name was put on the blank, it was to be put in a sealed box, with the winners to be drawn on May 9. Since these merchants required a purchase before you were eligible to enter, the proposed amendment still would not legalize this particular type of promotion.

The amendment would not make it possible to legalize bank night at theaters, because of the necessity of buying an admission

ticket. Nor would the Legislature be able to legalize door prizes where an admission charge is made, such as in the case of dances where they give away a car or a turkey, or any other prize.

Very truly yours,

CLARENCE S. BECK  
Attorney General

(Signed) Clarence A. H. Meyer  
Clarence A. H. Meyer  
Deputy Attorney General

CAHM:wjj

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 549.** Correctly engrossed.

**LEGISLATIVE BILL 554.** Correctly engrossed.

**LEGISLATIVE BILL 667.** Correctly engrossed.

**LEGISLATIVE BILL 704.** Replaced on Select File as amended.

E and R amendments to LB 704:

1. In section 1, line 2, strike "16" and insert "8"; and in line 3 strike "48" and insert "68".

2. In section 2, line 3, strike "16" and insert "8"; and also in line 3 strike "48" and insert "68".

**LEGISLATIVE BILL 634.** Placed on Select File.

**LEGISLATIVE BILL 707.** Placed on Select File as amended.

E and R amendment to LB 707:

1. In section 1, line 3, insert "Reissue Revised Statutes of Nebraska, 1943," after "77-718,"; strike line 18 and insert "upon the district court shall hear the appeal as"; and in line 24 insert ", Reissue Revised Statutes of Nebraska, 1943" before the period.

**LEGISLATIVE BILL 365.** Placed on Select File as amended.

E and R amendments to LB 365:

1. In section 1, lines 5, 8, 10, and 12, strike "(a)", "(b)", "(c)", and "(d)" respectively, and insert, respectively, "(1)", "(2)", "(3)",

and "(4)"; in lines 7 and 9 strike the period and insert a semicolon; and in line 11 strike the period and insert "; and".

2. In section 2, lines 11 and 12, strike "The person so designated" and insert "While serving in such capacity, the Director of Health".

3. In the title, strike lines 5 to 7 and insert "ment; to provide that the Director of Health shall serve as the Coordinator of Atomic Development Activities; to provide the duties and authority of such coordinator and other officials; and to provide for agreements as prescribed."

**LEGISLATIVE BILL 204.** Placed on Select File as amended.

E and R amendments to LB 204:

1. The amendment proposed by section 2 having already been made by Legislative Bill 239, strike section 2, and renumber original section 3 as section 2.

2. For correlation purposes, in renumbered section 2, line 2, insert "as amended by section 4, Legislative Bill 34, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; and in lines 8 and 9, as amended by Standing Committee Amendment 2, strike "Pheasants and Quail Stamp *State Game*" and insert "State Game and Park".

3. The amendatory material in section 4 having been stricken by Standing Committee Amendment 3, strike section 4 and renumber section 5 and renumbered section 6 as sections 3 and 4 respectively.

4. In renumbered section 4, strike lines 1 to 4 and insert:

"Sec. 4. That original section 37-206, Reissue Revised Statutes of Nebraska, 1943, section 37-223, Revised Statutes Supplement, 1957, as amended by section 4, Legislative Bill 34, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 2, Legislative Bill 97, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed."

5. In the title, strike lines 3 and 4 and insert "of Nebraska, 1943, section 37-223, Revised Statutes Supplement, 1957, as amended by section 4, Legislative Bill 34, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 2, Legislative Bill 97, Sixty-ninth Session, Nebraska State Legislature, 1959, re-".

**LEGISLATIVE BILL 706.** Placed on Select File as amended.



E and R amendments to LB 706:

1. In section 3, line 14, strike the second comma.
2. In section 12, line 13, insert "a similar majority" after "and".
3. In section 17, line 1, strike "hospital"; in line 2 insert "of dissolution" before "with"; and in line 4 strike ". Thereupon" and insert ", and thereupon".
4. In section 19, line 40, strike "which" and insert "and"; and in line 49 strike "division" and insert "act".
5. In section 22, line 7, insert "of" after "tion".

**LEGISLATIVE BILL 238.** Placed on Select File as amended.

E and R amendments to LB 238:

1. Because of the Carpenter General File Amendment adopted May 15, strike the Standing Committee Amendments and the Aufenkamp General File Amendment.
2. In the title, lines 5 and 6, strike "to employees of the state for overtime" and insert "for work done on holidays by employees working on the hourly basis".

**LEGISLATIVE BILL 720.** Placed on Select File as amended.

E and R amendments to LB 720:

1. In Standing Committee Amendment 1, line 2, strike the comma.
  2. In the title, line 7, insert "educable" before "children".
- (Signed) Joe T. Vosoba, Chairman

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 88.**

A bill for an act to amend section 39-1309, Revised Statutes Supplement, 1957, relating to state highways; to provide for a state highway from Rushville in Sheridan County going south on the most feasible and direct route to the Smith Lake State Recreation Grounds; to provide how such highway shall be designated; and to repeal the original section.

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

Voting in the affirmative, 35:

Adams	Fulton	Moulton	Russillo
Aufenkamp	Gerdes	Nelson	Swanson
Bridenbaugh	Hollenbeck	Olinger	Syas
Claussen	Jensen	Orme	Tews
Cooper	Klaver	Otto	Thompson
Diers	Lautenschlager	Peck	Vosoba
Donner	Liebers	Portsche	Webb
Erlewine	Marvel	Romans	Williams
Fenske	McHugh	Ruhnke	

Voting in the negative, 2:

Burbach                  Pizer

Not voting, 6:

Bowen	Munnelly	Skarda	Stryker
Carpenter	Simmons		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 157.

Mr. Romans moved that LB 157 be returned to Select File for the following specific amendments:

1. Amend the bill by adding a new section immediately after section 1 to be known as section 2 and to read as follows:

"Sec. 2. After September 1, 1959, upon the written request to the Nebraska brand committee by the owner of any livestock sales ring or group of livestock sales rings, in Nebraska, outside of the brand area, the committee shall furnish a brand inspector in the salebarn or salebarns. Before an inspector shall be furnished the salebarn for the days sales are held the owner shall furnish a corporate surety bond in the sum of one thousand dollars to the committee to indemnify the committee the per diem and mileage of the inspector. The request for an inspector shall cover not less than a three month period of sales. Any owner of a livestock sales ring who requests a brand inspector, shall charge the same fees for inspection for all cattle for sale as provided in section 54-147."

2. Amend the bill by renumbering section 2 as section 3.

3. Amend the bill by adding a new section to be known as section 4 and to read as follows:

“Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

4. Amend the title to conform.

The motion prevailed with 36 ayes, 0 nays, and 7 not voting, and LB 157 was returned to Select File.

#### LEGISLATIVE BILL 428.

Mr. Gerdes moved that LB 428 be returned to Select File for the following specific amendments:

1. Add the emergency clause.

2. Amend the title to conform.

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

#### LEGISLATIVE BILL 500.

A bill for an act to amend section 79-701, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for the annual election of officers by the school board of a Class II district and the time when such election shall be held; and to repeal the original section.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’”

Voting in the affirmative, 33:

Aufenkamp	Hollenbeck	Olinger	Simmons
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Erlewine	McHugh	Ruhnke	Vosoba
Fulton	Moulton	Russillo	Williams
Gerdes			

Voting in the negative, 3:

Fenske	Nelson	Webb
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Not voting, 7:

Adams	Carpenter	Munnelly	Skarda
Bowen	Donner	Romans	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Visitor

President Burney introduced his granddaughter, Miss Pat Burney.

#### LEGISLATIVE BILL 504.

A bill for an act to amend section 79-4,106, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify the procedure for payment of free high school tuition in counties contiguous to the boundaries of this state; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams
Fenske	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 4:

Bowen	Carpenter	Munnelly	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 410.**

A bill for an act to amend section 79-1531, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 224, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to schools; to change the amount of allowances under the retirement system; to eliminate certain provisions concerning the annuity of an emeritus member; to permit an optional increase in the amount of deposit by each member of the retirement system and to authorize the withholding of such deposit from the member's compensation; and to repeal the original sections.

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

Voting in the affirmative, 39:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdas	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams
Fenske	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 4:

Bowen	Carpenter	Munnelly	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 646.**

Mr. McHugh moved that LB 646 be returned to Select File for the following specific amendments.

The motion prevailed with 27 ayes, 0 nays, and 16 not voting.

1. Amend the bill by adding one new section to be known as section 1 and to read as follows:

"Section 1. That section 8-101, Revised Statutes Supplement, 1957, be amended to read as follows:

8-101. There is hereby created a Department of Banking. The chief officer of such department shall be the director thereof, and be known as the Director of Banking. He shall be appointed by the Governor and shall hold office at the pleasure of the Governor. He shall not, either directly or indirectly, be interested in any commercial bank, savings bank, trust company, industrial loan and investment company, or building and loan association doing business in Nebraska, subject to his jurisdiction. If he is interested in any such institution, the same shall be under the direct supervision of the Governor, and as to such institution the Governor shall exercise all the supervisory powers otherwise vested in the Director of Banking by the laws of the state, and reports of examination by state bank examiners and by examiners for the Federal Deposit Insurance Corporation shall be transmitted to the Governor. He shall receive an annual salary to be fixed by the Governor not to exceed ~~eight~~ *nine* thousand ~~five~~ *hundred* dollars, payable monthly. He shall, before assuming the duties of office, take and subscribe to the constitutional oath of office, and file the same in the office of the Secretary of State, and shall execute to the State of Nebraska a bond as provided in section 11-119, with corporate surety to be approved by the Governor, conditioned for the faithful discharge of the duties of his office. The bond shall be filed in the office of the Secretary of State and the premium thereon shall be paid by the State of Nebraska.

2. Amend the bill by renumbering sections 1 to 3 as sections 2 to 4, respectively.

3. Amend renumbered section 3 of the bill, line 1 by striking "Section 1" and inserting "Sections 1 and 2" and line 3 by inserting "*Director of Banking and*".

4. Amend renumbered section 4, line 2 by striking "is" and inserting "and section 8-101, Revised Statutes Supplement, 1957, are".

5. Amend the title to conform.

#### Explanation of Vote

Mr. President: If we were present, we would have voted Aye on LB 88, LB 500, LB 504, and LB 410 on Final Reading.

(Signed) William R. Skarda, Jr.

(Signed) John P. Munnelly

**SELECT FILE**

**LEGISLATIVE BILL 646.** Laid over.

**LEGISLATIVE BILL 428.** The pending Gerdes specific amendments found in this Day's Journal were adopted with 29 ayes, 0 nays, and 14 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 157.** Laid over.

**LEGISLATIVE BILL 693.** E and R amendment found in the Legislative Journal for the One Hundred-first Day was adopted.

Advanced to E and R for engrossment.

**Visitors**

Mr. Moulton introduced Mrs. Dell Palu, Leader of Troop No. 72, Mrs. R. C. Hubbard, Leader of Troop No. 430, and forty-three Girl Scouts from Mount View School, Omaha, and five sponsors.

**LEGISLATIVE BILL 1.** E and R amendments found in the Legislative Journal for the One Hundred-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 675.** E and R amendment found in the Legislative Journal for the One Hundred-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 696.** E and R amendment found in the Legislative Journal for the One Hundred-first Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 281.** E and R amendments found in the Legislative Journal for the One Hundred-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 590.** E and R amendments found in the Legislative Journal for the One Hundred-first Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 709.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 488.** E and R amendments found in the Legislative Journal for the One Hundred-first Day were adopted.

Mr. Burbach offered the following amendments which were adopted by unanimous consent:

1. Amend section 1 of the bill by striking lines 24 to 27 and inserting "used by the licensee in transporting grain. The proceeds of such registration fee shall be used to defray the costs of administering and enforcing the provisions of section 99-216 placed in the state treasury and by the State Treasurer credited to the state General Fund."

2. Amend the title to conform.

Advanced to E and R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 4.** Read and considered.

Mr. Tews offered the following amendment which was adopted:

1. Amend Standing Committee amendment 1 to LB 4, line 17, by inserting after "39" the following: "and by showing 'ninety-six hundred' as stricken and substituting therefor 'eleven thousand five hundred'".

Standing Committee amendment found in the Legislative Journal for the Eighty-first Day was adopted as amended.

Mr. Aufenkamp offered the following amendment:

1. Amend section 1 of the bill, line 9 by striking "twenty-two" and inserting "2,000.00", lines 11 and 12 by reinstating "sixty-five hundred" and striking "six thousand", line 13 by striking "thirty-five" and inserting "3,000.00", line 15 by reinstating the "sixty-five" and striking "six thousand", lines 15 and 16 by reinstating "thirteen" and striking "eleven", line 17 by striking "four thousand" and inserting "3,600.00", line 19 by reinstating the



stricken matter and striking the new matter, line 20 by striking "forty-five" and inserting "4,000.00", line 23 by reinstating the stricken matter and striking the new matter, lines 24 and 25 by striking "seventy-five" and inserting "6,000.00", line 27 by reinstating "twenty" and striking "twenty-four", lines 27 and 28 by reinstating "twenty-five" and striking "sixty", line 29 by striking "eight thousand" and inserting "7,000.00", line 31 by reinstating the stricken matter and striking the new matter, line 33 by striking "fourteen thousand" and inserting "7,500.00", by reinstating lines 34 to 39, line 36 by striking "fifty-six hundred" and inserting "fifty-six hundred 8,500.00", line 39 by striking "ninety-six hundred" and inserting "ninety-six hundred 11,000.00", line 40 by reinstating the stricken matter and striking the new matter, and line 42 by striking "fourteen" and inserting "11,500.00".

Mr. Russillo requested a division of the question.

### Speaker Pizer Presiding

Mr. Russillo requested a record vote on the amendment to line 42.

Voting in the affirmative, 8:

Aufenkamp	Diers	Fulton	Nelson
Bridenbaugh	Donner	Hollenbeck	Ruhnke

Voting in the negative, 25:

Adams	Liebers	Pizer	Syas
Claussen	McHugh	Portsche	Tews
Cooper	Moulton	Russillo	Thompson
Fenske	Munnely	Simmons	Vosoba
Gerdes	Orme	Skarda	Webb
Klaver	Peck	Swanson	Williams
Lautenschlager			

Not voting, 10:

Bowen	Erlewine	Olinger	Romans
Burbach	Jensen	Otto	Stryker
Carpenter	Marvel		

The amendment to line 42 lost.

Mr. Tews requested unanimous consent that LB 4 be laid over until after recess today. No objections. So ordered.

**UNANIMOUS CONSENT—Time of Committee Hearing**

Mr. Simmons requested unanimous consent for permission to schedule the public hearing on LB 726 at 1:15 p.m. rather than 2:00 p.m. No objections. So ordered.

**NOTICE OF COMMITTEE HEARINGS****Judiciary**

LB 726      Monday, June 8, 1959

1:15 p.m.

**Presented to the Governor**

Presented to the Governor for approval on June 3, 1959, at 9:00 a.m.: LB 628 LB 686 LB 573 LB 396

(Signed) Jo Fisher, Enrolling Clerk

**GENERAL FILE**

**LEGISLATIVE BILL 694.** Considered.

Mr. Lautenschlager offered the following amendment which was adopted:

1. Amend section 5 of the bill, line 1 by striking "or registered nurse" and inserting ", registered nurse, or registered laboratory technologist", and line 3 by striking "the course" and inserting "performing the act".

Advanced to E and R for review.

**LEGISLATIVE BILL 22.** Laid over.

**LEGISLATIVE BILL 454.** Read and considered.

**Members Excused**

Messrs. Tews and Portsche were excused at 11:00 a.m. for the remainder of the morning.

Mr. Cooper offered the following amendment which was adopted with 35 ayes, 1 nay, and 7 not voting:

1. Amend the bill, section 3, subsection 4, page 5, lines 68 and 71, by striking the word "sixty-five" and inserting in lieu thereof the word "forty".

Advanced to E and R for review.

**Visitors**

Mr. Pizer introduced Mrs. Viola Wilson, Leader, and sixteen Girl Scouts from Council Bluffs, Iowa.

Mr. Simmons introduced Mr. and Mrs. Clay Mericle from Fremont.

**President Burney Presiding****LEGISLATIVE BILL 533.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventieth Day were adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 618.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Seventy-first Day was adopted.

Advanced to E and R for review.

**LEGISLATIVE BILL 505.** Read and considered.

Mr. Gerdes offered the following amendments which were adopted:

1. Amend section 1 of the bill, line 59 after "pupils" insert *" , except that in instances where such dissolution shall create extreme hardships on the pupils or the district affected, the State Board of Education may, on application by the school board of the district and the recommendation of the county superintendent of the county in which the district is located, may annually waive the requirements of this subsection"*.

2. Amend the title to conform.

Standing Committee amendments found in the Legislative Journal for the Seventy-first Day were adopted.

Mr. Syas offered the following amendments which were adopted:

1. Amend renumbered Section 2 of the bill, line 58 by striking "hereafter," and show the same as stricken matter.

2. Amend Standing Committee Amendment, Section 1, line 24 by inserting after "districts." the following: *"Provided, dissolutions involving the transfer of territory across county lines shall*

*be acted upon jointly by the county superintendents of the counties concerned."*

3. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 703.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the Seventy-first Day was adopted.

Advanced to E and R for review.

**Visitors**

Mr. Fulton introduced Mr. and Mrs. Ross Porterfield from Wymore.

**Member Excused**

Mr. Ruhnke was excused for this afternoon, June 3.

**LEGISLATIVE BILL 673.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventy-second Day were adopted.

Advanced to E and R for review.

**Recess**

At 11:50 a.m., on a motion by Mr. Pizer, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:01 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Bowen, Carpenter, and Ruhnke who were excused.

**GENERAL FILE**

**LEGISLATIVE BILL 674.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventy-third Day were adopted.

Mr. Thompson offered the following amendment which was adopted:

1. Amend the bill by reinstating subsection (2) of section 2 of the original bill in the Standing Committee amendments as section 4; renumber sections accordingly; and amend the title to conform.

Advanced to E and R for review.

#### **Visitors**

Mr. Pizer introduced Mrs. Victor Stiegelmeyer of Lincoln, and Mrs. W. D. Stiegelmeyer and three children from Scottsbluff.

Mr. Otto introduced Dr. Floyd Krubeck and daughter, Judy, Mr. Bishop, and Linda Ingram.

Mr. Burbach introduced W. H. Johnson and Elwin Banks from Wausa.

Mr. Webb introduced Mr. and Mrs. Robert McPherrin from Stapleton.

**LEGISLATIVE BILL 4.** Laid over until Monday, June 8, 1959, at the request of Mr. Tews.

#### **STANDING COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 88.** Correctly enrolled.

**LEGISLATIVE BILL 500.** Correctly enrolled.

**LEGISLATIVE BILL 504.** Correctly enrolled.

**LEGISLATIVE BILL 410.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

##### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 88 LB 500 LB 504  
LB 410

##### **Speaker Pizer Presiding**

#### **UNANIMOUS CONSENT—Consider LB 310**

Mr. Cooper requested unanimous consent that LB 310 be considered on General File at this time. No objections. So ordered.

## GENERAL FILE

## LEGISLATIVE BILL 310. Considered.

Mr. Cooper offered the following amendments:

1. Amend the bill by striking the Burbach, Carpenter, Stryker, and Donner Amendments adopted May 27, 1959.

2. Amend section 1 of the bill, line 7 by striking "seven" and inserting "seven eight".

3. Amend Standing Committee Amendment 1, section 2, line 12 by striking "eight" and inserting "ten", and line 13 by inserting after "travel" the words "*in the county and eight cents per mile for all necessary travel outside the county*".

4. Amend Standing Committee Amendment 3, line 2 by striking "eight" and inserting "ten".

5. Amend Standing Committee Amendment 4, line 2 by striking "eight" and inserting "ten".

6. Amend renumbered section 5, line 22 by striking "seven" and inserting "seven eight", and lines 25 and 26 by striking "according to the provisions of section 33-117" and inserting "*according to the provisions of section 33-117 at the rate of ten cents per mile for miles traveled in the county and eight cents per mile for miles traveled outside the county*".

7. Amend Standing Committee Amendment 5, line 2 by striking "eight" and inserting "ten".

8. Amend renumbered section 6, line 20 by inserting "*in the county and eight cents for each mile actually and necessarily traveled outside the county*" after "traveled".

9. Amend the title to conform.

Mr. Stryker moved the previous question. The motion prevailed with 30 ayes, 5 nays, and 8 not voting.

Mr. Donner requested a record vote.

Voting in the affirmative, 31:

Adams	Hollenbeck	McHugh	Pizer
Claussen	Jensen	Moulton	Portsche
Cooper	Klaver	Munnelly	Romans
Fenske	Lautenschlager	Nelson	Russillo
Fulton	Liebers	Orme	Simmons
Gerdes	Marvel	Peck	Skarda

Stryker  
Swanson

Syas  
Tews

Thompson  
Webb

Williams

Voting in the negative, 7:

Aufenkamp  
Bridenbaugh

Diers  
Donner

Erlewine  
Olinger

Otto

Not voting, 5:

Bowen  
Burbach

Carpenter

Ruhnke

Vosoba

The Cooper amendments were adopted.

Advanced to E and R for review.

#### Visitors

Mr. Lautenschlager introduced Mr. and Mrs. Rex Morris and Mr. and Mrs. W. H. Lambrecht and son, Larry, from Wood River.

**LEGISLATIVE BILL 687.** Read and considered.

Mr. Vosoba offered the following amendments:

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

"Section 1. There is hereby established a division of athletics in the Department of Health. The head of the division shall be known as chief of the division of athletics, who shall be appointed by the Governor and with the advise and consent of the Legislature to serve until the first Thursday after the first Tuesday in January following the election for Governor, and until his successor shall have been appointed and qualified, unless sooner removed by the Governor for cause. In case of a vacancy in this office arising from death, resignation, or otherwise, the Governor may fill the vacancy, by a temporary appointment, for the unexpired term. The chief of the division of athletics shall receive such salary as the Governor may elect, but not to exceed four thousand dollars per annum, payable monthly."

2. Amend the bill by renumbering sections 1 to 16 as sections 2 to 17, respectively.

3. Amend renumbered section 2 of the bill, by striking lines 9 to 11 and inserting the following:

*"accompanied by a fee as follows: In cities having a population of less than ten thousand inhabitants, the sum of fifteen dollars; in cities having a population of ten thousand and less than sixty*

*thousand inhabitants, the sum of twenty-five dollars; and in cities having a population of sixty thousand or more, inhabitants, the sum of fifty dollars."*

4. Amend the title to conform.

Laid over temporarily.

#### **President Burney Presiding**

**LEGISLATIVE BILL 660.** Read and considered.

Advanced to E and R for review.

#### **MOTION—Return LB 1 to Select File**

Mr. President: I move that LB 1 be returned to Select File for the following specific amendments. (Signed) John R. Cooper

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

"Section 1. Any person who purchased a sticker, as provided in sections 81-212.01 and 81-212.02, Revised Statutes Supplement, 1957, issued in the year 1959 for value may surrender it to the Game, Forestation and Parks Commission on or before December, 1959, and the commission shall refund to such person the sum of one dollar."

2. Amend the bill by renumbering sections 1 and 2 as sections 2 and 3, respectively.

3. Amend the title to conform.

The motion prevailed with 33 ayes, 0 nays, and 10 not voting, and LB 1 was returned to Select File.

#### **SELECT FILE**

**LEGISLATIVE BILL 1.** The pending Cooper specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

#### **Visitors**

Mr. Swanson introduced Mr. Stanley Tederman and his daughters, Kitty and Nancy.

#### **Speaker Pizer Presiding**



**GENERAL FILE****LEGISLATIVE BILL 687.** Considered.

Mr. Moulton requested a division of the question.

The pending Vosoba amendments 1 and 2, found in this Day's Journal were rejected with 10 ayes, 20 nays, and 13 not voting.

The pending Vosoba amendments 3 and 4, found in this Day's Journal were adopted.

Advanced to E and R for review.

**UNANIMOUS CONSENT—Return LB 590 to Select File**

Mr. Tews requested unanimous consent to return LB 590 to Select File for the following specific amendments. No objections. So ordered.

1. Amend the Burbach Amendment 1, adopted May 26, 1959, lines 5 and 9 by inserting after "period" the following:

"or for a person who is employed by a licensee holding a license as provided in subdivision (6) of section 53-124, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto".

2. Amend the title to conform.

**SELECT FILE**

**LEGISLATIVE BILL 590.** The pending Tews specific amendments found in this Day's Journal were adopted by unanimous consent.

Mr. Fenske moved to strike the enacting clause.

Motion pending.

Mr. Tews moved that LB 590 be laid over.

The motion prevailed.

**Adjournment**

Mr. President: I move we adjourn. (Signed) Arthur W. Swanson

The motion prevailed with 18 ayes, 16 nays, and 9 not voting, and at 4:03 p.m., the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## ONE HUNDRED-THIRD DAY

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Legislative Chamber, Lincoln, Nebraska  
Thursday, June 4, 1959

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

Prayer was offered by the Chaplain.

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

The Journal for the One Hundred-second Day was approved.

**Visitor**

Mr. Nelson introduced Mr. Homer Buell from Bassett.

**Announcement—Flowers**

President Burney announced that the bouquets of flowers were from Senator and Mrs. Diers.

**MESSAGES FROM THE GOVERNOR**

June 2, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 2, 1959, he approved LB 583.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

June 3, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 3, 1959, he approved LB 396, LB 573, LB 628 and LB 686.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

#### **Communication**

Note of appreciation of the bouquet of flowers from Mr. Bowen.

#### **SUSPEND RULES—Bills on Final Reading**

Mr. President: I move to suspend the rules and read the bills scheduled for Final Reading on June 5 after the bills scheduled for Final Reading today have been read. (Signed) Harry L. Pizer

The motion prevailed with 31 ayes, 0 nays, and 12 not voting.

#### **Members Excused**

Messrs. Stryker, Syas and Jensen were excused for Friday, June 5.

Mr. Carpenter was excused for Friday, June 5, and Monday, June 8.

#### **Presented to the Governor**

Presented to the Governor for approval on June 3, 1959, at 2:40 p.m.: LB 410 LB 504 LB 500 LB 88

(Signed) Jo Fisher, Enrolling Clerk

#### **STANDING COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 247.** Correctly engrossed.

**LEGISLATIVE BILL 579.** Correctly re-engrossed.

**LEGISLATIVE BILL 610.** Correctly engrossed.

**LEGISLATIVE BILL 636.** Correctly engrossed.

**LEGISLATIVE BILL 652.** Correctly engrossed.

**LEGISLATIVE BILL 653.** Correctly engrossed.

**LEGISLATIVE BILL 722.** Correctly engrossed.

**LEGISLATIVE BILL 685.** Replaced on Select File as amended.

E and R amendments to LB 685:

1. Because of the Carpenter Unanimous Consent Amendments adopted June 2, 1959, strike Enrollment and Review Amendments 1 to 4 adopted May 27, 1959.

2. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

3. In the title, strike lines 6 to 10 and insert "tion; to provide when the Tax Commissioner may refuse to disclose the names of corporations reporting the names of Nebraska residents who own stock or shares of such corporations; to require that corporations organized or domesticated under the laws of this state file returns and statements disclosing prescribed information; to provide that only taxing officials shall have access to statements of financial condition filed by such corporations; to repeal the original section; and to declare an emergency."

**LEGISLATIVE BILL 127.** Placed on Select File as amended.

— E and R amendments to LB 127:

1. In new section 2, line 7, insert "of" after "State"; and insert "□" before "Yes" in line 16 and before "No" in line 17.

2. In new section 3, line 8, strike "Reissue"; strike line 9; in line 10 strike "thereof,"; in line 16 strike " , Reissue Revised"; and strike all of line 17 except the period.

3. In new section 12, insert "□" before "Yes" in line 15 and before "No" in line 16.

4. In new section 14, insert "Nebraska" before "Workmen's" in line 9 and also in line 14.

**LEGISLATIVE BILL 362.** Placed on Select File as amended.

E and R amendment to LB 362:

1. In section 1, line 21, strike “. For” and insert “, and for”; and in line 23 strike “the” and insert “to” as in the statutes.

**LEGISLATIVE BILL 678.** Placed on Select File as amended.

E and R amendments to LB 678:

1. In section 1, line 11, strike “Claims and Deficiencies” and insert “Claims and Deficiencies Salaries and Claims”; and in line 14 insert “other” before “tort”.
2. In the title, line 5, insert “other” before “tort”.

**LEGISLATIVE BILL 584.** Replaced on Select File as amended.

E and R amendments to LB 584:

1. For correlation purposes, in section 1, line 89, strike “and 60-428”.
2. In line 5 of the Tews General File Amendment 2, adopted June 2, 1959, strike “minors who have” and insert “no minor who has”; and in line 6 strike the second “not”.

**LEGISLATIVE BILL 611.** Placed on Select File as amended.

E and R amendments to LB 611:

1. In section 2, insert “□” before “For” in line 8 and before “Against” in line 9.
2. In the title, line 8, strike “for” and insert “or”; and insert a comma at the end of line 16.

**LEGISLATIVE BILL 607.** Placed on Select File as amended.

E and R amendments to LB 607:

1. In Standing Committee Amendment 1, line 2, insert “, except the period,” before “in”.
2. Add a new section to be known as section 2 and to read as follows:  
“Sec. 2. That original section 23-1206.01, Revised Statutes Supplement, 1957, is repealed.”.
3. In the title, at the end of line 3, insert “to authorize the appointment of deputy county attorneys to serve without pay in

counties having a population of more than two hundred thousand inhabitants"; in line 6 strike "to elim-"; and strike lines 7 to 10.

**LEGISLATIVE BILL 578.** Placed on Select File as amended.

E and R amendment to LB 578:

1. In section 1, line 6, strike "not" and insert "shall not be".

(Signed) Joe T. Vosoba, Chairman

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 295.** With emergency.

A bill for an act to amend sections 14-365.03 and 14-365.10, Reissue Revised Statutes of Nebraska, 1943, relating to sewer rental or use fees in cities of the metropolitan class; to empower and provide that a city of the metropolitan class may enter into a contract with the metropolitan water or metropolitan utilities district serving such city for the purpose of aiding in the collection of any sewer rental or use fee established by such city and to pay the charge therefor; to provide that such a metropolitan water or metropolitan utilities district may by contract provide such services to such city upon payment of the cost thereof, and to terminate water services for nonpayment of such sewer use fee; to provide that such fees shall be charged to the owner of the property served or the person, firm, or corporation using the service; 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, 39:

Aufenkamp	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske	Munnelly	Simmons	

Voting in the negative, 0.

Not voting, 4:

Adams	Bowen	McHugh	Romans
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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.

#### Visitors

Mr. Tews introduced Miss Carol Huick, Mrs. Jacob Judt, Mrs. Gene Mailliand, and twelve girls from Girl Scout Troop 131; Mrs. Phillip Thomas, Mrs. Eugene Munson, and twelve girls from Girl Scout Troop 144, Norfolk.

#### LEGISLATIVE BILL 322.

A bill for an act relating to drainage; to provide for a drainage system of any county not included in the boundaries of a drainage district organized under the provisions of Chapter 31, article 3 or 4, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, or any sanitary drainage district organized under Chapter 31, article 5 or 7, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; to define terms; to provide the procedure for assistance by the county in the control and maintenance of drainage in areas not within the boundaries of any drainage district or sanitary drainage district; to provide powers and duties for the county board; to provide for notice, hearings, and appeals; to provide for the levy of a tax; to provide for the assessment of benefits and award of damages as prescribed; to provide how this act may be cited; and to repeal section 31-132, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Simmons
Aufenkamp	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Bowen	Carpenter	Romans
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 426.** With emergency.

A bill for an act relating to a planning commission; to provide that when any municipality joins with any other political or governmental body for planning, as prescribed, it shall not be required that all members of the planning commission be residents of or doing business in the municipality; to provide how such commission may be designated; to designate as metropolitan or regional planning body any planning board or commission of a city of the metropolitan or primary class; 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	Fulton	Munnelly	Simmons
Aufenkamp	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Bowen	Carpenter	Romans
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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.

**LEGISLATIVE BILL 463.** With emergency.

A bill for an act to amend sections 70-631, 70-632, 70-636, 70-637, and 70-657, Reissue Revised Statutes of Nebraska, 1943,



relating to public power and irrigation districts; to provide the powers of public power districts or public power and irrigation districts with relation to radioactive material and the rights with respect thereto; 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, 39:

Adams	Fulton	Munnelly	Simmons
Aufenkamp	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	

Voting in the negative, 0.

Not voting, 4:

Bowen	Carpenter	Romans	Williams
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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.

#### LEGISLATIVE BILL 545.

A bill for an act to amend sections 79-1208, 79-1209, 79-1211, 79-1243, and 79-1247.01, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the requirements for the conversion of an expired or lapsed teachers' certificate; to change the authority of the Commissioner of Education to issue prescribed certificates; to establish the Nebraska Rural Elementary School Certificate and prescribe requirements for its issuance and renewal; to change the time during which prescribed permits shall be valid; to redesignate temporary certificates as emergency and provisional permits; to provide that no teacher's certificate shall be issued to any alien; and to repeal the original sections, and also sections 79-1210 and 79-1267, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 34:

Adams	Gerdes	Munnelly	Simmons
Aufenkamp	Hollenbeck	Olinger	Skarda
Bridenbaugh	Jensen	Orme	Stryker
Burbach	Klaver	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Claussen	Liebers	Portsche	Tews
Cooper	Marvel	Ruhnke	Thompson
Donner	McHugh	Russillo	Vosoba
Fulton	Moulton		

Voting in the negative, 5:

Diers	Fenske	Pizer	Webb
Erlewine			

Not voting, 4:

Bowen	Nelson	Romans	Williams
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 570.

A bill for an act to amend sections 44-407.02, 44-407.04, 44-407.05, and 44-407.06, Reissue Revised Statutes of Nebraska, 1943, relating to Standard Nonforfeiture Law; to redefine present value of adjusted premiums; to provide the basis of calculation of adjusted premium, as provided; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Simmons
Aufenkamp	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Bowen                      Carpenter                      Romans

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 303.

A bill for an act to amend section 79-486, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change the provisions for instruction of pupils in another district; to authorize a school district to contract for the instruction of all or any part of its pupils; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fulton	Munnelly	Simmons
Aufenkamp	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Bowen                      Romans

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Visitors

Mr. Peck introduced Mrs. Delbert Mihulka, Leader, and fifteen Girl Scouts from Troop 237, Columbus, and three mothers.

Mrs. Swanson introduced Mrs. Stewart, Mrs. Beisner, and Barbara Beisner from Lexington.

**LEGISLATIVE BILL 595.**

A bill for an act to amend section 44-710, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to permit an extension of the time that must elapse after filing form of policy, endorsement, rider, or application before a policy of sickness and accident insurance may be issued; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Munnelly	Simmons
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Hollenbeck	Olinger	Stryker
Carpenter	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Bowen	Romans	Webb
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 723. With emergency.**

A bill for an act to amend section 39-721, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 381, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to highways; to require brakes on commercial trailers and semitrailers as prescribed; 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	Fulton	Munnelly	Simmons
Aufenkamp	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Bowen                  Romans

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

#### Visitors

Mr. Munnelly introduced Mrs. Charles J. Tice, Leader of Troop 141, and thirty-four Girl Scouts from St. Mary's School, Omaha, and six mothers.

Mr. Thompson introduced Mr. and Mrs. Fred Bremer from McCook.

#### STANDING COMMITTEE REPORTS

##### Revenue

**LEGISLATIVE BILL 724.** Placed on General File.

(Signed) Norman A. Otto, Chairman

#### SELECT FILE

**LEGISLATIVE BILL 590.**

Mr. Fenske renewed his pending motion found in the Legislative Journal for the One Hundred-second Day to strike the enacting clause.

The motion prevailed with 24 ayes, 12 nays, and 7 not voting.

**LEGISLATIVE BILL 646.** The pending McHugh specific amendments found in the Legislative Journal for the One Hundred-second Day were adopted with 31 ayes, 6 nays, and 6 not voting.

**Speaker Pizer Presiding**

**Member Excused**

Mr. Portsche was excused at 10:40 a.m. until 3:30 p.m.

Mr. Aufenkamp offered the following amendment which was adopted by unanimous consent:

1. Amend the McHugh amendment 1, lines 20 and 21, by striking "*nine thousand five hundred*" and inserting in lieu thereof "*nine thousand*".

Mr. Tews offered the following amendments which were adopted by unanimous consent:

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

"Section 1. That section 50-112, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 432, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

50-112. There shall be paid to each of the several officers and employees named in sections 50-111 and 50-121 for their official services such salaries as shall be fixed by the Legislature, except the Clerk of the Legislature, who shall receive the sum of eight thousand *ninety-five hundred* dollars per annum payable monthly and the first assistant clerk, who shall receive the sum of eight hundred dollars per month. No overtime shall be allowed to such clerk or first assistant clerk in any case."

2. Amend the bill by renumbering sections 1 to 4 as sections 2 to 5, respectively.

3. Amend the McHugh Amendment by striking amendment 3.

4. Amend renumbered section 4 of the bill, line 1 by striking "Section 1" and inserting "Sections 1, 2, and 3," and line 3 by inserting "*Clerk of the Legislature, Director of Banking, and*" before "Director".

5. Amend the McHugh Amendment 4, line 3 by inserting "and section 50-112, Revised Statutes Supplement, 1957, as amended

by section 1, Legislative Bill 432, Sixty-ninth Session, Nebraska State Legislature, 1959," before "are".

Advanced to E and R for re-engrossment.

#### LEGISLATIVE BILL 157.

Mr. Romans requested unanimous consent to withdraw his pending specific amendments, found in the Legislative Journal for the One Hundred-second Day, and substitute the following amendments in lieu thereof. No objections. So ordered.

1. Amend the bill by adding a new section immediately after section 1 to be known as section 2 and to read as follows:

*"Sec. 2. After September 1, 1959, upon the written request to the Nebraska brand committee by the owner of any livestock sales ring or group of livestock sales rings in Nebraska outside of the brand area, the committee shall furnish a brand inspector in the salebarn or salebarns to inspect all cattle for sale. Before an inspector shall be furnished the salebarn for the days sales are held the owner shall furnish a corporate surety bond in the sum of one thousand dollars to the committee to indemnify the committee the per diem and mileage of the inspector. The request for an inspector shall cover not less than a three month period of sales. Any owner of a livestock sales ring who requests a brand inspector, shall charge the same fees for inspection as provided in section 54-147."*

2. Amend the bill by renumbering section 2 as section 3.

3. Amend the bill by adding a new section to be known as section 4 and to read as follows:

*"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."*

4. Amend the title to conform.

Amendments pending.

Laid over until Monday, June 15, 1959, at the request of Mr. Romans.

#### Member Excused

Mr. Tews was excused at 11:00 a.m. until 2:00 p.m.

**LEGISLATIVE BILL 704.** E and R amendments found in the Legislative Journal for the One Hundred-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 634.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 707.** E and R amendment found in the Legislative Journal for the One Hundred-second Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 365.** E and R amendments found in the Legislative Journal for the One Hundred-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 204.** E and R amendments found in the Legislative Journal for the One Hundred-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 706.** E and R amendments found in the Legislative Journal for the One Hundred-second Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 238.** E and R amendments found in the Legislative Journal for the One Hundred-second Day were adopted.

Mr. Lautenschlager offered the following amendments which were adopted by unanimous consent:

1. Add the emergency clause.
2. Amend the title to conform.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 720.** E and R amendments found in the Legislative Journal for the One Hundred-second Day were adopted.

Advanced to E and R for engrossment.



**Member Excused**

Mr. Romans was excused at 11:10 a.m. until 2:00 p.m.

**GENERAL FILE**

**LEGISLATIVE BILL 719.**

Mr. Adams moved that LB 719 be indefinitely postponed.

**Mr. Munnelly Presiding**

**Members Excused**

Mr. Aufenkamp was excused at 11:20 a.m. for the remainder of the day.

Mr. Moulton was excused for this afternoon, June 4.

**Speaker Pizer Presiding**

**Visitors**

Mr. Fulton introduced Mr. Henry Pohlman from Jefferson County, and Messrs. B. M. Ensz, Bill Tiahrt and Mr. Spence from Beatrice.

The Adams motion to indefinitely postpone LB 719 lost.

**President Burney Presiding**

Mr. Klaver moved that the Standing Committee amendments be rejected.

Motion pending.

**Recess**

At 11:56 a.m., on a motion by Mrs. Orme, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Aufenkamp, Bowen, Moulton and Romans, who were excused, and Mr. Portsche who was excused until 3:20 p.m.

## GENERAL FILE

## LEGISLATIVE BILL 719. Considered.

The pending Klaver motion found in this Day's Journal was adopted with 22 ayes, 10 nays, and 11 not voting, and the Standing Committee amendments were rejected.

## Speaker Pizer Presiding

Mr. Carpenter offered the following amendments which were adopted with 27 ayes, 9 nays, and 7 not voting:

1. Amend section 1 of the bill, by striking lines 22 and 23 and inserting "(3) Governor shall mean the Governor of the State of Nebraska."

2. Amend the bill by striking the word "director" in section 4, lines 2, 4, 6, 7, and 23, section 5, lines 1 and 8, section 13, line 9, section 16, lines 1, 5, 8, and 37, section 18, line 3, and section 20, line 1, and inserting the word "Governor".

3. Amend the title to conform.

Mr. Klaver offered the following amendment which was adopted:

1. Amend the bill, section 1, line 21, by inserting "of the State of Nebraska" after the word "association".

Advanced to E and R for review with 32 ayes, 4 nays, and 7 not voting.

## Invitation

Mr. Liebers invited the members, their wives and immediate families, the Legislative staff, and the press to an ice cream social Thursday afternoon, June 11, 1959.

## MOTION—Pass LB 23

Mr. President: I move that LB 23 be taken up for passage notwithstanding the objections of the Governor. (Signed) Terry Carpenter

Voting in the affirmative, 10:

Carpenter	Marvel	Russillo	Syas
Donner	Orme	Simmons	Tews
Jensen	Otto		

Voting in the negative, 24:

Adams	Erlewine	Lautenschlager	Ruhnke
Bridenbaugh	Fenske	Liebers	Stryker
Burbach	Fulton	McHugh	Swanson
Claussen	Gerdes	Nelson	Thompson
Cooper	Hollenbeck	Olinger	Vosoba
Diers	Klaver	Pizer	Webb

Not voting, 9:

Aufenkamp	Munnelly	Portsche	Skarda
Bowen	Peck	Romans	Williams
Moulton			

A constitutional three-fifths majority having failed to vote in the affirmative, the bill failed of passage notwithstanding the Governor's objections.

#### UNANIMOUS CONSENT—Hearing Date

Mr. McHugh requested unanimous consent to cancel the hearing on LB 726 as scheduled in the Legislative Journal for the One Hundred-second Day, and that it be reset for Thursday, June 11, 1959 at 1:30 p.m. No objections. So ordered.

#### NOTICE OF COMMITTEE HEARINGS

##### Judiciary

LB 726 (Reset) Thursday, June 11, 1959 1:30 p.m.

#### GENERAL FILE

##### LEGISLATIVE BILL 531.

Mr. Marvel requested unanimous consent to have an amendment to LB 531 read and printed in the Journal. No objections. So ordered.

General File amendments by Ruhnke:

1. Amend the bill by striking Standing Amendment 2 and all amendments thereto.

2. Amend section 1 of the bill, line 6 by inserting "taxes," after "from", line 16 by striking "that the provisions of this section" and insert "that no money derived from sources other than such taxes, fees, excises, or license fees shall be appropriated for the purposes to which such taxes, fees, excises, or license fees are above restricted; and provided further, that the restrictions above imposed on expenditure of taxes, fees, excises, and license fees".

3. Amend Standing Committee Amendment 2, line 7 by inserting after "purposes" the following:

" , and limiting the amount from other sources that may be expended for such uses."

3. Amend the title to conform.

Amendments pending.

Laid over until Tuesday, June 9, 1959, at the request of Mr. Carpenter.

**LEGISLATIVE BILL 22.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-ninth Day were adopted.

Mr. Carpenter offered the following amendment which was adopted:

1. Amend section 2 of the bill, line 35 by striking "or", line 37 by striking the period and inserting "; or", and by inserting after line 37 the following:

"(j) Any switchboard operator employed in a public telephone exchange which has not more than seven hundred and fifty stations."

**Member Excused**

Mr. Donner was excused at 3:20 p.m. for the remainder of the day and for Friday, June 5.

Mr. Otto offered the following amendment which was adopted:

1. Amend section 2 of the bill, line 6 by striking "four" and inserting "twenty".

Mr. Cooper moved that LB 22 be indefinitely postponed.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 26:

Bridenbaugh	Fenske	Nelson	Russillo
Burbach	Gerdas	Olinger	Simmons
Claussen	Hollenbeck	Orme	Stryker
Cooper	Lautenschlager	Peck	Swanson
Diers	Liebers	Pizer	Tews
Donner	Marvel	Ruhnke	Thompson
Erlewine	McHugh		

Voting in the negative, 11:

Adams	Jensen	Otto	Syas
Carpenter	Klaver	Portsche	Vosoba
Fulton	Munnely	Skarda	

Not voting, 6:

Aufenkamp	Moulton	Webb	Williams
Bowen	Romans		

The Cooper motion prevailed and LB 22 was indefinitely postponed.

**President Burney Presiding**

#### **LEGISLATIVE BILL 306.**

Mr. Cooper moved that LB 306 be indefinitely postponed.

#### **Member Excused**

Mr. Jensen was excused at 4:00 p.m. for the remainder of the day.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 25:

Bridenbaugh	Gerdas	Otto	Stryker
Burbach	Hollenbeck	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	McHugh	Ruhnke	Vosoba
Diers	Nelson	Russillo	Webb
Erlewine	Olinger	Simmons	Williams
Fenske			

Voting in the negative, 9:

Carpenter	Marvel	Portsche	Swanson
Fulton	Orme	Skarda	Syas
Liebers			

Not voting, 9:

Adams	Donner	Klaver	Munnely
Aufenkamp	Jensen	Moulton	Romans
Bowen			

The Cooper motion prevailed and LB 306 was indefinitely postponed.

**Members Excused**

Messrs. Klaver, Skarda, and Tews were excused for Friday, June 5.

**MOTION—Lay Over LB 606**

Mr. President: I move that LB 606 be laid over on General File until Tuesday, June 9, and to be considered the first order of business. (Signed) Terry Carpenter

The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

**Member Excused**

Mr. Munnelly was excused for Friday, June 5.

**Visitors**

Mr. Portsche introduced Mrs. Starlin, Leader, and ten members of the Meadow Lane School Blue Birds, and two adults.

**MESSAGE FROM THE GOVERNOR**

June 4, 1959

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

Gentlemen and Mrs. Orme:

This letter is to request your permission to introduce legislation returning the salary of the Governor of the State of Nebraska to \$11,000.00 from the figure of \$14,000.00 provided by LB 2 of this current legislative session and which I signed in order that our judiciary might have the benefit of the increased salaries for them therein contained and in my approval message of which I indicated that I would introduce this legislation to restore the salary of the Office of Governor to the level theretofore existing, to-wit, \$11,000.00.

I have stated repeatedly my position with reference to salary increases and I do not wish the salary of Governor to be increased until such time as a systematic and orderly wage scale can be adopted for all employees of the State of Nebraska.

I respectfully commend this legislation to your attention and urge its enactment with all possible dispatch.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:s

### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 727.** By Joe T. Vosoba of Legislative District 23, upon recommendation of the Governor.

A bill for an act to amend section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 2, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to salaries; to reduce the salary of the Governor; to provide when a change in such salary shall become operative; and to repeal the original section.

### **MOTION—Bills on General File**

Mr. President: I move that, with the exception of LB 606, the remaining bills be considered in the order now appearing on General File. (Signed) A. A. Fenske

The motion prevailed with 24 ayes, 9 nays, and 10 not voting.

### **SUSPEND RULES—Place LB 727 on General File**

Mr. President: I move that the rules be suspended and that LB 727 be placed on General File. (Signed) Harry L. Pizer

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

### **STANDING COMMITTEE REPORTS**

#### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 721.** Placed on General File.

(Signed) John P. Munnelly, Chairman

### **Adjournment**

At 4:26 p.m., on a motion by Mr. Claussen, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## ONE HUNDRED-FOURTH DAY

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Legislative Chamber, Lincoln, Nebraska

Friday, June 5, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Bowen, Carpenter, Donner, Jensen, Klaver, Munnelly, Ruhnke, Skarda, and Syas who were excused and Mr. Tews who was excused until 9:30 a.m.

**Corrections for the Journal**

Correct the title pages by deleting "ONE HUNDRED-FOURTH DAY—June 4, 1959" and inserting "ONE HUNDRED-THIRD DAY—June 4, 1959".

Page 1902, line 28, delete "\$11,00.00" and insert "\$11,000.00".

The Journal for the One Hundred-third Day was approved as corrected.

**Communications**

Telegram from Dr. Benjamin Schwartz, Chairman, Community and Civic Relations Committee, and Rev. Walter Daniels, Executive Secretary, Omaha Area Council of Churches, opposing LB 611.

**SELECT COMMITTEE REPORTS****Tvrdik-Skarda Election Contest**

Your committee in the above entitled election contest wishes to report that receipts are on file showing payment having been made in accordance with the report submitted by your committee on the seventeenth day of April, 1959.

It is hereby directed that the Secretary of State be notified that the cash bond deposited with the Secretary of State be returned to Mr. Tesar and that your committee be discharged.

(Signed) William Moulton, Chairman



**MOTION—Adopt Report**

Mr. President: I move that the report of the Tvrdik-Skarda election contest committee be adopted. (Signed) William Moulton

The motion prevailed with 30 ayes, 0 nays, and 13 not voting.

The President expressed appreciation and commended the members of the election contest committee.

**STANDING COMMITTEE REPORTS****Revenue**

**LEGISLATIVE BILL 713.** Indefinitely postponed.

(Signed) Norman A. Otto, Chairman

**Enrollment and Review**

**LEGISLATIVE BILL 428.** Replaced on Select File as amended.

E and R amendments to LB 428:

1. Add a new section to be known as section 4 and to read as follows:

“Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

2. In the title, line 9, strike the second “and”; and in line 10 insert “; and to declare an emergency” before the period.

**LEGISLATIVE BILL 488.** Replaced on Select File as amended.

E and R amendments to LB 488:

1. In the Burbach Unanimous Consent Amendment, line 2 strike “24 to 27” and insert “24 to 26 and in line 27 striking ‘of section 88-216.’”.

2. In line 2 of Enrollment and Review Amendment 5, adopted June 3, 1959, insert “to require that proceeds of registration fees required by the section shall be placed in the state General Fund,” after the semicolon.

**LEGISLATIVE BILL 1.** Replaced on Select File as amended.

E and R amendments to LB 1:

1. In new section 1, line 5, insert “31” after “December”.

2. In line 1 of Enrollment and Review Amendment 2, adopted June 3, 1959, insert "to provide for refunds as prescribed;" after the semicolon.

3. In renumbered section 2, line 1, strike "Section" and insert "Sec."

**LEGISLATIVE BILL 238.** Replaced on Select File as amended.

E and R amendments to LB 238:

1. Add a new section to be known as section 3 and to read as follows:

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

2. In the title, line 7, strike "and"; and also in line 7 insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 537.** Placed on Select File as amended.

E and R amendments to LB 537:

1. In new section 1, lines 8 and 9, strike "or any land subject to overflow by water," as in the statutes.

2. In renumbered section 2, line 1, strike "Section" and insert "Sec."

3. In the Stryker General File Amendment 1, line 2, insert "and" before "when".

4. In renumbered section 4, line 34, strike "property owners of the land" and insert "property owners of the land electors residing".

5. In renumbered section 5, line 14, strike "Calander" and insert "Calender" as in the statutes; in line 22 strike "information" and insert "formation" as in the statutes; show the rectangles in lines 23 and 24 as stricken; and show the period at the end of line 29 as stricken.

6. In line 2 of the Liebers General File Amendment to renumbered section 7, insert ", showing the same as stricken," before "and".

7. In the Stryker General File Amendment 2, line 5, strike the comma.

8. In line 3 of section 10, as amended by Standing Committee Amendment 3, strike the quotation marks.

9. Strike the Liebers General File Amendment to renumbered section 11; and in renumbered section 11, line 9, strike "does not exceed" and insert "does not exceed exceeds"; and in line 12, strike "to" and insert "and".

10. In renumbered section 14, line 15, strike the first "or" and insert "of" as in the statutes.

11. In the Liebers General File Amendment to renumbered section 14, line 3, insert "the first" after "striking"; in line 5 strike "(4)" and insert "(5)"; and strike line 7 and insert "undertaken".

12. In renumbered section 15, line 37, strike "the"; strike line 48 and insert "number of acres owned by each which are subject to assessment and shall trans-"; in line 49 insert "such list" after "mit"; in lines 50 and 51, strike "for the use of the county treasurer" and insert the same before the period in line 51; and in line 62 strike "levy".

13. Strike Standing Committee Amendment 2.

14. Renumber original sections 1 to the first section 14 as sections 2 to 15 respectively; renumber the second section 14, on page 16 as section 16; and renumber original sections 15 and 16 as sections 17 and 18 respectively.

15. In line 1 of the Stryker General File Amendment to "renumbered section 16" strike "16" and insert "17".

16. In renumbered section 17, line 17, strike "and" and insert "or"; and in line 41 strike the first "of" and insert "if" as in the statutes.

17. In Standing Committee Amendment 6, line 1, strike "17" and insert "18".

18. Add a new section to be known as section 19 and to read as follows:

"Sec. 19. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

19. In the title, line 2, insert "31-801," after "sections"; in line 6 insert "to authorize cooperation with other agencies as prescribed;" after the semicolon; in line 13 strike "election" and insert "elections"; also in line 13 insert "to change the per cent of votes required to approve prescribed actions;" after the semicolon; in line 14 insert "to provide for review of programs by the state soil and

water conservation committee as prescribed;" after the semicolon; in line 22 strike "and"; and in line 25 insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 420.** Placed on Select File as amended.

E and R amendments to LB 420:

1. In Standing Committee Amendment 1, strike line 1 and insert "1. Amend section 2 of the bill, line 3, by inserting, after '81-876.', the following: 'No'"; and in line 3 strike ", or" and insert "nor".

2. In section 4, line 29, strike "including" and insert "inducing" as in the statutes; and in line 60 strike "or" and insert "or".

3. In Standing Committee Amendment 4, line 1, strike "line 61 by striking '(16)'" and insert "lines 61 and 62 by striking '"; in line 2 insert ", showing the same as stricken," before "and"; in line 3 strike "(16)"; strike the periods in lines 5 and 8 and in each instance insert an underscored semicolon; in line 16 strike the period and insert "; or"; and in line 17 strike "." and insert ".,".

3. In section 6, line 1, insert a comma after "81-884.01"; in line 10 strike "to be approved" and insert "shall be subject to approval"; in line 11 insert "shall be" after "and"; also in line 11 strike the second "the"; strike lines 13 and 14 and the new matter in line 15 and insert "in the district court. In lieu of such bond, a cash deposit of at least one hundred dollars may be made with the clerk for the same purpose.".

4. Add a new section to be known as section 8 and to read as follows:

"Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

5. In the title, line 5, insert "to provide that no person under the age of twenty-one years or not a citizen of the United States shall be eligible for a broker's or salesman's license;" after the semicolon; in line 9 insert "to provide additional grounds for denial or revocation of license;" after the semicolon; and in line 14 insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 542.** Placed on Select File.

**LEGISLATIVE BILL 694.** Placed on Select File as amended.

E and R amendments to LB 694:

1. In section 1, line 10 insert "or village" after "city".
2. In section 4, line 7, insert "or village" after "city".
3. In line 4 of section 6, line 2 of section 7, and line 1 of section 8, strike "the Department of".
4. In section 7, line 7, insert "address" after "residence".
5. In section 8, line 8, strike "shall"; and in line 10 insert "address" after "residence".
6. In the title, line 3, insert "to provide for immunity;" after the semicolon; and in line 4 strike "the Department of".

**LEGISLATIVE BILL 625.** Correctly engrossed.

**LEGISLATIVE BILL 635.** Correctly engrossed.

**LEGISLATIVE BILL 675.** Correctly engrossed.

**LEGISLATIVE BILL 693.** Correctly engrossed.

**LEGISLATIVE BILL 696.** Correctly engrossed.

**LEGISLATIVE BILL 698.** Correctly engrossed.

**LEGISLATIVE BILL 699.** Correctly engrossed.

**LEGISLATIVE BILL 700.** Correctly engrossed.

**LEGISLATIVE BILL 709.** Correctly engrossed.

**LEGISLATIVE BILL 295.** Correctly enrolled.

**LEGISLATIVE BILL 322.** Correctly enrolled.

**LEGISLATIVE BILL 426.** Correctly enrolled.

**LEGISLATIVE BILL 463.** Correctly enrolled.

**LEGISLATIVE BILL 545.** Correctly enrolled.

**LEGISLATIVE BILL 570.** Correctly enrolled.

**LEGISLATIVE BILL 303.** Correctly enrolled.

**LEGISLATIVE BILL 595.** Correctly enrolled.

**LEGISLATIVE BILL 723.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 295 LB 322 LB 426 LB 463 LB 545 LB 570 LB 303 LB 595 LB 723

**MOTION—Request Return of LB 410**

Mr. President: I move that we request the Governor to return LB 410. (Signed) Norman A. Otto

The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

**MOTION—Place LB 335 on General File**

Mr. President: I move that LB 335 be placed on General File. (Signed) John Adams, Sr.

Motion pending.

Laid over until Tuesday, June 9, 1959, at the request of Mr. Adams.

**REPORT—LB 410 Returned**

Mr. President: Your assistant clerk respectfully reports that the Governor has this date returned LB 410 to the Legislature in response to its request. (Signed) Francis V. Robinson, Assistant Clerk of the Legislature

**SUSPEND RULES—Reconsider Action on LB 410**

Mr. President: I move that the rules be suspended and that we reconsider our action on final passage of LB 410. (Signed) Norman A. Otto

The motion prevailed with 30 ayes, 0 nays, and 13 not voting.

**BILLS ON FINAL READING****LEGISLATIVE BILL 410.**

Mr. Otto moved that LB 410 be returned to Select File for the following specific amendment:

1. Amend the bill, section 1, line 17, after the word "employee" add "or emeritus member".

The motion prevailed with 28 ayes, 0 nays, and 15 not voting, and LB 410 was returned to Select File.

**Visitor**

Mr. Pizer introduced Mr. Charles G. Irwin, President of the Senate in the Wyoming Legislature.

**SELECT FILE**

**LEGISLATIVE BILL 410.** The pending Otto specific amendment found in this Day's Journal was adopted with 31 ayes, 0 nays, and 12 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 685.** E and R amendments found in the Legislative Journal for the One Hundred-third Day were adopted.

Mr. Lautenschlager requested unanimous consent that LB 685 be mimeographed with all the amendments and placed on the members' desks. No objections. So ordered.

Laid over.

**LEGISLATIVE BILL 127.** E and R amendments found in the Legislative Journal for the One Hundred-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 362.** E and R amendment found in the Legislative Journal for the One Hundred-third Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 678.** E and R amendments found in the Legislative Journal for the One Hundred-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 584.** E and R amendments found in the Legislative Journal for the One Hundred-third Day were adopted.

Motion by Mr. Klaver:

Mr. President: I move that the Enacting Clause be stricken from LB 584. (Signed) Sam Klaver

Mr. Russillo requested unanimous consent that consideration of the Klaver motion be laid over.

Mr. Tews objected.

The Klaver motion was ruled out of order because of the absence of Mr. Klaver.

Mr. Vosoba moved that the Enacting Clause be stricken from LB 584.

The motion lost with 17 ayes, 13 nays, and 13 not voting.

Mr. Tews moved that LB 584 be advanced to E and R for engrossment.

Mr. Russillo requested a record vote.

Voting in the affirmative, 18:

Adams	Lautenschlager	Peck	Swanson
Burbach	Marvel	Pizer	Tews
Cooper	McHugh	Portsche	Thompson
Gerdes	Orme	Romans	Webb
Hollenbeck	Otto		

Voting in the negative, 16:

Aufenkamp	Erlewine	Moulton	Simmons
Bridenbaugh	Fenske	Nelson	Stryker
Claussen	Fulton	Olinger	Vosoba
Diers	Liebers	Russillo	Williams

Not voting, 9:

Bowen	Jensen	Munnelly	Skarda
Carpenter	Klaver	Ruhnke	Syas
Donner			

The motion prevailed and LB 584 was advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 611.** E and R amendments found in the Legislative Journal for the One Hundred-third Day were adopted.

Mr. Webb moved that LB 611 be indefinitely postponed.

The motion lost with 18 ayes, 14 nays, and 11 not voting.

Mr. Portsche moved that LB 611 be advanced to E and R for engrossment.

The motion lost with 16 ayes, 17 nays, and 10 not voting.



**LEGISLATIVE BILL 607.** E and R amendments found in the Legislative Journal for the One Hundred-third Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 578.** E and R amendment found in the Legislative Journal for the One Hundred-third Day was adopted.

Advanced to E and R for engrossment.

**MOTION—Reconsider Action on LB 584**

Mr. President: I move to reconsider our action of this date in advancing LB 584 from Select File to Enrollment and Review for engrossment. (Signed) Arthur W. Swanson

The motion lost with 12 ayes, 14 nays, and 17 not voting.

**Member Excused**

Mr. Tews was excused at 9:45 a.m. for the remainder of the day.

**GENERAL FILE**

**LEGISLATIVE BILL 593.** Read and considered.

Mr. Peck moved the adoption of the following Munnelly amendment:

1. Amend the bill, section 1 line 27 by striking "seventy-three" and inserting "seventy-one", line 30 by striking "seventy-six" and inserting "seventy-two", line 32 by striking "seventy-nine" and inserting "seventy-three", line 34 by striking "eighty-two" and inserting "seventy-four", line 37 by striking "eighty-five" and inserting "seventy-five", line 39 by striking "eighty-eight" and inserting "seventy-seven", line 42 by striking "ninety-one" and inserting "seventy-nine", line 44 by striking "ninety-four" and inserting "eighty-one", line 46 by striking "ninety-seven" and inserting "eighty-three", line 48 by inserting after the semicolon the words and figures "*an amount equal to eighty-five per cent of the total unearned premium on all policies in force as of December 31, 1968; an amount equal to eighty-eight per cent of the total unearned premium on all policies in force as of December 31, 1969; an amount equal to ninety-one per cent of the total unearned premium on all policies in force as of December 31, 1970; an amount equal to ninety-four per cent of the total unearned premium on all policies in force as of December 31, 1971; an amount equal to*

*ninety-seven per cent of the total unearned premium on all policies in force as of December 31, 1972,"*, and line 48 by striking "1968" and inserting "1973".

The Munnelly amendment was adopted.

Advanced to E and R for review.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 683.** Considered.

Mr. Russillo offered the following amendments which were adopted:

1. Amend the bill by striking sections 1 to 3 and all amendments thereto.

2. Amend the bill by adding 2 new sections to read as follows:

"Section 1. That sections 86-501, 86-504, 86-505, 86-506, 86-507, 86-508, and 86-509, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

3. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 605.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Seventy-eighth Day were adopted.

Mrs. Orme offered the following amendment:

1. Amend section 1 of the bill by striking lines 1 to 8 and inserting:

"No person shall, by the use of coercion, intimidation, or threats, or in any other manner, willfully abridge or attempt to abridge the right of any person to petition the government, or any department thereof. Any person violating the provisions".

Mr. Thompson requested unanimous consent that LB 605 be laid over.

Mr. Fenske objected.

Mr. Romans offered the following amendment which was adopted:

1. Amend the Orme amendment, line 4, by striking "or in any other manner,".

The Orme amendment was adopted as amended.

Advanced to E and R for review.

**LEGISLATIVE BILL 617.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Eightieth Day were adopted.

Mr. Russillo offered the following amendment which was adopted:

1. Amend Standing Committee Amendment 1, page 3, Sec. 7, by striking the period in line 14 and adding the following:

"; Provided, however, that the aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the sum of said bond. The surety on such bond shall have a right to cancel such bond upon giving 30 days notice to the Secretary, provided, however, that such cancellation shall not affect any liability on the bond which accrued prior thereto."

Mr. Lautenschlager offered the following amendment which was adopted:

1. Amend section 6, page 3, line 10, of the Standing Committee amendments by striking the period and inserting a semicolon, and adding: "Providing that this section shall not apply when a full pardon has been granted."

Advanced to E and R for review.

**Visitors**

Mr. Olinger introduced Mr. Eugene Hultquist from Oakland, Messrs. E. Dudley Beck, Jaspar A. Johnson, and Harvey Ellenberger from Tekamah, and Mr. Orrin Kohlmeier from Craig.

**LEGISLATIVE BILL 679.**

Mr. Stryker moved that LB 679 be indefinitely postponed.

Motion pending.

Mr. Vosoba requested unanimous consent that LB 679 be laid over.

Mr. Fenske objected.

Mr. Romans moved that LB 679 be laid over until Monday, June 8.

The motion prevailed with 25 ayes, 5 nays, and 13 not voting.

**President Burney Presiding**

**LEGISLATIVE BILL 691.** Read and considered.

Standing Committee amendment 1 found in the Legislative Journal for the Eighty-fifth Day was rejected with 10 ayes, 18 nays, and 15 not voting.

Standing Committee amendments 2 and 3 were rejected.

Standing Committee amendments 4 and 5 were adopted.

Mr. Lautenschlager offered the following amendment which was adopted:

1. Amend the bill by striking section 3, renumber the remaining sections, and amend the title to conform.

Advanced to E and R for review.

**Visitors**

Mr. Marvel introduced Dr. and Mrs. Herbert Seberg from Hastings.

**MOTION—Place LB 718 on General File**

Mr. President: I move that LB 718 be placed on General File.  
(Signed) Oliver Olinger

Motion pending.

**Adjournment**

At 11:40 a.m., on a motion by Mr. Stryker, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**ONE HUNDRED-FIFTH DAY**

---

Legislative Chamber, Lincoln, Nebraska

Monday, June 8, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Adams, Carpenter, McHugh, and Swanson who were excused.

**Corrections for the Journal**

Page 1907, line 12, correct the spelling of the word "strike".

The Journal for the One Hundred-fourth Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

June 5, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 3, 1959, he approved LB 88, LB 500 and LB 504.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**Invitation**

Invitation to the members and their wives from the Nebraska Stock Growers Association, to their annual banquet to be held at the Pershing Municipal Auditorium, Friday, June 12, at 7:00 p.m.

**Visitors**

Mr. Diers introduced Mr. and Mrs. William Sternberg and son, and Mr. and Mrs. Gerhard Abrisch and son.

**Communications**

Letter from John H. Schmer, Harvard, favoring LB 542, and suggesting an amendment.

**MOTION—Return LB 633 to Select File**

Mr. President: I move that LB 633 be returned to Select File for the following specific amendment. (Signed) A. A. Fenske

1. Strike the enacting clause.

Mr. Burbach requested unanimous consent that the motion be laid over.

Mr. Fenske objected.

Mr. Burbach moved that the motion be laid over. The motion lost with 16 ayes, 17 nays, and 10 not voting.

Mr. Fenske requested a Call of the House.

A Call of the House was ordered and showed 37 members present.

Mr. Fenske moved that the Call be raised. The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

The Fenske motion prevailed with 23 ayes, 14 nays, and 6 not voting, and LB 633 was returned to Select File.

**Presented to the Governor**

Presented to the Governor for approval on June 5, 1959, at 3:40 p.m.: LB 723 LB 595 LB 303 LB 570 LB 545 LB 463 LB 426 LB 322 LB 295

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 281.** Replaced on Select File as amended.

E and R amendments to LB 281:

1. All amendments proposed by section 8 having been stricken, strike section 8 and renumber sections 9 to 14 as sections 8 to 13 respectively.

2. In renumbered section 11, line 5, strike "the" before "Boys'" and insert "the".

3. In renumbered section 13, lines 1 and 2, strike "sections 83-203 and 83-210" and insert "section 83-203".

4. In the title, line 2, strike "sections 83-203 and 83-210" and insert "section 83-203".

**LEGISLATIVE BILL 487.** Placed on Select File as amended.

E and R amendments to LB 487:

1. In section 2, insert a semicolon at the end of line 10; in line 60, strike "the"; and insert a period at the end of line 109, all as in the statutes.

2. In section 3, line 17, insert "of" after "keeper".

3. In Standing Committee Amendment 2, line 2, insert a comma after "village".

4. For correlation purposes, in section 5, line 2, insert "as amended by section 1, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; in lines 14 and 15 strike "upon receipt of bond properly executed,"; and in line 18 insert "; Provided, no license shall be issued by the commission unless the commission has received from the applicant a bond, as described in section 52-138.02, effective for the term of the license" after "fix".

5. In section 7, line 3, strike "(1)", showing the same as stricken; and in line 110 insert "(1)" before "Except".

6. For correlation purposes, in section 7, line 2, insert "as amended by section 1, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; strike lines 10 to 14 and insert "had. The license fee and cash deposit for defraying cost of publication of notice for hearing thereon, as provided in subsection (2) of this section, shall accompany the application,"; strike the material beginning with "as" in line 18 through the second comma in line 20 and also beginning with "as" in line 26 through "section" in line 27; in line 32 strike "seven" and insert "fourteen"; strike the material beginning with "they" in line 41 through "and" in line 44; in line 62 insert "if the commission has received from the applicant a bond, as described in section 52-138.02 effective for the term of the license" after "course";

strike the material beginning with "and" in line 74 through "subsections" in line 76; and in line 91 strike "reporters" and insert "reporter's".

7. Strike Standing Committee Amendment 3.

8. In section 9, line 75, insert "void" after "render" and in line 76 strike "void".

9. In Standing Committee Amendment 5, insert "and" at the end of line 3.

10. In the title, line 9, insert "Nebraska" after "the"; and in line 14 insert "to provide for publication of notice of intent to renew licenses;" after the semicolon.

**LEGISLATIVE BILL 594.** Placed on Select File as amended.

E and R amendments to LB 594:

1. In new section 2, line 12, strike "{2}"; in line 20 strike "{2}"; in line 24 strike "{1}"; and in line 27 strike "{5}".

2. In new section 3, line 1, strike "{1}".

3. In new section 4, line 5, strike "or"; in line 10 strike "{2}"; in line 12 strike "."; and at the end of line 12 insert "or".

4. In new section 7, line 8, strike "and/or"; in line 9 insert ", or combination thereof," after "insurance"; in line 15 strike "the amount and term thereof, and"; in lines 18 and 19 strike "that if the proceeds"; in line 36 strike "a brief description of the"; and in line 39 strike "insurance".

5. In new section 8, line 15, strike "provided," and insert "Provided,"; in line 33 strike "sixty"; and in line 40 strike "1" and insert "(1)".

6. In new section 9, line 31, strike "any"; and in line 36 strike "charge".

7. In new section 11, line 7, strike "{1}"; and in line 12, strike "{2}".

8. In new section 12, line 7, strike "by"; strike line 9; and in line 10 strike "provi".

**LEGISLATIVE BILL 454.** Placed on Select File.

**LEGISLATIVE BILL 533.** Placed on Select File as amended.

E and R amendments to LB 533:



1. In renumbered section 1, strike the comma at the end of line 4.

2. In the title, strike lines 2 to 18 and insert:

“FOR AN ACT to amend section 42-305.02, Reissue Revised Statutes of Nebraska, 1943, relating to divorce; to provide that no suit for divorce shall be heard or tried until sixty days after the filing of plaintiff's petition; and to repeal the original section.”.

**LEGISLATIVE BILL 618.** Placed on Select File as amended.

E and R amendment to LB 618:

1. In section 1, strike line 14 as amended by Standing Committee Amendment 1 and insert “at an expense not exceeding one-half *three-fourths* of the legal rate”.

**LEGISLATIVE BILL 703.** Placed on Select File.

**LEGISLATIVE BILL 687.** Placed on Select File as amended.

E and R amendments to LB 687:

1. In section 8, line 3, strike “*He*” and insert “*The department*”.

2. In section 15, line 19, insert “the State Athletic Commissioner” after “iners,”.

3. In the title, line 5, insert “to change certain license fees;” after the semicolon.

**LEGISLATIVE BILL 634.** Correctly engrossed.

**LEGISLATIVE BILL 704.** Correctly engrossed.

**LEGISLATIVE BILL 707.** Correctly engrossed.

**LEGISLATIVE BILL 720.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### Visitors

Mr. Vosoba introduced Steve Stastny from Milligan.

Mr. Claussen introduced Doris Olson and Andrea Mohnsen from Leigh.

#### Member Excused

Mr. Thompson was excused from 9:30 until 10:45 a.m. today.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 549.** With emergency.

A bill for an act to amend sections 2-2309 and 2-2315, Revised Statutes Supplement, 1957, relating to agriculture; to provide for refund of overpayments of the wheat excise tax; to change the procedures for withholding, reporting, and paying of such tax as prescribed; to require the keeping of prescribed records; 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, 34:

Bowen	Hollenbeck	Olinger	Simmons
Bridenbaugh	Jensen	Orme	Skarda
Burbach	Klaver	Otto	Stryker
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Portsche	Tews
Diers	Marvel	Romans	Vosoba
Erlewine	Moulton	Ruhnke	Webb
Fulton	Munnelly	Russillo	Williams
Gerdes	Nelson		

Voting in the negative, 4:

Aufenkamp	Donner	Fenske	Pizer
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Not voting, 5:

Adams	McHugh	Swanson	Thompson
Carpenter			

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

**LEGISLATIVE BILL 554.** Laid over.**Visitors**

Mr. Otto introduced Mr. and Mrs. Carl Otto and son from Yoder, Wyoming.

**LEGISLATIVE BILL 667.** With emergency.

A bill for an act relating to cities and villages, particular classes; to provide a municipal election code for cities of the first class, cities of the second class, and villages; to amend sections 16-307, 17-211, 17-527, 17-603, 32-101, and 32-524, Reissue Revised Statutes of Nebraska, 1943, and section 32-519, Revised Statutes Supplement, 1957; to repeal the original sections, and also section 32-902, Revised Statutes Supplement, 1957; and to declare an emergency.

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

Voting in the affirmative, 38:

Aufenkamp	Fulton	Nelson	Russillo
Bowen	Gerdes	Olinger	Simmons
Bridenbaugh	Hollenbeck	Orme	Skarda
Burbach	Jensen	Otto	Stryker
Claussen	Klaver	Peck	Syas
Cooper	Lautenschlager	Pizer	Tews
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams
Fenske	Munnelly		

Voting in the negative, 0.

Not voting, 5:

Adams	McHugh	Swanson	Thompson
Carpenter			

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

**Member Excused**

Mr. Liebers was excused from 10:45 a.m. until noon.

**MOTION—Place LB 713 on General File**

Mr. President: I move that LB 713 be placed on General File.  
(Signed) John P. Munnelly

**Speaker Pizer Presiding**

Mr. Klaver requested a record vote.

Mr. Munnelly requested a Call of the House.

A Call of the House was ordered and showed 38 members present.

Mr. Ruhnke moved that the Call be raised. The motion prevailed with 27 ayes, 10 nays, and 6 not voting.

Voting in the affirmative, 21:

Aufenkamp	Jensen	Moulton	Simmons
Burbach	Klaver	Munnelly	Skarda
Claussen	Lautenschlager	Orme	Syas
Cooper	Liebers	Peck	Tews
Donner	Marvel	Portsche	Webb
Fulton			

Voting in the negative, 15:

Bowen	Gerdes	Otto	Stryker
Bridenbaugh	Hollenbeck	Pizer	Vosoba
Diers	Nelson	Ruhnke	Williams
Erlewine	Olinger	Russillo	

Not voting, 7:

Adams	Fenske	Romans	Thompson
Carpenter	McHugh	Swanson	

The Munnelly motion lost.

### SELECT FILE

**LEGISLATIVE BILL 633.** The pending Fenske specific amendment found in this Day's Journal to strike the enacting clause was adopted with 22 ayes, 13 nays, and 8 not voting.

### Visitors

Mr. Munnelly introduced his wife and two daughters.

Mr. Stryker introduced Mrs. Ray Smith, Leader, and twenty-five members of the Happy Homemakers Extension Club from David City.

Mr. Diers introduced Mrs. Allen Kreifels, Leader, and fourteen members of the Springfield Women's Club.

Mr. Marvel introduced his parents, Mr. and Mrs. Archie D. Marvel, from Hastings.

Mr. Pizer introduced Misses Kelson from Gothenburg.

**LEGISLATIVE BILL 685.**

Mr. Cooper offered the following amendment:

1. Amend Unanimous Consent Amendment 1, adopted June 2, 1959, line 1 by inserting "new section 2 added by" after "striking".

Amendment pending.

Laid over.

**LEGISLATIVE BILL 611.**

Mr. Webb moved that LB 611 be indefinitely postponed.

The motion lost with 14 ayes, 19 nays, and 10 not voting.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 428.** E and R amendments found in the Legislative Journal for the One Hundred-fourth Day were adopted.

Advanced to E and R for re-engrossment.

**Visitors**

Mr. Tews introduced Paul Ziegenbein and Floyd R. Kleiman.

**LEGISLATIVE BILL 488.** E and R amendments found in the Legislative Journal for the One Hundred-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 1.** E and R amendments found in the Legislative Journal for the One Hundred-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 238.** E and R amendments found in the Legislative Journal for the One Hundred-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 537.** E and R amendments found in the Legislative Journal for the One Hundred-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 420.** E and R amendments found in the Legislative Journal for the One Hundred-fourth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 542.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 694.** E and R amendments found in the Legislative Journal for the One Hundred-fourth Day were adopted.

Advanced to E and R for engrossment.

#### **President Burney Presiding**

#### **Visitors**

Mr. Olinger introduced Mrs. Beulah Hargleroad, Leader, and seventy-five members of the Burt County Home Extension Club.

Mr. Syas introduced Mrs. Orville Weimer, Leader, and girl scouts from Troop 81, McMillian Junior High School, Omaha.

#### **GENERAL FILE**

#### **LEGISLATIVE BILL 624.**

Mr. Williams moved that LB 624 be indefinitely postponed.

Mr. Peck moved the previous question. The motion prevailed with 31 ayes, 2 nays, and 10 not voting.

The motion prevailed with 26 ayes, 10 nays, and 7 not voting, and LB 624 was indefinitely postponed.

#### **MESSAGE FROM THE GOVERNOR**

June 4, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebr.

Gentlemen and Mrs. Orme:

I respectfully request your permission to introduce legislation to increase the salary to be paid the judges of the Nebraska Workmen's Compensation Court to conform to the provisions of LB 516 which earlier failed of enactment after the same had been passed by your honorable body.

I also respectfully request that permission be granted me to introduce legislation to increase the salary to be paid to the secretary of the State Railway Commission to conform to the provisions of LB 536 which earlier failed of enactment after the same had been passed by your honorable body.

Both these bills have, in their exact form, received full consideration by your honorable body at every stage of the legislative process and it is not anticipated that any of your time should be required in debate or committee hearing for that reason.

My approval of previous salary increase bills which you forwarded to my office, in my opinion, makes it incumbent upon both legislative and executive branches to see that these two items of legislation receive prompt enactment with the emergency clause.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:sn

#### BILLS ON FIRST READING

The following bills were read the first time by title:

**LEGISLATIVE BILL 728.** By Stanley L. Portsche of Legislative District 19 and William Moulton of Legislative District 10, upon recommendation of the Governor.

A bill for an act to amend section 48-159, Revised Statutes Supplement, 1957, relating to Nebraska Workmen's Compensation Court; to increase the salary to be paid judges of the Nebraska Workmen's Compensation Court; to provide when a change may be made in such salary; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 729.** By Jack Romans of Legislative District 29, upon recommendation of the Governor.

A bill for an act to amend section 75-105, Reissue Revised Statutes of Nebraska, 1943, relating to the State Railway Commission; to increase the annual salary payable to the secretary of the State Railway Commission; to provide when such increase shall be effective; to repeal the original section; and to declare an emergency.

#### **SUSPEND RULES—Place Bills on General File**

Mr. President: I move that the rules be suspended and that LB 728 and LB 729 be placed on General File. (Signed) William Moulton

The motion prevailed with 31 ayes, 1 nay, and 11 not voting.

#### **Recess**

At 11:48 a.m., on a motion by Mrs. Orme, the Legislature recessed until 2:00 p.m.

#### **After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Adams, McHugh, and Swanson who were excused, Mrs. Orme and Messrs. Bowen, Bridenbaugh, Diers, Skarda, and Williams who were excused until 2:20 p.m.

#### **STANDING COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 549.** Correctly enrolled.

**LEGISLATIVE BILL 667.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

##### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 667 LB 549



**Visitor**

President Burney introduced Mr. John Gray from Oskaloosa, Iowa, who is a member of the Iowa House of Representatives.

**GENERAL FILE**

**LEGISLATIVE BILL 4.** Laid over temporarily.

**LEGISLATIVE BILL 679.** Laid over.

**LEGISLATIVE BILL 717.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 715.** Considered.

Mr. Lautenschlager offered the following amendments:

1. Amend the bill by adding a new section immediately after section 1 to be known as section 2 and to read as follows:

*"Sec. 2. When the inspection, as provided in section 60-435, has been completed, the member of the Nebraska Safety Patrol making the inspection shall place a suitable sticker on the left side window of the motor vehicle if he finds no defects. The sticker shall be of such size and design as determined by the Director of Motor Vehicles and shall bear the date, registration number and signature of the officer making the inspection. Such inspection shall be valid for a period of ninety days and shall eliminate any further inspection during the period such inspection shall be valid except when a patrolman shall deem a further inspection is necessary. When the defects, if any, are corrected the mechanic correcting the defects shall certify the same upon a form prescribed by the Director of Motor Vehicles and mail the same to the Superintendent of the Nebraska Safety Patrol, who shall issue a sticker with the date of the certificate, registration number of the motor vehicle, and his signature placed thereon, which shall be placed on the left side window by the owner of the motor vehicle. Anyone removing, altering or defacing any sticker referred to in this section while the sticker is valid, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than ten nor more than twenty-five dollars."*

2. Amend the bill by renumbering section 2 as section 3.

3. Amend the title to conform.

Amendments pending.

Mr. Moulton moved that LB 715 be indefinitely postponed.

Motion pending.

Laid over.

**LEGISLATIVE BILL 656.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Ninety-fourth Day were adopted.

Mr. Cooper offered the following amendments which were adopted:

1. Amend the bill by adding a new section to be known as section 5 and to read as follows:

"Sec. 5. That section 79-442, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-442. No school officer shall be a party to any oral or written school contract for building, furnishing supplies, or services in amounts in excess of *five-hundred two thousand* dollars in any one school year, and no contract may be divided for the purpose of evading the requirements of this section. Any officer of a board of education, any person, any agent, official, or employee of a firm or corporation, or any firm or corporation violating the provisions of this section shall be guilty of a felony and shall, upon conviction thereof, be fined not less than fifty dollars nor more than one thousand dollars or imprisoned in the penitentiary not more than one year, or both such a fine and imprisonment. In addition thereto, if such a person is a member of a board of education he shall be ousted from public office by a court having jurisdiction."

2. Amend Standing Committee Amendment 4, section 5, line 1 by striking line 1 and inserting:

"Sec. 6. That original sections 23-146 and 79-442, Re-".

3. Add emergency clause.

4. Amend title to conform to amendments adopted.

Advanced to E and R for review.

**Visitors**

Mr. Thompson introduced Mr. and Mrs. Ellrod and family from Oxford.

**LEGISLATIVE BILL 4.** Considered.

Mr. Tews moved that the following amendment be substituted in lieu of the pending Aufenkamp amendments found in the Legislative Journal for the One Hundred-second Day:

1. Amend the bill by striking lines 1 through 19 and "the new matter;" in line 20 of the Standing Committee Amendment 1, and Tews General File Amendment 1.

The motion prevailed with 21 ayes, 11 nays, and 11 not voting, and the Tews amendment was adopted.

Mr. Tews offered the following amendment which was adopted:

1. Amend the bill, Section 1, subsection (7), line 33, by striking "*fourteen thousand*" and substituting in lieu thereof "*eleven thousand five hundred*".

Mr. Aufenkamp offered the following amendment which was adopted:

1. Amend the bill, Section 1, subsection (1), line 9, by striking "*twenty-two hundred*" and inserting in lieu thereof "*hundred two thousand*".

Mr. Romans moved to amend the Tews categories by changing the population limitations in classes 2 and 3 as follows:

Class two: population limitation, 2750 to 7500

Class three: population limitation, 7500 to 11000

**Speaker Pizer Presiding**

Mr. Tews requested a record vote on the Romans amendment.

Voting in the affirmative, 20:

Bridenbaugh	Fulton	Peck	Skarda
Burbach	Gerdes	Portsche	Tews
Cooper	Hollenbeck	Romans	Thompson
Diers	Lautenschlager	Russillo	Vosoba
Donner	Orme	Simmons	Williams

Voting in the negative, 11:

Aufenkamp	Jensen	Moulton	Pizer
Bowen	Liebers	Nelson	Webb
Fenske	Marvel	Otto	

Not voting, 12:

Adams	Erlewine	Munnelly	Stryker
Carpenter	Klaver	Olinger	Swanson
Claussen	McHugh	Ruhnke	Syas

The Romans motion prevailed.

Mr. Thompson moved to reconsider the action on the adoption of the Romans amendment which changed the population of classes 2 and 3.

The motion prevailed with 26 ayes, 5 nays, and 12 not voting.

The Romans amendment was rejected with 12 ayes, 19 nays, and 12 not voting.

#### **Adjournment**

At 3:54 p.m., on a motion by Mr. Ruhnke, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**ONE HUNDRED-SIXTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Tuesday, June 9, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. McHugh who was excused, Mr. Otto who was excused until 9:35 a.m., and Mr. Adams who was excused until 9:50 a.m.

The Journal for the One Hundred-fifth Day was approved.

**Communications**

Letter from E. Rhode, requesting legalization of sweepstakes contests.

**Presented to the Governor**

Presented to the Governor for approval on June 9, 1959, at 8:40 a.m.: LB 549 LB 667

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 646.** Replaced on Select File as amended.

E and R amendments to LB 646:

1. In the Tews Unanimous Consent Amendment 1, line 2, strike "1" and insert "2"; and in line 3 strike "Section 1." and insert "Sec. 2".

2. Strike the Tews Unanimous Consent Amendment 2.

3. Renumber original sections 1 to 3 as sections 3 to 5 respectively.

4. In the Tews Unanimous Consent Amendment 4, line 4, strike "and".

5. In renumbered section 4, line 2, strike "its" and insert "their".

6. In the title, strike lines 3 to 5 and all amendments thereto and insert "of Nebraska, 1943, section 8-101, Revised Statutes Supplement, 1957, and section 50-112, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 432, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to salaries; to increase the salaries of the Clerk of the Legislature, Director of Banking, Director of the Department of Agriculture and Inspection, Director of Insurance, and Director of Motor Vehicles; to provide when such"; and in line 6 strike "increase" and insert "increases".

**LEGISLATIVE BILL 410.** Replaced on Select File as amended.

E and R amendment to LB 410:

1. In line 1 of the Otto Specific Amendment 1, adopted June 5, 1959, strike "17" and insert "15".

**LEGISLATIVE BILL 529.** Placed on Select File as amended.

E and R amendment to LB 529:

1. In Standing Committee Amendment 1, line 3, strike "and"; in line 9 strike "provided," and insert "and provided"; and in line 13 strike the period and insert a period at the end of the line.

**LEGISLATIVE BILL 673.** Placed on Select File as amended.

E and R amendments to LB 673:

1. In Standing Committee Amendment 1, line 8, insert an underscored semicolon before "Provided"; and in line 12 strike the period after "fective".

2. In the title, line 8, strike "ten" and insert "twenty-five"; in line 10 insert "and when it shall be held" before the semicolon; in line 11 strike "in the event of a vote of" and insert "if"; in line 12 strike "favorable to" and insert "voting on such question vote in favor of"; and at the end of line 15 insert "to provide the time within which such vote must be taken;"

**LEGISLATIVE BILL 719.** Placed on Select File as amended.

E and R amendments to LB 719:

1. In section 1, line 19, strike the period and insert an underscored semicolon; and in line 21 strike the period and insert “; and”.

2. In section 4, line 16, strike “*games*” and insert “*game*”.

3. In section 11, line 3, strike “; *Provided, that in*” and insert “*. In*”; and in line 4 strike the comma.

4. In section 13, line 9, strike “*de-*”, and also strike lines 10 and 11 and insert “*transmit the same to the State Treasurer for deposit in the state treasury to the credit of the General Fund and the other one*”.

5. In section 14, line 15, strike “*winner*” and insert “*winners*”.

6. In section 16, line 19, insert “*as*” before “*he*”; strike lines 26 and 27; in lines 28, 30, 32, and 34, respectively, strike “(7)”, “(8)”, “(9)”, and “(10)” and insert “(6)”, “(7)”, “(8)”, and “(9)”.

7. In section 17, line 9, strike “*director*” and insert “*Governor*”; and insert an underscored period after “*with*” in line 13 and strike the balance of the sentence.

8. In section 18, line 2, strike “*through*” and insert “*to*”; in lines 5 and 24 strike “*director*” and insert “*Governor*”; and in line 7 insert “*alleged*” before “*violation*”.

9. In section 19, insert “□” before “*FOR*” in line 17 and before “*AGAINST*” in line 18; and in line 24 insert “*city or*” before “*village*”.

10. In the title, line 14, strike “*authorize*” and insert “*provide for*”.

**LEGISLATIVE BILL 683.** Placed on Select File as amended.

E and R amendment to LB 683:

1. In the title, strike lines 2 to 11 and insert:

“FOR AN ACT to repeal sections 86-501, 86-504, 86-505, 86-506, 86-507, 86-508, and 86-509, Reissue Revised Statutes of Nebraska, 1943, relating to express companies; and to declare an emergency.”.

**LEGISLATIVE BILL 605.** Placed on Select File as amended.

E and R amendments to LB 605:

1. In the Orme General File Amendment 1, line 2 insert “, and amendments thereto,” after “8”; and in line 3 insert “Section 1.” before “No”.

2. In the title, strike lines 2 to 7 and insert:

“FOR AN ACT relating to the right of petition; to provide that it shall be unlawful to abridge or attempt to abridge the right of any person to petition the government as prescribed; and to provide a penalty.”.

**LEGISLATIVE BILL 204.** Correctly engrossed.

**LEGISLATIVE BILL 365.** Correctly engrossed.

**LEGISLATIVE BILL 578.** Correctly engrossed.

**LEGISLATIVE BILL 706.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 247.

A bill for an act to amend section 79-328, Reissue Revised Statutes of Nebraska, 1943, relating to education; to provide standards for the guidance of the State Board of Education in the establishment of rules and regulations for prescribed purposes; to require the approval of high schools for the collection of free high school tuition money on prescribed conditions; and to repeal the original section.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’”

Voting in the affirmative, 34:

Aufenkamp	Fulton	Orme	Stryker
Bowen	Gerdes	Peck	Swanson
Bridenbaugh	Klaver	Portsche	Syas
Burbach	Lautenschlager	Romans	Tews
Carpenter	Liebers	Ruhnke	Thompson
Cooper	Marvel	Russillo	Vosoba
Diers	Moulton	Simmons	Webb
Donner	Munnelly	Skarda	Williams
Fenske	Olinger		



Voting in the negative, 5:

Erlewine	Jensen	Nelson	Pizer
Hollenbeck			

Not voting, 4:

Adams	Claussen	McHugh	Otto
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 579.

A bill for an act relating to county officers; to require that the name or names of each signer of an instrument presented for filing or recording in the office of the county clerk or register of deeds, including the name of any notary or official taking the acknowledgment, shall be typewritten or legibly printed beneath such signature, and the county clerk or register of deeds may refuse to accept and file any instrument failing to meet the requirements of this section; and to provide an exception.

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

Voting in the affirmative, 40:

Aufenkamp	Fenske	Munnelly	Simmons
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Peck	Syas
Claussen	Klaver	Pizer	Tews
Cooper	Lautenschlager	Portsche	Thompson
Diers	Liebers	Romans	Vosoba
Donner	Marvel	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Adams	McHugh	Otto
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 610.**

A bill for an act to amend section 35-502, Revised Statutes Supplement, 1957, relating to fire protection districts; to provide a procedure for conversion of a rural fire protection district to a suburban fire protection district; and to repeal the original section.

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

Voting in the affirmative, 36:

Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Munnelly	Skarda
Bridenbaugh	Gerdes	Nelson	Stryker
Burbach	Hollenbeck	Olinger	Swanson
Carpenter	Jensen	Orme	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Russillo	Williams

Voting in the negative, 4:

Erlewine	Romans	Ruhnke	Thompson
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Not voting, 3:

Adams	McHugh	Otto
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 636.**

A bill for an act to amend section 83-243, Reissue Revised Statutes of Nebraska, 1943, relating to care of dependent children; to increase the amount that may be paid per month for maintenance of children placed by the Board of Control in private families, boarding homes, or incorporated institutions; and to repeal the original section.

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

Voting in the affirmative, 40:

Aufenkamp	Bridenbaugh	Carpenter	Cooper
Bowen	Burbach	Claussen	Diers

Donner	Lautenschlager	Peck	Stryker
Erlewine	Liebers	Pizer	Swanson
Fenske	Marvel	Portsche	Syas
Fulton	Moulton	Romans	Tews
Gerdes	Munnelly	Ruhnke	Thompson
Hollenbeck	Nelson	Russillo	Vosoba
Jensen	Olinger	Simmons	Webb
Klaver	Orme	Skarda	Williams

Voting in the negative, 0.

Not voting, 3:

Adams                      McHugh                      Otto

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 652.

Mr. Carpenter requested unanimous consent that the Clerk read a Statement of Intent and that it be printed in the Journal.

The Clerk read the Statement of Intent.

Mr. Ruhnke objected to having the Statement printed in the Journal.

Mr. Carpenter requested unanimous consent that an opinion from the Attorney General be printed in the Journal. No objections. So ordered.

March 11, 1959

Senator Terry Carpenter  
Nebraska Legislature  
State Capitol  
Lincoln, Nebraska

Dear Senator Carpenter:

You have requested us to examine L. B. 652 with regard to whether or not it contains classifications repugnant to the Constitution.

Article III, Section 18 prohibits the Legislature from enacting special laws "regulating the interest on money."

L. B. 652 relates to retail installment sales and the regulation of time price sales. The first question then is whether this bill regulates the interest on money. We believe that it does.

Courts, including our own, have universally held that a valid time sale does not violate usury statutes. This holding is based

upon a recognized common law right that a seller can sell his property for whatever he can get. Usury itself is entirely one of statutory regulation and in the absence of statute any rate can be charged. 91 C. J. S. 5 (5), p. 569. Inasmuch as the theory of the time sale is one arising out of the common law and places no restriction upon the consideration passing between buyer and seller, we feel that the only distinction between an open time sale and a restricted lending or forbearance transaction is one of statutory regulation. Thus when the time sale transaction is regulated it loses its common law identity, no longer has the freedom-of-price feature of a time sale, and becomes a matter of statutory regulation dealing with interest on money.

The next feature then is whether or not a valid statutory distinction can be made between financing of automobiles as a class and all other personal property. We feel that such a classification may not be valid.

We are aware that the automobile industry is unique in itself. Certainly no one can deny the impact on our national economy which this industry carries. From a small beginning around the turn of the century, the automobile industry has grown and expanded until now automobiles on the road today number in the millions. Growing proportionately is the allied field of automotive financing.

The automobile has been the subject of special legislation in the fields of safety and taxation. It differs from the ordinary chattel in that it is mobile. Its very mobility appears to have a bearing on the risk involved. It can be moved easily into another jurisdiction. It can easily be destroyed or expensively wrecked.

However, special legislation exempting automobiles from rates based upon the sale of goods, wares and merchandise was considered by this office to be in conflict with the Constitution. Report of Attorney General, 1957-1958, p. 123, dated April 8, 1957.

Furthermore, other specialized chattel industries have arisen. The mobile home industry and the television industry are two prime examples. If industrial expansion formed the only basis for legislation, we can see an immense and complicated potential growth of "interest" legislation. And within an automobile dealer's walls are found many items of personal property which, under the proposed act, would be financed at rates different from automobiles, including mirrors, radios, heaters, tires, and many others.

It is difficult, therefore, to discover a valid and constitutional basis to distinguish automobiles from any other class of personal property for financing purposes.

All of these features, we feel, support the position that the Legislature may not validly regulate automobile financing without destroying the constitutional prohibition against special legislation.

Our Court, in *Livingston Loan & Building v. Drummond*, 49 Neb. 200, 68 N. W. 375, has stated:

"\* \* \* It has been very often decided by this court that if a law is general and uniform throughout the state, operating alike upon all persons and localities of a class, or who are brought within relations and circumstances provided for, it is not objectionable as wanting uniformity of operation, or as being in the nature of special legislation. \* \* \* To this general statement it is perhaps necessary to add a qualification. The legislature may not arbitrarily and without any possible reason create a class to be affected by legislation where the result would be an infringement upon the constitutional prohibition. \* \* \* But subject to that qualification a law is not special when it applies to all citizens and persons who may be brought under the circumstances affected thereby; \* \* \*."

The final question, concerns the features of the bill classifying maximum charges based upon the age of the automobile. These charges are in four separate classes, running all the way from 8% add-on for a new car to 16% for a car over four years old.

The validity of these classifications depends upon whether or not such classifications are arbitrary ones. If arbitrary, then such classification would offend the constitutional prohibition.

It is the opinion of this office that the courts of this state would hold such classification to be arbitrary and thus repugnant to the Constitution of the State of Nebraska.

We have searched diligently for any judicial authority which would help guide this decision and have found none.

At least eighteen states have recently passed legislation in this field. Of these, Alaska, Florida, Iowa, Minnesota, Oregon, South Dakota, and Maine have passed legislation dealing specifically with installment sales of automobiles. Kansas has passed a law similar to L. B. 652.

Of these latter states, Oregon and Minnesota have a similar constitutional prohibition against special legislation regulating the interest on money. To date no cases challenging or affecting the validity of these laws have been reported in those jurisdictions.

The only Nebraska case directly bearing on the constitutional prohibition is *Althaus v. State*, 94 Neb. 780. This case had to do with a rate of interest on loans secured by chattel mortgages on

certain classifications of personal property. This case held that there was no substantial difference of situation or circumstance that would naturally suggest the justice or expediency of diverse legislation with respect to the objects classified.

Arguments in favor of this present diverse classification focus into one hypothesis; namely that the older the car, the greater the risk, therefore the higher the rate. This assumes that the risk on a \$500.00 loan on a new car is substantially less than the same loan on a 1954 model automobile. Yet the industry itself controls the risk by reducing the amount loaned on the older car. But, the industry states, it costs as much to process a \$200.00 loan as a \$1,000.00 loan. On the other hand, the dealer himself as a "retail seller" under the act can include such business expenses in the price of the car. This in turn is answered by the argument that the cash customer then must share part of the expense of a time sale customer.

But, aside from such economic arguments, if age and risk are so closely tied together, why is the risk any greater in a class 2 new car than a class 1 new car? A purchaser of a new 1959 model car would pay 8%. A purchaser of a new 1958 model, even though never moved from the floor or driven would pay 11%. We find it difficult to establish a reasonable distinction in this case based upon age.

The purchaser of a used 1959 automobile also pays 11% add-on as compared to 8%. This represents nearly a 50% increase in rates on an automobile that could conceivably have but one day's use, been re-possessed and re-sold. It would appear that this distinction is arbitrary. Once again, our purchaser, having limited budget, purchases a 1957 model because it is cheaper than a 1958 model. He pays the same rate as a purchaser of a 1958 model although his automobile is a year older. He is thus, in effect, penalized in the "interest" he pays not because he himself is a poorer financial risk but because his budget forces him to buy an older car.

The economic arguments run pro and con but, in the last analysis, it is the purchaser who is to be protected by this legislation. When he enters a new and used car establishment he is immediately affronted with four different "interest" rates. He not only has to keep in mind what year model he wants, but he has to weigh between new, used, and age. The high rate of interest falls squarely and completely upon the purchaser of the older model automobile. He is penalized by his economic position.

The argument is then advanced that this "penalty" is present in the small loan laws and the higher rates of interest on loans

of lesser amount. The answer we believe is that rates varying upon the amount of money loaned have been recognized and upheld for many years and if those rates are too high then it is the function of the Legislature to adjust them.

Even within age groups there are differences. The first 1957 car off the assembly line is almost a year older than the last one off, yet their "age" for the purpose of fixing a rate is the same.

Weighing as we must the many facets of this complicated problem, we reach the conclusion that there appears to be no convincing evidence that L. B. 652, insofar as it pertains to financing rates on automobiles, is based upon distinctions other than arbitrary. For this reason we conclude that our courts would hold L. B. 652, in this particular field, repugnant to our State Constitution.

Very truly yours,

CLARENCE S. BECK  
Attorney General

(Signed) John E. Wenstrand  
Assistant Attorney General

JW:mkk

Mr. Cooper requested that the Clerk read a Statement of Intent.

The Clerk read the Statement.

Mr. Cooper requested unanimous consent to have four opinions from Attorneys printed in the Journal.

Mr. Fenske objected.

#### **LEGISLATIVE BILL 652.**

A bill for an act relating to and regulating the retail installment selling of goods, including motor vehicles; to define terms; to prescribe and regulate the form and content of contracts covering the retail installment sale of goods; to regulate the inclusion of insurance in a retail installment sale; to limit the time price differential; to regulate subsequent purchases and catalogue installment sales; to regulate delinquency charges; to require a partial refund of such time price differential on prepayment; to provide penalties for violations; to require the licensing of sales finance companies; to vest the administration and enforcement of this act in the Department of Banking; to prescribe the powers,

duties, authority and jurisdiction of such department with respect to this act; to authorize the adoption and promulgation of rules and regulations; to provide how this act may be cited; and to provide severability.

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

Voting in the affirmative, 35:

Adams	Fulton	Munnelly	Skarda
Aufenkamp	Gerdes	Nelson	Stryker
Bowen	Hollenbeck	Orme	Swanson
Bridenbaugh	Jensen	Otto	Syas
Burbach	Klaver	Peck	Tews
Cooper	Lautenschlager	Portsche	Thompson
Diers	Liebers	Romans	Webb
Erlewine	Marvel	Ruhnke	Williams
Fenske	Moulton	Russillo	

Voting in the negative, 6:

Carpenter	Donner	Simmons	Vosoba
Claussen	Pizer		

Not voting, 2:

McHugh	Olinger
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Explanations of Vote

Mr. President: Had I been present, I would have voted "aye" on LB 247, LB 579, LB 610, and LB 636. (Signed) Norman A. Otto

Mr. President: LB 652 permits a minimum charge, permits mortgages to be taken on goods other than those purchased, gives special privileges to mail order houses and contains a one-year statute of limitation. These features are objectionable such that I must oppose the bill. I would favor the bill with these objections corrected. (Signed) Ray C. Simmons

### Visitors

President Burney introduced Mrs. Ralph Hall from Coleridge, and Mmes. Henry Mitties, R. S. Wagner, William Arms, and Mrs. Marsh from Hartington.



**LEGISLATIVE BILL 653.**

A bill for an act to amend section 25-1506, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to provide that if the original maturity of the indebtedness secured by the foreclosed mortgage is more than twenty years from and after the date of the filing of the petition to foreclose said mortgage and said mortgage covered a lot or lots, or any part thereof, in a regularly platted subdivision, or a parcel of residential property not exceeding three acres in area, the stay period shall be three months instead of nine months; and to repeal the original section.

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

Voting in the affirmative, 40:

Aufenkamp	Fenske	Munnelly	Russillo
Bowen	Fulton	Nelson	Simmons
Bridenbaugh	Gerdes	Olinger	Skarda
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams

Voting in the negative, 1:

Stryker

Not voting, 2:

Adams                      McHugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 722.**

Mr. Cooper moved that LB 722 be returned to Select File for the following specific amendments:

1. Amend section 1 of the bill by striking line 2 and inserting "the University of Nebraska College of Agriculture a fund, to".

2. Amend section 2 of the bill, lines 3 and 4 by striking "Department of Agriculture and Inspection" and inserting "University of Nebraska College of Agriculture", line 5 by striking

"The department shall have" and by striking lines 6 to 9 and all amendments thereto.

3. Amend the bill by striking section 3 and inserting in lieu thereof the following:

"Sec. 3. To aid and advise the Dean of the University of Nebraska College of Agriculture in carrying out the provisions of section 2 of this act, there is hereby created an advisory committee to consist of fourteen members to consist of the Director of the Department of Agriculture and Inspection, the Dean of the University of Nebraska College of Agriculture, and the Chairman of the Committee on Agriculture of the Nebraska State Legislature, one member to be a producer of wheat, one member to be a producer of feed grains, one member to be a producer of beef cattle, one member to be a producer of swine, one member to be a producer of poultry, one member to be a producer of horticultural crops, one member to be a producer or processor of dairy products, two members to be representatives from industries using agricultural products, and two members to be representatives of other business enterprises. All members of the committee shall be residents of the state. Within ten days after the effective date of this act, the Governor shall appoint the members of the committee except the Director of the Department of Agriculture and Inspection, the Dean of the University of Nebraska College of Agriculture, and the Chairman of the Committee on Agriculture of the Nebraska State Legislature. The members to be appointed shall be appointed as follows: Two members for a term of one year, three members for a term of two years, three members for a term of three years, and three members for a term of four years. As the terms of the members expire, their successors shall be appointed by the Governor for a term of four years and until the successors are appointed and qualified. The committee shall meet on the call of the Dean of the University of Nebraska College of Agriculture. The members of the committee shall receive no compensation but shall be paid their actual expenses while attending meetings of the committee."

4. Amend the title to conform.

The Cooper motion lost with 12 ayes, 25 nays, and 6 not voting.

#### **LEGISLATIVE BILL 722. With emergency.**

A bill for an act relating to agriculture; to create the Nebraska Agricultural Products Research Fund; to provide of what such fund shall consist; to provide for a levy as prescribed; to provide that the funds raised by such levy shall be used by the Depart-

ment of Agriculture and Inspection for research of new, additional and improved uses of agricultural products; to provide for powers of the department; to create an advisory committee and to provide for its composition and duties; to provide for the qualification, appointment, terms of office, and compensation of the members of such committee; 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, 37:

Adams	Fulton	Munnelly	Skarda
Aufenkamp	Gerdas	Nelson	Stryker
Bowen	Hollenbeck	Olinger	Swanson
Bridenbaugh	Jensen	Orme	Syas
Burbach	Klaver	Otto	Tews
Carpenter	Lautenschlager	Peck	Thompson
Claussen	Liebers	Portsche	Vosoba
Cooper	Marvel	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 3:

Diers	Pizer	Romans
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Not voting, 3:

Donner	McHugh	Simmons
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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.

#### LEGISLATIVE BILL 554.

A bill for an act relating to groundwater conservation; to provide for groundwater conservation districts; to provide for approval of the boundaries thereof by the Director of Water Resources and the Director of the Conservation and Survey Division of the University of Nebraska; to provide for a hearing before the county board and the giving of notice thereof; to provide for review of the action of the county board; to provide for an election and the giving of notice thereof; to provide for the organization of such districts; to provide the procedures, powers, and duties thereof; to provide for the dissolution thereof; to provide for the jurisdiction of the courts as prescribed; to

provide that such districts shall have the power to tax; and to provide how this act may be cited.

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

Voting in the affirmative, 39:

Adams	Fenske	Nelson	Skarda
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Syas
Burbach	Jensen	Peck	Tews
Claussen	Klaver	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	Moulton	Russillo	Williams
Erlewine	Munnely	Simmons	

Voting in the negative, 2:

Lautenschlager Pizer

Not voting, 2:

Carpenter McHugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Visitors

Mr. Romans introduced Mr. Ernest R. Collins, and Mr. and Mrs. Robert Schroder and Ted Schroder.

#### Speaker Pizer Presiding

#### UNANIMOUS CONSENT—Executive Session

Mr. Liebers requested unanimous consent for permission for the Budget Committee to hold an executive session at 1:30 p.m. today, June 9. No objections. So ordered.

#### STANDING COMMITTEE REPORTS

##### Government

**LEGISLATIVE BILL 725.** Indefinitely postponed.

**LEGISLATIVE BILL 705.** Indefinitely postponed.

(Signed) Dwain Williams, Chairman

**MOTION—Place LB 335 on General File**

Mr. Adams renewed his pending motion found in the Legislative Journal for the One Hundred-fourth Day to place LB 335 on General File.

Mr. Adams requested a Call of the House.

A Call of the House was ordered.

Mr. Russillo moved that the Call be raised. The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

Mr. Erlewine requested a record vote.

Voting in the affirmative, 29:

Adams	Jensen	Olinger	Swanson
Aufenkamp	Klaver	Orme	Syas
Burbach	Liebers	Otto	Tews
Carpenter	Marvel	Peck	Thompson
Claussen	Moulton	Portsche	Vosoba
Cooper	Munnely	Russillo	Webb
Fulton	Nelson	Skarda	Williams
Gerdes			

Voting in the negative, 4:

Diers	Hollenbeck	Pizer	Simmons
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Not voting, 10:

Bowen	Erlewine	McHugh	Ruhnke
Bridenbaugh	Fenske	Romans	Stryker
Donner	Lautenschlager		

The Adams motion prevailed and LB 335 was placed on General File.

**MOTION—Reconsider Action on LB 624**

Mr. President: I move to reconsider the action of the Legislature of June 8, 1959, on the Williams motion to indefinitely postpone LB 624. (Signed) Michael P. Russillo

**President Burney Presiding**

The motion prevailed with 29 ayes, 5 nays, and 9 not voting.

The Williams motion to indefinitely postpone LB 624 lost with 4 ayes, 28 nays, and 11 not voting.

#### **Member Excused**

Mr. Peck was excused for Wednesday, June 10, 1959.

#### **Recess**

At 11:57 a.m., on a motion by Mr. Claussen, the Legislature recessed until 2:00 p.m.

#### **After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

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

#### **SELECT FILE**

**LEGISLATIVE BILL 685.** The pending Cooper amendment found in the Legislative Journal for the One Hundred-fifth Day was adopted by unanimous consent.

Laid over.

**LEGISLATIVE BILL 281.** E and R amendments found in the Legislative Journal for the One Hundred-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 487.** E and R amendments found in the Legislative Journal for the One Hundred-fifth Day were adopted.

Mr. Cooper offered the following amendments which were adopted by unanimous consent:

1. Amend the bill by striking the Cooper Amendment 1, adopted May 26, 1959.

2. Amend section 7 of the bill, line 127 by striking "and c" and inserting: "(c) his fee for publication of notice of renewal as provided in section 11 of this act, and (d)".

3. Amend the bill by adding a new section immediately after section 10 to be known as section 11 and to read as follows:

*"Sec. 11. The city or village clerk or the county clerk, as the case may be, shall cause to be published in a legal newspaper in or of general circulation in such city, village, or county, as the case may be, one time between March 15 and April 15 of each year, individual notice of the right of automatic renewal of each retail liquor and beer license for which provision is made in subdivision (5) of section 53-124, within such city, village or county, as the case may be, in the following form:*

**NOTICE OF RENEWAL  
OF RETAIL LIQUOR LICENSE**

*Notice is hereby given that pursuant to section 11 of this act liquor license may be automatically renewed for one year from May 1, 19....., for the following retail liquor licensee, to-wit: (Name of Licensee) (Address of licensed premise) Notice is hereby given that written protests to the issuance of automatic renewal of license may be filed by any resident of the city (village or county, as the case may be) on or before April 30, 19....., in the office of the city (village or county, as the case may be) clerk; that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of said license should be allowed.*

*(Name)*

*City (village or county,  
as the case may be) Clerk*

*The city, village or county clerk, as the case may be, shall file or cause to be filed with the Nebraska Liquor Control Commission proof of publication of said notices on or before April 22 of each year.*

*In the event written protests are filed by three or more residents of the city, village or county, as the case may be, against said license, the city, village or county clerk, as the case may be, shall deliver the same to the local governing body who shall thereupon proceed in the manner set forth in section 53-135 to require said licensee to submit an application."*

4. Amend the bill by renumbering sections 11 to 17 as sections 12 to 18 respectively.

5. Amend the title to conform.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 594.** E and R amendments found in the Legislative Journal for the One Hundred-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 454.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 533.** E and R amendments found in the Legislative Journal for the One Hundred-fifth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 618.** E and R amendment found in the Legislative Journal for the One Hundred-fifth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 703.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 687.** E and R amendments found in the Legislative Journal for the One Hundred-fifth Day were adopted.

Advanced to E and R for engrossment.

**MOTION—Place LB 718 on General File**

Mr. Olinger renewed his pending motion found in the Legislative Journal for the One Hundred-fourth Day to place LB 718 on General File.

**Speaker Pizer Presiding**

Mr. Claussen moved the previous question. The motion prevailed with 29 ayes, 7 nays, and 7 not voting.

Mr. Olinger requested unanimous consent that the motion be laid over.

Mr. Fenske objected.

Mr. Olinger moved that the motion be laid over.

The Chair ruled the Olinger motion out of order.

Mr. Olinger appealed from the decision of the Chair.



The Chair was sustained with 22 ayes, 19 nays, and 2 not voting.

Mr. Vosoba requested a record vote.

Voting in the affirmative, 18:

Aufenkamp	Liebers	Portsche	Syas
Burbach	Munnelly	Ruhnke	Tews
Claussen	Olinger	Skarda	Thompson
Fulton	Orme	Swanson	Vosoba
Jensen	Otto		

Voting in the negative, 24:

Adams	Donner	Lautenschlager	Romans
Bowen	Erlewine	Marvel	Russillo
Bridenbaugh	Fenske	Moulton	Simmons
Carpenter	Gerdes	Nelson	Stryker
Cooper	Hollenbeck	Peck	Webb
Diers	Klaver	Pizer	Williams

Not voting, 1:

McHugh

The Olinger motion to place LB 718 on General File lost.

#### Visitors

Mr. Klaver introduced Judge Robert Troyer and Nora Brown from Omaha, and Danforth Anthony from Boston.

Mr. Bowen introduced Bob Noren and Keith W. Eiel.

#### MOTION—Reconsider Action on LB 713

Mr. President: I move that we reconsider our action of yesterday in failing to place LB 713 on General File. (Signed) John Adams, Sr.

Mr. Munnelly requested a Call of the House.

A Call of the House was ordered and showed 41 members present.

Mr. Romans moved that the Call be raised. The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

The Adams motion lost with 21 ayes, 20 nays, and 2 not voting.

## STANDING COMMITTEE REPORTS

## Enrollment and Review

LEGISLATIVE BILL 653. Correctly enrolled.

LEGISLATIVE BILL 247. Correctly enrolled.

LEGISLATIVE BILL 579. Correctly enrolled.

LEGISLATIVE BILL 610. Correctly enrolled.

LEGISLATIVE BILL 636. Correctly enrolled.

LEGISLATIVE BILL 652. Correctly enrolled.

LEGISLATIVE BILL 722. Correctly enrolled.

LEGISLATIVE BILL 554. Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

## Speaker Signs

While the Legislature was in session and capable of transacting business, the Speaker signed: LB 653 LB 247 LB 579 LB 610 LB 636 LB 652 LB 722 LB 554

## GENERAL FILE

LEGISLATIVE BILL 606. Read and considered.

Mr. Klaver moved that LB 606 be indefinitely postponed.

Mr. Stryker moved the previous question. The motion lost with 18 ayes, 22 nays, and 3 not voting.

Mr. Ruhnke moved the previous question. The motion prevailed with 26 ayes, 12 nays, and 5 not voting.

Mrs. Orme requested a record vote.

Voting in the affirmative, 26:

Adams	Diers	Klaver	Ruhnke
Aufenkamp	Donner	Lautenschlager	Russillo
Bowen	Erlewine	Nelson	Simmons
Bridenbaugh	Fenske	Olinger	Stryker
Burbach	Gerdes	Peck	Tews
Carpenter	Hollenbeck	Romans	Williams
Cooper	Jensen		

Voting in the negative, 15:

Fulton	Munnelly	Portsche	Thompson
Liebers	Orme	Skarda	Vosoba
Marvel	Otto	Swanson	Webb
Moulton	Pizer	Syas	

Not voting, 2:

Claussen            McHugh

The Klaver motion prevailed, and LB 606 was indefinitely postponed.

#### **Explanation of Vote**

Mr. President: Had I been in the Chamber, I would have voted in favor of LB 606. (Signed) Peter H. Claussen

#### **President Burney Presiding**

#### **MOTION—Request Return of LB 723**

Mr. President: I move that the Governor be requested to return LB 723 to the Legislature. (Signed) Norman A. Otto

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

#### **Member Excused**

Mr. Aufenkamp was excused at 4:00 p.m. for the remainder of the day.

#### **MOTION—Reconsider Action on LB 633**

Mr. President: I move that we reconsider our action of June 8, 1959, on the Fenske specific amendment to LB 633 to strike the enacting clause. (Signed) Terry Carpenter

Motion pending.

#### **Adjournment**

Mr. President: I move we adjourn. (Signed) Stanley L. Portsche

The motion prevailed with 24 ayes, 7 nays, and 12 not voting, and at 4:04 p.m., the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## ONE HUNDRED-SEVENTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Wednesday, June 10, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Donner and Peck who were excused, Mr. Skarda who was excused until 9:30 a.m., Mr. Munnelly who was excused until 9:40 a.m., and Mr. McHugh who was excused until 11:00 a.m.

**Corrections for the Journal**

Page 1943, line 37, delete "pre-payment" and insert "prepayment".

The Journal for the One Hundred-sixth Day was approved as corrected.

**Announcement**

Mr. Carpenter announced that on Friday morning, June 12, at 9:00 a.m., there will be a meeting in the East Senate Lounge of the Nebraska Liquor Control Commission with counsel from the Attorney General's office present, and that members may attend.

**MESSAGE FROM THE GOVERNOR**

June 9, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 9, 1959, he approved LB 295, LB 303, LB 322, LB 426, LB 463, LB 545, LB 549, LB 570, LB 595, and LB 667.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

#### **Invitation**

Invitation from Chancellor Clifford M. Hardin to the Lieutenant Governor, members, and their wives, to attend the NCAA track meet at the University Stadium on June 12 and 13.

#### **Communications**

Letter from Emil E. Placek, Wahoo, regarding inflation and requesting a limit of appropriations.

#### **REPORT—LB 723 Returned**

June 9, 1959

Mr. President: The assistant clerk respectfully reports that the Governor has this date returned LB 723 in response to the request of the Legislature. (Signed) Francis V. Robinson, Assistant Clerk of the Legislature

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 607.** Replaced on Select File as amended.

E and R amendment to LB 607:

1. In Enrollment and Review Amendment 3, line 4, insert a semicolon after "inhabitants".

**LEGISLATIVE BILL 127.** Replaced on Select File as amended.

E and R amendment to LB 127:

1. In new section 14, line 21, strike "Judges Retirement Fund" and insert "*Judges Nebraska Retirement Fund for Judges*"; and in line 30 strike "judges retirement fund" and insert "*judges retirement fund Nebraska Retirement Fund for Judges*".

**LEGISLATIVE BILL 674.** Placed on Select File as amended.

E and R amendment to LB 674:

1. In the title, lines 4 and 5, strike "to provide for arrests;"

**LEGISLATIVE BILL 310.** Placed on Select File as amended.

E and R amendments to LB 310:

1. In Standing Committee Amendment 7, line 2, strike "9 and 10" and insert "8 and 9".

2. In Standing Committee Amendment 8, line 1, strike "9" and insert "8"; and in line 2, insert a comma after "29-724".

3. For correlation purposes, in renumbered section 5, line 2, insert "as amended by section 7, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; in the Cooper General File Amendment 6, line 4, strike "23-117"; in lines 26 to 28 strike "until the first Thursday after the first Tuesday of January, 1959, and thereafter at the rate allowed by the provisions of section"; in line 28 insert a comma after "23 1112"; and in line 29 strike the comma after "service".

4. In new section 7, line 14, strike the first comma.

5. In renumbered section 8, line 1, strike "83-337,"; and in line 4 insert "and section 83-337, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,".

6. In the title, line 2, insert "29-724," after "sections"; in line 2 strike "83-337,"; in line 5 insert "and section 83-337, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; strike lines 6 to 10 and insert "to increase the mileage allowance of county officers, their deputies and assistants; to provide a greater allowance for sheriffs for travel within their county than for outside it; to provide that the county board may purchase prescribed equipment for installation on motor vehicles of sheriffs and their deputies, which equipment shall remain the property of the county; to authorize the reimbursement to sheriffs and deputies for prescribed damage to motor vehicles; to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 660.** Placed on Select File.

**LEGISLATIVE BILL 593.** Placed on Select File.

**LEGISLATIVE BILL 717.** Placed on Select File.

**LEGISLATIVE BILL 362.** Correctly engrossed.

**LEGISLATIVE BILL 542.** Correctly engrossed.

**LEGISLATIVE BILL 611.** Correctly engrossed.

**LEGISLATIVE BILL 678.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**SUSPEND RULES—Reconsider Action on LB 723**

Mr. President: I move that the rules be suspended and we reconsider our action on final passage of LB 723. (Signed) Norman A. Otto

The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

**BILLS ON FINAL READING**

**LEGISLATIVE BILL 723.** Laid over.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 625.**

A bill for an act relating to real estate; to provide that when any plat of city or village lots has been filed of record on or before January 1, 1937, it shall be conclusively presumed that the person filing such plat was the owner, in fee simple, of the real estate described therein, free and clear of any lien or encumbrance of any kind unless an action on any claimed lien or encumbrance is brought within one year from the effective date of this act; and to provide a statute of limitations with respect to plats filed after the effective date of this act.

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

Voting in the affirmative, 36:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Stryker
Bowen	Gerdes	Olinger	Swanson
Bridenbaugh	Hollenbeck	Orme	Syas
Burbach	Jensen	Otto	Tews
Claussen	Klaver	Pizer	Thompson,
Cooper	Lautenschlager	Portsche	Vosoba
Diers	Liebers	Romans	Webb
Erlewine	Marvel	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 7:

Carpenter	McHugh	Peck	Skarda
Donner	Munnelly	Simmons	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 635.

A bill for an act relating to state trust companies; to permit state trust companies to merge or consolidate with national banking associations and the procedure to be followed; to provide the rights, powers, and duties of the resulting national bank and trust company; to provide for payment of the value of their shares to state trust company stockholders who dissent from such merger; and to provide how such value shall be determined.

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

Voting in the affirmative, 38:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Syas
Burbach	Jensen	Pizer	Tews
Carpenter	Klaver	Portsche	Thompson
Claussen	Lautenschlager	Romans	Vosoba
Cooper	Liebers	Ruhnke	Webb
Diers	Marvel	Russillo	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 5:

Donner	Munnelly	Peck	Skarda
McHugh			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 675.

A bill for an act to amend section 77-1001, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that the provisions of Chapter 77, article 10, Reissue Revised Statutes of Nebraska, 1943, shall apply to common car-



riers for hire not domiciled in Nebraska and not paying a tax under the proration laws of this state; and to repeal the original section.

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

Voting in the affirmative, 38:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Syas
Burbach	Jensen	Pizer	Tews
Carpenter	Klaver	Portsche	Thompson
Claussen	Lautenschlager	Romans	Vosoba
Cooper	Liebers	Ruhnke	Webb
Diers	Marvel	Russillo	Williams
Erlewine	Moulton		

Voting in the negative, 0.

Not voting, 5:

Donner	Munnelly	Peck	Skarda
McHugh			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 693.

A bill for an act to amend section 25-520.01, Revised Statutes Supplement, 1957, relating to civil procedure; to provide that it shall not be necessary to serve the notice as prescribed in this act upon any competent person, fiduciary, partnership, or corporation, who has waived notice in writing, entered a voluntary appearance, or has been personally served with summons or notice in such proceeding; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Burbach	Diers	Hollenbeck
Aufenkamp	Carpenter	Erlewine	Jensen
Bowen	Claussen	Fenske	Klaver
Bridenbaugh	Cooper	Fulton	Lautenschlager

Liebers	Otto	Russillo	Tews
Marvel	Pizer	Simmons	Thompson
Moulton	Portsche	Stryker	Vosoba
Nelson	Romans	Swanson	Webb
Olinger	Ruhnke	Syas	Williams
Orme			

Voting in the negative, 0.

Not voting, 6:

Donner	McHugh	Peck	Skarda
Gerdes	Munnelly		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 696.** With emergency.

A bill for an act to amend section 80-401, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Veterans' Aid Fund; to provide that such fund shall be invested in bonds having a face value of eight million dollars as of July 1, 1959; to provide for the management of such fund after such date; to provide for the placing in the General Fund of the excess of such fund over the amount required for such initial investment; to create the Veterans' Aid Income Fund and to prescribe the source and use which may be made thereof; to provide for the reinvestment from time to time of the Nebraska Veterans' Aid Fund; to provide for investment of funds belonging to the Veterans' Aid Income Fund not immediately required and for the crediting of the interest therefrom to the Veterans' Aid Income Fund; to prescribe duties for certain officials; 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, 39:

Adams	Fenske	Nelson	Skarda
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Syas
Burbach	Jensen	Pizer	Tews
Carpenter	Klaver	Portsche	Thompson
Claussen	Lautenschlager	Romans	Vosoba
Cooper	Liebers	Ruhnke	Webb
Diers	Marvel	Russillo	Williams
Erlewine	Moulton	Simmons	

Voting in the negative, 0.

Not voting, 4:

Donner	McHugh	Munnelly	Peck
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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.

#### LEGISLATIVE BILL 698.

A bill for an act to amend section 87-204, Reissue Revised Statutes of Nebraska, 1943, relating to trade name; to increase the fee for registration and to change the original registration of trade names; to change the time when registration of trade names shall expire; to eliminate surplus language; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Fenske	Nelson	Skarda
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Syas
Burbach	Jensen	Pizer	Tews
Carpenter	Klaver	Portsche	Thompson
Claussen	Lautenschlager	Romans	Vosoba
Cooper	Liebers	Ruhnke	Webb
Diers	Marvel	Russillo	Williams
Erlewine	Moulton	Simmons	

Voting in the negative, 0.

Not voting, 4:

Donner	McHugh	Munnelly	Peck
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 699.

A bill for an act to amend section 87-108, Reissue Revised Statutes of Nebraska, 1943, relating to trade-marks; to increase the fee for certificate of record of trade-marks; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Fenske	Nelson	Skarda
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Syas
Burbach	Jensen	Pizer	Tews
Carpenter	Klaver	Portsche	Thompson
Claussen	Lautenschlager	Romans	Vosoba
Cooper	Liebers	Ruhnke	Webb
Diers	Marvel	Russillo	Williams
Erlewine	Moulton	Simmons	

Voting in the negative, 0.

Not voting, 4:

Donner	McHugh	Munnelly	Peck
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 700.

A bill for an act relating to water compacts; to provide for the appointment of a commissioner or commissioners to act on behalf of the State of Nebraska to negotiate a compact between the States of Kansas and Nebraska; to provide for an equitable division and apportionment between the states of the water of the Big Blue River and Little Blue River and their tributaries; to provide certain powers for such commissioner or commissioners; and to provide when such compact shall become binding upon the states involved or the citizens thereof.

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

Voting in the affirmative, 40:

Adams	Carpenter	Fenske	Klaver
Aufenkamp	Claussen	Fulton	Lautenschlager
Bowen	Cooper	Gerdes	Liebers
Bridenbaugh	Diers	Hollenbeck	Marvel
Burbach	Erlewine	Jensen	Moulton

Munnelly	Pizer	Simmons	Tews
Nelson	Portsche	Skarda	Thompson
Olinger	Romans	Stryker	Vosoba
Orme	Ruhnke	Swanson	Webb
Otto	Russillo	Syas	Williams

Voting in the negative, 0.

Not voting, 3:

Donner	McHugh	Peck
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 709.** With emergency.

A bill for an act relating to boundary lines between South Dakota, Iowa, and Missouri, and Nebraska; to provide for the appointment of commissioners to act on behalf of the State of Nebraska to negotiate a compact between the States of South Dakota, Iowa, and Missouri, and Nebraska; to provide powers for such commission; to provide when such compact shall become binding upon the states involved; to repeal Laws 1957, Chapters 243, 244, and 245, Sixty-eighth Session, Nebraska State Legislature; 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, 36:

Adams	Fenske	Munnelly	Skarda
Bowen	Fulton	Olinger	Stryker
Bridenbaugh	Gerdes	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Ruhnke	Vosoba
Diers	Marvel	Russillo	Webb
Erlewine	Moulton	Simmons	Williams

Voting in the negative, 4:

Aufenkamp	Hollenbeck	Nelson	Romans
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Not voting, 3:

Donner	McHugh	Peck
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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.

#### **MOTION—Flowers**

Mr. President: I move we send flowers to Mr. McHugh, who is ill. (Signed) Joe T. Vosoba

The motion prevailed.

#### **STANDING COMMITTEE REPORTS**

##### **Budget**

**LEGISLATIVE BILL 72.** Placed on General File as amended.

Standing Committee amendment to LB 72:

1. Amend section 1 of the bill, line 16 by striking "\$170,016.00" and inserting "\$173,516.00", by striking line 21, line 22 by striking "12,240.00" and inserting "12,279.00", by striking line 23, line 28 by striking "709,780.00" and inserting "727,580.00", line 32 by striking "388,237.00" and inserting "486,552.50", line 37 by striking "\$22,288.00" and inserting "\$23,788.00", line 38 by striking "3,588.65" and inserting "6,172.50", and line 57 by striking "48,852.00" and inserting "33,590.63".

**LEGISLATIVE BILL 74.** Replaced by substitute bill attached and placed on General File, and that the substitute bill be printed if authorized by the Legislature.

(Signed) Otto H. Liebers, Chairman

#### **SUSPEND RULES—LB 72 and LB 74**

Mr. President: I move that the rules regarding five days' notice of public hearing on bills referred to committees be suspended and that the reports of the Budget Committee on LB 72 and LB 74 be received and the bills be placed on General File as amended. (Signed) Otto H. Liebers, Chairman, Committee on Budget

The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

#### **MOTION—Print Substitute LB 74**

Mr. President: I move that LB 74 as amended by Substitute LB 74 be printed. (Signed) Otto H. Liebers, Chairman, Committee on Budget

The motion prevailed.

**SELECT FILE**

**LEGISLATIVE BILL 685.** Laid over.

**LEGISLATIVE BILL 646.** E and R amendments found in the Legislative Journal for the One Hundred-sixth Day were adopted.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 410.** E and R amendment found in the Legislative Journal for the One Hundred-sixth Day was adopted.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 529.** E and R amendment found in the Legislative Journal for the One Hundred-sixth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 673.** E and R amendments found in the Legislative Journal for the One Hundred-sixth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 719.** E and R amendments found in the Legislative Journal for the One Hundred-sixth Day were adopted.

Mr. Adams moved to indefinitely postpone LB 719.

The motion lost with 5 ayes, 27 nays, and 11 not voting.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 683.** E and R amendment found in the Legislative Journal for the One Hundred-sixth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 605.** E and R amendments found in the Legislative Journal for the One Hundred-sixth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 379.**

Mr. Stryker withdrew his pending motion found in the Legislative Journal for the Eighty-sixth Day to indefinitely postpone LB 379.

Mr. Otto offered the following amendment which was adopted by unanimous consent:

1. Amend the bill, section 1, line 3, after the word "aircraft", line 4 by striking "protecting any pilot" and inserting "covering the operations of such aircraft." and by striking the remainder of the section.

Mr. Otto offered the following amendments which were adopted by unanimous consent:

1. Amend section 1 of the bill by striking lines 12 and 13 and inserting "damage, or destruction."

2. Amend the bill by striking Standing Committee Amendment 1 and all amendments thereto.

3. Amend the title to conform.

Advanced to E and R for engrossment.

**GENERAL FILE****LEGISLATIVE BILL 378.**

Mr. Munnely requested unanimous consent that LB 378 be laid over.

Mr. Fenske objected.

Mr. Russillo requested unanimous consent that LB 378 be laid over until after recess. No objections. So ordered.

**MOTION—Reconsider Action on LB 633**

Mr. Carpenter renewed his pending motion found in the Legislative Journal for the One Hundred-sixth Day to reconsider the action on the Fenske specific amendment to strike the enacting clause on LB 633.

**Speaker Pizer Presiding**

The motion prevailed with 23 ayes, 14 nays, and 6 not voting.



**SELECT FILE**

**LEGISLATIVE BILL 633.** Mr. Fenske withdrew his specific amendment to strike the enacting clause.

Mr. Carpenter offered the following amendments which were adopted by unanimous consent:

1. Amend section 20 of the bill, line 5 by inserting after the period the following:

"In the event any program of weather control is conducted within any such weather control district organized under this act it shall be unlawful for any aircraft of such district or its contractor to fly outside the boundaries of such district during any seeding operations or to seed any cloud formation situated outside the boundaries of such district.. Any person, partnership, association, or corporation violating the provisions of this section shall, upon conviction thereof, be fined in any sum not to exceed five hundred dollars."

2. Amend the title to conform.

Advanced to E and R for engrossment.

**MESSAGE FROM THE GOVERNOR**

June 9, 1959

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

Gentlemen and Mrs. Orme:

At the time of enactment of LB 387, objection was raised to the provision of Section 3 thereof requiring the performance of an autopsy within four hours.

It has been pointed out to this office that the four hour limitation creates a virtual pathological impossibility.

In view of this circumstance, I respectfully request your permission to introduce legislation to correct this objectionable feature.

Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:s

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 730.** By Richard D. Marvel of Legislative District 31, upon recommendation of the Governor.

A bill for an act to amend sections 1 and 3, Legislative Bill 387, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to deceased persons; to provide who shall have the right to control the disposition of the remains of deceased persons and have the duty of interment and liability for the reasonable costs thereof; to provide that an autopsy shall be made within a reasonable time; to repeal the original sections; and to declare an emergency.

**SUSPEND RULES—Place LB 730 on General File**

Mr. President: I move that the rules be suspended and that LB 730 be placed on General File. (Signed) William Moulton.

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

**Visitors**

Mr. Moulton introduced Mrs. Charles Corns, Leader, and eleven Girl Scouts of Troop 173, Omaha, and Mrs. Rudy Dostal, Leader, and sixteen Girl Scouts of Troop 341, Omaha.

Mrs. Orme introduced A. F. Silber, District Manager, Social Security Administration, Lincoln.

Mr. Claussen introduced Mrs. Myron Brodecky from Howells, and Mrs. Harold Mohnsen from Leigh.

**Announcement—Pictures**

Speaker Pizer announced that arrangements have been completed, through the courtesy of the University of Nebraska, to take individual and committee pictures starting Monday, June 15.

**UNANIMOUS CONSENT—Fans for Chamber**

Mr. Moulton requested unanimous consent that the Clerk be instructed to make arrangements for additional fans for the Legislative Chamber. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 531.** Considered.

Mr. Ruhnke requested unanimous consent that LB 531 be laid over.

Mr. Fenske objected.

Mr. Ruhnke withdrew his pending amendment found in the Legislative Journal for the One Hundred-fourth Day.

**President Burney Presiding**

Mr. Stryker withdrew his pending amendment found in the Legislative Journal for the One Hundred-first Day.

Mr. Vosoba moved that LB 531 be indefinitely postponed.

The motion prevailed with 21 ayes, 15 nays, and 7 not voting.

**Visitors**

Mrs. Orme introduced Mrs. Merrill Reller and Mrs. Francis Drath from Lincoln, and Assistant Judge Barbelies D. Fiedler from Bonn, Germany.

**UNANIMOUS CONSENT—Rules Committee Meeting**

Mr. Marvel requested unanimous consent for permission for the Rules Committee to meet at 1:30 p.m., Thursday, June 11. No objections. So ordered.

**Members Excused**

Mr. Marvel was excused for this afternoon, June 10.

Mr. Pizer was excused from 2:30 until 3:00 p.m. today, June 10.

**UNANIMOUS CONSENT—Executive Session**

Mr. Munnelly requested unanimous consent for permission for the Banking, Commerce and Insurance Committee to meet in executive session at 1:45 p.m. today in the West Senate Lounge. No objections. So ordered.

**UNANIMOUS CONSENT—Change of Order**

Mr. Liebers requested unanimous consent that LB 727, LB 728, and LB 729 be placed after LB 4 on General File.

Mr. Fenske objected.

Mr. Liebers moved that LB 727, LB 728, and LB 729 be placed after LB 4 on General File.

Mr. Carpenter requested unanimous consent to amend the Liebers motion that the bills be considered first on General File. No objections. So ordered.

The Liebers motion prevailed as amended with 33 ayes, 0 nays, and 10 not voting.

### GENERAL FILE

**LEGISLATIVE BILL 727.** Read and considered.

Mr. Cooper offered the following amendments:

1. Amend the bill, by adding a new section to be known as section 2 and to read as follows:

"Sec. 2. That section 84-721, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-721. From and after the first Thursday after the first Tuesday in January, 1959, there ~~There~~ shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of ~~eight~~ nine thousand dollars per annum; Auditor of Public Accounts, the sum of ~~eight~~ nine thousand dollars per annum; Attorney General, the sum of ~~ten~~ eleven thousand five hundred dollars per annum; the State Treasurer, the sum of eight thousand dollars. The Lieutenant Governor shall receive ~~twice~~ the compensation of a member of the Legislature established by section 1, Legislative Bill 639, Sixty-ninth Session, Nebraska State Legislature, 1959. Such salaries shall be payable in equal monthly installments."

2. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

3. In renumbered section 3, line 1, strike "Section 1" and insert "Sections 1 and 2"; line 2 by striking "its" and inserting "their"; and line 4 by inserting "and the Attorney General" after "Governor".

4. In renumbered section 4, line 1, insert "84-721, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; and in line 4 strike "is" and insert "are".

5. Amend the title to conform.

Mr. Tews offered the following amendment:

1. Amend the Cooper amendment, line 10, by striking "eight" and inserting "nine".

**MOTION—Recess**

Mr. President: I move we recess until 2:00 p.m. (Signed) Harry L. Pizer

The motion lost with 18 ayes, 22 nays, and 3 not voting.

Mr. Tews requested a record vote on his amendment.

Voting in the affirmative, 22:

Aufenkamp	McHugh	Portsche	Syas
Bowen	Moulton	Romans	Tews
Cooper	Munnely	Russillo	Thompson
Diers	Olinger	Simmons	Vosoba
Jensen	Otto	Skarda	Webb
Marvel	Pizer		

Voting in the negative, 19:

Adams	Erlewine	Klaver	Ruhnke
Bridenbaugh	Fenske	Lautenschlager	Stryker
Burbach	Fulton	Liebers	Swanson
Carpenter	Gerdes	Nelson	Williams
Claussen	Hollenbeck	Orme	

Not voting, 2:

Donner Peck

The Tews amendment prevailed.

The Cooper amendment as amended lost with 14 ayes, 25 nays, and 4 not voting.

Mr. Carpenter moved that LB 727 be indefinitely postponed.

Motion pending.

**Recess**

At 12:07 p.m., on a motion by Mr. Lautenschlager, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Mr. Peck who was excused, and Mr. Marvel who was excused until 2:30 p.m.

#### **MOTION—Air Conditioning Chamber**

Mr. President: I move that Mr. Vosoba be instructed to proceed immediately to have the Legislative Chamber air conditioned by Monday, June 15, 1959, and after the Legislature adjourns, the air conditioners may be used in other parts of the building. (Signed) Terry Carpenter

The motion prevailed with 21 ayes, 13 nays, and 9 not voting.

#### **GENERAL FILE**

##### **LEGISLATIVE BILL 727. Considered.**

Mr. Carpenter requested unanimous consent to withdraw his pending motion found in this Day's Journal to indefinitely postpone LB 727. No objections. So ordered.

Mr. Tews offered the following amendments:

1. Amend the bill by striking sections 1 and 3, and substitute therefor the following:

Section 1. That section 84-721, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-721. From and after the first Thursday after the first Tuesday in January, 1959, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of eight thousand dollars per annum; Auditor of Public Accounts, the sum of eight thousand dollars per annum; Attorney General, the sum of ten thousand five hundred dollars per annum; and State Treasurer, the sum of eight thousand dollars. The Lieutenant Governor shall receive twice the compensation of a member of the Legislature established by section 1, Legislative Bill 639, Sixty-ninth Session, Nebraska State Legislature, 1959. Such salaries shall be payable in equal monthly installments.

Sec. 3. That original section 84-721 Reissue Revised Statutes of Nebraska, 1943, is repealed.

Section 4. Since an emergency exists this act shall be in full force and take effect from and after its passage and approval according to law.

2. Amend the title to conform.

Mr. Otto requested a division of the question.

Mr. Tews requested a record vote on his amendment to strike sections 1 and 3.

Voting in the affirmative, 19:

Adams	Liebers	Romans	Tews
Carpenter	McHugh	Russillo	Thompson
Cooper	Moulton	Simmons	Webb
Gerdes	Munnelly	Swanson	Williams
Lautenschlager	Portsche	Syas	

Voting in the negative, 18:

Bridenbaugh	Erlewine	Nelson	Ruhnke
Burbach	Fenske	Olinger	Skarda
Claussen	Fulton	Orme	Stryker
Diers	Hollenbeck	Otto	Vosoba
Donner	Jensen		

Not voting, 6:

Aufenkamp	Klaver	Peck	Pizer
Bowen	Marvel		

The motion prevailed and the amendment was adopted.

Mr. Tews moved to adopt his remaining amendments.

The motion prevailed with 31 ayes, 5 nays, and 7 not voting.

Advanced to E and R for review.

**LEGISLATIVE BILL 728.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 729.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 378.** Laid over temporarily.

#### Visitors

Mr. Hollenbeck introduced Mr. Elvin Adamson and daughter, Cheryl Ann, from Valentine.

Mr. Bowen introduced Fred Molley from Red Cloud.

**LEGISLATIVE BILL 4.**

Mr. Jensen moved that LB 4 be laid over.

The motion prevailed with 31 ayes, 3 nays, and 9 not voting.

**LEGISLATIVE BILL 378.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Sixty-eighth Day were adopted.

**Mr. Ruhnke Presiding**

Mr. Munnely offered the following amendments which were adopted:

1. Amend section 1 of the bill, line 24 by inserting "and contained as such in the master plan of the city" before the semicolon, line 32 by striking "and", line 35 by striking the period and inserting "; and", and by inserting after line 35 the following:

"(10) Temporary surfacing shall mean surfacing applied to any major traffic street, connecting link, controlled access facility, main thoroughfare, highway, boulevard or street wherein it is planned by the city that the grade or surfacing of any of the aforementioned shall be changed within two years from the date of completion of said temporary surfacing and a permanent grade established or surfacing applied."

2. Amend section 5 of the bill, line 13 by inserting:

"except not more than thirty per cent of the funds received pursuant to Chapter 66, articles 4 and 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, but" after "funds", and line 14 by inserting "all other" before "street".

3. Amend section 6 of the bill by inserting after line 40 the following:

"If the construction or reconstruction of any controlled access facility results in the abutment of property on such facility that did not theretofore have direct egress from or ingress to it, no rights of direct access shall accrue because of such abutment, but the city may prescribe and define the location of the privilege of access, if any, of properties that then, but not theretofore, abut on such facility."

4. Amend section 19 of the bill, line 12 by striking "thirty" and inserting "sixty", and by striking lines 27 and 28 and inserting "not made, this section shall not apply".

5. Amend section 30 of the bill, line 13 by inserting "; *Provided*, that the city shall not expend in excess of thirty per cent of the funds derived from Chapter 66, articles 4 and 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, in conjunction with such improvements on highways, main thorough-



fares, controlled access facilities, or major traffic streets" before the period.

6. Amend section 37 of the bill, line 7 by striking "fifteen" and inserting "thirty".

7. Amend section 38 of the bill, line 2 by striking "fifteen" and inserting "thirty".

8. Amend section 42 of the bill, line 1 by striking "may" and inserting "shall".

9. Amend the bill by adding two new sections immediately after section 42 to be known as sections 43 and 44 and to read as follows:

"Sec. 43. The property owners may designate the material to be used in the improvement or construction of streets or alleys or other grounds within the district by petition, signed by a majority thereof, filed with the city within thirty days after notice of the proposed improvement.

Sec. 44. In any of the improvements or alterations authorized by the provisions of this act, wherein any of the cost of said improvements or alterations is to be assessed in whole or in part to the abutting property owners, the record owners of a majority of the frontage of the taxable abutting property may, by petition filed with the city, within sixty days after notice of said improvement or alteration, protest against such improvement or alteration and when such petition is filed the improvement or alteration shall not be done."

10. Amend the bill, by renumbering sections 43 and 44 as sections 45 and 46, respectively.

11. Amend the title to conform.

Advanced to E and R for review.

#### **Member Excused**

Mr. Portsche was excused from 3:00 until 3:45 p.m.

**LEGISLATIVE BILL 679.** Considered.

Mr. Stryker renewed his pending motion found in the Legislative Journal for the One Hundred-fourth Day to indefinitely postpone LB 679.

Mr. Vosoba requested a record vote.

## Voting in the affirmative, 23:

Aufenkamp	Fenske	Munnelly	Russillo
Bridenbaugh	Gerdes	Nelson	Skarda
Claussen	Hollenbeck	Olinger	Stryker
Cooper	Jensen	Orme	Webb
Diers	Klaver	Romans	Williams
Erlewine	Lautenschlager	Ruhnke	

## Voting in the negative, 13:

Bowen	Liebers	Otto	Swanson
Burbach	Marvel	Pizer	Thompson
Donner	McHugh	Simmons	Vosoba
Fulton			

## Not voting, 7:

Adams	Moulton	Portsche	Tews
Carpenter	Peck	Syas	

The Stryker motion prevailed and LB 679 was indefinitely postponed.

**Visitors**

Mrs. Orme introduced Carlos Belizaire from Panama City, Panama; Edward Christian Nyako from Ghana, West Africa; Youra Abdoulin from Tekran, Iran; Rafael Azula from Columbia, South America; Chang-Keun Kim from Seoul, Korea; Henry Jones from Panama; Narciso Mauricosi Rookiguez from Caracas, Venezuela; Mamoun Mohamed from Rabat Maroc; and Brijigo Iriarte from Caracas, Venezuela.

**LEGISLATIVE BILL 715. Considered.**

Mr. Moulton renewed his pending motion found in the Legislative Journal for the One Hundred-fifth Day to indefinitely postpone LB 715.

The motion prevailed with 23 ayes, 14 nays, and 6 not voting, and LB 715 was indefinitely postponed.

**President Burney Presiding****Visitor**

Mr. Gerdes introduced Mr. Jones, Sioux County Commissioner.

**LEGISLATIVE BILL 714.**

Mr. Lautenschlager moved that LB 714 be indefinitely postponed.

**Speaker Pizer Presiding**

Mr. Vosoba requested a record vote.

Voting in the affirmative, 21:

Adams	Diers	Hollenbeck	Pizer
Aufenkamp	Donner	Lautenschlager	Romans
Bowen	Erlewine	McHugh	Ruhnke
Bridenbaugh	Fenske	Moulton	Webb
Carpenter	Gerdas	Nelson	Williams
Cooper			

Voting in the negative, 18:

Burbach	Liebers	Russillo	Swanson
Claussen	Marvel	Simmons	Syas
Fulton	Olinger	Skarda	Thompson
Jensen	Orme	Stryker	Vosoba
Klaver	Otto		

Not voting, 4:

Munnelly	Peck	Portsche	Tews
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The Lautenschlager motion prevailed and LB 714 was indefinitely postponed.

**Presented to the Governor**

Presented to the Governor for approval on June 10, 1959, at 9:40 a.m.: LB 653 LB 247 LB 579 LB 610 LB 636 LB 652 LB 722 LB 554

(Signed) Jo Fisher, Enrolling Clerk

**GENERAL FILE**

**LEGISLATIVE BILL 552.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the Ninety-seventh Day were adopted.

Advanced to E and R for review.

**MESSAGE FROM THE GOVERNOR**

June 10, 1959

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

Gentlemen and Mrs. Orme:

LB 710, when originally introduced, contemplated that the award for damages to a condemnee should include the reasonable cost of any necessary removal of personal property from the real estate which was the subject of the taking.

A subsequent examination of the applicable law indicates that this additional protection and compensation for Nebraska property owners is not available under the provisions of LB 710.

In order to provide this additional measure of damages, which is recognizably just and fair, as well as to give effect to the demonstrated legislative intent surrounding LB 710, I respectfully request your permission to introduce this new legislation and I commend it to your immediate attention and prompt enactment with the emergency clause.

Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:s

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 731.** By John P. Munnelly of Legislative District 8, upon recommendation of the Governor.

A bill for an act to amend section 5, Legislative Bill 710, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to eminent domain; to provide that the award for damages to the condemnee shall include the reasonable cost of any necessary removal of personal property from the real estate being taken or attempted to be taken; to repeal the original section; and to declare an emergency.

ONE HUNDRED-SEVENTH DAY—JUNE 10, 1959 1981

**SUSPEND RULES—Place LB 731 on General File**

Mr. President: I move that the rules be suspended and that LB 731 be placed on General File. (Signed) William Moulton

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

**Adjournment**

At 4:01 p.m., on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

**ONE HUNDRED-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska

Thursday, June 11, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Donner and Moulton who were excused, and Mr. Fenske who was excused until 10:00 a.m.

**Corrections for the Journal**

Page 1972, line 23, delete the first "the" and insert "and".

Page 1975, line 3, delete "section 1." and insert "sections 1 and 3."

Page 1975, line 20, delete "amendment to strike section 3." and insert "remaining amendments."

The Journal for the One Hundred-seventh Day was approved as corrected.

**Members Excused**

Mr. Thompson was excused from 2:00 until 3:00 p.m. today, June 11.

Messrs. Jensen, Stryker, and Olinger were excused for Friday, June 12.

**UNANIMOUS CONSENT—Bills on Final Reading**

Mr. Ruhnke requested unanimous consent that the bills scheduled for final reading Friday, June 12, be laid over until Monday, June 15. No objections. So ordered.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 633.** Replaced on Select File as amended.

E and R amendment to LB 633:

1. In the title insert "to make certain acts unlawful; to provide penalties;" at the end of line 8.

**LEGISLATIVE BILL 487.** Replaced on Select File as amended.

E and R amendments to LB 487:

1. In the Cooper Unanimous Consent Amendment 2, line 2, strike "c" and insert "(c)".
2. In the title, line 14, insert "to provide for protests and the procedure thereon;" before "and".

**LEGISLATIVE BILL 591.** Placed on Select File as amended.

E and R amendments to LB 591:

1. In Standing Committee Amendment 1, line 2, insert " , showing the same as stricken" before the period.
2. In Standing Committee Amendment 2, line 2, insert a period before "and" and strike the balance of line 2 and all of line 3.
3. In section 1, line 23, strike the period and insert an under-scored semicolon.
4. In Standing Committee Amendment 5, line 2, insert " , showing the same as stricken" before the period.
5. In section 1, line 103, strike "and" as in the statutes.

**LEGISLATIVE BILL 702.** Placed on Select File as amended.

E and R amendments to LB 702:

1. In renumbered section 1, line 1, strike "Sec." and insert "Section".
2. In Standing Committee Amendment 4, line 5, strike the first period, and insert " , showing the same as stricken" before the remaining period.
3. In Standing Committee Amendment 8, line 2, strike "22" and insert "23".
4. In renumbered section 12, line 16, strike the comma after "sons", showing the same as stricken.

5. For correlation purposes, in renumbered section 13, line 2, insert "as amended by section 58, Legislative Bill 667, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; and in lines 11 and 12 strike "or if a municipal office, the clerk of the city or village,".

6. Strike Standing Committee Amendment 9 through "ing" in line 3 and insert "9. Amend renumbered section 14 of the bill by inserting, after 'herein', the following"; and in line 5 strike the period after "office".

7. For correlation purposes, in renumbered section 15, line 2, insert "as amended by section 2, Legislative Bill 200, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; and in lines 4 and 5 strike ", except as provided in section 32-523,".

8. In renumbered section 16, line 4, insert "be" after "to" as in the statutes.

9. For correlation purposes, in renumbered section 16, line 2, insert "as amended by section 59, Legislative Bill 667, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; at the end of line 5 insert "except municipal elections,"; in lines 38 and 39 strike "or where village officers or city officers in cities of the first or second class"; and in line 40 strike "such".

10. In renumbered section 18, line 5, insert a comma after "tion" as in the statutes.

11. In renumbered section 22, line 2, insert "as amended by section 3, Legislative Bill 200, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; in lines 13 and 14 strike "public power and irrigation district or a"; and strike line 42 and insert "primary, or (c) when the number of candidates for the office shall be less than twice the number of positions to be filled.".

12. In Standing Committee Amendment 10, line 2, strike "22" and insert "23"; also in line 2 strike "23" and insert "24"; and in line 4 strike "23" and insert "24".

13. In Standing Committee Amendment 11, line 2, strike "24 and 25" and insert "25 and 26".

14. In Standing Committee Amendment 12, line 2, strike "25" and insert "26"; also in line 2 strike "26" and insert "27"; and in line 4 strike "26" and insert "27".

15. In Standing Committee Amendment 13, line 2, strike "27 to 30" and insert "28 to 31".



16. In renumbered section 29, line 36, strike "be".

17. Strike Standing Committee Amendment 14; strike renumbered section 31 and insert:

"Sec. 31. That original sections 32-401, 32-402, 32-517, 32-525, 32-526, 32-533, 32-709, 32-812, 46-531, 70-610, and 70-611, Reissue Revised Statutes of Nebraska, 1943, sections 32-403, 32-496, 32-4,105, 32-4,108, 32-503.01, 32-504, 32-510, 32-514, 32-518, 32-519.01, 32-528, 32-535, 32-538, 32-815, and 32-819, Revised Statutes Supplement, 1957, section 32-524, Reissue Revised Statutes of Nebraska, 1943, as amended by section 59, Legislative Bill 667, Sixty-ninth Session, Nebraska State Legislature, 1959, section 32-519, Revised Statutes Supplement, 1957, as amended by section 58, Legislative Bill 667, Sixty-ninth Session, Nebraska State Legislature, 1959, section 32-522, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 200, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 32-537, Revised Statutes Supplement, 1957, as amended by section 3, Legislative Bill 200, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed."

18. In the title, strike lines 2 to 9 and insert:

"FOR AN ACT to amend sections 32-401, 32-402, 32-517, 32-525, 32-526, 32-533, 32-709, 32-812, 46-531, 70-610, and 70-611, Reissue Revised Statutes of Nebraska, 1943, sections 32-403, 32-496, 32-4,105, 32-4,108, 32-503.01, 32-504, 32-510, 32-514, 32-518, 32-519.01, 32-528, 32-535, 32-538, 32-815, and 32-819, Revised Statutes Supplement, 1957, section 32-524, Reissue Revised Statutes of Nebraska, 1943, as amended by section 59, Legislative Bill 667, Sixty-ninth Session, Nebraska State Legislature, 1959, section 32-519, Revised Statutes Supplement, 1957, as amended by section 58, Legislative Bill 667, Sixty-ninth Session, Nebraska State Legislature, 1959, section 32-522, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 200, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 32-537, Revised Statutes Supplement, 1957, as amended by section 3, Legislative Bill 200, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to elections; to in-"; and in line 13 insert "to change provisions respecting the placing of initiative and referendum measures on the ballot;" after the semicolon.

**LEGISLATIVE BILL 505.** Placed on Select File as amended.

E and R amendments to LB 505:

1. In the Gerdes General File Amendment 1, line 1, strike "section 1" and insert "renumbered section 2"; and in line 7 strike "may".

2. In the Syas General File Amendment 2, line 2, strike the period; in line 3 insert an underscored semicolon before "*Provided*"; and in line 6 strike the period and insert a period at the end of the line.

3. In new section 1, line 17, insert a stricken comma after "*Education*" as in the statutes; and in line 22 strike "*shall*" and insert "*is required by this section to*".

4. In renumbered section 2, line 1, strike "Section" and insert "Sec."

5. For correlation purposes, in renumbered section 2, line 2, insert "as amended by section 1, Legislative Bill 303, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; in line 7 insert "all or any part of the" before "pupils"; and in line 64 insert "or where only a portion of the pupils are contracted under the provisions of subdivision (a) of subsection (1) of this section" before the semicolon.

6. In renumbered section 3, strike lines 1 and 2 and insert "Sec. 3. That original section 79-420, Reissue Revised Statutes of Nebraska, 1943, and section 79-486, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 303, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed."

7. In the title, line 2, insert "section 79-420, Reissue Revised Statutes of Nebraska, 1943, and" after "amend"; in line 3 insert "as amended by section 1, Legislative Bill 303, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; and in line 5 insert "to provide an exception;" after the semicolon.

**LEGISLATIVE BILL 617.** Placed on Select File as amended.

E and R amendments to LB 617:

1. In section 1, strike line 32 and insert "*who advertises or holds himself out to the*".

2. In section 2, line 1, insert an underscored comma after "*shall*".

3. In section 5, line 18, strike "*manager*" and insert "*managers*"; and in line 37 strike "*subsection*" and insert "*subdivision*".

4. In the Lautenschlager General File Amendment 1, strike lines 3 to 5 and insert "and inserting '*Provided, this section shall not apply when a full pardon has been given.*'".

5. In section 7, line 7, strike the comma.

6. In the Russillo General File Amendment 1, line 4, strike "however,"; in line 9 strike "; provided, however," and insert "Provided,".

7. In section 10, line 5, insert "any license" after "suspend"; and in line 19 insert "when" after "(c)".

8. In section 11, line 7, strike "having"; strike the rest of the section, and insert "of Lancaster County or in the district court of the county in which he resides or has his principal place of business.".

9. In Standing Committee Amendment 2, line 1, strike "11" and insert "16".

**LEGISLATIVE BILL 691.** Placed on Select File as amended.

E and R amendments to LB 691:

1. For correlation purposes, in section 2, line 2, insert "as amended by section 4, Legislative Bill 686, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; in line 6 insert "except that raccoon, opossum, and fox may be taken, and the flesh or fur thereof may be sold, by the holder of either a valid hunting or trapping permit," after the comma; and in line 17 insert "It shall be unlawful for a nonresident to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds or game animals or to angle for or take or attempt to angle for or take any kind of fish while in the possession of a resident permit illegally obtained." after the period.

2. Strike renumbered section 3 and insert:

"Sec. 3. That original section 37-201, Revised Statutes Supplement, 1957, and section 37-213, Revised Statutes Supplement, 1957, as amended by section 4, Legislative Bill 686, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed."

3. Add a new section to be known as section 4 and to read as follows:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

4. In the title, strike lines 2 to 4 and insert

"FOR AN ACT to amend section 37-201, Revised Statutes Supplement, 1957, and section 37-213, Revised Statutes Supplement, 1957, as amended by section 4, Legislative Bill 686, Sixty-ninth Session, Nebraska State Legislature, 1959, re-"; in line 9 strike "and" and in line 10 insert "and to declare an emergency" before the period.

**LEGISLATIVE BILL 656.** Placed on Select File as amended.

## E and R amendments to LB 656:

1. In renumbered section 1, line 1, strike "Sec." and insert "Section".

2. For correlation purposes, in renumbered section 1, line 2, insert "as amended by section 2, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; and in line 17 insert: "*; Provided, the receiving of deposits, cashing of checks, and buying and selling warrants and bonds of indebtedness of any such city or village by a financial institution shall not be considered a contract under the provisions of this section*" before the period.

3. In new section 2, lines 13 to 15, strike "and no contract may be divided for the purpose of evading the requirements of this section," showing the same as stricken; and at the end of line 22 insert "*No contract may be divided for the purpose of evading the requirements of this section.*".

4. In new section 3, lines 12 and 13, strike "and no contract may be divided for the purpose of evading the requirements of this section," showing the same as stricken; in line 14 insert an underscored comma after "shall"; and at the end of line 16 insert "*No contract may be divided for the purpose of evading the requirements of this section.*".

5. Strike renumbered section 6 and insert:

"Sec. 6. That original sections 23-146 and 79-442, Reissue Revised Statutes of Nebraska, 1943, section 18-302, Revised Statutes Supplement, 1957, section 17-611, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 18-301, Revised Statutes Supplement, 1957, as amended by section 3, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed."

6. Add a new section to be known as section 7 and to read as follows:

"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

7. In the title, strike lines 2 to 15 and insert:

"FOR AN ACT to amend sections 23-146 and 79-442, Reissue Revised Statutes of Nebraska, 1943, section 18-302, Revised Statutes

Supplement, 1957, section 17-611, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 18-301, Revised Statutes Supplement, 1957, as amended by section 3, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to public contracts; to raise the limitation on the amount of contracts, with the governmental body which they serve, in which prescribed public officers may be interested; to repeal the original sections; and to declare an emergency.”.

**LEGISLATIVE BILL 238.** Correctly engrossed.

**LEGISLATIVE BILL 428.** Correctly re-engrossed.

**LEGISLATIVE BILL 454.** Correctly engrossed.

**LEGISLATIVE BILL 584.** Correctly re-engrossed.

**LEGISLATIVE BILL 618.** Correctly engrossed.

**LEGISLATIVE BILL 694.** Correctly engrossed.

**LEGISLATIVE BILL 703.** Correctly engrossed.

**LEGISLATIVE BILL 625.** Correctly enrolled.

**LEGISLATIVE BILL 635.** Correctly enrolled.

**LEGISLATIVE BILL 675.** Correctly enrolled.

**LEGISLATIVE BILL 693.** Correctly enrolled.

**LEGISLATIVE BILL 696.** Correctly enrolled.

**LEGISLATIVE BILL 698.** Correctly enrolled.

**LEGISLATIVE BILL 699.** Correctly enrolled.

**LEGISLATIVE BILL 700.** Correctly enrolled.

**LEGISLATIVE BILL 709.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 625 LB 635 LB 675 LB 693  
LB 696 LB 698 LB 699 LB 700 LB 709

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 634.**

A bill for an act to amend section 69-601, Reissue Revised Statutes of Nebraska, 1943, relating to assignment of accounts receivable; to redefine the term account or accounts receivable; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Fulton	Nelson	Skarda
Aufenkamp	Gerdes	Olinger	Stryker
Bowen	Hollenbeck	Orme	Swanson
Bridenbaugh	Jensen	Otto	Syas
Burbach	Klaver	Peck	Tews
Carpenter	Lautenschlager	Pizer	Thompson
Claussen	Liebers	Portsche	Vosoba
Cooper	Marvel	Romans	Webb
Diers	McHugh	Ruhnke	Williams
Erlewine	Munnelly	Simmons	

Voting in the negative, 0.

Not voting, 4:

Donner	Fenske	Moulton	Russillo
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 704. With emergency.**

A bill for an act to amend section 77-1229, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 68, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to revenue and taxation; to harmonize the date for listing of property for taxation with previous legislation; to provide for extension of such time as prescribed; 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, 39:

Adams	Fulton	Nelson	Skarda
Aufenkamp	Gerdes	Olinger	Stryker
Bowen	Hollenbeck	Orme	Swanson
Bridenbaugh	Jensen	Otto	Syas
Burbach	Klaver	Peck	Tews
Carpenter	Lautenschlager	Portsche	Thompson
Claussen	Liebers	Romans	Vosoba
Cooper	Marvel	Ruhnke	Webb
Diers	McHugh	Russillo	Williams
Erlewine	Munnely	Simmons	

Voting in the negative, 1:

Pizer

Not voting, 3:

Donner	Fenske	Moulton
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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.

#### LEGISLATIVE BILL 707.

A bill for an act relating to revenue and taxation; to provide for appeals from assessments made by the Tax Commissioner under the provisions of sections 77-716 to 77-718, Reissue Revised Statutes of Nebraska, 1943, and amendments thereof; and to provide for the procedure for such appeals.

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

Voting in the affirmative, 39:

Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Erlewine	Munnely	Russillo	Williams
Fulton	Nelson	Simmons	

Voting in the negative, 0.

Not voting, 4:

Adams	Donner	Fenske	Moulton
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 720.** With emergency.

A bill for an act relating to schools; to provide that the county board may appropriate funds out of the county general fund to establish a revolving fund to be used by the county superintendent to set up a program of special education for physically or mentally handicapped educable children; to provide for reimbursement of such fund; 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	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Burbach	Klaver	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Erlewine	Munnelly	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Donner	Fenske	Moulton
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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.

**LEGISLATIVE BILL 723.** Laid over until Monday, June 15, 1959, at the request of Mr. Otto.



**Visitors**

Mr. Gerdes introduced Mr. Otis Tossett from Lansford, North Dakota; Mr. A. G. Knorr from Minot, North Dakota; Mr. Paul E. R. Abrahamson from Devils Lake, North Dakota; and Mr. Marx Koehnke from Lincoln.

**MOTION—Return LB 1 to Select File**

Mr. President: I move that LB 1 be returned to Select File for the following specific amendments. (Signed) Arnold Ruhnke

1. Amend the bill by striking section 1.
2. Amend the bill by renumbering sections 2 and 3 as sections 1 and 2.
3. Amend the title to conform.

The motion lost with 17 ayes, 20 nays, and 6 not voting.

**Visitors**

Mrs. Orme introduced Miss Augusta H. Clawson from Washington D. C. and Miss Bessie Watkins from Lincoln.

Mr. Swanson introduced Mr. and Mrs. Harvey Corder from Loomis.

**SELECT FILE**

**LEGISLATIVE BILL 685.** Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 607.** E and R amendment found in the Legislative Journal for the One Hundred-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 127.** E and R amendment found in the Legislative Journal for the One Hundred-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 674.** E and R amendment found in the Legislative Journal for the One Hundred-seventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 310.** E and R amendments found in the Legislative Journal for the One Hundred-seventh Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 660.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 593.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 717.** Advanced to E and R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 4.** Considered.

Mr. Carpenter moved to reconsider the action of June 8 in adopting the Tews amendment, in order that the Standing Committee amendment would be reinstated.

The Carpenter motion prevailed with 35 ayes, 0 nays, and 8 not voting.

The first Tews General File Amendment 1, found in the Legislative Journal for the One Hundred-fifth Day was rejected with 0 ayes, 33 nays, and 10 not voting.

### Visitors

Mr. Bowen introduced Mrs. Ray Bates, Cherril Bates, and Vonda Crowe from Bladen.

Mr. Claussen introduced Mrs. Woodward and Mrs. Hobel, and the following senior scouts: Kathy Danielson, Judy Henry, Loriana Eggers, and Doris Olson.

Mr. Thompson introduced Mrs. E. J. Plett from Valentine, and his daughter, Jerda Thompson from McCook.

Mr. Aufenkamp withdrew his pending amendment found in the Legislative Journal for the One Hundred-second Day.

Mr. Jensen offered the following amendment:

1. Amend section 1 of the bill by striking lines 3 to 42 and all amendments thereto and inserting the following:

"23-1115. The county judge, in counties having a population as herein provided, shall each receive as their annual salaries,

to be paid monthly out of the general fund of the county, as follows:

(1) In counties having a population of not more than twenty-seven hundred fifty inhabitants, the sum of *eighteen nineteen hundred eighty* dollars;

(2) In counties having a population of more than twenty-seven hundred fifty and not more than sixty-five hundred inhabitants, the sum of *twenty-seven twenty-nine hundred seventy* dollars;

(3) In counties having a population of more than sixty-five hundred and not more than thirteen thousand inhabitants, the sum of *thirty three thirty-six hundred thirty* dollars;

(4) In counties having a population of more than thirteen thousand and not more than sixteen thousand inhabitants, the sum of *fifty six thirty-nine hundred sixty* dollars;

(5) In counties having a population of more than sixteen thousand and not more than twenty thousand inhabitants, the sum of *five thousand five hundred* dollars;

(6) In counties having a population of more than twenty thousand and not more than twenty-five thousand inhabitants, the sum of *fifty three fifty-eight hundred thirty* dollars;

(7) In counties having a population of more than twenty-five thousand and not more than thirty thousand inhabitants, the sum of *fifty five hundred six thousand fifty* dollars;

(8) In counties having a population of more than thirty thousand and not more than sixty thousand inhabitants, the sum of *fifty-six sixty-one hundred sixty* dollars;

(9) In counties having a population of more than sixty thousand and not more than two hundred thousand inhabitants, the sum of *ninety-six hundred eleven thousand five hundred* dollars; and

(10) In counties having a population of more than two hundred thousand inhabitants, the sum of *ten twelve thousand four five hundred* dollars.”

**Speaker Pizer Presiding**

Mr. Tews requested a record vote on the Jensen amendment.

Voting in the affirmative, 21:

Aufenkamp	Fulton	Marvel	Ruhnke
Bridenbaugh	Gerdess	Munnelly	Russillo
Burbach	Hollenbeck	Nelson	Skarda
Diers	Jensen	Olinger	Stryker
Erlewine	Lautenschlager	Otto	Williams
Fenske			

Voting in the negative, 17:

Adams	Orme	Romans	Tews
Carpenter	Peck	Simmons	Thompson
Claussen	Pizer	Swanson	Vosoba
Cooper	Portsche	Syas	Webb
Liebers			

Not voting, 5:

Bowen	Klaver	McHugh	Moulton
Donner			

The Jensen amendment was adopted.

Mr. Bowen offered the following amendment:

1. Amend the Jensen amendment, class (3), from \$3630.00 to \$4,000.00.

Mr. Bowen requested a Call of the House.

A Call of the House was ordered and showed 38 members present.

Mr. Carpenter moved that the Call be raised. The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

The Bowen amendment was adopted with 19 ayes, 16 nays, and 8 not voting.

Mr. Tews offered the following amendment:

1. Amend the Jensen amendment by changing the categories as follows:

- (1) 1980.00 to 2160.00
- (2) 2970.00 to 3240.00
- (4) 3960.00 to 4320.00
- (5) 5500.00 to 6000.00
- (6) 5830.00 to 6360.00
- (7) 6050.00 to 6600.00
- (8) 6160.00 to 6720.00

Mr. Carpenter offered the following amendment which was adopted with 30 ayes, 4 nays, and 9 not voting:

1. Amend classification (8) of the Tews amendment by striking 6720.00 and inserting 7000.00.

Mr. Tews requested a record vote on his amendment as amended.

Voting in the affirmative, 27:

Adams	Fenske	Peck	Swanson
Bowen	Jensen	Pizer	Tews
Burbach	Klaver	Portsche	Thompson
Carpenter	McHugh	Ruhnke	Vosoba
Claussen	Munnelly	Russillo	Webb
Cooper	Orme	Simmons	Williams
Diers	Otto	Skarda	

Voting in the negative, 10:

Aufenkamp	Fulton	Marvel	Olinger
Bridenbaugh	Gerdas	Nelson	Romans
Erlewine	Hollenbeck		

Not voting, 6:

Donner	Liebers	Stryker	Syas
Lautenschlager	Moulton		

The Tews amendment was adopted.

Advanced to E and R for review.

### MESSAGE FROM THE GOVERNOR

June 11, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

I respectfully request your permission to introduce legislation authorizing the use of funds made available through an agency of the federal government to reimburse counties of our State for prescribed expenditures.

Most states of the United States have enabling legislation permitting them to distribute federal funds received among the counties within such states for the giving or strengthening of services to children and other related items.

Nebraska lacks this enabling legislation with the result that it is required to return, at this moment, \$40,000 or thereabouts to the federal government for distribution among states with such enabling legislation when there is an imperative, pressing, and urgent need for such funds within our own borders.

Were this a means to retain federal funds solely for the purpose of retention, I would not burden you with this legislative problem. I well recognize the tremendous load you have shouldered and are shouldering during this legislative session, and I commend you for it. However, the needs of our children, for additional and strengthened services for their well-being, requires our overriding consideration.

I respectfully urge the enactment of this legislation with all possible haste and with the emergency clause.

Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks

RALPH G. BROOKS

GOVERNOR

RGB:RBC:sn

**President Burney Presiding**

#### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 732.** By John P. Munnelly of Legislative District 8, upon recommendation of the Governor.

A bill for an act relating to public welfare; to authorize the use of funds made available through an agency of the government of the United States to reimburse any county of this state for expenditures as prescribed; and to declare an emergency.

**SUSPEND RULES—Place LB 732 on General File**

Mr. President: I move that the rules be suspended and that LB 732 be placed on General File. (Signed) Sam Klaver

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Banking, Commerce and Insurance be permitted to introduce a new bill providing for a proposed constitutional amendment relating to the election of county judges. (Signed) Terry Carpenter

Mr. Adams requested a record vote.

Voting in the affirmative, 25:

Aufenkamp	Gerdes	Munnelly	Simmons
Bowen	Klaver	Orme	Skarda
Burbach	Lautenschlager	Peck	Swanson
Carpenter	Liebers	Portsche	Syas
Claussen	Marvel	Romans	Vosoba
Cooper	McHugh	Russillo	Williams
Diers			

Voting in the negative, 11:

Adams	Fulton	Olinger	Thompson
Bridenbaugh	Hollenbeck	Ruhnke	Webb
Erlewine	Nelson	Stryker	

Not voting, 7:

Donner	Jensen	Otto	Tews
Fenske	Moulton	Pizer	

The Carpenter motion prevailed.

**Visitors**

President Burney introduced Rev. and Mrs. R. C. Shaw from Manchester, England, and Mr. and Mrs. Lawrence Bothell from Maine, New York.

Mrs. Orme introduced Mrs. Ralph Hoxie.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 733.** By Committee on Banking, Commerce and Insurance, Terry Carpenter, 42nd District, Member.

A bill for an act for submission to the electors of an Amendment to Article V, section 15, of the Constitution of Nebraska, relating to the judicial; to provide for election of more than one county judge for a county; to provide for forming county judge judicial districts as prescribed; to provide for qualifications of county judges; to provide for the submission of the proposed amendment to the electors at the general elections in November, 1960; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

**SUSPEND RULES—Place LB 733 on General File**

Mr. President: I move to suspend the rules and place LB 733 on General File. (Signed) Terry Carpenter

The motion lost with 20 ayes, 13 nays, and 10 not voting.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 43.** Re: Requesting Study of Methods, Time, and Amounts Paid State Employees.

Introduced by Fern Hubbard Orme, 20th District; and Dwain Williams, 35th District.

WHEREAS, the Governor of Nebraska has appointed a committee to study the conditions of employment of state employees, and

WHEREAS, there is a need to study the method and time of payment and amounts paid state employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the committee of the Governor appointed to study conditions of employment of state employees be requested to study the method and time of payment and amounts paid state employees.

2. That a copy of this resolution suitably engrossed be sent to the Honorable Ralph G. Brooks, Governor of the State of Nebraska.



**SUSPEND RULES—Refer LB 733**

Mr. President: I move to suspend the rules and refer LB 733 to the Banking, Commerce and Insurance Committee. (Signed) Hans O. Jensen

Mr. Stryker moved that the Jensen motion be amended to the Government Committee rather than the Banking, Commerce and Insurance Committee.

The motion prevailed.

The Jensen motion prevailed as amended with 30 ayes, 3 nays, and 9 not voting.

**MOTION—Reconsider Action on LB 715**

Mr. President: I move we reconsider our action of June 10, 1959, in indefinitely postponing LB 715. (Signed) Marvin Lautenschlager

Motion pending.

**Members Excused**

Messrs. Munnely and Skarda were excused for this afternoon, June 11.

**Recess**

At 12:02 p.m., on a motion by Mr. Webb, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:03 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Adams, Cooper, Hollenbeck, Lautenschlager, McHugh, Moulton, Simmons, Thompson, and Vosoba who were excused, and Mr. Tews who was excused until 2:45 p.m.

**NOTICE OF COMMITTEE HEARINGS**

**Government**

LB 733      Wednesday, June 17, 1959

2:00 p.m.

**Communications**

Poem from Felicia Hardison, addressed to Speaker Pizer.

**GENERAL FILE**

**LEGISLATIVE BILL 462.** Laid over.

**LEGISLATIVE BILL 395.** Laid over.

**LEGISLATIVE BILL 724.** Read and considered.

Mr. Otto offered the following amendments which were adopted:

1. Amend the bill, Section 1, page 2, line 7 after the word "licensed" insert "warehouses or", and line 10 after the word "such" insert "warehouses or".

2. Amend the bill, Section 2, page 2, line 7, after the word "licensed" insert "warehouses or", and line 12 after the word "such" insert "warehouses or".

3. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 721.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 335.** Read and considered.

Laid over.

**LEGISLATIVE BILL 624.** Considered.

Mr. Russillo moved that the Standing Committee amendments found in the Legislative Journal for the Sixty-ninth Day be rejected.

The motion prevailed.

Mr. Russillo offered the following amendments:

1. Amend section 1 of the bill, line 4, by striking "sections 5 and 6" and inserting "section 7", by striking lines 7 to 24 and inserting the following:

"Sec. 7. Members of the Legislature shall be elected for a term of two years beginning at noon on the first Tuesday in January in the year next ensuing the general election at which they were

elected. Each member shall be nominated and elected in a non-partisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed two hundred fifty dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

2. Amend section 2 of the bill, by striking lines 7 to 9 and inserting the following:

"Constitutional Amendment to prescribe the maximum salary members of the Legislature may receive."

3. Amend the title to conform.

#### **Speaker Pizer Presiding**

Mr. Jensen moved the previous question.

The motion prevailed with 22 ayes, 9 nays, and 12 not voting.

Mr. Syas offered the following amendment which was adopted with 29 ayes, 4 nays, and 10 not voting:

1. Amend the Russillo amendment, line 9, by striking "two hundred fifty" and inserting in lieu thereof "two hundred".

The Russillo amendments as amended were adopted with 28 ayes, 6 nays, and 9 not voting.

Advanced to E and R for review.

#### **Members Excused**

Messrs. Klaver, Russillo, Burbach, and Ruhnke were excused for Friday, June 12, 1959.

#### **STANDING COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 634.** Correctly enrolled.

**LEGISLATIVE BILL 704.** Correctly enrolled.

**LEGISLATIVE BILL 707.** Correctly enrolled.

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**LEGISLATIVE BILL 720.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**Adjournment**

At 3:01 p.m., on a motion by Mr. Romans, the Legislature adjourned until 10:00 a.m. Friday, June 12, 1959.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**ONE HUNDRED-NINTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Friday, June 12, 1959

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Burney presiding.

Prayer was offered by Mrs. Orme.

The roll was called and all members were present except Messrs. Burbach, Jensen, Klaver, Olinger, Ruhnke, Russillo, and Stryker who were excused.

**Corrections for the Journal**

Page 1997, line 4, delete the first "the".

The Journal for the One Hundred-eighth Day was approved as corrected.

**Appreciation to Mr. Liebers**

Mr. Peck expressed appreciation to Mr. Liebers, in behalf of the Legislature, for the ice cream yesterday afternoon.

**Report—Bid for Air Conditioning**

Pursuant to the action of the Legislature on June 10, authorizing the air conditioning of the Legislative Chamber, Mr. Vosoba reported that a bid of \$5,160.00 had been submitted by the M. G. Lehman Company of Lincoln.

Mr. Carpenter moved that we do not proceed with air conditioning the Legislative Chamber on the basis of the bid submitted.

The motion prevailed.

**Visitors**

Mr. Elerwine introduced Robert O'Neil, Manfred Lungrin, John Osler, and Ernest Colson from Elsie.

Mr. LeRoy Bahensky of Palmer, a former member of the Legislature, addressed the Legislature briefly.

**Presented to the Governor**

Presented to the Governor for approval on June 11, 1959, at  
4:10 p.m.: LB 625      LB 635      LB 675      LB 693      LB 696  
LB 698      LB 699      LB 700      LB 709

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 349.** Replaced on Select File as amended.

E and R amendment to LB 349:

1. In section 7, line 11, and also in section 9, line 25, strike "resident" and insert "registered".

**LEGISLATIVE BILL 728.** Placed on Select File.

**LEGISLATIVE BILL 729.** Placed on Select File.

**LEGISLATIVE BILL 552.** Placed on Select File as amended.

E and R amendment to LB 552:

1. In new section 1, line 8, strike the comma; in line 10, insert a comma after "not"; in line 17 insert a comma after "wares"; in line 19 strike "The persons" and insert "Any person"; in line 26 strike "by" and insert "be"; insert a comma at the end of line 27; and insert a comma at the end of line 33.

**LEGISLATIVE BILL 281.** Correctly engrossed.

**LEGISLATIVE BILL 607.** Correctly engrossed.

**LEGISLATIVE BILL 646.** Correctly re-engrossed.

**LEGISLATIVE BILL 683.** Correctly engrossed.

**LEGISLATIVE BILL 719.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of trans-  
acting business, the President signed:      LB 634      LB 704  
LB 707      LB 720

**Visitor**

Mr. Gerdes introduced Mr. D. D. Nash from Henry.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 43.**

LR 43 was adopted with 29 ayes, 0 nays, and 14 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 633.** E and R amendment found in the Legislative Journal for the One Hundred-eighth Day was adopted.

Laid over.

**LEGISLATIVE BILL 487.** E and R amendments found in the Legislative Journal for the One Hundred-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 591.** E and R amendments found in the Legislative Journal for the One Hundred-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 702.** E and R amendments found in the Legislative Journal for the One Hundred-eighth Day were adopted.

Mr. Williams offered the following amendment which was adopted by unanimous consent:

1. Amend the bill, section 15, lines 18 and 19, by striking "twenty-five, twenty, or fifteen" and inserting "*fifty, forty-five, or forty*".

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 505.** E and R amendments found in the Legislative Journal for the One Hundred-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 617.** E and R amendments found in the Legislative Journal for the One Hundred-eighth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 691.** E and R amendments found in the Legislative Journal for the One Hundred-eighth Day were adopted.

Mr. Vosoba moved that LB 691 be indefinitely postponed.

Mr. Vosoba requested unanimous consent that LB 691 be laid over on Select File until Monday, June 15, 1959.

Mr. Bridenbaugh objected.

Mr. Syas moved that LB 691 be laid over on Select File until Monday, June 15, 1959.

Mr. Vosoba requested a Call of the House.

#### **Guest**

Mr. Webb introduced U. S. Representative Donald F. McGinley.

Speaker Pizer escorted Mr. McGinley to the rostrum.

Mr. McGinley addressed the Legislature.

#### **Speaker Pizer Presiding.**

A Call of the House was ordered and showed 28 members present.

Mr. Vosoba moved that the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 17 not voting.

The motion prevailed with 22 ayes, 1 nay, and 20 not voting, and LB 691 was laid over on Select File until Monday, June 15, 1959.

The Vosoba motion to indefinitely postpone pending.

#### **Visitors**

Mr. Erlewine introduced Mr. Arthur Carmody, Jr. from Trenton.

Mr. Hollenbeck introduced Mrs. Fritz Krause, Franklin Krause, and Judy Hood.



**LEGISLATIVE BILL 656.** E and R amendments found in the Legislative Journal for the One Hundred-eighth Day were adopted.

Mr. Fulton offered the following amendments:

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

“Section 1. That section 16-502, Revised Statutes Supplement, 1957, be amended to read as follows:

16-502. No officer of any city shall be interested, directly or indirectly, in any contract to which the corporation, or anyone for its benefit, is a party; and such interests in any such contract shall void the obligation thereof on the part of such corporation. Nor shall any No officer *shall* receive any pay or perquisites from the city other than his salary, as provided by ordinance and the law relating to cities of the first class, and the city council shall not pay or appropriate any money or any valuable thing to any person not an officer for the performance of any act, service or duty, the doing or performance of which shall come within the proper scope of the duties of any officer of such corporation, unless the same is specifically appropriated and ordered by a vote of three-fourths of all the members elected to the council; *Provided*, that ownership of less than one per cent of the outstanding stock of any class in a corporation shall not constitute an interest, direct or indirect, within the meaning of this section.”.

2. Amend the bill by renumbering sections 1 to 6 as sections 2 to 7 respectfully.

3. Amend Standing Committee Amendment 4, section 5, line 2, by inserting “16-502,” after “sections”.

4. Amend the title to conform.

Amendments pending.

Laid over temporarily.

#### **UNANIMOUS CONSENT—Bills on Select File**

Mr. Carpenter requested unanimous consent that we consider the following bills on Select File at this time: LB 349, LB 728, LB 729, and LB 552. No objections. So ordered.

#### **SELECT FILE**

**LEGISLATIVE BILL 349.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 728.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 729.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 552.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 349.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **SELECT FILE**

**LEGISLATIVE BILL 656.** The pending Fulton amendments found in this Day's Journal were adopted by unanimous consent.

Mrs. Orme offered the following amendments which were adopted by unanimous consent:

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

"Section 1. That section 15-603, Revised Statutes Supplement, 1957, be amended to read as follows:

15-603. No officer of the city shall be interested directly or indirectly in any contract to which the city, or anyone for its benefit, is a party; and such interest in any such contract shall avoid the obligation thereof on the part of the city. Nor shall any officer of the city be interested directly or indirectly in any contract to perform any work or to furnish any material for any contractor or subcontractor intended for use or which shall be used by the latter in the performance of any contract with the city. Nor shall any officer of the city directly or indirectly sell or furnish any material to such contractor or subcontractor or to any employee of the city to be used or which shall be used by such contractor, subcontractor or employee of the city, in the performance of any such contract. Violation of the provisions of this section shall avoid the obligation of such contract on the part of the city and defeat any recovery for any material so sold or furnished as against the city. Nor shall

any No officer shall receive any pay or perquisite from the city other than his salary; and the city council shall not pay or appropriate any money or other valuable thing to any person, not an officer, for the performance of any act, service or duty, the performance of which shall come within the proper scope of the duties of any officer of the city, unless the same is specially appropriated and ordered by unanimous vote of all members elected to the council; *Provided*, that ownership of less than one per cent of the outstanding stock of any class in a corporation shall not constitute an interest, direct or indirect, within the meaning of this section.”.

2. Amend the bill by renumbering sections 1 to 5 as sections 2 to 6, respectively.

3. Amend Standing Committee Amendment 4, section 5, line 2 by inserting “15-603,” after “sections”.

4. Amend the title to conform.

Advanced to E and R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 462.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the One Hundredth Day were adopted.

Mr. Simmons offered the following amendments which were adopted:

1. Amend section 4 of the bill, line 55 by inserting “and filing, docketing and indexing applications for lump sum settlements as provided in section 48-139” before the period.

2. Amend the bill by adding a new section immediately after section 5 to be known as section 6 and to read as follows:

“Sec. 6. That section 48-187, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-187. No filing fees shall be charged by the clerk of any court for any service required by sections 48-101 to 48-190 , *except as provided in sections 33-106 and 48-139.*”

3. Amend section 6 by renumbering as section 7, and line 2 by striking “and 33-106.01” and inserting “33-106.01, and 48-187”.

4. Amend the title to conform.

5. Amend section 4 of the bill, line 55 by inserting: “*and a criminal case appealed to the district court from any court inferior*”

thereto" before the period, and by inserting after the period in line 58 the following: *"There shall be a docket fee of fifteen dollars for each criminal case appealed to the district court from any court inferior thereto."*

Advanced to E and R for review.

### Visitors

Mr. Gerdes introduced Mrs. Burk and Mrs. McConn from Alliance.

Mr. Lautenschlager introduced Mr. Charles A. Ott, member of the Kansas House of Representatives.

**LEGISLATIVE BILL 359.** Read and considered.

Standing Committee amendments found in the Legislative Journal for the One Hundred-first Day were adopted.

Advanced to E and R for review.

### UNANIMOUS CONSENT—Consider LB 126

Mr. Cooper requested unanimous consent that LB 126 be taken from the bracket and placed immediately following LB 335 for consideration on General File. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 335.** Considered.

Mr. Adams offered the following amendments which were adopted:

1. Amend the bill by striking sections 1 to 4 and inserting two new sections to be known as sections 1 and 2 and reading as follows:

"Section 1. That section 79-1279, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1279. For the services required under the provisions of sections 79-1276 to 79-1279, each Reserve Teacher shall receive an annual salary of ~~three~~ *five* hundred ~~sixty~~ *forty* dollars which shall be payable in twelve equal monthly installments. Such salary shall be reduced by the amount of any payments to such Reserve Teacher under the school retirement system of the State of Nebraska.

Sec. 2. That original section 79-1279, Reissue Revised Statutes of Nebraska, 1943, is repealed."

2. Amend the title to conform.

**Mr. Moulton Presiding**

Advanced to E and R for review.

**LEGISLATIVE BILL 126.** Considered.

Standing Committee amendments found in the Legislative Journal for the Thirty-sixth Day were adopted.

Sections 2 and 3 and the title read and considered.

Mr. Cooper offered the following amendment which was adopted:

1. Amend the bill by adding the following in Section 1, line 6, after "Sec. 7.": "Notwithstanding the provisions of any other article or section hereof,".

Mr. Cooper offered the following amendment which was adopted:

1. Amend the bill by striking the following in Section 1, line 17: "The Legis-"; strike lines 18, 19, and 20 of Section 1; and amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 72.** Laid over.

**LEGISLATIVE BILL 74.** Laid over.

**LEGISLATIVE BILL 730.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 731.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 732.** Read and considered.

Advanced to E and R for review.

**Visitors**

Mr. Erlewine introduced Mrs. James A. Fairfield and daughter from Wichita, Kansas.

**MOTION—Place LB 705 on General File**

Mr. President: I move that LB 705 be placed on General File. (Signed) John P. Munnelly

Motion pending.

**Adjournment**

At 11:54 a.m., on a motion by Mr. Carpenter, the Legislature adjourned until 2:00 p.m., Monday, June 15, 1959.

Hugo F. Srb  
Clerk of the Legislature

ONE HUNDRED-TENTH DAY—JUNE 15, 1959 2015

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**ONE HUNDRED-TENTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Monday, June 15, 1959

Pursuant to adjournment, the Legislature met at 2:01 p.m.,  
President Burney presiding.

Prayer was offered by the Rev. Loyal Mortensen of the First  
Lutheran Church of Rising City.

The roll was called and all members were present except  
Mr. Aufenkamp who was excused, and Mr. Burbach who was  
excused until 2:50 p.m.

The Journal for the One Hundred-ninth Day was approved.

**MESSAGES FROM THE GOVERNOR**

June 11, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable  
Body that on June 11, 1959, he approved LB 247, LB 554, LB 579,  
LB 610, LB 636, LB 652, LB 653, and LB 722.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

June 12, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 12, 1959, he approved LB 625, LB 675, LB 696, LB 693, LB 698, LB 699, LB 700 and LB 709.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

#### LEGISLATIVE EXPENSES, MAY 1959

##### Account E-2 Members' Salaries

Gross Amount .....	\$3,099.87
Members' net payments .....	\$2,985.97
Withholding Tax .....	36.50
Deferred payment O. A. S. I. ....	77.40
Total .....	\$3,099.87

##### Account E-4 Officers' and Employees' Salaries

	Days Worked	Monthly Rate	Gross Wages
George L. Santo, Sergeant-at-Arms	21	200.	200.00
Max Baskins, Asst.			
Sergeant-at-Arms .....	21	195.	195.00
Ruby B. Nelson, Postmaster .....	21	220.	220.00
Martin Schroeder, Chaplain .....	21	170.	170.00
Donna Jean Nelson, Secy.,			
Lieutenant Governor .....	21	300.	300.00
Theba Lubken, Journal Clerk .....	21	375.	
Over-Time .....	11½hr.	25.76	400.76
Monica Mahloch, Asst. Journal			
Clerk .....	21	300.	
Over-Time .....	11½hr.	20.47	320.47
Jo Fisher, Enrolling Clerk .....	21	375.	375.00
Joy Hobelman, Asst. Enrolling			
Clerk .....	21	285.	285.00
Janice Fifer, Bookkeeper .....	21	300.	300.00
Donna Cleavenger, Office Asst.			
& Secy. ....	21	300.	300.00
Elsye Firestone, Docket Clerk .....	21	275.	275.00
Dorothy Hubertus, Stencil Cutter			
and Mimeo. Operator .....	21	275.	
Over-Time .....	5½hr.	7.38	282.38



Gertrude Tyler, Telephone Operator .....	21	200.	200.00
Eunice Bradley, Supervisor, Steno. Pool .....	21	325.	325.00
Eloise Galloway, Supervisor, Steno. Pool .....	21	325.	325.00
Sherill Burgess, Secretary .....	21	300.	
Over-Time .....	3½hr.	6.23	306.23
Jo Ann Hansen, Public Works Com. Clerk .....	21	300.	300.00
Bonnie J. Drohman, Stenographer ..	21	260.	260.00
Arline Kottas, Stenographer .....	21	260.	260.00
Shirley Sicner, Stenographer .....	21	260.	260.00
Phyllis Camp, Stenographer .....	21	260.	260.00
De Ann Shippis, Stenographer .....	21	260.	260.00
Delores Knudsen, Government Com. Clerk .....	21	300.	300.00
Janet Hothan, Stenographer .....	21	260.	260.00
Marion Mueller, Banking, Commerce and Insurance Com. Clerk ..	21	300.	300.00
Darlene Mohlman, Stenographer ..	21	260.	260.00
Donna Lynch, Education Com. Clerk .....	21	300.	300.00
Sue Steenson, Misc. Subjects Com. Clerk .....	21	300.	300.00
Miriam Gabelman, Revenue Com. Clerk .....	19	300.	271.32
Dorothy Kelly, Agriculture Com. Clerk .....	21	300.	300.00
Sally Bloom, Public Health Com. Clerk .....	21	300.	300.00
Virginia Trook, Salaries and Claims Com. Clerk .....	21	300.	300.00
Betty Minder, Judiciary Com. Clerk ..	21	300.	300.00
Verda Samuelson, Labor and Public Welfare Com. Clerk .....	21	300.	300.00
Dorothea Fuchs, Budget Com. Clerk ..	21	300.	300.00
Jeanne Allen, Clerk Typist .....	21	260.	260.00
Phyllis Daniels, Page .....	21	180.	180.00
Mary Jo Peters, Page .....	21	180.	180.00
Kay Vincent, Page .....	21	180.	180.00
Beverly Sternberg, Page .....	21	180.	180.00
Sharon Zade, Page .....	10	180.	85.70
Mary Jane Hall, Page .....	21	180.	180.00
Sally Cook, Page .....	21	180.	180.00
C. A. Mohrman, Chief Clk., Bill Room .....	23½	300.	335.70

John D. Curtis, Bill Room Clerk	23½	235.	262.98
C. W. Touzalin, Bill Room Clerk	23½	235.	262.98
F. R. Miller, Bill Room Clerk	23½	235.	262.98
J. N. Schneider, Bill Room Clerk	23½	235.	262.98
James A. Rivers, Bill Room Clerk	23½	235.	262.98
William Hansen, Bill Room Clerk	23½	235.	262.98
Corbett Krumtum, Custodian	21	235.	235.00
Joseph Eickmeier, Custodian	21	200.	200.00
Everett Hall, Custodian	21	200.	200.00
Francis V. Robinson, Asst. Clerk of Legislature	21	650.	650.00
Grace Clapp, Proof-reader	63hrs.	1.60hr.	100.80
Tilla Koenig, Proof-reader	63hrs.	1.60hr.	100.80
Elizabeth Reger, Proof-reader	55hrs.	1.60hr.	88.00
Bertha Johnston, Proof-reader	55hrs.	1.60hr.	88.00

Total Gross Wages

\$15,173.04

## Account E-5 Incidental Expenses

Ruby B. Nelson, Postmaster	
Postage for late mailing	\$ 100.00
Purchasing Dept. Revolving Fund, Supplies	181.56
Schwarz Paper Co., Paper Towels	2.94
Rosewell Floral Co., Flowers for Kotouc & Brooks	36.20
Leuck Radio Supply, Recording tape	2.34
Nebraska Typewriter Co., Stencils	40.50
Nebraska Typewriter Co., 50rms. of Rl. Bond	51.00
Joe Christensen, Printing Legislative Journal for month of April	2,668.44
Nebraska Typewriter Co., Rental of Equipment	152.00
Lincoln Telephone & Telegraph, Services ending April 16, 1959	27.30
Radio & Television Clinic, Microphone repair	3.30
Supt. of State Building & Grounds, Telephone service of Lt. Governor for month of April	16.70
Supt. of State Building & Grounds, Telephone service of Legislature for month of April	115.75
State Purchasing Dept., Postage Meter Fund	1,500.00
Purchasing Dept. Revolving Fund, Supplies	460.80
Purchasing Dept. Central Acct. Fund, Rental for IBM	30.50
Latsch Brothers' Inc., Ciro Paste	10.56
O. E. Jerner, Postmaster, Postage for 43 Senators and Lt. Governor	6,600.00
Nebraska Typewriter Co., Stencils	27.00

International Business Machines, Typewriter	
Ribbons .....	10.75
Robert McGowan, Attorney, Expenses for Recount	100.00
	<hr/>
Total	\$12,137.64

Account 7 Salary of Lientenant Governor

Lieutenant Governor Salary, net .....	\$ 131.32
Blue Cross, Blue Shield .....	10.40
Deferred Payment O.A.S.I. ....	3.63
	<hr/>
Total	\$ 145.35

Account 8 Clerk's Salary, Other Wages, Maintenance & Supplies

Hugo F. Srb, net salary for April .....	\$ 571.27
Continental National Bank, Withholding Tax .....	78.80
	<hr/>
Total	\$ 650.07

**Presented to the Governor**

Presented to the Governor for approval on June 12, 1959,  
at 3:20 p.m.: LB 720 LB 707 LB 704 LB 634

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 685.** Replaced on Select File as amended.

E and R amendments to LB 685:

1. In section 4, line 2, strike "is" and insert "and section 77-721, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, are".

2. Because of the Cooper Unanimous Consent Amendment adopted June 9, strike Enrollment and Review Amendment 2, adopted June 5, 1959.

3. In the title, line 2 insert "section 84-712, Reissue Revised Statutes of Nebraska, 1943, and" before "section"; and in line 11 of Enrollment and Review Amendment 3, adopted June 5, 1959, strike "section" and insert "sections".

**LEGISLATIVE BILL 687.** Replaced on Select File as amended.

E and R amendments to LB 687:

1. In the Vosoba General File Amendment 3, line 9, strike "*or more, inhabitants*" and insert "*inhabitants or more*".

2. In section 15, lines 15 and 16, strike "bureau of education and registration for nurses", showing the same as stricken, and insert "*Board of Nursing*".

3. In the title, line 10, insert "to harmonize provisions with previous legislation;" after the semicolon.

**LEGISLATIVE BILL 702.** Replaced on Select File as amended.

E and R amendment to LB 702:

1. In the Williams Unanimous Consent Amendment 1, line 1, strike "section 15" and insert "renumbered section 17"; and in line 2 insert ", showing the same as stricken," before "and".

**LEGISLATIVE BILL 552.** Replaced on Select File as amended.

E and R amendment to LB 552:

1. In Enrollment and Review Amendment 1, line 1, insert "first" before "comma".

**LEGISLATIVE BILL 690.** Placed on Select File as amended.

E and R amendments to LB 690:

1. In the Carpenter General File Amendment 1, insert ", showing the same as stricken," before the first "and" in line 2 and also before "and" in line 4.

2. Section 8-160, Reissue Revised Statutes of Nebraska, 1943, having been repealed by Legislative Bill 405, strike section 1 and renumber original sections 2 to 24 as sections 1 to 23 respectively.

3. In renumbered section 1, line 1, strike "Sec." and insert "Section"; in lines 61 and 62 strike "bonds issued under the Federal Farm Loan Act," showing the same as stricken; and in line 68 insert "and nonnegotiable" as in the statutes.

4. In renumbered section 3, line 12, strike "under the Federal Farm Loan Act," showing the same as stricken, and insert "*by the*"; in line 13 strike "Federal Intermediate Credit Bank," showing the same as stricken, and insert "*the*"; and in line 18 insert "*securities of*" after "and".

5. In renumbered section 4, line 65, strike "Bonds of any federal land bank or obligations", showing the same as stricken, and insert "*Obligations*".

6. In renumbered section 5, line 13, strike "securities", showing the same as stricken and strike line 14, showing the same as stricken.

7. In renumbered section 7, lines 43 and 44, strike "bonds issued under the federal farm loan act", showing the same as stricken.

8. For correlation purposes, in renumbered section 8, line 2, insert "as amended by section 1, Legislative Bill 529, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; in line 25 strike "and"; and in line 28 insert "and (4) the shares of or loans to other credit unions organized in this state, either under the laws of this state or under the Federal Credit Union Act; *Provided*, no credit union organized under sections 21-1701 to 21-1757 shall invest in the shares of other credit unions more than fifteen per cent of the sum of its share balances; *and provided further*, no such credit union shall have an aggregate of loans from any source and shares issued to other credit unions in an amount in excess of forty per cent of its paid in and outstanding shares" before the semicolon.

9. In renumbered section 9, line 57, strike "of any federal land bank, bonds" and insert "*of any federal land bank*"; in line 157 strike "subsections" and insert "*subsections subdivisions*"; in lines 174 and 175 strike "co-fiduciary" and insert "*co fiduciary cofiduciary*"; in line 184 strike "and" and insert "*and any*"; and in line 187, insert "349" before "of".

10. In renumbered section 10, line 5, strike "subsections" and insert "*subsections subdivisions*"; in line 51 strike "the Federal Farm Loan Board, (f) any federal land bank", showing the same as stricken; strike line 52; in line 53 strike "*tively*"; in line 56 strike "(g)" and insert "*(g) (f)*"; in line 57 strike "(h)" and insert "*(h) (g)*"; in line 58 strike "(i)" and insert "*(i) (h)*"; in line 85, lines 125 and 126, line 168, and in line 265, strike "subsection" and insert "*subsection subdivision*".

11. In renumbered section 13, line 18, strike ", or secu-", strike line 19, and in line 20 strike "Act", showing all as stricken.

12. In renumbered section 19, line 15, strike "bonds of Federal Land Banks", showing the same as stricken, and also strike "or".

13. In renumbered section 20, line 10, insert a comma after "notes" as in the statutes.

14. In renumbered section 23, line 1, strike "8-160,"; in line 2, strike "21-1714,"; and at the end of line 6 insert "and section 21-1714, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 529, Sixty-ninth Session, Nebraska State Legislature, 1959,".

15. Add a new section to be known as section 24 and to read as follows:

"Sec. 24. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

16. In the title, line 2, strike "8-160,"; in line 3 strike "21-1714,"; and in line 8 insert "and section 21-1714, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 529, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; in line 9 strike "savings banks,"; and in line 21 insert "to increase the amount that insurance companies may invest in prescribed bonds or notes; to harmonize the provisions with previous legislation;" after the semicolon; also in line 21 strike "and"; and in line 22 insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 727.** Placed on Select File as amended.

E and R amendments to LB 727:

1. In section 2, line 4, insert "*Lieutenant*" before "*Governor*".
2. In new section 3, insert a comma after "84-721".
3. In section 4, line 1, strike "Section" and insert "Sec."; and insert a comma after "exists" in line 1, after "effect" in line 2, and after "approval" in line 3.
4. In the title, strike lines 2 to 6 and in line 7 strike "of the Governor;" and insert:

"FOR AN ACT to amend section 84-721, Reissue Revised Statutes of Nebraska, 1943, relating to salaries; to provide that the salary of the Lieutenant Governor shall be as established by section 1, Legislative Bill 639, Sixty-ninth Session, Nebraska State Legislature, 1959,"; in line 8 strike "and"; and in line 9 insert "; and to declare an emergency" before the period.

**LEGISLATIVE BILL 4.** Placed on Select File as amended.

E and R amendments to LB 4:

1. In the Tews General File Amendment 1, line 1, insert “, as amended by the Bowen General File Amendment,” after “amendment”.

2. In section 1, line 16, strike “hundred”, showing the same as stricken; in line 24 strike “five”, showing the same as stricken; and in line 35, strike “hundred”, showing the same as stricken.

3. In the title, lines 4 to 6, strike “to change the classification of counties for purposes of salaries of the county judges;”.

**LEGISLATIVE BILL 724.** Placed on Select File as amended.

E and R amendments to LB 724:

1. In the Otto General File Amendment 1, line 3, insert “first” before “word”.

2. In the title, insert “warehouses or” after “licensed” in line 5 and after “such” in line 10.

**LEGISLATIVE BILL 721.** Placed on Select File as amended.

E and R amendments to LB 721:

1. Strike “1959” and insert “1957” in section 1, line 2, section 4, line 2, section 5, line 2, section 7, lines 2, 3, and 5, and in the title, lines 3, 4, and 7.

2. In section 2 insert “*the*” at the end of line 12 and after “*against*” in line 13.

3. In section 3, line 5, insert “*the*” after “*when*”; and in line 9 insert “*either certified or*” after “*by*”.

4. In section 5, line 8, strike the comma as in the statutes; and in line 11 insert “or to maintain in effect the required bond”. there being no provision requiring bond.

**LEGISLATIVE BILL 624.** Placed on Select File as amended.

E and R amendments to LB 624:

1. In the Syas General File Amendment 1, line 1, strike “9” and insert “12”.

2. In the title, line 3, strike “sections 5 and 6” and insert “section 7”; in line 4 strike “to in-”; strike lines 5 and 6; in line 7 strike “members;” and insert “to prescribe the maximum compensation members of the Legislature may receive;”.

**LEGISLATIVE BILL 1.** Replaced on Select File as amended.

E and R amendment to LB 1:

1. In line 2 of new section 1, added by the Cooper Specific Amendment 1, strike "81-212.01 and 81-212.02" and insert "81-812.01 and 81-812.02".

**LEGISLATIVE BILL 127.** Correctly engrossed.

**LEGISLATIVE BILL 410.** Correctly re-engrossed.

**LEGISLATIVE BILL 529.** Correctly engrossed.

**LEGISLATIVE BILL 533.** Correctly engrossed.

**LEGISLATIVE BILL 594.** Correctly engrossed.

**LEGISLATIVE BILL 605.** Correctly engrossed.

**LEGISLATIVE BILL 660.** Correctly engrossed.

**LEGISLATIVE BILL 673.** Correctly engrossed.

**LEGISLATIVE BILL 717.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 43

#### **Announcement—Resolutions for Council Studies**

Mr. Thompson suggested that all resolutions calling for a Legislative Council study be submitted as soon as possible to permit consideration by the Legislative Council Executive Board.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 204.**

A bill for an act to amend section 37-206, Reissue Revised Statutes of Nebraska, 1943, section 37-223, Revised Statutes Supplement, 1957, as amended by section 4, Legislative Bill 34, Sixty-



ninth Session, Nebraska State Legislature, 1959, and section 2, Legislative Bill 97, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to game and fish; to clarify the provisions thereof; to harmonize the provisions thereof with previous legislation; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnely	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Carpenter	Jensen	Orme	Stryker
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Romans	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp	Burbach	Swanson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 365.

Mr. Vosoba moved that LB 365 be returned to Select File for the following specific amendments:

1. Amend the bill by striking Standing Committee Amendment 2 and Enrollment and Review Amendment 2.
2. Amend the title to conform.

The motion prevailed with 25 ayes, 12 nays, and 6 not voting, and LB 365 was returned to Select File.

#### LEGISLATIVE BILL 578. With emergency.

A bill for an act relating to the State Railway Commission; to validate certain certificates of public convenience and necessity issued without a finding of public convenience and necessity; 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, 35:

Adams	Jensen	Orme	Skarda
Bridenbaugh	Klaver	Otto	Stryker
Claussen	Lautenschlager	Peck	Swanson
Cooper	Liebers	Pizer	Syas
Donner	Marvel	Portsche	Thompson
Erlewine	McHugh	Romans	Vosoba
Fulton	Moulton	Ruhnke	Webb
Gerdes	Munnelly	Russillo	Williams
Hollenbeck	Olinger	Simmons	

Voting in the negative, 4:

Carpenter	Diers	Fenske	Nelson
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Not voting, 4:

Aufenkamp	Bowen	Burbach	Tews
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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.

### Explanation of Vote

Mr. President: Had I been present, I would have voted Aye on LB 578. (Signed) Kenneth L. Bowen

### LEGISLATIVE BILL 706.

A bill for an act relating to hospitals; to provide for the formation of local hospital districts; to provide how such districts may be formed; to provide for a board of directors for such districts and the selection of the members thereof; to provide for the scheduling, calling, and conducting of district elections; to provide for the annexation of area or the withdrawal of area from such districts; to provide for the dissolution of such districts; to provide the powers and duties of such districts, their boards of directors, and their officers; to provide how the affairs of such districts shall be conducted; to provide penalties; to provide that such districts shall have the power to levy taxes, as prescribed; and to provide how this act shall be cited.

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

Voting in the affirmative, 39:

Adams	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Carpenter	Jensen	Orme	Stryker
Claussen	Klaver	Otto	Swanson
Cooper	Lautenschlager	Peck	Syas
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Webb
Erlewine	McHugh	Romans	Williams
Fenske	Moulton	Ruhnke	

Voting in the negative, 1:

Vosoba

Not voting, 3:

Aufenkamp      Burbach      Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Explanation of Vote

Mr. President: Had I been present, I would have voted "aye" on the following bills: LB 204, LB 365, LB 578, and LB 706. (Signed) J. W. Burbach

#### LEGISLATIVE BILL 362.

A bill for an act to amend section 84-901, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to define and redefine terms; to provide a construction clause as prescribed; to provide a uniform procedure for proceedings before administrative agencies; to provide for the adoption of rules of agencies; to provide that the validity of any rule can be determined by declaratory judgment; to provide that any agency may issue a declaratory ruling on the applicability of any of its rules and to provide when such ruling shall be binding; to provide procedures for the conduct of contested cases before agencies; to provide rules of evidence; to provide that agencies shall have the subpoena power; to provide for the issuance of decisions or orders by agencies and for notice to parties of such decisions or orders; to provide that this act shall be independent and cumulative of existing laws; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fulton	Munnelly	Russillo
Bowen	Gerdes	Nelson	Simmons
Bridenbaugh	Hollenbeck	Olinger	Skarda
Burbach	Jensen	Orme	Stryker
Carpenter	Klaver	Otto	Swanson
Claussen	Lautenschlager	Peck	Syas
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Romans	Webb
Erlewine	Moulton	Ruhnke	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Aufenkamp      Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 542.**

A bill for an act to amend section 68-105, Reissue Revised Statutes of Nebraska, 1943, relating to public assistance; to provide that a claim against any person for support, maintenance, care, or burial shall have a lien on real estate owned by the recipient; to provide for notice, recording, release, and foreclosure of such lien; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Moulton	Russillo
Bowen	Fulton	Munnelly	Simmons
Bridenbaugh	Gerdes	Nelson	Skarda
Burbach	Hollenbeck	Olinger	Stryker
Carpenter	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Erlewine	McHugh	Ruhnke	Williams

Voting in the negative, 1:

Pizer

Not voting, 2:

Aufenkamp      Tews

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 611.** By Stanley L. Portsche, 19th District; William Moulton, 10th District; Oliver Olinger, 12th District.

A bill for an act for submission to the electors of an amendment to Article III, section 24, of the Constitution of Nebraska, relating to legislative powers; to permit the Legislature to authorize lottery or gift enterprise where the consideration of chance to participate does not involve the payment of money or the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; to provide the effective date of such proposed amendment if adopted; and to provide that the Governor, if such amendment is adopted, shall make a proclamation thereof as prescribed.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1960, there shall be submitted to the electors of the State of Nebraska, for approval, the following amendment to Article III, section 24, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 24. The Legislature shall not authorize any game of chance, nor any lottery or gift enterprise where the consideration for a chance to participate involves the payment of money or the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; but nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the pari-mutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings, or to prohibit the enactment of laws providing for the licensing and regulation of bingo games conducted by non-profit associations which have been in existence

for a period of five years immediately preceding the application for license; *Provided*, bingo games cannot be conducted by agents or lessees of such associations on a percentage basis."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1 of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to permit the Legislature to authorize lottery or gift enterprises.

- ☐ For  
☐ Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Mr. Carpenter requested a Call of the House.

A Call of the House was ordered and showed 42 members present.

Mr. Romans moved that the Call be raised. The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

Voting in the affirmative, 24:

Bowen	Klaver	Olinger	Romans
Burbach	Lautenschlager	Orme	Ruhnke
Claussen	McHugh	Otto	Simmons
Cooper	Moulton	Peck	Skarda
Donner	Munnelly	Pizer	Syas
Jensen	Nelson	Portsche	Tews

Voting in the negative, 18:

Adams	Fenske	Marvel	Thompson
Bridenbaugh	Fulton	Russillo	Vosoba
Carpenter	Gerdes	Stryker	Webb
Diers	Hollenbeck	Swanson	Williams
Erlewine	Liebers		

Not voting, 1:

Aufenkamp

A constitutional three-fifths majority having failed to vote in the affirmative, the bill failed of passage.

#### Member Excused

Mr. Romans was excused at 3:30 p.m. until Friday, June 19.

#### LEGISLATIVE BILL 678.

A bill for an act to amend section 81-861, Reissue Revised Statutes of Nebraska, 1943, relating to Sundry Claims Board; to provide for payment of claims against the state for negligence or other tort not in excess of two hundred fifty dollars as prescribed; and to repeal the original section.

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

Voting in the affirmative, 39:

Adams	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Vosoba
Donner	Marvel	Portsche	Webb
Erlewine	McHugh	Ruhnke	Williams
Fenske	Moulton	Russillo	

Voting in the negative, 2:

Diers Thompson

Not voting, 2:

Aufenkamp Romans

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 723.

Mr. Otto moved that LB 723 be returned to Select File for the following specific amendment:

1. Amend the bill, section 2, line 2, by striking "six" and inserting in lieu thereof "ten".

**Speaker Pizer Presiding**

The motion prevailed with 34 ayes, 0 nays, and 9 not voting, and LB 723 was returned to Select File.

**SUSPEND RULES—Bills on Final Reading**

Mr. President: I move that the rules be suspended and that we consider today the bills set for final reading tomorrow. (Signed) Terry Carpenter

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

**Visitor**

Mr. Marvel introduced Mr. Harry Russell of Hastings, a former member of the Legislature.

**BILLS ON FINAL READING**

**LEGISLATIVE BILL 238.**

Mr. Bowen moved that LB 238 be returned to Select File for the following specific amendments:

1. Amend the Carpenter Amendment 1 adopted May 15, 1959, line 5 by striking "Employees" and inserting "*Regular employees*", and line 9 by inserting "*; Provided, employees who have had at least one year of continuous employment with the state as hourly employees shall be guaranteed forty hours work each week*" after "holidays".

2. Amend the title to conform.

The motion prevailed with 35 ayes, 1 nay, and 7 not voting, and LB 238 was returned to Select File.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 428. With emergency.**

A bill for an act to amend section 81-805, Reissue Revised Statutes of Nebraska, 1943, as amended by section 21, Legislative Bill 108, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 2-1905, Revised Statutes Supplement, 1957, relating to



recreational areas and facilities; to transfer responsibility for recreational areas and facilities from the Division of Nebraska Resources to the Game, Forestation and Parks Commission; 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, 39:

Adams	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Vosoba
Donner	Marvel	Portsche	Webb
Erlewine	McHugh	Ruhnke	Williams
Fenske	Moulton	Russillo	

Voting in the negative, 1:

Thompson

Not voting, 3:

Aufenkamp	Carpenter	Romans
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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.

#### LEGISLATIVE BILL 454.

A bill for an act to amend section 24-340, Reissue Revised Statutes of Nebraska, 1943, and sections 24-341 and 24-342, Revised Statutes Supplement, 1957, relating to courts; to redefine the duties of court reporters of the district courts; to provide for disposition of records over ten years old; to provide for preparation of transcribed copies of proceedings in the district court and of bills of exceptions; to prescribe the fees to be paid therefor and for copies thereof; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Erlewine	McHugh	Ruhnke	Webb
Fenske	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp	Carpenter	Romans
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 584.

Mr. Klaver moved that LB 584 be returned to Select File for the following specific amendment:

1. Strike the following words: "Be it enacted by the people of the State of Nebraska".

Mr. Klaver requested a record vote.

Voting in the affirmative, 14:

Bowen	Erlewine	Moulton	Russillo
Bridenbaugh	Fenske	Nelson	Swanson
Claussen	Fulton	Ruhnke	Vosoba
Diers	Klaver		

Voting in the negative, 20:

Adams	Marvel	Otto	Syas
Burbach	McHugh	Peck	Tews
Cooper	Munnelly	Pizer	Thompson
Jensen	Olinger	Portsche	Webb
Lautenschlager	Orme	Skarda	Williams

Not voting, 9:

Aufenkamp	Gerdes	Liebers	Simmons
Carpenter	Hollenbeck	Romans	Stryker
Donner			

The Klaver motion lost.

**LEGISLATIVE BILL 584.**

A bill for an act to amend section 60-407, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 64, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to motor vehicle operators' licenses; to provide for the issuance of permits to minors who have attained the age of fourteen years but who have not yet attained the age of sixteen years to operate motor scooters and motorcycles as prescribed; to require an examination; to provide fees; to provide that a person having another permit shall not be required to procure an additional permit; and to repeal the original section.

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

Mr. Tews requested a Call of the House.

A Call of the House was ordered and showed 41 members present.

Mr. Klaver moved that the Call be raised. The motion prevailed with 40 ayes, 0 nays, and 3 not voting.

Voting in the affirmative, 20:

Burbach	Hollenbeck	Munnelly	Portsche
Carpenter	Jensen	Olinger	Skarda
Cooper	Lautenschlager	Orme	Syas
Donner	Marvel	Peck	Tews
Gerdes	McHugh	Pizer	Webb

Voting in the negative, 20:

Bowen	Fenske	Nelson	Stryker
Bridenbaugh	Fulton	Otto	Swanson
Claussen	Klaver	Ruhnke	Thompson
Diers	Liebers	Russillo	Vosoba
Erlewine	Moulton	Simmons	Williams

Not voting, 3:

Adams	Aufenkamp	Romans
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A constitutional majority having failed to vote in the affirmative, the bill failed of passage.

**LEGISLATIVE BILL 618.**

A bill for an act to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to increase the

rate that may be paid for publishing proceedings of the county board; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fulton	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams
Fenske			

Voting in the negative, 0.

Not voting, 2:

Aufenkamp      Romans

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **President Burney Presiding**

#### **LEGISLATIVE BILL 694. With emergency.**

A bill for an act to provide the giving of consent to chemical tests in drunken driving cases; to provide immunity; to provide powers and duties for the Director of Motor Vehicles; to provide for revocation of motor vehicle operators' licenses, as prescribed; to provide for appeals; to make it unlawful to operate a motor vehicle with the operator's license revoked under the provisions of this act; to provide penalties; and to declare an emergency.

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

Voting in the affirmative, 30:

Adams	Fulton	McHugh	Simmons
Bowen	Gerdes	Munnelly	Stryker
Bridenbaugh	Hollenbeck	Nelson	Swanson
Burbach	Jensen	Olinger	Syas
Carpenter	Klaver	Otto	Thompson
Claussen	Lautenschlager	Peck	Vosoba
Diers	Liebers	Ruhnke	Webb
Erlewine	Marvel		

Voting in the negative, 9:

Cooper	Moulton	Pizer	Tews
Donner	Orme	Russillo	Williams
Fenske			

Not voting, 4:

Aufenkamp	Portsche	Romans	Skarda
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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.

### LEGISLATIVE BILL 703.

A bill for an act to amend section 33-107, Reissue Revised Statutes of Nebraska, 1943, relating to district court bailiffs; to increase the maximum compensation that may be paid to bailiffs in counties having a population of sixty thousand inhabitants or less; to provide when the same may become operative; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Munnelly	Simmons
Bowen	Gerdes	Nelson	Skarda
Bridenbaugh	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Otto	Syas
Claussen	Lautenschlager	Peck	Tews
Cooper	Liebers	Pizer	Thompson
Diers	Marvel	Portsche	Vosoba
Donner	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams

Voting in the negative, 1:

Fulton

Not voting, 2:

Aufenkamp      Romans

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Member Excused**

Mr. Peck was excused at 4:15 p.m. for a short period.

#### **RESOLUTIONS**

#### **LEGISLATIVE RESOLUTION 44.** Re: Legislative Council Study of Labor Practices.

Introduced by John P. Munnelly, 8th District; Don Thompson, 33rd District; and Harold B. Stryker, 17th District.

WHEREAS, the Sixty-ninth Session of the Nebraska State Legislature, 1959, has enacted legislation relating to secondary boycotts, same being recommended by a committee appointed by the Legislative Council as a result of Resolution 27, which was approved by the Sixty-eighth Session of the Nebraska State Legislature, 1957, and

WHEREAS, this same committee also recommended that a State Labor Relations Act be enacted for the State of Nebraska, and

WHEREAS, a Legislative Bill calling for a State Labor Relations Act was introduced and killed in the committee in this Sixty-ninth Session of the Nebraska State Legislature, 1959, and,

WHEREAS, it was the considered opinion of many of the members of this session of the Nebraska State Legislature of 1959 that there was need for further study of the need for a State Labor Relations Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee of five members to study labor practices in the State of Nebraska and the need for a State Labor Relations Act and report its findings and recommendations to the next regular session of the Legislature.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Munnelly requested unanimous consent that the following be added as co-introducers of LR 44: Terry Carpenter, 42nd District; William R. Skarda, Jr., 7th District; Richard D. Marvel, 31st District; and Edwin T. McHugh, 3rd District. No objections. So ordered.

Referred to the Legislative Council Executive Board.

**MOTION—Recall LB 591 to Select File**

Mr. President: I move that LB 591 be recalled to Select File for the following specific amendments. (Signed) John P. Munnelly

1. Amend Standing Committee Amendment by striking Amendment 2.

2. Amend section 1 of the bill, line 16 by inserting “,” before “and”, line 21 by striking “sections 44-407 to 44-407.07” and inserting “this section”.

The motion prevailed with 31 ayes, 0 nays, and 12 not voting, and LB 591 was returned to Select File.

**MOTION—Return LB 729 to Select File**

Mr. President: I move that LB 729 be returned to Select File for the following specific amendments. (Signed) John R. Cooper

1. Amend the bill by adding a new section to be known as section 1 and to read as follows:

“Section 1. That section 53-112, Revised Statutes Supplement, 1957, be amended to read as follows:

53-112. Each member of the commission shall receive an annual salary of not to exceed seven thousand dollars, to be fixed by the Governor, payable monthly. The secretary of the commission shall receive an annual salary of *sixty-five hundred seven thousand* dollars, payable monthly. All clerks, inspectors, and employees of the commission shall receive reasonable compensation in an amount fixed by the commission, subject to the approval in writing of the Governor.”.

2. Amend the bill by renumbering sections 1 to 4 as sections 2 to 5, respectively.

3. Amend renumbered section 3, line 1 by striking "Section 1" and inserting "Sections 1 and 2", and line 4 by inserting "*Secretary of the Liquor Control Commission and*" before "secretary".

4. Amend renumbered section 4 of the bill, line 2 by striking "is" and inserting "and section 53-112, Revised Statutes Supplement, 1957, are".

5. Amend the title to conform.

The motion prevailed with 25 ayes, 9 nays, and 9 not voting, and LB 729 was returned to Select File.

#### **Members Excused**

Messrs. Lautenschlager, Vosoba, Thompson, and Syas were excused at 4:30 p.m. for a short period.

#### **Visitor**

President Burney introduced Mr. Robert Goodhue of Plymouth County, Massachusetts.

#### **SELECT FILE**

**LEGISLATIVE BILL 729.** The pending Cooper specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 591.** The pending Munnelly specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 238.** The pending Bowen specific amendments found in this Day's Journal were adopted with 23 ayes, 0 nays, and 20 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 723.** The pending Otto specific amendment found in this Day's Journal was adopted with 28 ayes, 0 nays, and 15 not voting.

Advanced to E and R for re-engrossment.



**LEGISLATIVE BILL 365.** The pending Vosoba specific amendments found in this Day's Journal were adopted with 25 ayes, 2 nays, and 16 not voting.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 157.**

Mr. Skarda requested unanimous consent that LB 157 be laid over until Friday, June 19, 1959.

Mr. Bowen objected.

**MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) Stanley L. Portsche

The motion lost with 11 ayes, 24 nays, and 8 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 157.**

Mr. Jensen moved that LB 157 be indefinitely postponed.

Mr. Moulton moved that LB 157 be laid over until Friday, June 19, 1959.

The motion lost with 14 ayes, 17 nays, and 12 not voting.

Mr. Jensen requested a Call of the House.

A Call of the House was ordered and showed 35 members present.

Mr. Donner moved that the Call be raised. The motion lost with 13 ayes, 17 nays, and 13 not voting.

Mr. Ruhnke moved that the Call be raised. The motion prevailed with 38 ayes, 0 nays, and 5 not voting.

Mr. Donner requested a record vote.

Voting in the affirmative, 23:

Bowen	Claussen	Erlewine	Jensen
Bridenbaugh	Cooper	Fenske	Marvel
Carpenter	Diers	Gerdes	Nelson

Olinger	Pizer	Swanson	Webb
Otto	Russillo	Thompson	Williams
Peck	Stryker	Vosoba	

Voting in the negative, 11:

Donner	Moulton	Portsche	Syas
Liebers	Munnely	Ruhnke	Tews
McHugh	Orme	Skarda	

Not voting, 9:

Adams	Fulton	Klaver	Romans
Aufenkamp	Hollenbeck	Lautenschlager	Simmons
Burbach			

The Jensen motion prevailed, and LB 157 was indefinitely postponed.

#### Adjournment

At 4:56 p.m., on a motion by Mr. Portsche, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**ONE HUNDRED-ELEVENTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Tuesday, June 16, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Romans who was excused, and Mr. Donner who was excused until 10:00 a.m.

**Corrections for the Journal**

Renumber pages 2014 through 2041 as pages 2015 through 2042, respectively.

Renumbered page 2022, line 6, delete the period after "1959" and insert a comma.

Renumbered page 2030, lines 12 and 13, insert boxes before "For" and "Against".

The Journal for the One Hundred-tenth Day was approved as corrected.

**Member Excused**

Mr. Jensen was excused for Wednesday, June 17, 1959.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 505.** Replaced on Select File as amended.

E and R amendment to LB 505:

1. In section 2, line 2, insert "to read" after "amended".

**LEGISLATIVE BILL 378.** Placed on Select File as amended.

E and R amendments to LB 378:

1. In section 2, line 6, strike “, 4, and” and insert “to”.
2. In section 3, line 2, strike “the preceding section” and insert “section 2 of this act”.
3. In section 10, line 11, insert a comma after “line”.
4. In section 14, line 12, insert “the” after “of”.
5. In section 15, line 3, strike “lengths” and insert “links”.
6. In section 19, line 23, strike “is”; and in lines 24 and 26 strike “especially” and insert “specially”.
7. In Standing Committee Amendment 11, line 5, insert “, as amended by section 1, Legislative Bill 693, Sixty-ninth Session, Nebraska State Legislature, 1959” after “1957”.
8. In the Munnely General File Amendment, line 3, insert a period after “apply”.
9. The amendment made by Standing Committee Amendment 14 having been occasioned by a printer's error, strike the amendment.
10. In section 24, line 17, insert quotation marks around “open”; and in line 24, strike “especially” and insert “specially”.
11. In section 26, line 19 strike “corporations” and insert “companies”.
12. In section 27, line 8, strike “there”; and in line 9, insert “such property” after “against”.
13. In section 28, line 21, strike “provided” and insert “if”.
14. In section 29, line 7, strike “or to modify” and insert “nor as modifying”.
15. In section 31, line 5, strike “petition” and insert “petitions”.
16. Renumber original section 45 as section 47.
17. In the title, lines 3 and 4, strike “and within three miles of the corporate limits of such city”; and in line 13 insert “to provide limitations on the use of prescribed funds;” after the semi-colon.

**LEGISLATIVE BILL 462.** Placed on Select File as amended.

E and R amendments to LB 462:

1. In section 1, line 8, strike "*however*," showing the same as stricken.

2. In the Simmons General File Amendment 5, line 2, insert an underscored comma before "*and*".

3. In Standing Committee Amendment 1, line 3, strike "*except further*,".

4. In the title, line 3, strike "and 33-106.01" and insert "33-106.01, and 48-187".

**LEGISLATIVE BILL 359.** Placed on Select File as amended.

E and R amendment to LB 359:

1. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT to amend sections 30-1806 and 30-1807, Revised Statutes Supplement, 1957, relating to decedents' estates; to extend the provisions to include unfunded life insurance trusts; to provide when property devised or bequeathed to an inter vivos trust shall not be administered under the provisions of sections 30-1801 to 30-1805, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and to repeal the original sections."

**LEGISLATIVE BILL 335.** Placed on Select File as amended.

E and R amendment to LB 335:

1. In the title, strike lines 2 to 12 and insert:

"FOR AN ACT to amend section 79-1279, Reissue Revised Statutes of Nebraska, 1943, relating to education; to increase the salary to be paid to Reserve Teachers; and to repeal the original section."

**LEGISLATIVE BILL 730.** Placed on Select File.

**LEGISLATIVE BILL 731.** Placed on Select File.

**LEGISLATIVE BILL 732.** Placed on Select File.

(Signed) Joe T. Vosoba, Chairman

#### **SUSPEND RULES—Bills on Select File**

Mr. President: I move that the rules be suspended and we consider tomorrow's Select File bills today. (Signed) Terry Carpenter

The motion prevailed with 31 ayes, 0 nays, and 12 not voting.

**MOTION—Introduce Bill**

Mr. President: I move that the rules be suspended and I be permitted to introduce a bill relating to oil and gas; this bill being necessitated because of an error in LB 614, previously passed and signed by the Governor. The error lies in the fact that the title of the bill purports to repeal section 66-613; whereas, the section repealed by section 10 of LB 614 and the section intended to be repealed by LB 614 is section 66-313, Reissue Revised Statutes of Nebraska, 1943. (Signed) Stanley L. Portsche

Permission to introduce the bill was granted with 34 ayes, 1 nay, and 8 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 734.** By Stanley L. Portsche of Legislative District 19.

A bill for an act to repeal section 66-313, Reissue Revised Statutes of Nebraska, 1943, relating to oil and gas; and to declare an emergency.

**SUSPEND RULES—Place LB 734 on General File**

Mr. President: I move to suspend the rules and place LB 734 on General File. (Signed) Marvin Lautenschlager

The motion prevailed with 32 ayes, 0 nay, and 11 not voting.

**SELECT FILE****LEGISLATIVE BILL 633.**

Mr. Carpenter moved to suspend the rules and adopt the following amendments:

1. Amend section 10 of the bill, line 14 by inserting after "organized" the following:

"; *Provided*, that if the ballots cast in any precinct, or part of a precinct when the entire precinct is not included in the proposed district, in favor of the organization of the proposed district are less than fifty-five per cent of the total ballots cast, then such precinct or part thereof shall not be included in the proposed district", and line 17 by inserting after the period the following:

"If the proposition to form a district is approved by fifty-five per cent of those voting on the proposition as provided in this section, then the Secretary of State shall annually submit the proposition to electors of the district for three consecutive years as to whether the district shall be continued or dissolved. If the electors vote to dissolve, the district shall be dissolved as provided in section 21 of this act."

2. Amend the Carpenter Amendment 1, adopted June 10, 1959, last line by striking "hundred" and inserting "thousand".

3. Add the Emergency Clause and amend the title to conform.

The motion prevailed with 35 ayes, 0 nays, and 8 not voting, and the amendments were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 691.** Laid over.

**LEGISLATIVE BILL 685.** E and R amendments found in the Legislative Journal for the One Hundred-tenth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 687.** E and R amendments found in the Legislative Journal for the One Hundred-tenth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 702.** E and R amendment found in the Legislative Journal for the One Hundred-tenth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 552.** E and R amendment found in the Legislative Journal for the One Hundred-tenth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 690.** E and R amendments found in the Legislative Journal for the One Hundred-tenth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 727.** E and R amendments found in the Legislative Journal for the One Hundred-tenth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 4.** E and R amendments found in the Legislative Journal for the One Hundred-tenth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 724.** E and R amendments found in the Legislative Journal for the One Hundred-tenth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 721.** E and R amendments found in the Legislative Journal for the One Hundred-tenth Day were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 624.** E and R amendments found in the Legislative Journal for the One Hundred-tenth Day were adopted.

Laid over.

**LEGISLATIVE BILL 1.** E and R amendment found in the Legislative Journal for the One Hundred-tenth Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 505.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 378.** E and R amendments found in this Day's Journal were adopted.

Laid over.

**LEGISLATIVE BILL 462.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.



**LEGISLATIVE BILL 359.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 335.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 730.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 731.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 732.** Advanced to E and R for engrossment.

#### **SUSPEND RULES—Bills on Final Reading**

Mr. President: I move that the rules be suspended and we consider today the bills scheduled for Final Reading for Wednesday, June 17, and that LB 281 be considered last. (Signed) Terry Carpenter

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

#### **Announcement—Rules Committee Meeting**

Mr. Marvel announced that there would be a meeting of the Rules Committee at 1:30 p.m. today, June 16, in the East Senate Lounge.

#### **Members Excused**

Messrs. Cooper and Gerdes were excused at 9:45 a.m. for the remainder of the morning.

#### **MOTION—Reconsider Action on LB 584**

Mr. President: I move we reconsider our action of June 15 on LB 584. (Signed) John Adams, Sr.

Mr. Tews requested a Call of the House.

A Call of the House was ordered.

Mr. Klaver moved that the Call be raised. The motion prevailed with 30 ayes, 2 nays, and 11 not voting.

The Adams motion lost with 17 ayes, 20 nays, and 6 not voting.

### **UNANIMOUS CONSENT—Change of Order**

Mr. Syas requested unanimous consent that LB 281 be returned to its original place at the head of Final Reading. No objections. So ordered.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 45.** Re: Legislative Council Study of Taxation and Exemption of Property.

Introduced by Oliver Olinger, 12th District; Arnold Ruhnke, 22nd District; and Don Thompson, 33rd District.

WHEREAS, the various classes of property are being taxed at different rates, and

WHEREAS, the Sixty-ninth Session of the Nebraska State Legislature has provided different methods for taxing property, and

WHEREAS, there may be inequities in the manner in which property is now being taxed and exemptions granted.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to study the manner of taxing property and exempting property from taxation and make a report and recommendations to the next regular session of the Legislature on the equalizing of taxes on various classes of property.

### **UNANIMOUS CONSENT—Add Co-introducers**

Mr. Olinger requested unanimous consent that the following be added as co-introducers of LR 45: Joe T. Vosoba, 23rd District; Norman A. Otto, 34th District; and Richard D. Marvel, 31st District. No objections. So ordered.

Referred to the Legislative Council Executive Board.

**Visitors**

Mr. Marvel introduced Mr. and Mrs. Hanny Lindemann from Cheyenne, Wyoming.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 281.**

A bill for an act to amend section 83-203, Reissue Revised Statutes of Nebraska, 1943, section 43-601, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 43-602, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-107.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 9, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 83-108, Reissue Revised Statutes of Nebraska, 1943, as amended by section 13, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to state institutions; to transfer the oversight and general control of the Nebraska School for the Blind from the Board of Control to the State Department of Education; to transfer the care and education of children from birth to age twenty-one who are both deaf and blind to the State Department of Education; to provide for duties for the Commissioner of Education; to provide that the proceeds of the Deaf and Blind Educational and Maintenance Fund may be expended upon vouchers of the Commissioner of Education; to provide additional powers and duties for the State Department of Education and State Board of Education; to provide the operative date of this act; and to repeal the original sections and also section 43-603, Reissue Revised Statutes of Nebraska, 1943, as amended by section 12, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-201, Reissue Revised Statutes of Nebraska, 1943, as amended by section 14, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-202, Reissue Revised Statutes of Nebraska, 1943, as amended by section 15, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-205, Reissue Revised Statutes of Nebraska, 1943, as amended by section 16, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-206, Reissue Revised Statutes of Nebraska, 1943, as amended by section 17, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959, section 83-208, Reissue Revised Statutes of Nebraska, 1943, as amended by section 18, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature,

1959, and section 83-209, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19, Legislative Bill 279, Sixty-ninth Session, Nebraska State Legislature, 1959.

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

Voting in the affirmative, 24:

Adams	Hollenbeck	Olinger	Skarda
Aufenkamp	Klaver	Orme	Stryker
Bowen	Liebers	Otto	Syas
Burbach	McHugh	Peck	Tews
Donner	Moulton	Portsche	Thompson
Fulton	Munnelly	Russillo	Vosoba

Voting in the negative, 15:

Bridenbaugh	Fenske	Nelson	Swanson
Claussen	Jensen	Pizer	Webb
Diers	Lautenschlager	Ruhnke	Williams
Erlewine	Marvel	Simmons	

Not voting, 4:

Carpenter	Cooper	Gerdes	Romans
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 607.**

A bill for an act to amend section 23-1206.01, Revised Statutes Supplement, 1957, relating to county attorneys; to authorize the appointment of deputy county attorneys to serve without pay in counties having a population of more than two hundred thousand inhabitants; to provide that the provisions of this section shall not apply to deputy county attorneys appointed by the county attorney who serve without pay; and to repeal the original section.

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

Voting in the affirmative, 38:

Adams	Burbach	Erlewine	Jensen
Aufenkamp	Claussen	Fenske	Klaver
Bowen	Diers	Fulton	Lautenschlager
Bridenbaugh	Donner	Hollenbeck	Liebers

Marvel	Orme	Russillo	Tews
McHugh	Otto	Simmons	Thompson
Moulton	Peck	Skarda	Vosoba
Munnelly	Pizer	Swanson	Webb
Nelson	Portsche	Syas	Williams
Olinger	Ruhnke		

Voting in the negative, 0.

Not voting, 5:

Carpenter	Gerdes	Romans	Stryker
Cooper			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### Member Excused

Mr. Donner was excused at 10:15 a.m. for the remainder of the morning.

#### LEGISLATIVE BILL 646.

A bill for an act to amend section 81-103, Reissue Revised Statutes of Nebraska, 1943, section 8-101, Revised Statutes Supplement, 1957, and section 50-112, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 432, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to salaries; to increase the salaries of the Clerk of the Legislature, Director of Banking, Director of the Department of Agriculture and Inspection, Director of Insurance, and Director of Motor Vehicles; to provide when such increases shall be effective; and to repeal the original section.

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

Voting in the affirmative, 23:

Adams	Marvel	Peck	Swanson
Bowen	McHugh	Pizer	Syas
Claussen	Moulton	Portsche	Tews
Jensen	Munnelly	Russillo	Vosoba
Klaver	Orme	Simmons	Williams
Liebers	Otto	Skarda	

Voting in the negative, 15:

Aufenkamp	Erlewine	Lautenschlager	Stryker
Bridenbaugh	Fenske	Nelson	Thompson
Burbach	Fulton	Olinger	Webb
Diers	Hollenbeck	Ruhnke	

Not voting, 5:

Carpenter	Donner	Gerdes	Romans
Cooper			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Visitors

Mr. Bridenbaugh introduced Mr. and Mrs. Joe Birkley from Jackson.

### LEGISLATIVE BILL 683. With emergency.

A bill for an act to repeal sections 86-501, 86-504, 86-505, 86-506, 86-507, 86-508, and 86-509, Reissue Revised Statutes of Nebraska, 1943, relating to express companies; and to declare an emergency.

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

Voting in the affirmative, 38:

Adams	Hollenbeck	Olinger	Skarda
Aufenkamp	Jensen	Orme	Stryker
Bowen	Klaver	Otto	Swanson
Bridenbaugh	Lautenschlager	Peck	Syas
Burbach	Liebers	Pizer	Tews
Claussen	Marvel	Portsche	Thompson
Diers	McHugh	Ruhnke	Vosoba
Erlewine	Moulton	Russillo	Webb
Fenske	Munnely	Simmons	Williams
Fulton	Nelson		

Voting in the negative, 0.

Not voting, 5:

Carpenter	Donner	Gerdes	Romans
Cooper			

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

**LEGISLATIVE BILL 719.** With emergency.

Mr. Webb requested unanimous consent that LB 719 be laid over.

Mr. Klaver objected.

A bill for an act to amend sections 28-941, 28-945, 28-961, and 28-962, Reissue Revised Statutes of Nebraska, 1943, relating to games of chance; to define terms; to prohibit the conducting of bingo except by licensees; to prohibit the playing of bingo except when conducted by a licensee; to provide who shall be eligible for a license; to provide for the application and issuance of licenses; to provide for the division of the gross proceeds of any game of bingo; to provide duties for various public officers; to provide fees; to provide for the regulation of bingo; to provide for the imposition of taxes; to provide for the issuance of permits by local governing bodies; to authorize law enforcement officers to enter places where bingo is being played, as prescribed; to require reports; to provide for complaints and the investigation thereof; to provide for the suspension or revocation of licenses; to provide for local option; to authorize the adoption of rules and regulations; to provide penalties; to provide separability; 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, 33:

Aufenkamp	Hollenbeck	Nelson	Skarda
Bowen	Jensen	Otto	Stryker
Bridenbaugh	Klaver	Peck	Swanson
Burbach	Lautenschlager	Pizer	Syas
Carpenter	Marvel	Portsche	Tews
Claussen	McHugh	Ruhnke	Thompson
Diers	Moulton	Russillo	Vosoba
Fenske	Munnelly	Simmons	Williams
Fulton			

Voting in the negative, 6:

Adams	Liebers	Orme	Webb
Erlewine	Olinger		

Not voting, 4:

Cooper	Donner	Gerdes	Romans
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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.

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 349.**

A bill for an act relating to nonprofit corporations; to enact a general corporation law for Nebraska relating to corporations, foreign and domestic, not organized for pecuniary profit; to define terms; to provide for their incorporation, operation, management, control, regulation, merger, consolidation, dissolution and for the renewal, extension or restoration of their corporate existence; to provide how such act may be cited; to repeal sections 21-1501, 21-1502, 21-1503, 21-1504, 21-1505, 21-1506, 21-1507, 21-1508, 21-1523, 21-1524, 21-1525, 21-1526, 21-1527, and 21-1528, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 38:

Adams	Fulton	Nelson	Skarda
Aufenkamp	Hollenbeck	Olinger	Stryker
Bowen	Jensen	Orme	Swanson
Bridenbaugh	Klaver	Otto	Syas
Burbach	Lautenschlager	Peck	Tews
Carpenter	Liebers	Pizer	Thompson
Claussen	Marvel	Ruhnke	Vosoba
Diers	McHugh	Russillo	Webb
Erlewine	Moulton	Simmons	Williams
Fenske	Munnely		

Voting in the negative, 0.

Not voting, 5:

Cooper	Gerdes	Portsche	Romans
Donner			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**President Burney Presiding**



**MOTION—Reconsider Action on LB 715**

Mr. Lautenschlager renewed his pending motion found in the Legislative Journal for the One Hundred-eighth Day to reconsider action on indefinitely postponing LB 715.

The motion prevailed with 33 ayes, 1 nay, and 9 not voting.

The Moulton motion to indefinitely postpone LB 715 lost with 2 ayes, 33 nays, and 8 not voting.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 46.** Re: Legislative Council Study of Traffic Laws and Enforcement.

Introduced by Sam Klaver, 6th District.

WHEREAS, the death rate on the highways of this state is increasing each year, and

WHEREAS, with the increase of the number of motor vehicles using the Nebraska highways each year, the laws governing the use of the highways must be strictly enforced.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee of five members to study the traffic laws of the State of Nebraska and the manner of enforcement thereof. The committee shall study (1) traffic conditions, speeding on the highways, and reckless driving, (2) method used by the Nebraska Safety Patrol and county sheriffs in making arrests and enforcement of laws under their jurisdiction, (3) suspension of operator's license and the effect of the Motor Vehicle Safety Responsibility Act on the same, and (4) reduction of the needless manslaughter caused by operators of motor vehicles on the highways of Nebraska.

2. That the committee report its findings with its recommendations to the next regular session of the Legislature.

Referred to the Legislative Council Executive Board.

**LEGISLATIVE RESOLUTION 47.** Re: Legislative Council Study of a Juvenile Court System.

Introduced by George Syas, 4th District; Kenneth L. Bowen, 32nd District; and Don Thompson, 33rd District.

WHEREAS, in the vote on the juvenile court amendment to the Constitution of Nebraska the electors of the entire state, except two counties, voted by an overwhelming majority for a separate juvenile court system, and

WHEREAS, the problem of juvenile delinquency is one involving children and youth of the entire state, and

WHEREAS, the cost of juvenile crime, reformatory, and penal expense falls upon the entire state so that by vote of the people, moral obligation to youth, and cost to society, it is required that we provide a system of juvenile courts according to the best current principles of law and treatment of juvenile delinquents and that this needs to be met so as to serve every youth and every community in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council be directed to study and to propose legislation concerning the need for and establishment of a juvenile court system for the entire state as regards jurisdiction, procedure, costs, (determination of districts as regards case loads and area) staff and related matters.

2. That the Legislative Council appoint a committee of five members to study the need for a juvenile court system for the entire state, and to report its findings and recommendations as to creating a juvenile court system for the entire state, determination of districts, procedure and costs to the next regular session of the Legislature.

#### UNANIMOUS CONSENT—Add Co-introducers

Mr. Syas requested unanimous consent to add the following as co-introducers of LR 47: Norman A. Otto, 34th District; Richard D. Marvel, 31st District; and Otto H. Liebers, 18th District. No objections. So ordered.

Referred to the Legislative Council Executive Board.

#### STANDING COMMITTEE REPORTS

##### Judiciary

**LEGISLATIVE BILL 726.** Indefinitely postponed.

(Signed) Ray C. Simmons, Chairman

**Enrollment and Review**

LEGISLATIVE BILL 537. Correctly engrossed.  
LEGISLATIVE BILL 593. Correctly engrossed.  
LEGISLATIVE BILL 674. Correctly engrossed.  
LEGISLATIVE BILL 678. Correctly enrolled.  
LEGISLATIVE BILL 428. Correctly enrolled.  
LEGISLATIVE BILL 454. Correctly enrolled.  
LEGISLATIVE BILL 618. Correctly enrolled.  
LEGISLATIVE BILL 694. Correctly enrolled.  
LEGISLATIVE BILL 703. Correctly enrolled.  
LEGISLATIVE BILL 204. Correctly enrolled.  
LEGISLATIVE BILL 578. Correctly enrolled.  
LEGISLATIVE BILL 706. Correctly enrolled.  
LEGISLATIVE BILL 362. Correctly enrolled.  
LEGISLATIVE BILL 542. Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 678 LB 428 LB 454 LB 618 LB 694 LB 703 LB 204 LB 578 LB 706 LB 362 LB 542

**Recess**

At 11:55 a.m., on a motion by Mr. Peck, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:03 p.m., Speaker Pizer presiding.

The roll was called and all members were present except Messrs. Carpenter, Cooper, Donner, Gerdes, Portsche, and Romans who were excused.

## MESSAGE FROM THE GOVERNOR

June 15, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
Nebraska Legislature  
Lincoln, Nebr.

Gentlemen and Mrs. Orme:

The attention of this office has been invited to the desirability of extending grain hauling permits to December 15 from the existing date of October 1 and to make the issuance of such permits conform to the laws of neighboring states.

This is a matter of intense importance to the agricultural economy of our state and, were it not so, I would not burden you at this late date with this requested legislation.

I urge you to consider it and proceed promptly to its early enactment.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:sn

## BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 735.** By Hans O. Jensen of Legislative District 25, upon recommendation of the Governor.

A bill for an act to amend section 60-328, Revised Statutes Supplement, 1957, relating to motor vehicles; to extend the time during which a permit may be issued for a truck licensed under the laws of another state to haul grain in this state; to provide that the fee for such permit shall be reciprocal subject to a minimum; and to repeal the original section.

**SUSPEND RULES—Place LB 735 on General File**

Mr. President: I move that the rules be suspended and LB 735 be placed on General File. (Signed) William Moulton

The motion prevailed with 34 ayes, 1 nay, and 8 not voting.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 281.** Correctly enrolled.  
**LEGISLATIVE BILL 607.** Correctly enrolled.  
**LEGISLATIVE BILL 646.** Correctly enrolled.  
**LEGISLATIVE BILL 683.** Correctly enrolled.  
**LEGISLATIVE BILL 719.** Correctly enrolled.  
**LEGISLATIVE BILL 349.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**Speaker Signs**

While the Legislature was in session and capable of transacting business, the Speaker signed: LB 281 LB 607 LB 646 LB 683 LB 719 LB 349

**MOTION—Request Return of LB 635**

Mr. President: I move that the Governor be requested to return LB 635. (Signed) John P. Munnelly

The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Salaries and Claims be permitted to introduce a bill making appropriations for miscellaneous claims for which no appropriations have been made. (Signed) John Aufenkamp, Chairman

Permission to introduce the bill was granted with 34 ayes, 0 nays, and 9 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 736.** By Committee on Salaries and Claims, John Aufenkamp, 2nd District, Chairman.

A bill for an act to make appropriations for the payment of claims filed against the State of Nebraska in the office of the

Auditor of Public Accounts or the secretary of Sundry Claims Board, not heretofore paid, and for which no appropriation has been made; to make appropriations for the payment of miscellaneous claims presented to the Legislature for which no appropriations have been made; to provide the manner in which certain money so appropriated shall be paid and expended; and to declare an emergency.

**SUSPEND RULES—Place LB 736 on General File**

Mr. President: I move that the rules be suspended and LB 736 be placed on General File. (Signed) Sam Klaver

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 72.** Read and considered.

Standing Committee amendment found in the Legislative Journal for the One Hundred-seventh Day was adopted.

Advanced to E and R for review.

**REPORT—LB 635 Returned**

June 16, 1959

Mr. President: The Assistant Clerk respectfully reports that the Governor has this date returned LB 635 in response to the request of the Legislature. (Signed) Francis V. Robinson, Assistant Clerk of the Legislature

**SUSPEND RULES—Reconsider Action on LB 635**

Mr. President: I move that the rules be suspended and we reconsider our action on final passage of LB 635. (Signed) John P. Munnelly

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

**BILLS ON FINAL READING**

**LEGISLATIVE BILL 635.**

Mr. Munnelly moved that LB 635 be returned to Select File for the following specific amendment:

1. Amend the bill, section 1, lines 1 and 2, by striking "without the approval of any state authority" and insert "with the approval of the Department of Banking".

The motion prevailed with 34 ayes, 0 nays, and 9 not voting, and LB 635 was returned to Select File.

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 633.** Replaced on Select File as amended.

E and R amendment to LB 633:

1. The emergency clause already appearing in the bill, in the Carpenter Select File Amendment adopted June 16, 1959, strike "Add the Emergency Clause and".

(Signed) Joe T. Vosoba, Chairman

**President Burney Presiding**

### **GENERAL FILE**

**LEGISLATIVE BILL 74.**

Mr. Liebers, Chairman of the Budget Committee, gave a report explaining substitute Legislative Bill 74.

#### **Guests**

President Burney introduced Judy Brumm of Lincoln, Governor of Cornhusker Girls' State.

Miss Brumm addressed the Legislature briefly.

President Burney introduced Karen Leach of Ord, Lieutenant Governor of Cornhusker Girls' State.

**Speaker Pizer Presiding**

### **MESSAGES FROM THE GOVERNOR**

June 15, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 13, 1959, he approved LB 704, LB 707 and LB 720.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

June 15, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 15, 1959, he approved LB 634.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

#### **Presented to the Governor**

Presented to the Governor for approval on June 16, 1959, at  
2:35 p.m.: LB 678 LB 428 LB 454 LB 618 LB 694 LB 703  
LB 204 LB 578 LB 706 LB 362 LB 542

(Signed) Jo Fisher, Enrolling Clerk

#### **Adjournment**

At 3:43 p.m., on a motion by Mr. Moulton, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature



**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**ONE HUNDRED-TWELFTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Wednesday, June 17, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Donner and Romans who were excused.

**Corrections for the Journal**

Page 2052, line 31, correct the spelling of "without".

Page 2060, line 32, delete "muni-" and insert "mini-".

The Journal for the One Hundred-eleventh Day was approved as corrected.

**MESSAGE FROM THE GOVERNOR**

June 16, 1959

The President, the Speaker  
and Members of the Legislature

Gentlemen and Mrs. Orme:

Please be advised that I did, on April 29, 1959, appoint Mrs. Wendell Berge, of Lisco, Nebraska, to serve on the Board of Health.

Her appointment is to fill the unexpired term of Dr. C. B. Edwards and concludes on September 14, 1959.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:s

**Communications**

Telegram from Dale Bowman, Commander, Department of Nebraska V.F.W., expressing appreciation for favorable consideration of LB 719.

**Presented to the Governor**

Presented to the Governor for approval on June 17, 1959, at 8:30 a.m.: LB 281 LB 349 LB 719 LB 683 LB 646 LB 607

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 238.** Replaced on Select File as amended.

E and R amendment to LB 238:

1. In line 3 of Enrollment and Review Amendment 2, adopted June 4, 1959, insert "regular" before "employees"; and in the title insert "to provide a guarantee of forty hours work each week to prescribed hourly employees;" at the end of line 6.

**LEGISLATIVE BILL 729.** Replaced on Select File as amended.

E and R amendments to LB 729:

1. In renumbered section 2, line 1, strike "Section" and insert "Sec.".

2. In renumbered section 3, line 2, strike "its" and insert "their".

3. In the Cooper Specific Amendment 3, line 3, insert "Nebraska" before "Liquor".

4. In the title, lines 3 and 4, strike "relating to the State Railway Commission" and insert "and section 53-112, Revised Statutes Supplement, 1957, relating to salaries"; in line 5 insert "secretary of the Nebraska Liquor Control Commission and the" before "secretary"; and in line 7 strike "section" and insert "sections".

**LEGISLATIVE BILL 591.** Replaced on Select File as amended.

E and R amendment to LB 591:

1. Because of the Munnely Specific Amendment 1, strike Enrollment and Review Amendment 2, adopted June 12, 1959.

**LEGISLATIVE BILL 420.** Replaced on Select File as amended.

E and R amendment to LB 420:

1. In section 1, line 9, strike “, however,” and insert “; however;”; and in line 11 strike “of the aforesaid acts” and insert “of the aforesaid acts act”.

**LEGISLATIVE BILL 365.** Replaced on Select File as amended.

E and R amendment to LB 365:

1. Strike Enrollment and Review Amendment 3, adopted June 4, 1959.

**LEGISLATIVE BILL 723.** Replaced on Select File as amended.

E and R amendment to LB 723:

1. In the Otto Specific Amendment 1, line 1, strike “bill, section 2,” and insert “Ruhnke General File Amendment 1,”.

**LEGISLATIVE BILL 283.** Placed on Select File as amended.

E and R amendments to LB 283:

1. For correlation purposes, strike section 1 and insert:

“Section 1. That section 72-1005, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 583, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

72-1005. There is hereby created a fund to be known as the State Institutional and Military Department Building Fund to be used by the Board of Regents of the University of Nebraska, the Board of Control, the Board of Education of State Normal Schools, the Military Department, Nebraska Vocational Technical School, *Nebraska School for the Deaf*, *Nebraska School for the Blind*, and the Governor for maintenance of the State Capitol and grounds, purchases of land, and future building needs. This fund shall consist of the proceeds of a tax of one and one-tenth of a mill on the dollar upon the assessed value of all the taxable property of the state, except intangible property. Such tax shall be levied in the year 1959 and annually thereafter to and including the year 1966.”.

2. For correlation purposes, strike section 2 and the Syas Specific Amendment thereto and insert:

"Sec. 2. That section 72-1007, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 583, Sixty-ninth Session, Nebraska State Legislature, 1959, be amended to read as follows:

72-1007. The proceeds of said tax authorized by section 72-1005 to be levied shall be set aside as collected and shall be credited in the following proportions: (1) Thirty-one per cent thereof for expenditure by the Board of Regents of the University of Nebraska; (2) ~~fourteen~~ *eleven* per cent thereof for expenditure by the Board of Control; (3) twenty-five per cent thereof for expenditure by the Board of Education of State Normal Schools; (4) one per cent thereof for expenditure by the Military Department for the purchase of land and the construction, equipping, repairing, or remodeling of armories thereon; (5) three per cent thereof for expenditure by the State Board of Education for the Nebraska Vocational Technical School; (6) six per cent thereof for expenditure by the Governor, of which twenty per cent shall be used for air conditioning of the State Capitol, and the remainder for expenditure by the Governor for maintenance of the State Capitol and grounds, purchases of land, and future building needs, including the acquiring by January 1, 1962, of the south half of Block one fifty-one, all of Block one fifty-two, and the north half of Block one fifty-three, all in the Original Plat of Lincoln, Nebraska, and any land north of the Capitol Building between 14th and 16th and K and M Streets in said city either by gift, purchase, or by the exercise of the power of eminent domain at the direction of the Governor, authority for the use of such power being hereby conferred; (7) ten per cent thereof for expenditure by the Board of Regents of the University of Nebraska, for the erection, equipping, repairing, or remodeling of buildings and plants, to be used in the administration, operation, and maintenance for research and education relating to the utilization, distribution and marketing of agricultural products, including grains, meat, poultry, dairy, and other livestock products, horticulture and forestry crops, forage crops and seeds; for the development and evaluation of new crops that may be grown as substitute crops for those now in surplus; and for the evaluation and study of the market potential of new products coming from such research by the University of Nebraska College of Agriculture; and (8) ten per cent thereof for expenditure by the Board of Regents of the University of Nebraska for the erection, equipping, repairing, or remodeling of buildings and plants, to be used in the administration, operation, and maintenance of the

University of Nebraska College of Agriculture and Experiment Stations; and (9) *three per cent thereof for expenditure by the State Board of Education for the Nebraska School for the Deaf and the Nebraska School for the Blind of which the first three hundred fifty thousand dollars thereof shall be expended on the Nebraska School for the Blind.*”.

3. In section 3, strike lines 1 to 3 and insert:

“Sec. 3. That original section 72-1005, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 583, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 72-1007, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 583, Sixty-ninth Session, Nebraska State Legislature, 1959, are repealed.”.

4. Add a new section to be known as section 4 and to read as follows:

“Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

5. In the title, strike lines 2 and 3 and insert:

“FOR AN ACT to amend section 72-1005, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 583, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 72-1007, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 583, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the”; in line 8 insert “, of which portion the first three hundred fifty thousand shall be expended on the Nebraska School for the Blind” after “Blind”; in line 10 strike “and”; and in line 10 insert “; and to declare an emergency” before the period.

**LEGISLATIVE BILL 622.** Placed on Select File as amended.

E and R amendments to LB 622:

1. For correlation purposes, in section 1, line 2, insert “as amended by section 2, Legislative Bill 428, Sixty-ninth Session, Nebraska State Legislature, 1959,” after “1943.”; at the end of line 11 insert “whenever it is in the best interests of the public to do so, to stock the streams, lakes, and ponds, whether public or private, of this state with”; in line 52, after the period, insert “The commission is also authorized and shall have the duty, when funds have been made available, to advertise and promote the scenic, historic and outdoor recreational values and attractions of

the state, and to do such things pertaining thereto as will attract nonresident trade to Nebraska.”; and in line 52 strike “The commission shall have” and also strike lines 53 to 59.

2. In section 2, line 2, insert “as amended by section 2, Legislative Bill 428, Sixty-ninth Session, Nebraska State Legislature, 1959,” after “1943,”.

3. In the title, line 3, insert “as amended by section 2, Legislative Bill 428, Sixty-ninth Session, Nebraska State Legislature, 1959,” after “1943,”.

**LEGISLATIVE BILL 1.** Correctly engrossed.

**LEGISLATIVE BILL 310.** Correctly engrossed.

**LEGISLATIVE BILL 505.** Correctly engrossed.

**LEGISLATIVE BILL 552.** Correctly engrossed.

**LEGISLATIVE BILL 617.** Correctly engrossed.

**LEGISLATIVE BILL 687.** Correctly engrossed.

**LEGISLATIVE BILL 721.** Correctly engrossed.

**LEGISLATIVE BILL 727** Correctly engrossed.

**LEGISLATIVE BILL 728.** Correctly engrossed.

**LEGISLATIVE BILL 731.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

#### **Visitors**

Mr. Burbach introduced Mrs. Irwin Noecker and Mrs. George Faulk and daughter, Colleen, of Hartington.

#### **Explanation of Vote**

Mr. President: Due to the fact that I was absent yesterday during Final Reading, I would like to report that if I had been here, I would have voted Aye on LB 281, LB 349, LB 607, LB 646, LB 683, and LB 719. (Signed) John R. Cooper

#### **MOTION—Reconsider Action on LB 611**

Mr. President: I move we reconsider our action of June 15 on final passage of LB 611. (Signed) Terry Carpenter

Mr. Portsche requested a Call of the House.

A Call of the House was ordered and showed 36 members present.

Mr. Bridenbaugh moved that the Call be raised. The motion lost with 11 ayes, 18 nays, and 14 not voting.

Mr. Fulton moved that the Call be raised. The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

The Carpenter motion prevailed with 27 ayes, 12 nays, and 4 not voting.

### BILLS ON FINAL READING

#### LEGISLATIVE BILL 611.

Mr. Fulton moved that LB 611 be returned to Select File for the following specific amendment:

1. Amend the bill by inserting "and dogs" after "horses".

Mr. Fulton requested a Call of the House.

A Call of the House was ordered and showed 40 members present.

Mr. Pizer moved that the Call be raised. The motion prevailed with 27 ayes, 8 nays, and 8 not voting.

The Fulton motion lost with 17 ayes, 16 nays, and 10 not voting.

The following bill was read and put upon final passage:

A bill for an act for submission to the electors of an amendment to Article III, section 24, of the Constitution of Nebraska, relating to legislative powers; to permit the Legislature to authorize lottery or gift enterprise where the consideration of chance to participate does not involve the payment of money or the purchase of property, services, chance or admission ticket, or requires an expenditure of substantial effort or time; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; to provide the effective date of such proposed amendment if adopted; and to provide that the Governor, if such amendment is adopted, shall make a proclamation thereof as prescribed.

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

Mr. Portsche requested a Call of the House.

A Call of the House was ordered and showed 40 members present.

Mr. Ruhnke moved that the Call be raised. The motion lost with 19 ayes, 19 nays, and 5 not voting.

Mr. Fulton moved that the Call be raised. The motion lost with 19 ayes, 14 nays, and 10 not voting.

Mr. Diers moved that the Call be raised. The motion prevailed with 22 ayes, 17 nays, and 4 not voting.

Voting in the affirmative, 25:

Aufenkamp	Klaver	Olinger	Ruhnke
Bowen	Lautenschlager	Orme	Simmons
Burbach	McHugh	Otto	Skarda
Carpenter	Moulton	Peck	Swanson
Claussen	Munnelly	Pizer	Syas
Cooper	Nelson	Portsche	Tews
Jensen			

Voting in the negative, 16:

Adams	Fenske	Liebers	Thompson
Bridenbaugh	Fulton	Marvel	Vosoba
Diers	Gerdes	Russillo	Webb
Erlewine	Hollenbeck	Stryker	Williams

Not voting, 2:

Donner	Romans
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Having failed to receive a constitutional three-fifths majority, the bill failed of passage.

### Member Excused

Mr. Jensen was excused at 9:54 a.m. for the remainder of the day.

### Ease

The Legislature was at ease from 9:54 a.m. until 10:18 a.m. for the purpose of taking committee pictures.



**SELECT FILE**

**LEGISLATIVE BILL 691.** Laid over temporarily.

**LEGISLATIVE BILL 624.**

Mr. Cooper requested unanimous consent that the following amendments be adopted:

1. Amend the Russillo Amendment 1, section 7 by striking lines 1 to 4 and inserting:

“Sec. 7. Beginning in the year 1962, members of the Legislature from the odd-numbered districts shall be elected for a term of four years, and members of the Legislature from the even-numbered districts shall be elected for a term of two years commencing at noon on the first Tuesday in January in the year next ensuing the general election at which they were elected; in the year 1964, members of the Legislature from the even-numbered districts shall be elected for a term of four years. Each”.

2. Amend the Russillo Amendment 2, line 3 by inserting “to change the term of members of the Legislature and” after “Amendment”.

3. Amend the title to conform.

Mr. Burbach objected.

Mr. Cooper moved that LB 624 be returned to General File for the foregoing amendments.

The motion lost with 6 ayes, 15 nays, and 22 not voting.

Mr. Syas requested unanimous consent that the bill be amended by adding John R. Cooper as a co-introducer. No objections. So ordered.

Advanced to E and R for engrossment.

**UNANIMOUS CONSENT—Withdraw LB 126**

Mr. Cooper requested unanimous consent to withdraw LB 126. No objections. So ordered.

**Visitors**

Mr. Olinger introduced his daughter-in-law, Mrs. Gwen Olinger, and his two grandchildren, Shauna and Bobby.

## SELECT FILE

**LEGISLATIVE BILL 378.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 635.** The pending Munnely specific amendment found in the Legislative Journal for the One Hundred-eleventh Day was adopted by unanimous consent.

**Speaker Pizer Presiding**

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 633.** E and R amendment found in the Legislative Journal for the One Hundred-eleventh Day was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 691.**

Mr. Vosoba withdrew his pending motion found in the Legislative Journal for the One Hundred-ninth Day to indefinitely postpone LB 691.

Mr. Lautenschlager offered the following amendments which were adopted by unanimous consent:

1. Amend section 1 of the bill, line 11 by inserting "*and which does not connect by inflow or outflow with other water outside said land, and when such owner does not operate such body of water on a commercial basis for profit*" after "stocked".

2. Amend section 2 of the bill, line 15 by inserting "*and which does not connect by inflow or outflow with other water outside said land, and when such owner does not operate such body of water on a commercial basis for profit*" after "stocked".

3. Amend the title to conform.

Mr. Vosoba offered the following amendments which were adopted by unanimous consent:

1. Amend the bill by adding two new sections to be known as sections 3 and 4 and to read as follows:

"Sec. 3. *Whenever an invitee, who angles for fish in any body of water which is entirely upon privately-owned land and*

*which is entirely privately stocked, catches fish which he wishes to remove from the premises, the owner or operator by consent of the owner shall furnish to such invitee a written statement setting forth the name of the owner, the name of the invitee, the number of fish taken, and that such fish were caught in a body of water which is entirely upon privately-owned land and which is entirely privately stocked. Any person who makes or exhibits to a law-enforcement officer a false statement of the facts required by the provisions of this section shall, upon conviction thereof, be fined not less than ten dollars nor more than fifty dollars.*

Sec. 4. *If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof."*

2. Renumber sections 3 and 4 as sections 5 and 6.

3. Amend the title to conform.

Mr. Tews moved that LB 691 be indefinitely postponed.

The motion lost with 4 ayes, 29 nays, and 10 not voting.

Advanced to E and R for engrossment.

### Visitors

Mr. Peck introduced Mrs. Herman Fehrs, John Fehrs, and Mrs. Vernon Morris from Belgrade, and Miss Lena Fehrs from Fullerton.

### SUSPEND RULES—Consider Bills on Select File

Mr. President: I move that the rules be suspended and we now consider the bills on Select File which are scheduled for tomorrow. (Signed) Terry Carpenter

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

### SELECT FILE

**LEGISLATIVE BILL 238.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 729.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 591.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 420.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 365.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for re-engrossment.

**LEGISLATIVE BILL 723.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 283.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 622.** E and R amendments found in this Day's Journal were adopted.

Mr. Syas offered the following amendments which were adopted by unanimous consent:

1. Amend section 1 of the bill, line 52 by inserting after the period the following:

*"The commission is authorized to issue, regardless of any other requirements or qualifications of law, without cost, special fishing permits to wards of the state, on a group basis, for therapeutic purposes, when application has been made to the commission by the head of the appropriate state institution involved."*

2. Amend the title to conform.

Advanced to E and R for engrossment.

**UNANIMOUS CONSENT—Hold LB 238**

Mr. Simmons requested unanimous consent that LB 238 be held in its present position until June 18. No objections. So ordered.

**Visitors**

Mr. Fenske introduced Ed Block of Lodgepole, Charles Helfrick of Sunol, Wes. Hermsheiwier of Kimball, and Ira Flanagan of Bartley.

**MOTION—Expedite Termination of Session**

Mr. President: I move that the Clerk's office, the Bill Drafter, and the Enrollment and Review attorney and their staffs be requested to work over the coming weekend, if necessary, to accomplish everything possible to expedite the termination of this session. (Signed) Terry Carpenter

**President Burney Presiding**

Mr. Stryker moved to amend the Carpenter motion by inserting "excluding Sunday" after "this coming weekend". The motion prevailed with 30 ayes, 1 nay, and 12 not voting.

Mr. Carpenter requested unanimous consent to withdraw his motion.

Mr. Ruhnke objected.

The Carpenter motion prevailed as amended.

**Member Excused**

Mr. Moulton was excused for this afternoon, June 17.

**SUSPEND RULES—Bills on Final Reading**

Mr. President: I move to suspend the rules and consider LB 410 and LB 717 today, which are scheduled for Final Reading for tomorrow. (Signed) David D. Tews

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

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 410.**

A bill for an act to amend section 79-1531, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522, Reissue Revised Statutes of Nebraska, 1943, as amended by section 6, Legislative Bill 224, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to schools; to change the amount of allowances under the retirement system; to eliminate certain provisions concerning the annuity of an emeritus member; to permit an optional increase in the amount of deposit by each member of the retirement system and to authorize the withholding of such deposit from the member's compensation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relating to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Klaver	Otto	Syas
Carpenter	Lautenschlager	Peck	Tews
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Portsche	Vosoba
Diers	McHugh	Ruhnke	Webb
Erlewine	Moulton	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Donner	Jensen	Romans
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 717. With emergency.**

A bill for an act to amend section 88-304, Reissue Revised Statutes of Nebraska, 1943, relating to farm warehouses; to provide that all fees paid to the State Railway Commission as provided by sections 88-301 to 88-315, Reissue Revised Statutes of Nebraska, 1943, shall be placed in the state General Fund; 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, 38:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Syas
Burbach	Klaver	Peck	Tews
Carpenter	Lautenschlager	Pizer	Thompson
Claussen	Liebers	Portsche	Vosoba
Cooper	Marvel	Ruhnke	Webb
Diers	McHugh	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 5:

Donner	Moulton	Romans	Skarda
Jensen			

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

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 48.** Re: Legislative Council Study of Outdoor Recreation and Tourist Industry.

Introduced by William Moulton, 10th District.

WHEREAS, the State of Nebraska is richly endowed with opportunities for all types of outdoor recreation, including hunting, fishing, boating, camping and related activities; and

WHEREAS, the State of Nebraska is blessed with undeveloped sites which have great historic interest and value to our state and nation; and

WHEREAS, the providing of goods and services for tourists is becoming one of our state's major industries; and

WHEREAS, the citizens of Nebraska have richly benefited from prior developments in the outdoor recreation and historic interpretation fields; and

WHEREAS, sound development of an increased tourist industry together with accompanying opportunities for outdoor recreation offers one of the surest means to diversify and strengthen the state's economic future; and

WHEREAS, it is in the public interest to study progress and possibilities in this ever-expanding field in order that the Unicameral may be better informed thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to make a comprehensive study of trends, progress and potentials in the general field of outdoor recreation and the associated tourist industry, and report to the next regular session of the Legislature its findings, together with recommendations for desirable and necessary legislation in these fields.

**UNANIMOUS CONSENT—Add Co-introducers**

Mr. Moulton requested unanimous consent to add the following as co-introducers to LR 48: George Syas, 4th District; William R. Skarda, Jr., 7th District; Stanley L. Portsche, 19th District; George C. Gerdes, 41st District; Peter H. Claussen, 16th District; and Arthur W. Swanson, 36th District. No objections. So ordered.

Referred to the Legislative Council Executive Board.

**UNANIMOUS CONSENT—Lay Over LB 74**

Mr. Carpenter requested unanimous consent that LB 74 be laid over on General File until after the members of the Government Committee return from their public hearing this afternoon. No objections. So ordered.

**Member Excused**

Mr. Portsche was excused at 11:50 a.m. for the remainder of the day.

**Recess**

At 11:51 a.m., on a motion by Mr. Claussen, the Legislature recessed until 2:00 p.m.



**After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Moulton, Porsche, and Romans who were excused, and Mr. Jensen who was excused until 3:00 p.m.

**MOTION—Return LB 379 to Select File**

Mr. President: I move that LB 379 be returned to Select File for the following specific amendments. (Signed) Norman A. Otto

1. Strike the Unanimous Consent amendments adopted June 10, 1959.

2. Strike the Standing Committee Amendment.

3. Amend Section 1 of the bill, line 3 after the word "aircraft" by striking "and", and by striking "airplanes", and inserting "aircraft", line 4 by striking "protecting any pilot" and inserting "covering the liability of the operator or operators in connection with the operation of such aircraft.", and by striking the remainder of the section.

4. Amend the title to conform.

The motion prevailed with 22 ayes, 0 nays, and 21 not voting, and LB 379 was returned to Select File.

**SELECT FILE**

**LEGISLATIVE BILL 379.** The Otto specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

**MOTION—Return LB 310 to Select File**

Mr. President: I move that LB 310 be returned to Select File for the following specific amendment. (Signed) John R. Cooper

1. Amend the bill, renumbered section 3, line 21, by striking "or outside", showing the same as stricken; and line 28 by inserting "*and eight cents per mile for all necessary travel outside the county*" after "writs".

The motion prevailed with 27 ayes, 0 nays, and 16 not voting, and LB 310 was returned to Select File.

### SELECT FILE

**LEGISLATIVE BILL 310.** The Cooper specific amendment found in this Day's Journal was adopted by unanimous consent.

Advanced to E and R for re-engrossment.

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 410.** Correctly enrolled.

**LEGISLATIVE BILL 717.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### President Signs

While the Legislature was in session and capable of transacting business, the President signed: LB 410 LB 717

### GENERAL FILE

**LEGISLATIVE BILL 734.** Read and considered.

Mr. Cooper moved that LB 734 be indefinitely postponed.

Motion pending.

Mr. Burbach requested unanimous consent that LB 734 be laid over.

Mr. Fenske objected.

Mr. Burbach moved that LB 734 be laid over.

The motion prevailed with 21 ayes, 1 nay, and 21 not voting.

#### Visitors

Mr. Ruhnke introduced Arlene Dinges, Den Mother, and six Cub Scouts of Den 4, Pack 32, Lincoln, and Mrs. Eva Wood of Culbertson.

**LEGISLATIVE BILL 715.** Considered.

Mr. Lautenschlager withdrew his pending amendments found in the Legislative Journal for the One Hundred-fifth Day.

Mr. Lautenschlager offered the following amendments which were adopted:

1. Amend the bill, section 1, by striking line 33 and inserting "ing to light and brake equipment or the rules".

2. Amend the title to conform.

Advanced to E and R for review.

**LEGISLATIVE BILL 735.** Read and considered.

Advanced to E and R for review.

**LEGISLATIVE BILL 736.** Read and considered.

Mr. Aufenkamp offered the following amendment which was adopted:

1. Amend the bill, section 1, by inserting after line 633, the following:

"Douglas County	Feeding	General Fund	186.00"
Omaha, Nebraska	State Prisoners		

Mr. McHugh offered the following amendment which was adopted with 27 ayes, 3 nays, and 13 not voting:

1. Amend section 1 of the bill, by inserting after line 633, the following:

"School District No. 1. Sarpy County, Belle- vue, Nebraska	Tuition of Children of Officers and Enlisted Men of United States Army, Air Force, Navy or Marine Corps	General Fund	\$ 74,872.80"
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**Speaker Pizer Presiding**

Mrs. Orme and Mr. Portsche offered the following amendment which was adopted with 19 ayes, 6 nays, and 18 not voting:

1. Amend section 1 of the bill, by inserting after line 633, the following:

"School District No. 1. Lancas- ter County, Lin- coln, Nebraska	Tuition of Children of Officers and Enlisted Men of United States Army, Air Force, Navy or Marine Corps	General Fund	\$ 59,577.00"
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Mr. Munnelly offered the following amendment which was adopted:

1. Amend section 1 of the bill, by inserting after line 633, the following:

"School District No. 1, Douglas County, Omaha, Nebraska	Tuition of Children of Officers and Enlisted Men of United States Army, Air Force, Navy or Marine Corps	General Fund	8,256.00"
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Laid over temporarily.

### Visitors

Mr. Cooper introduced Mr. Leo Nusbaum from Falls City.

Mr. Bowen introduced Mrs. Ellie Svendsen from Superior.

Mr. Fulton introduced Mr. George Fulton from Gage County.

Mr. Erlewine introduced Mabel Lewis from Benkleman.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 49.** Re: Legislative Council Study of Methods of Diagnosis, Commitment, and Treatment of Mentally Retarded.

Introduced by Michael P. Russillo, 9th District, and Fern Hubbard Orme, 20th District.

WHEREAS, mental retardation is a disability which brings about much human suffering and economic loss affecting numerous Nebraskans, and

WHEREAS, this is a matter of direct concern to state government which has the legal and moral responsibility for the care of the retarded, and to the individual taxpayer who has to accept an ever increasing financial burden, and

WHEREAS, there have been advances in our body of scientific knowledge and continuing improvement in methods of diagnosis and treatment of mental retardation, and

WHEREAS, the existing procedures for commitment and treatment were developed many years ago, and

WHEREAS, it is believed some children in Nebraska should receive additional benefit of the rapidly developing scientific knowledge of this condition, and

WHEREAS, it would be to the benefit of the child, the state and the individual taxpayer to improve our procedures of diagnosis and treatment of the mentally retarded.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to make a study of:

(a) Existing methods of diagnosis, commitment, and treatment of the mentally retarded, and

(b) Ways of fully utilizing the most modern scientific contributions available in this field.

2. That such committee report its findings and recommendations to the next regular session of the Legislature.

Referred to the Legislative Council Executive Board.

**LEGISLATIVE RESOLUTION 50.** Re: Legislative Council Study of Creation of an Investment Board.

Introduced by Hans O. Jensen, 25th District; J. O. Peck, 26th District; and Edwin T. McHugh, 3rd District.

WHEREAS, there are substantial funds accumulating in the General and Special Funds of the State of Nebraska which might be profitably invested, and

WHEREAS, there is not at this time an efficient method of investing such funds of this state, and

WHEREAS, interest rates and financial gain are increasing on desirable and safe investments that the state might purchase if an investment board was created that was composed of qualified personnel who had training and experience in making such investments, and

WHEREAS, if such available funds were safely invested by experienced and trained personnel, the state would gain substantial financial benefit thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to study the advisability of creating an investment board of qualified persons who have training and experience in safe and sound investments to advise and assist state officials in investment of state funds, and to make a report to the next regular session of the Legislature of its findings and recommendations.

#### **UNANIMOUS CONSENT—Add Co-introducer**

Mr. Jensen requested unanimous consent to add Richard D. Marvel, 31st District, as a co-introducer of LR 50. No objections. So ordered.

Referred to the Legislative Council Executive Board.

#### **STANDING COMMITTEE REPORTS**

##### **Government**

**LEGISLATIVE BILL 733.** Placed on General File.

(Signed) Dwain Williams, Chairman

MESSAGE FROM THE GOVERNOR

June 16, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

It has just been brought to the attention of this office that an apparent inadequacy exists in our statutes whereby the City of Lincoln cannot control access to our highway system.

In view of the imminent construction of the Interstate Highway in this area, this matter is one which demands the attention of this session or I would not ask your permission to introduce it at this late date.

Further, in the event that controlled accesses are not obtainable, the Bureau of Public Roads will not approve federal matching funds for such projects.

This legislation will enable the City of Lincoln to contribute sound engineering practices to an integrating traffic safety program, provide more economical and efficient avenues of transportation, protect the investment of government in its highway system and extend the useful traffic life of the roadways when constructed.

I respectfully commend this legislation to your prompt attention with the request for immediate enactment.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:sn

BILLS ON FIRST READING

The following bill was read the first time by title:

**LEGISLATIVE BILL 737.** By Fern Hubbard Orme of Legislative District 20 and Stanley L. Portsche of Legislative District 19, upon recommendation of the Governor.

A bill for an act relating to cities of the primary class; to authorize a city of the primary class to designate and establish

controlled access facilities of roads, streets, highways, and alleys as prescribed; to provide for acquisition of property; and to authorize primary cities to designate, establish, design, construct, maintain, vacate, alter, improve, and regulate frontage roads and to exercise jurisdiction over the same.

**President Burney Presiding**

**SUSPEND RULES—Place LB 737 on General File**

Mr. President: I move that the rules be suspended and that LB 737 be placed on General File. (Signed) Arnold Ruhnke

The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

**Visitor**

Mr. Bowen introduced Linda Frisbie of Campbell.

**MOTION—Return LB 656 to Select File**

Mr. President: I move to recall LB 656 to Select File for the following specific amendments. (Signed) John R. Cooper

1. Amend the Orme Unanimous Consent Amendment 1, adopted June 12, 1959, by striking the new matter and reinstating the stricken matter; in line 5 of the new section added by the amendment, by inserting "*, when the consideration of the same is in an amount in excess of two thousand dollars in any one year*" before the semicolon; in line 8 by inserting "*, when the consideration of the same is in an amount in excess of two thousand dollars in any one year,*" after "contract"; in line 11 by inserting "*, when the consideration therefor is in an amount in excess of two thousand dollars in any one year,*" after "Nor"; and in line 19 by inserting "*No contract may be divided for the purpose of evading the requirements of this section.*" after the period.

2. Amend the Fulton Unanimous Consent Amendment 1, adopted June 12, 1959, by striking the new matter and reinstating the stricken matter; in line 5 of the new section added by the amendment by inserting "*, when the consideration of the same is in an amount in excess of two thousand dollars in any one year*" before the semicolon; and in line 7 by inserting "*No contract may be divided for the purpose of evading the requirements of this section.*" after the period.

3. Amend the title to conform.



The motion prevailed with 31 ayes, 0 nays, and 12 not voting, and LB 656 was returned to Select File.

**SELECT FILE**

**LEGISLATIVE BILL 656.** The pending Cooper specific amendments found in this Day's Journal were adopted by unanimous consent.

Advanced to E and R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 736.** Considered.

Mr. Lautenschlager offered the following amendment which was adopted:

1. Amend section 1 of the bill, by inserting after line 633, the following:

"School District No. 2, Hall County, Grand Island, Nebraska	Tuition of Children of Officers and Enlisted Men of United States Army, Air Force, Navy or Marine Corps	General Fund	198.00
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School District No. 18, Adams County, Hastings, Nebraska	Tuition of Children of Officers and Enlisted Men of United States Army, Air Force, Navy or Marine Corps	General Fund	1,243.00
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School District No. 39, Saunders County, Wahoo, Nebraska	Tuition of Children of Officers and Enlisted Men of United States Army, Air Force, Navy or Marine Corps	General Fund	745.00
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School District No. 166, Cheyenne County, Sidney, Nebraska	Tuition of Children of officers and Enlisted Men of United States Army, Air Force, Navy or Marine Corps	General Fund	931.00"
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Advanced to E and R for review.

#### **UNANIMOUS CONSENT—Executive Session**

Mr. Williams requested unanimous consent for permission for the Government Committee to hold a short executive session in the West Senate Lounge. No objections. So ordered.

#### **GENERAL FILE**

#### **LEGISLATIVE BILL 74.**

Mr. Carpenter moved that the rules be suspended and that LB 74 be read in its entirety before any amendments are offered.

The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

#### **MOTION—Introduce Bill**

Mr. President: I move that the Committee on Government be permitted to introduce a bill relating to the admission to our schools of children of military and naval personnel and the payment of tuition therefor. (Signed) Dwain Williams, Chairman

Permission to introduce the bill granted with 35 ayes, 0 nays, and 8 not voting.

#### **BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 738.** By Committee on Government, Dwain Williams, 35th District, Chairman.

A bill for an act to amend sections 79-446 and 79-447, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to make it permissive to admit children of any officer or enlisted man of the United States Army, Navy, or Marine Corps on active duty

in the State of Nebraska and residing on property acquired by the United States as prescribed; to provide that such children may be admitted to the district without payment of tuition; to harmonize the provisions thereof; to provide that the State of Nebraska may pay the tuition charged; to repeal the original sections; and to declare an emergency.

**SUSPEND RULES—Place LB 738 on General File**

Mr. President: I move that the rules be suspended and that LB 738 be placed on General File. (Signed) George Syas

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

**UNANIMOUS CONSENT—Meeting on LB 737**

Mrs. Orme requested unanimous consent for permission to meet at 8:45 a.m. Thursday, June 18, in the West Senate Lounge for consideration of LB 737. No objections. So ordered.

**Adjournment**

At 4:23 p.m., on a motion by Mr. Munnelly, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## ONE HUNDRED-THIRTEENTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Thursday, June 18, 1959

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

Prayer was offered by Mr. Jensen.

The roll was called and all members were present except Mr. Romans who was excused, and Messrs. Munnelly and Skarda who were excused until 10:00 a.m.

**Corrections for the Journal**

Page 2081, line 6, delete the period and insert “, and Mr. Jensen who was excused until 3:00 p.m.”.

Page 2087, insert “(Signed) Ralph G. Brooks” after line 27.

The Journal for the One Hundred-twelfth Day was approved as corrected.

**Member Excused**

Mr. Russillo was excused from 11:00 a.m. until 3:30 p.m. today, June 18.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 4.** Correctly engrossed.  
**LEGISLATIVE BILL 335.** Correctly engrossed.  
**LEGISLATIVE BILL 359.** Correctly engrossed.  
**LEGISLATIVE BILL 462.** Correctly engrossed.  
**LEGISLATIVE BILL 685.** Correctly re-engrossed.  
**LEGISLATIVE BILL 723.** Correctly re-engrossed.  
**LEGISLATIVE BILL 724.** Correctly engrossed.

ONE HUNDRED-THIRTEENTH DAY—JUNE 18, 1959 2093

**LEGISLATIVE BILL 730.** Correctly engrossed.

**LEGISLATIVE BILL 732.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 127.**

A bill for an act relating to juvenile courts; to provide for the establishment of separate juvenile courts in counties having a population of fifty thousand or more inhabitants when authorized by a majority of the electors voting upon the proposition in any such county; to provide for the furnishing of a courtroom and offices for the separate juvenile court; to provide for the selection and election of judges of such separate juvenile court; to prescribe the qualifications, term, and compensation of judges of such separate juvenile court; to prescribe the jurisdiction, powers, and duties of the judges of the separate juvenile court; to provide for a clerk of such court, and to prescribe his compensation, powers, and duties; to provide for chief juvenile probation officers, assistant juvenile probation officers, and other employees, including a reporter, of such court, and to prescribe their compensation, powers, and duties; to provide the time and manner of review of final orders and judgments entered by a separate juvenile court by the Supreme Court of Nebraska; to provide for the abolition of any such separate juvenile court when directed by a majority of the electors voting upon the proposition in any county having adopted same; to redefine terms; to extend the coverage of the judges retirement system to include judges of a separate juvenile court; to provide when such coverage shall apply to such judges; to amend section 24-714, Revised Statutes Supplement, 1957, section 24-701, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 129, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 24-703, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 129, Sixty-ninth Session, Nebraska State Legislature, 1959; and to repeal the original sections.

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

Voting in the affirmative, 40:

Adams	Erlewine	McHugh	Russillo
Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Stryker
Bridenbaugh	Gerdes	Olinger	Swanson
Burbach	Hollenbeck	Orme	Syas
Carpenter	Jensen	Otto	Tews
Claussen	Klaver	Peck	Thompson
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Munnelly	Romans	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 529.

A bill for an act to amend section 21-1714, Reissue Revised Statutes of Nebraska, 1943, relating to credit unions; to provide for investments in shares of or loans of other credit unions or under Federal Credit Union Act, as prescribed; and to repeal the original section.

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

Voting in the affirmative, 39:

Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Stryker
Bridenbaugh	Gerdes	Olinger	Swanson
Burbach	Hollenbeck	Orme	Syas
Carpenter	Jensen	Otto	Tews
Claussen	Klaver	Peck	Thompson
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Ruhnke	Williams
Erlewine	McHugh	Russillo	

Voting in the negative, 0.

Not voting, 4:

Adams	Munnelly	Romans	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 533.**

A bill for an act to amend section 42-305.02, Reissue Revised Statutes of Nebraska, 1943, relating to divorce; to provide that no suit for divorce shall be heard or tried until sixty days after the filing of plaintiff's petition; and to repeal the original section.

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

Voting in the affirmative, 38:

Adams	Fenske	Nelson	Simmons
Aufenkamp	Fulton	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Hollenbeck	Otto	Syas
Burbach	Jensen	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine	Moulton		

Voting in the negative, 2:

Carpenter      Klaver

Not voting, 3:

Munnelly      Romans      Skarda

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 594.**

A bill for an act relating to insurance; to provide for the regulation of life insurance and credit accident and health insurance sold in connection with loans or other credit transactions; to prescribe the form, amount and term of such insurance; to prescribe the regulatory duties of the Department of Insurance regarding life insurance and credit accident and health insurance sold in connection with loans or other credit transactions; and to provide penalties.

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

Voting in the affirmative, 39:

Adams	Erlewine	McHugh	Russillo
Aufenkamp	Fenske	Moulton	Stryker
Bowen	Fulton	Nelson	Swanson
Bridenbaugh	Gerdes	Olinger	Syas
Burbach	Hollenbeck	Orme	Tews
Carpenter	Jensen	Otto	Thompson
Claussen	Klaver	Peck	Vosoba
Cooper	Lautenschlager	Pizer	Webb
Diers	Liebers	Portsche	Williams
Donner	Marvel	Ruhnke	

Voting in the negative, 0.

Not voting, 4:

Munnelly	Romans	Simmons	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 605.

A bill for an act relating to the right of petition; to provide that it shall be unlawful to abridge or attempt to abridge the right of any person to petition the government as prescribed; and to provide a penalty.

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

Voting in the affirmative, 40:

Adams	Erlewine	McHugh	Russillo
Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Stryker
Bridenbaugh	Gerdes	Olinger	Swanson
Burbach	Hollenbeck	Orme	Syas
Carpenter	Jensen	Otto	Tews
Claussen	Klaver	Peck	Thompson
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Ruhnke	Williams



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Voting in the negative, 0.

Not voting, 3:

Munnelly	Romans	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 660.**

A bill for an act to amend section 44-211, Revised Statutes Supplement, 1957, relating to insurance; to provide for a reduction in the number of members of the board of directors who must be citizens of the State of Nebraska; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Erlewine	McHugh	Russillo
Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Stryker
Bridenbaugh	Gerdes	Olinger	Swanson
Burbach	Hollenbeck	Orme	Syas
Carpenter	Jensen	Otto	Tews
Claussen	Klaver	Peck	Thompson
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Munnelly	Romans	Skarda
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 673.** With emergency.

A bill for an act to amend section 79-1002, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that an election shall be called on the proposition of merging an independent school district, a part of whose area has been annexed

by a metropolitan city, upon presentation of a petition signed by twenty-five per cent of the electors in such independent district; to provide the machinery for calling such election and when it shall be held; to provide that if a majority of the electors of such district voting on such question vote in favor of such merger it shall become effective upon a favorable vote of a majority of the members of the board of education of the metropolitan school district; to provide the time within which such vote must be taken; 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	Erlewine	McHugh	Russillo
Aufenkamp	Fenske	Moulton	Simmons
Bowen	Fulton	Nelson	Stryker
Bridenbaugh	Gerdes	Olinger	Swanson
Burbach	Hollenbeck	Orme	Syas
Carpenter	Jensen	Otto	Tews
Claussen	Klaver	Peck	Thompson
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Ruhnke	Williams

Voting in the negative, 0.

Not voting, 3:

Munnelly	Romans	Skarda
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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.

## NOTICE OF COMMITTEE MEETING

### Committee on Committees

The Committee on Committees will meet at 1:30 P. M. on Thursday, June 25, 1959, in the West Senate Lounge to consider the following appointments made by Governor Brooks:

Jack Obbink	.....	Director, Department of Aeronautics
Mrs. Wendell Berge	.....	Board of Health

(Signed) William Moulton, Chairman

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 691.** Replaced on Select File as amended.

E and R amendments to LB 691:

1. In section 1, line 10, insert "(1)" before "which"; also in line 10 strike "and" and insert ", (2)".
2. In line 2 of the Lautenschlager Unanimous Consent Amendment 1, adopted June 17, 1959, strike "and" and insert ", (3)"; and in line 3 insert "(4)" after "and".
3. In section 2, line 14, insert "(a)" after "water"; and in line 15 strike "and" and insert ", (b)".
4. In line 2 of the Lautenschlager Unanimous Consent Amendment 2, adopted June 17, 1959, strike "and" and insert ", (c)"; and in line 3 insert "(d)" after "and".
5. In the title, line 7, insert ", as prescribed," after "water"; line 9 insert "and not operated on a commercial basis for profit" before the semicolon; and also in line 9 insert "to provide for the furnishing of written statements to invitees as prescribed; to make certain acts unlawful; to provide penalties; to provide for separability;" after the semicolon.

**LEGISLATIVE BILL 487.** Replaced on Select File as amended.

E and R amendments to LB 487:

1. In line 2 of Enrollment and Review Amendment 6, adopted June 9, 1959, strike "1" and insert "2".
2. In renumbered section 18, line 1, strike "53-130,"; in line 4 strike "53-132,"; and in line 6 insert "section 53-130, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 53-132, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,".
3. In the title, line 2, strike "53-130,"; in line 5 strike "53-132,"; and in line 7 insert "section 53-130, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 53-132, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,".

**LEGISLATIVE BILL 488.** Replaced on Select File as amended.

E and R amendment to LB 488:

1. In line 4 of Enrollment and Review Amendment 2, adopted June 8, 1959, strike "section" and insert "provisions of this act".

**LEGISLATIVE BILL 622.** Replaced on Select File as amended.

E and R amendment to LB 622:

1. In the title, insert "to authorize the issuance of special fishing permits to wards of the state, without charge, as prescribed;" at the end of line 8.

**LEGISLATIVE BILL 72.** Placed on Select File as amended.

E and R amendments to LB 72:

1. In section 1, lines 7 and 8, strike "Revised Statutes Supplement, 1955" and insert "Reissue Revised Statutes of Nebraska, 1943".

2. In section 3, line 1, insert a period after "3".

(Signed) Joe T. Vosoba, Chairman

#### **UNANIMOUS CONSENT—Executive Session**

Mr. Liebers requested unanimous consent for permission for the Budget Committee to meet in executive session at 1:30 p.m. today, June 18. No objections. So ordered.

#### **SUSPEND RULES—Consider Bills on Select File**

Mr. President: I move that the rules be suspended and we consider tomorrow's Select File bills today. (Signed) Terry Carpenter

The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 691.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.

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**LEGISLATIVE BILL 487.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 488.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 622.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 72.** E and R amendments found in this Day's Journal were adopted.

Laid over.

#### **Visitors**

Mr. Skarda introduced Roy Pratt and Irv Thrane from Omaha.

#### **GENERAL FILE**

**LEGISLATIVE BILL 74.**

Mr. Bridenbaugh moved to reconsider the action of yesterday, June 17, regarding the procedure of handling LB 74.

The motion lost with 14 ayes, 20 nays, and 9 not voting.

**Speaker Pizer Presiding**

Read.

**Mr. Moulton Presiding**

**Speaker Pizer Presiding**

**President Burney Presiding**

#### **Explanation of Vote**

Mr. President: Had we been present, we would have voted Aye on LB 127, LB 529, LB 533, LB 594, LB 605, LB 660, and LB 673.

(Signed) John P. Munnelly

(Signed) William R. Skarda, Jr.

**GENERAL FILE****LEGISLATIVE BILL 74.**

Mr. Carpenter moved that LB 74 be advanced to Enrollment and Review for review without any amendments.

The motion lost with 14 ayes, 18 nays, and 11 not voting.

Mr. Jensen offered the following amendment:

1. Amend section 50 of the bill, line 11 by striking "158,000.00" and inserting "400,000.00".

Amendment pending.

**Member Excused**

Mr. Bowen was excused from 2:00 p.m. for the remainder of the day.

**Invitation**

Invitation to the members and their wives from the Nebraska Medical Association, to a social hour at 6:00 p.m., and dinner at 6:30 p.m., on Wednesday, June 24, at the Cornhusker Hotel.

**Members Excused**

The members of the Budget Committee were excused for a short period this afternoon to complete their executive session.

**Recess**

At 11:57 a.m., on a motion by Mr. Fenske, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Bowen and Romans who were excused, Messrs. Fenske, Liebers, Marvel, Moulton, Pizer, Stryker, Tews, and Thompson who were excused until 2:25 p.m., and Mr. Russillo who was excused until 3:30 p.m.

**GENERAL FILE**

**LEGISLATIVE BILL 74.** Laid over temporarily.

**LEGISLATIVE BILL 734.** Considered.

Mr. Cooper renewed his pending motion found in the Legislative Journal for the One Hundred-twelfth Day to indefinitely postpone LB 734.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 19:

Adams	Erlewine	McHugh	Simmons
Aufenkamp	Fulton	Munnely	Skarda
Bridenbaugh	Gerdes	Nelson	Webb
Cooper	Hollenbeck	Otto	Williams
Donner	Klaver	Peck	

Voting in the negative, 13:

Burbach	Jensen	Orme	Swanson
Carpenter	Lautenschlager	Portsche	Syas
Claussen	Olinger	Ruhnke	Vosoba
Diers			

Not voting, 11:

Bowen	Marvel	Romans	Tews
Fenske	Moulton	Russillo	Thompson
Liebers	Pizer	Stryker	

The Cooper motion prevailed and LB 734 was indefinitely postponed.

**LEGISLATIVE BILL 733.** Read and considered.

Mr. Erlewine offered the following amendment which was adopted:

1. Amend the bill by deleting all of section 1 following the word "Legislature." in line 18.

Mr. Klaver moved that LB 733 be indefinitely postponed.

The motion lost with 3 ayes, 29 nays, and 11 not voting.

Mr. Erlewine offered the following amendment which was adopted:

1. Amend the bill, section 2, lines 8 and 9, by striking “; and qualifications of county judges”, and in the title, lines 7 and 8, strike “; to provide for qualifications of county judges”.

Advanced to E and R for review.

#### **Visitors**

Mr. Donner introduced Mr. J. A. Indra from St. Edward.

Mr. Moulton introduced Mr. and Mrs. Robert C. Palme and Mr. and Mrs. O. L. Stoltenberg of Omaha.

Mr. Peck introduced Mr. Howard Burdick from Columbus.

#### **MOTION—Place LB 705 on General File**

Mr. Munnely renewed his pending motion found in the Legislative Journal for the One Hundred-ninth Day that LB 705 be placed on General File.

#### **Speaker Pizer Presiding**

The motion prevailed with 29 ayes, 9 nays, and 5 not voting.

#### **Member Excused**

Mr. Syas was excused for Friday, June 19, 1959.

#### **MESSAGE FROM THE GOVERNOR**

June 17, 1959

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

Gentlemen and Mrs. Orme:

LB 454 is herewith returned to you without my signature approving the same.

The court reporters have already received one salary increase and I indicated at the time I permitted that legislation to become law without my signature that the instant legislation could not receive my approval in the event it should reach this desk. While there may be salutary provisions therein contained in the eyes of the Judiciary Committee, nevertheless it is believed that our existing



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statutes can accommodate the conditions and circumstances designed to be corrected.

However, the court reporters having already received one increase in remuneration this session, no additional increase at this time can receive the approval of this office.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:s

**Presented to the Governor**

Presented to the Governor for approval on June 18, 1959, at  
1:15 p.m.: LB 410 LB 717

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 127.** Correctly enrolled.

**LEGISLATIVE BILL 529.** Correctly enrolled

**LEGISLATIVE BILL 533.** Correctly enrolled.

**LEGISLATIVE BILL 594.** Correctly enrolled.

**LEGISLATIVE BILL 605.** Correctly enrolled.

**LEGISLATIVE BILL 660.** Correctly enrolled.

**LEGISLATIVE BILL 673.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**Visitor**

Mr. Lautenschlager introduced Mr. A. W. Van Horn from New Jersey.

**GENERAL FILE****LEGISLATIVE BILL 74. Considered.**

Mr. Jensen requested unanimous consent to amend his pending amendment found in this Day's Journal, line 2, by striking "400,000.00" and inserting in lieu thereof "290,000.00".

No objections. So ordered.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 30:

Adams	Erlewine	Nelson	Swanson
Aufenkamp	Fulton	Olinger	Syas
Bridenbaugh	Gerdes	Peck	Tews
Burbach	Hollenbeck	Pizer	Thompson
Carpenter	Jensen	Ruhnke	Vosoba
Claussen	Lautenschlager	Simmons	Webb
Cooper	McHugh	Skarda	Williams
Donner	Munnelly		

Voting in the negative, 4:

Diers	Klaver	Moulton	Orme
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Not voting, 9:

Bowen	Marvel	Portsche	Russillo
Fenske	Otto	Romans	Stryker
Liebers			

The Jensen amendment was adopted as amended.

**President Burney Presiding****Member Excused**

Mr. Cooper was excused at 3:20 p.m. for the remainder of the day.

**Visitors**

Mr. Fenske introduced Irma Grosshons of Kimball County, and Kathryn K. Lee of Banner County.

**Speaker Pizer Presiding**

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**MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) George F. Fulton

The motion lost with 5 ayes, 29 nays, and 9 not voting.

**President Burney Presiding**

**MOTION—Introduce Bill**

Mr. President: I move that the Committee on Budget be permitted to introduce an emergency appropriations bill of \$25,000.00 to be used to defray the expenses of the Legislature for the remainder of this biennium and for the ad interim activities of the Legislature during the biennium 1959-1961. (Signed) Otto H. Liebers, Chairman

Permission to introduce the bill granted with 35 ayes, 0 nays, and 8 not voting.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 739.** By Committee on Budget, Otto H. Liebers, 18th District, Chairman.

A bill for an act to appropriate the sum of twenty-five thousand dollars to aid in defraying the expense of compensation of officers and employees of the Legislature, for supplies and other incidental expenses of the Sixty-ninth Session, Nebraska State Legislature, including printing, stationery, postage, and other expenses which may be lawfully incurred by the Legislature for the remainder of the biennium ending June 30, 1959, and for the ad interim activities of the Legislature during the biennium ending June 30, 1961; and to declare an emergency.

**SUSPEND RULES—Place LB 739 on General File**

Mr. President: I move that the rules be suspended and LB 739 be placed on General File. (Signed) William Moulton

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

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 127      LB 529      LB 533      LB 594      LB 605      LB 660      LB 673

**Members Excused**

Mr. Klaver was excused for Friday, June 19, 1959.

Mr. Hollenbeck was excused for Friday, June 19, and Monday, June 22, 1959.

**Adjournment**

At 4:45 p.m., on a motion by Mr. Peck, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**ONE HUNDRED-FOURTEENTH DAY**

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Legislative Chamber, Lincoln, Nebraska  
Friday, June 19, 1959

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

Prayer was offered by the Chaplain.

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

The Journal for the One Hundred-thirteenth Day was approved.

**Communications**

Letter from the Beatrice State Home Advisory Board, stating  
that fourteen per cent of the 1.10 mill levy cannot provide adequate  
funds for the Board of Control to carry out its building program  
at the Beatrice State Home.

**MESSAGE FROM THE GOVERNOR**

June 18, 1959

The President, The Speaker  
and Members of the Legislature

Gentlemen:

Governor Brooks has requested me to inform your Honorable Body  
that on June 17, 1959, he approved LB 204, LB 281, LB 349, LB 362,  
LB 428, LB 542, LB 578, LB 607, LB 618, LB 646, LB 678, LB 694,  
LB 703, and LB 719.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**Presented to the Governor**

Presented to the Governor for approval on June 19, 1959, at 8:20 a.m.: LB 660 LB 605 LB 594 LB 533 LB 529 LB 673 LB 127

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 656.** Replaced on Select File as amended.

E and R amendments to LB 656:

1. In line 2 of the Fulton Unanimous Consent Amendment 1, adopted June 12, 1959, strike "1" and insert "2"; and in line 3 strike "Section 1." and insert "Sec. 2".

2. In line 1 of the Fulton Unanimous Consent Amendment 2, adopted June 12, 1959, strike "6" and insert "7"; and in line 2 strike "2 to 7" and insert "3 to 9".

3. Strike the Fulton Unanimous Consent Amendment 3, adopted June 12, 1959.

4. Strike the Orme Unanimous Consent Amendments 2 and 3 adopted June 12, 1959.

5. For correlation purposes, in line 2 of new section 2, added by the Fulton Unanimous Consent Amendment 1, adopted June 12, 1959, insert "as amended by section 1, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,"; strike beginning with "No" in line 3 through the period in line 7, including the new material inserted by the Cooper Unanimous Consent Amendment 2, adopted June 17, 1959, and insert "No officer of any city shall be interested, directly or indirectly, in any contract to which the corporation, or any one for its benefit, is a party, when the consideration of the same is in an amount in excess of five hundred two thousand dollars in any one year, and no contract may be divided for the purposes of evading the requirements of this section; and such interest in any such contract shall void the obligation thereof on the part of such corporation; *Provided*, the receiving of deposits, cashing of checks, and buying and selling warrants and bonds of indebtedness of any such city by a financial institution shall not be considered a contract under the provisions of this section."

6. In renumbered section 4, line 22, insert "; and provided further, that ownership of less than one per cent of the outstanding

*stock of any one class shall not constitute an interest, direct or indirect, within the meaning of this section" after "section".*

7. In renumbered section 5, line 16, insert *“; Provided, that ownership of less than one per cent of the outstanding stock of any class in a corporation shall not constitute an interest, direct or indirect, within the meaning of this section”* after “dollars”.

9. In renumbered section 8, line 3, strike “section” and insert “sections 15-603 and”; and in line 4 insert “section 16-502, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959,” after “1957.”.

10. In line 4 of the title, as amended by Enrollment and Review Amendment 7, adopted June 12, 1959, strike “section” and insert “sections 15-603 and”; in line 5 insert “section 16-502, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959,” after “1957.”; and in line 18 insert “to provide that officers of cities of the primary class and first class may have an interest in contracts with their city as prescribed; to harmonize provisions with previous legislation;” after the semicolon.

**LEGISLATIVE BILL 702.** Replaced on Select File as amended.

E and R amendments to LB 702:

1. Because of the enactment of Legislative Bill 667, in section 8, reinstate the stricken material in line 23 and strike the new material in line 24.

2. Because of the enactment of Legislative Bill 667, in renumbered section 17, as amended by the Williams Unanimous Consent Amendment 1, adopted June 12, 1959, strike “*forty*” and insert “*twenty*”.

3. In the title, line 12, insert “to harmonize the provisions with previous legislation;” after the semicolon.

**LEGISLATIVE BILL 624.** Replaced on Select File as amended.

E and R amendment to LB 624:

1. In section 1, lines 3 and 4, strike “amendments” and insert “amendment”; and in line 5 strike “are” and insert “is”.

**LEGISLATIVE BILL 283.** Replaced on Select File as amended.

E and R amendment to LB 283:

1. In line 12 of Enrollment and Review Amendment 5, adopted June 17, 1959, insert "dollars" after "thousand".

**LEGISLATIVE BILL 379.** Replaced on Select File as amended.

E and R amendment to LB 379:

1. In the title, line 2, strike "airplanes" and insert "aircraft"; in line 3 strike "and"; in line 4 insert "and" after the semicolon; in line 5 strike "covering pilots"; also in line 5 insert a period after "prescribed" and strike the balance of the title as amended by Enrollment and Review Amendment 2, adopted May 6, 1959.

**LEGISLATIVE BILL 715.** Placed on Select File as amended.

E and R amendments to LB 715:

1. In section 1, line 7, strike the comma and insert "; and"; in line 30 strike the second "*inspection*" and insert "*inspecting*"; and in line 42 strike the comma, showing the same as stricken.

2. In the title, strike lines 4 to 7 and insert "eliminate restrictions on the power of members of the Nebraska Safety Patrol to stop motor vehicles for inspection; to provide a period of time for correcting of defects revealed by such inspection; to eliminate obsolete material;".

**LEGISLATIVE BILL 735.** Placed on Select File.

**LEGISLATIVE BILL 736.** Placed on Select File as amended.

E and R amendments to LB 736:

1. In section 1, line 630, strike "U. ." and insert "U."

2. In the McHugh General File Amendment 1, line 3, strike "\$"; and in line 10 strike the period.

3. In the Orme General File Amendment 1, line 3, strike "\$".

**LEGISLATIVE BILL 733.** Placed on Select File as amended.

E and R amendment to LB 733:

1. In section 2, line 7, strike the comma and insert "and".

**LEGISLATIVE BILL 365.** Correctly re-engrossed.

**LEGISLATIVE BILL 420.** Correctly engrossed.

**LEGISLATIVE BILL 488.** Correctly engrossed.



**LEGISLATIVE BILL 591.** Correctly engrossed.

**LEGISLATIVE BILL 635.** Correctly re-engrossed.

**LEGISLATIVE BILL 729.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 51.** Re: Legislative Council Study of Improvements in Licensing and Control of Insurance Agents.

Introduced by Arthur W. Swanson, 36th District; and John R. Cooper, 1st District.

WHEREAS, the business of insurance is becoming more and more complicated each year, and

WHEREAS, it is important that the Director of Insurance be empowered by law to exercise controls over the licensing and activities of insurance agents for the protection of the people of Nebraska, and

WHEREAS, the Director of Insurance at the present time has virtually no authority to deny the issuance of an insurance agent's license to any applicant, regardless of character, honesty, or competency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That because of the existence of a problem in the area of licensing insurance agents, which problem suggests correction by legislative action, the Legislative Council appoint a committee of seven members to make a study of improvements in the licensing and control of insurance agents.

2. That the committee report its findings together with such recommendations for legislative action as it deems advisable.

Referred to the Legislative Council Executive Board.

### **MOTION—Request Return of LB 706**

Mr. President: I move that the Governor be requested to return LB 706. (Signed) Dwain Williams

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

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 537. With emergency.**

A bill for an act to amend sections 31-801, 31-803, 31-804, 31-807, 31-808, 31-809, 31-810, 31-811, 31-812, 31-815, 31-816, 31-821, 31-822, 31-823, 31-827, 31-829, and 31-830, Revised Statutes Supplement, 1957, relating to watershed districts; to authorize cooperation with other agencies as prescribed; to provide that voters shall be electors instead of landowners; to provide that the county board must secure the advice of soil conservation districts; to provide the area from which a director shall be elected; to provide in which counties notices shall be published; to provide when elections shall be had; to provide the manner of conducting elections; to change the per cent of votes required to approve prescribed actions; to provide which county clerk shall approve surety or sureties; to provide for review of programs by the state soil and water conservation committee as prescribed; to provide additional powers for the district; to eliminate the provisions for apportionment of benefits; to provide additional powers for the directors; to change the limit and manner of collection of taxes; to provide for such a levy; to provide for distribution of funds when a district is dissolved; to change the procedure for enlargement of the district; to change time for appeals; to repeal the original sections, and also sections 31-817, 31-818, 31-819, and 31-820, Revised Statutes Supplement, 1957; 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	Erlewine	Nelson	Simmons
Aufenkamp	Fenske	Olinger	Skarda
Bowen	Fulton	Orme	Stryker
Bridenbaugh	Gerdes	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	Moulton	Ruhnke	Webb
Donner	Munnelly	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Hollenbeck            Klaver            McHugh

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

#### **Explanation of Vote**

Mr. President: Had I been present, I would have voted for LB 537. (Signed) Edwin T. McHugh

#### **Visitor**

President Burney introduced Larry Enstrom from Oakland, the Lieutenant Governor of Boys' State.

Mr. Enstrom addressed the Legislature briefly.

#### **Member Excused**

Mr. Klaver was excused at 9:40 a.m. for the remainder of the day.

#### **LEGISLATIVE BILL 593.**

A bill for an act to amend section 44-401, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change the valuation and reserve requirements for fire and automobile insurance companies as prescribed; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Fenske	Nelson	Simmons
Bowen	Fulton	Olinger	Skarda
Bridenbaugh	Gerdes	Orme	Stryker
Burbach	Jensen	Otto	Swanson
Carpenter	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Donner	Moulton	Ruhnke	Webb
Erlewine	Munnely	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Aufenkamp      Hollenbeck      Klaver

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 674.

A bill for an act relating to firearms; to define terms; to make it unlawful to possess, sell, lease, carry, or otherwise transfer a firearm as prescribed; and to provide penalties.

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

Voting in the affirmative, 40:

Adams	Erlewine	Munnelly	Simmons
Aufenkamp	Fenske	Olinger	Skarda
Bowen	Fulton	Orme	Stryker
Bridenbaugh	Gerdes	Otto	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Ruhnke	Webb
Donner	Moulton	Russillo	Williams

Voting in the negative, 1:

Nelson

Not voting, 2:

Hollenbeck      Klaver

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### SUSPEND RULES—Bills on Select File

Mr. President: I move that the rules be suspended and we take up the bills today, which are scheduled for Select File for Monday, June 22. (Signed) John P. Munnelly

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 72.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 656.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 702.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 624.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 283.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 379.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 715.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 735.** Advanced to E and R for engrossment.

**LEGISLATIVE BILL 736.** E and R amendments found in this Day's Journal were adopted.

Mr. Aufenkamp offered the following amendment which was adopted by unanimous consent:

1. Amend section 1 of the bill by inserting after line 633 the following:

"George L. Hassel-	Flood	Highway Cash	500.00"
bacher, Red Cloud,	Damage	Fund, Auditor	
Nebraska		Account No. 189	

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 733.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**REPORT—LB 706 Returned**

June 19, 1959

Mr. President: The Assistant Clerk respectfully reports that the Governor has this date returned LB 706 to the Legislature in response to its request. (Signed) Francis V. Robinson, Assistant Clerk of the Legislature

**SUSPEND RULES—Reconsider Action on LB 706**

Mr. President: I move that the rules be suspended and we reconsider our action on final passage of LB 706. (Signed) Dwain Williams

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

**BILLS ON FINAL READING**

**LEGISLATIVE BILL 706.**

Mr. Williams moved that LB 706 be returned to Select File for the following specific amendments:

1. Amend section 2, line 13 by striking "of a majority".
2. Amend section 3 of the bill, line 6 by striking "once" and inserting "three successive weeks", line 8 by striking "such notice shall be published", by striking line 9, and line 10 by striking "of such hearing."
3. Amend section 4 of the bill, line 14 by striking "and shall", and by striking lines 15 to 20 and inserting "at the usual voting place within each precinct. The county board shall certify such question to the county clerk or election commissioner who shall give notice of such election in the manner provided by law for the conduct of special elections."
4. Amend the title to conform.

The motion prevailed with 34 ayes, 0 nays, and 9 not voting, and LB 706 was returned to Select File.

**SELECT FILE**

**LEGISLATIVE BILL 706.** The pending Williams specific amendments found in this Day's Journal were adopted with 36 ayes, 0 nays, and 7 not voting.

Advanced to E and R for re-engrossment.

**Guest**

Mr. Adams introduced John Clay Smith from Omaha, the Governor of Cornhusker Boys' State.

Mr. Smith addressed the Legislature briefly.

**GENERAL FILE**

**LEGISLATIVE BILL 74.** Considered.

Mr. Bridenbaugh offered the following amendment which was adopted:

1. Amend the bill, section 2, line 14, by striking "10,000.00" and inserting in lieu thereof "10,250.00".

Mr. Munnelly offered the following amendment:

1. Amend section 13 of the bill, line 50 by striking the period and inserting ", then appropriate 15,000.00".

Mr. Carpenter offered the following amendment which was adopted:

1. Amend the Munnelly amendment by striking "15,000.00" and inserting "7,500.00".

The Munnelly amendment was adopted as amended.

**Visitors**

Mr. Bridenbaugh introduced Mr. and Mrs. Leonard Armstrong of Dixon County.

Mr. Otto offered the following amendment:

1. Amend the bill, page 56, section 45, line 11, by striking "\$5,000,000.00" and inserting "\$5,213,000.00".

Mr. Carpenter requested a record vote.

Voting in the affirmative, 13:

Bowen	Lautenschlager	Orme	Russillo
Carpenter	Munnelly	Otto	Syas
Claussen	Nelson	Romans	Williams
Gerdes			

Voting in the negative, 17:

Aufenkamp	Erlewine	Pizer	Stryker
Bridenbaugh	Fulton	Ruhnke	Swanson
Burbach	Moulton	Simmons	Vosoba
Diers	Olinger	Skarda	Webb
Donner			

Not voting, 13:

Adams	Jensen	Marvel	Portsche
Cooper	Klaver	McHugh	Tews
Fenske	Liebers	Peck	Thompson
Hollenbeck			

The Otto amendment lost.

Mr. Syas offered the following amendment:

1. Amend section 3 of the bill, line 6 by inserting "twenty-five thousand dollars for advertising Constitutional Amendments proposed by the Legislature;" after "library", and line 15 by striking "75,800.00" and inserting "100,800.00".

Mr. Carpenter requested a record vote.

### President Burney Presiding

Voting in the affirmative, 17:

Bowen	Gerdes	Moulton	Skarda
Burbach	Jensen	Munnelly	Syas
Carpenter	Lautenschlager	Otto	Tews
Claussen	McHugh	Portsche	Williams
Donner			

Voting in the negative, 19:

Adams	Erlewine	Orme	Stryker
Aufenkamp	Fenske	Peck	Swanson
Bridenbaugh	Fulton	Pizer	Vosoba
Cooper	Nelson	Ruhnke	Webb
Diers	Olinger	Simmons	

Not voting, 7:



Hollenbeck	Liebers	Romans	Thompson
Klaver	Marvel	Russillo	

The Syas amendment lost.

**Member Excused**

Mr. Lautenschlager was excused for the remainder of the week.

Mr. Burbach offered the following amendment:

1. Amend the bill, section 14, line 17, by striking "737,015.00" and inserting "823,849.00".

**Speaker Pizer Presiding**

Mr. Carpenter requested a record vote.

Voting in the affirmative, 13:

Burbach	Otto	Romans	Syas
Cooper	Peck	Simmons	Tews
Gerdes	Portsche	Skarda	Webb
Munnelly			

Voting in the negative, 26:

Adams	Fenske	Moulton	Russillo
Aufenkamp	Fulton	Nelson	Stryker
Bowen	Jensen	Olinger	Swanson
Carpenter	Lautenschlager	Orme	Thompson
Diers	Liebers	Pizer	Vosoba
Donner	Marvel	Ruhnke	Williams
Erlewine	McHugh		

Not voting, 4:

Bridenbaugh	Claussen	Hollenbeck	Klaver
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The Burbach amendment lost.

Mr. Gerdes offered the following amendment:

1. Amend the bill, page 56, section 45, line 11, by striking "\$5,000,000.00" and inserting "\$5,100,000.00".

Mr. Carpenter requested a record vote.

Voting in the affirmative, 22:

Bowen	Liebers	Peck	Syas
Burbach	McHugh	Portsche	Tews
Carpenter	Munnelly	Romans	Thompson
Gerdes	Nelson	Russillo	Webb
Jensen	Orme	Skarda	Williams
Lautenschlager	Otto		

Voting in the negative, 16:

Adams	Diers	Moulton	Simmons
Aufenkamp	Donner	Olinger	Stryker
Bridenbaugh	Fenske	Pizer	Swanson
Cooper	Fulton	Ruhnke	Vosoba

Not voting, 5:

Claussen	Hollenbeck	Klaver	Marvel
Erlewine			

The Gerdes amendment was adopted.

#### Explanation of Vote

Mr. President: Had I been in the Chamber, I would have voted Aye on the Gerdes amendment to section 45 of LB 74. (Signed) Peter H. Claussen

Mr. Munnelly offered the following amendment:

1. Amend section 13 of the bill, line 44 by striking "625,000.00" and inserting "800,000.00".

Mr. Carpenter offered the following amendment:

1. Amend the Munnelly amendment to section 13, by striking "800,000.00" and inserting "725,000.00".

Mr. Carpenter requested a record vote.

Voting in the affirmative, 24:

Adams	Jensen	Peck	Stryker
Bridenbaugh	Lautenschlager	Portsche	Swanson
Burbach	McHugh	Ruhnke	Syas
Carpenter	Munnelly	Russillo	Vosoba
Erlewine	Orme	Simmons	Webb
Gerdes	Otto	Skarda	Williams

Voting in the negative, 11:

Aufenkamp	Donner	Olinger	Tews
Bowen	Fulton	Pizer	Thompson
Diers	Moulton	Romans	

Not voting, 8:

Claussen	Fenske	Klaver	Marvel
Cooper	Hollenbeck	Liebers	Nelson

The Carpenter amendment was adopted.

Mr. Carpenter requested a record vote on the Munnelly amendment as amended.

Voting in the affirmative, 16:

Adams	Lautenschlager	Portsche	Syas
Carpenter	Munnelly	Russillo	Tews
Gerdes	Orme	Skarda	Webb
Jensen	Otto	Swanson	Williams

Voting in the negative, 20:

Aufenkamp	Diers	McHugh	Pizer
Bowen	Donner	Moulton	Ruhnke
Bridenbaugh	Erlewine	Nelson	Simmons
Burbach	Fenske	Olinger	Stryker
Claussen	Fulton	Peck	Vosoba

Not voting, 7:

Cooper	Klaver	Marvel	Thompson
Hollenbeck	Liebers	Romans	

The Munnelly amendment as amended lost.

Mr. Bridenbaugh offered the following amendment:

1. Amend section 46 of the bill, line 8, by striking \$25,000,-000.00" and inserting "24,600,000.00.

### President Burney Presiding

Mr. Carpenter requested a record vote.

Voting in the affirmative, 16:

Aufenkamp	Donner	Nelson	Russillo
Bridenbaugh	Erlewine	Olinger	Simmons
Claussen	Fulton	Romans	Skarda
Cooper	Lautenschlager	Ruhnke	Williams

## Voting in the negative, 21:

Adams	Jensen	Orme	Stryker
Burbach	Liebers	Otto	Swanson
Carpenter	Marvel	Peck	Tews
Diers	McHugh	Pizer	Thompson
Fenske	Munnelly	Portsche	Vosoba
Gerdes			

## Not voting, 6:

Bowen	Klaver	Syas	Webb
Hollenbeck	Moulton		

The Bridenbaugh amendment lost.

**Member Excused**

Mr. Skarda was excused for the remainder of the week.

**UNANIMOUS CONSENT—Executive Session**

Mr. Liebers requested unanimous consent for permission for the Budget Committee to hold an executive session at 1:45 p.m. today, June 19, 1959. No objections. So ordered.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 656.** Replaced on Select File as amended.

E and R amendment to LB 656:

1. In line 4 of the Enrollment and Review Amendment 2, adopted June 12, 1959, strike "17" and insert "11".

**LEGISLATIVE BILL 283.** Correctly engrossed.

**LEGISLATIVE BILL 624.** Correctly engrossed.

**LEGISLATIVE BILL 633.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**MOTION—Recess**

Mr. President: I move we recess until 2:00 p.m., and that we remain in session this afternoon until General File has been cleared. (Signed) Arnold Ruhnke

The motion prevailed, and at 12:15 p.m. the Legislature recessed.

**After Recess**

The Legislature reconvened at 2:01 p.m., President Burney presiding.

The Roll was called and all members were present except Messrs. Hollenbeck, Klaver, Lautenschlager, and Skarda who were excused.

**GENERAL FILE**

**LEGISLATIVE BILL 74.** Laid over temporarily.

**LEGISLATIVE BILL 737.** Read and considered.

Mr. Carpenter offered the following amendments which were adopted:

1. Amend section 1 of the bill, line 25 by inserting after the period the following:

"No automotive service stations or other commercial establishments for serving motor vehicle users shall be constructed or located on the publicly-owned right-of-way of, or on any publicly-owned or publicly-leased land used for, or in connection with, a controlled access facility."

2. Amend the title to conform.

Mrs. Orme offered the following amendments which were adopted:

1. Amend the bill by adding two new sections to be known as sections 4 and 5 and to read as follows:

"Sec. 4. In all specifications for materials to be used in paving, curbing, and guttering of every kind, of access ways, the city shall establish a standard or standards of strength and quality, to be demonstrated by physical, chemical, or other tests within the limits of reasonable variations. In every instance the materials shall be so described in the specifications, either by standard or quality, to permit genuine competition between contractors so that there may be two or more bids by individuals or companies in no manner connected with each other and no material shall be specified which shall not be subject to such competition.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

2. Amend the title to conform.

Advanced to E and R for review.

**SUSPEND RULES—Bills on Select File**

Mr. President: I move that the rules be suspended and we consider LB 656 on Select File. (Signed) Terry Carpenter

The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 656.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**Visitor**

Mr. Burbach introduced Miss Sandra Meyer from Crofton.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 537.** Correctly enrolled.

**LEGISLATIVE BILL 593.** Correctly enrolled.

**LEGISLATIVE BILL 674.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 537 LB 593 LB 674

**GENERAL FILE**

**LEGISLATIVE BILL 74.** Considered.

Mr. Thompson read the following:

**REPORT ON RESOLUTIONS**

June 19, 1959

To the Members of the Nebraska Legislature

Gentlemen and Mrs. Orme:

According to Section 3 of Rule 15 of the Nebraska Legislature, resolutions proposing that studies be made by the Legislative Council

are to be referred to the Executive Board of the Legislative Council before final action is taken on them. The Board is then to submit a report to the Legislature recommending that the proposed studies be made or rejected.

The Executive Board is herewith making its report on Legislative Resolutions 33 and 35. This report is being made in advance of the report on the other proposed resolutions for the following reason: LR 33 calls for a study of higher education in Nebraska and it is agreed that this would entail a special appropriation of from \$30,000 to \$50,000. Also, the introducer of LR 35, which proposes a study of the Department of Roads and the State Highway Commission, has requested a special appropriation of \$15,000 for this purpose. If the Legislature decides to authorize these studies and the additional appropriations, such action should be taken while amendments are being made to the Budget Bill on General File. None of the other proposed studies will acquire the expenditure of any funds in addition to those already included in the regular appropriation for the Legislative Council.

The Executive Board voted today to report on these two resolutions with the recommendation that the studies be made. This recommendation is made for the sole purpose of getting the resolutions before the Legislature so that it can decide whether the studies should be made and the additional funds appropriated.

Sincerely yours,

(Signed) Don Thompson  
Executive Board  
Nebraska Legislative Council  
Senator Don Thompson, Chairman

#### **UNANIMOUS CONSENT—Consider Resolutions**

Mr. Thompson requested unanimous consent that LR 33 and LR 35 be considered before LB 74 is advanced from General File. No objections. So ordered.

#### **GENERAL FILE**

**LEGISLATIVE BILL 74.** Considered.

Mr. Ruhnke offered the following amendments:

1. Amend the bill by adding a new section immediately after section 52 to be known as section 53 and to read as follows:

"Sec. 53. Junior Colleges

Appropriate from General Fund—Property Tax Levy

(1) Administration, including salaries, wages, and maintenance,  
appropriate for the four junior colleges 100,000.00".

2. Renumber sections 53 to 65 as sections 54 to 66 respectively.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 9:

Carpenter	Munnelly	Pizer	Tews
Donner	Otto	Ruhnke	Thompson
Erlewine			

Voting in the negative, 24:

Aufenkamp	Diers	Moulton	Simmons
Bowen	Fenske	Nelson	Stryker
Bridenbaugh	Fulton	Olinger	Swanson
Burbach	Liebers	Orme	Syas
Claussen	Marvel	Peck	Vosoba
Cooper	McHugh	Russillo	Williams

Not voting, 10:

Adams	Jensen	Portsche	Skarda
Gerdas	Klaver	Romans	Webb
Hollenbeck	Lautenschlager		

The Ruhnke amendment lost.

Mr. Bridenbaugh offered the following amendment which was adopted:

1. Amend the Bridenbaugh Amendment 1 to section 2 adopted June 19, 1959, by striking "10,250.00" and inserting "10,500.00".

Mr. Cooper offered the following amendment which was adopted:

1. Amend section 31 of the bill, line 2, by inserting "including refunds as provided by Legislative Bill 1, Sixty-ninth Session, Nebraska State Legislature, 1959," after "fund".

Mr. Carpenter offered the following amendment:

1. Amend section 24 of the bill, line 6 by inserting "and enforcement of the provisions of Legislative Bill 719, Sixty-ninth Session, Nebraska State Legislature, 1959" after stations.

Mr. Carpenter requested a record vote.



Voting in the affirmative, 8:

Carpenter	Orme	Portsche	Tews
Donner	Pizer	Romans	Williams

Voting in the negative, 27:

Adams	Fulton	Nelson	Stryker
Aufenkamp	Gerdess	Olinger	Swanson
Bridenbaugh	Jensen	Otto	Syas
Claussen	Liebers	Peck	Thompson
Diers	Marvel	Ruhnke	Vosoba
Erlewine	Moulton	Russillo	Webb
Fenske	Munnelly	Simmons	

Not voting, 8:

Bowen	Cooper	Klaver	McHugh
Burbach	Hollenbeck	Lautenschlager	Skarda

The Carpenter amendment lost.

Laid over temporarily.

**Speaker Pizer Presiding**

**Member Excused**

Mr. Tews was excused at 3:15 p.m. for a short period.

## **RESOLUTIONS**

### **LEGISLATIVE RESOLUTION 33.**

LR 33 was adopted with 26 ayes, 6 nays, and 11 not voting.

**President Burney Presiding**

### **LEGISLATIVE RESOLUTION 35.**

Mr. Ruhnke offered the following amendment which was adopted with 35 ayes, 0 nays, and 8 not voting:

1. Amend LR 35 by striking paragraph numbered "3".

Mr. Williams offered the following amendment which was adopted with 18 ayes, 14 nays, and 11 not voting:

1. Amend LR 35 by adding a new paragraph as follows:

"3. Each member of the committee shall be a resident of a different one of the seven Highway Commission districts."

Mr. Carpenter moved that LR 35 be adopted.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 25:

Adams	Erlewine	Nelson	Ruhnke
Aufenkamp	Fenske	Olinger	Russillo
Bowen	Fulton	Otto	Swanson
Burbach	Gerdes	Pizer	Tews
Carpenter	Marvel	Portsche	Webb
Cooper	Munnelly	Romans	Williams
Donner			

Voting in the negative, 10:

Bridenbaugh	Moulton	Simmons	Syas
Jensen	Orme	Stryker	Vosoba
McHugh	Peck		

Not voting, 8:

Claussen	Hollenbeck	Lautenschlager	Skarda
Diers	Klaver	Liebers	Thompson

LR 35 was adopted.

### GENERAL FILE

**LEGISLATIVE BILL 74.** Considered.

Mr. Thompson offered the following amendment which was adopted with 31 ayes, 3 nays, and 9 not voting:

1. Amend the bill, Section 3, line 15, by striking "75,800.00" and inserting in lieu thereof "110,800.00".

Advanced to E and R for review.

**LEGISLATIVE BILL 738.** Read and considered.

Mr. Williams offered the following amendments which were adopted:

1. Amend section 1 of the bill, line 4 by inserting ", or *United States Air Force*" after "Corps".

2. Amend the title to conform.

Mrs. Orme moved that LB 738 be indefinitely postponed.

The motion lost with 6 ayes, 25 nays, and 12 not voting.

Advanced to E and R for review.

**Member Excused**

Mr. Donner was excused at 4:25 p.m. for the remainder of the day.

**Visitor**

Mr. Peck introduced Mr. Noyes C. Rogers from Columbus.

**LEGISLATIVE BILL 705.** Read and considered.

Mr. Munnelly offered the following amendments which were adopted:

1. Amend section 1 of the bill, lines 3, 6, and 16 by striking "shall" and inserting "may", and by striking lines 19 to 29.
2. Amend the title to conform.

Mrs. Orme offered the following amendment which was adopted with 19 ayes, 18 nays, and 6 not voting:

1. Amend section 1 of the bill, line 12 by inserting after "authorities" the following:

"; *Provided*, that no governing body of any county or municipality shall purchase, rent or otherwise acquire or make use of any voting machine until the question of purchasing, renting or otherwise acquiring or making use of such machine has been submitted to the electors of such county or municipality and has been approved by a three-fifths vote of the electors voting on such question at an election called for the submission of such question and of which election notice of the time and place thereof shall have been given by publication in some newspaper printed and of general circulation in the county or municipality three successive weeks prior thereto".

Mr. Vosoba offered the following amendment which was adopted with 33 ayes, 0 nays, and 10 not voting:

1. Wherever the words "voting machine" appear, insert the following: "or electronic counting device".

Advanced to E and R for review.

**LEGISLATIVE BILL 739.** Read and considered.

Advanced to E and R for review.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 378.** Replaced on Select File as amended.

E and R amendment to LB 378:

1. In Standing Committee Amendment 6, line 3, strike “. Such” and insert “, such”.

**LEGISLATIVE BILL 72.** Replaced on Select File as amended.

E and R amendment to LB 72:

1. In section 1, line 3, strike “1957” and insert “1959”; and in line 4 strike “1959” and insert “1961”.

**LEGISLATIVE BILL 737.** Placed on Select File as amended.

E and R amendments to LB 737:

1. In section 2, line 8, strike the first “as” and insert “at”; strike line 13 and insert “ingress to and egress from the frontage road shall be provided”.

2. In section 3, line 1, insert “to” after “egress”; and in line 10 insert “from” after “egress”.

3. In the title, line 5, insert “to prohibit prescribed uses of publicly-owned or leased property;” after the semicolon; in line 6 strike “and”; and in line 9 insert “; to provide for specifications for materials as prescribed; and to declare an emergency” before the period.

**LEGISLATIVE BILL 238.** Correctly re-engrossed.

**LEGISLATIVE BILL 310.** Correctly re-engrossed.

**LEGISLATIVE BILL 487.** Correctly engrossed.

**LEGISLATIVE BILL 622.** Correctly engrossed.

**LEGISLATIVE BILL 690.** Correctly engrossed.

**LEGISLATIVE BILL 691.** Correctly engrossed.

**LEGISLATIVE BILL 702.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**SUSPEND RULES—Consider Bills on Select File**

Mr. President: I move that the rules be suspended and that we consider the bills on Select File. (Signed) Terry Carpenter

The motion prevailed with 30 ayes, 0 nays, and 13 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 378.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 72.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 737.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.

**Members Excused**

Mr. Tews was excused until Tuesday, June 23.

Mr. Moulton was excused until Thursday, June 25.

Mr. Romans was excused until Monday afternoon, June 22.

**MOTION—Adjournment**

Mr. President: I move we adjourn until Monday, June 22, 1959. (Signed) John R. Cooper

Mr. Stryker moved that the Cooper motion be amended until 10:00 a.m., Monday, June 22. The motion prevailed.

The Cooper motion prevailed as amended, and at 5:07 p.m., the Legislature adjourned until 10:00 a.m., Monday, June 22, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## ONE HUNDRED-FIFTEENTH DAY

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Legislative Chamber, Lincoln, Nebraska

Monday, June 22, 1959

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Burney presiding.

Prayer was offered by Monsignor Cooper of the Presentation Parish, Bellwood.

The roll was called and all members were present except Messrs. McHugh, Moulton, Ruhnke, and Tews who were excused, Mr. Adams who was excused until 10:10 a.m., and Mr. Simmons who was excused until 10:20 a.m.

The Journal for the One Hundred-fourteenth Day was approved.

**Communications**

Note of appreciation from the H. P. Caldwell family.

**Presented to the Governor**

Presented to the Governor for approval on June 22, 1959, at 9:35 a.m.: LB 674 LB 593 LB 537

(Signed) Jo Fisher, Enrolling Clerk

**NOTICE OF COMMITTEE MEETING**

Mr. Marvel announced that there would be a meeting of the Rules Committee at 1:00 p.m. today, June 22, in the West Senate Lounge.

**UNANIMOUS CONSENT—Executive Session**

Mr. Liebers requested unanimous consent for permission for the Budget Committee to meet in executive session at 1:45 p.m. today, June 22. No objections. So ordered.

**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 repeal sections 81-812.01 to 81-812.04, Re-issue Revised Statutes of Nebraska, 1943, relating to state recreation grounds; to provide for refunds as prescribed; 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, 26:

Aufenkamp	Gerdas	Orme	Swanson
Bridenbaugh	Jensen	Otto	Syas
Carpenter	Klaver	Pizer	Thompson
Cooper	Lautenschlager	Portsche	Vosoba
Diers	Liebers	Romans	Webb
Fenske	Marvel	Skarda	Williams
Fulton	Munnelly		

Voting in the negative, 9:

Bowen	Donner	Hollenbeck	Olinger
Burbach	Erlewine	Nelson	Stryker
Claussen			

Not voting, 8:

Adams	Moulton	Ruhnke	Simmons
McHugh	Peck	Russillo	Tews

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

Voting in the affirmative, 30:

Adams	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Olinger	Skarda
Bowen	Gerdas	Orme	Swanson
Burbach	Hollenbeck	Otto	Syas
Claussen	Klaver	Pizer	Thompson
Cooper	Lautenschlager	Portsche	Vosoba
Diers	Liebers	Romans	Webb
Donner	Marvel		

Voting in the negative, 7:

Carpenter	Jensen	Peck	Williams
Erlewine	Nelson	Stryker	

Not voting, 6:

Bridenbaugh	Moulton	Simmons	Tews
McHugh	Ruhnke		

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

#### LEGISLATIVE BILL 505. With emergency.

A bill for an act to amend section 79-420, Reissue Revised Statutes of Nebraska, 1943, and section 79-486, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 303, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to schools; to provide procedure for the dissolution of school districts under prescribed conditions; to provide an exception; 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, 20:

Aufenkamp	Jensen	Otto	Stryker
Bowen	Klaver	Peck	Swanson
Carpenter	Liebers	Portsche	Syas
Cooper	Marvel	Russillo	Thompson
Fenske	Orme	Simmons	Vosoba

Voting in the negative, 13:

Adams	Erlewine	Nelson	Romans
Burbach	Fulton	Olinger	Skarda
Claussen	Hollenbeck	Pizer	Webb
Diers			

Not voting, 10:

Bridenbaugh	Lautenschlager	Munnelly	Tews
Donner	McHugh	Ruhnke	Williams
Gerdes	Moulton		

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.



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 stricken?'"

Voting in the affirmative, 35:

Adams	Erlewine	Marvel	Simmons
Aufenkamp	Fenske	Munnelly	Skarda
Bowen	Fulton	Olinger	Stryker
Bridenbaugh	Gerdes	Orme	Swanson
Burbach	Hollenbeck	Otto	Syas
Claussen	Jensen	Peck	Thompson
Cooper	Klaver	Portsche	Vosoba
Diers	Lautenschlager	Romans	Webb
Donner	Liebers	Russillo	

Voting in the negative, 3:

Carpenter	Nelson	Pizer
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Not voting, 5:

McHugh	Ruhnke	Tews	Williams
Moulton			

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

#### LEGISLATIVE BILL 552.

A bill for an act relating to taxation; to provide that goods, wares, and merchandise in interstate commerce through the State of Nebraska shall not be deemed to have taxable situs in the State of Nebraska and that commercial storage warehouses shall make reports to the assessor, except as prescribed; to provide penalties; and to repeal section 77-1226, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 68, Sixty-ninth Session, Nebraska State Legislature, 1959.

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

Voting in the affirmative, 34:

Adams	Claussen	Fulton	Lautenschlager
Aufenkamp	Cooper	Gerdes	Liebers
Bridenbaugh	Diers	Hollenbeck	Marvel
Burbach	Donner	Jensen	Munnelly
Carpenter	Fenske	Klaver	Nelson

Olinger	Pizer	Skarda	Syas
Orme	Portsche	Stryker	Webb
Otto	Russillo	Swanson	Williams
Peck	Simmons		

Voting in the negative, 4:

Bowen	Romans	Thompson	Vosoba
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Not voting, 5:

Erlewine	Moulton	Ruhnke	Tews
McHugh			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 617. With emergency.

A bill for an act relating to detective associations; to provide for revision, adoption, and establishment of a code of laws for the State of Nebraska relating to licensing and regulation of private detective business; to define terms; to set out license procedure; to specify duties; to prescribe violations; to provide penalties; to amend sections 21-904 and 21-907, Reissue Revised Statutes of Nebraska, 1943; 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, 35:

Aufenkamp	Erlewine	Munnelly	Skarda
Bowen	Fenske	Nelson	Stryker
Bridenbaugh	Fulton	Olinger	Swanson
Burbach	Gerdes	Orme	Syas
Carpenter	Hollenbeck	Otto	Thompson
Claussen	Jensen	Peck	Vosoba
Cooper	Klaver	Portsche	Webb
Diers	Liebers	Russillo	Williams
Donner	Marvel	Simmons	

Voting in the negative, 2:

Adams	Pizer
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Not voting, 6:

Lautenschlager	Moulton	Ruhnke	Tews
McHugh	Romans		

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

**Speaker Pizer Presiding**

**LEGISLATIVE BILL 687.**

A bill for an act relating to athletic events; to transfer jurisdiction over wrestling, boxing and sparring matches, and exhibitions from the State Athletic Commissioner to the Department of Health; to change certain license fees; to levy a tax on the gross receipts from such exhibitions and the sale of any television rights; to amend section 33-150, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 201, Sixty-ninth Session, Nebraska State Legislature, 1959; to harmonize provisions with previous legislation; to repeal the original section, and also sections 81-8,128, 81-8,129, 81-8,130, 81-8,131, 81-8,132, 81-8,133, 81-8,134, 81-8,135, 81-8,136, 81-8,137, 81-8,138, 81-8,139, 81-8,140, 81-8,141, and 81-8,142, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 37:

Adams	Erlewine	Marvel	Romans
Aufenkamp	Fenske	Munnelly	Russillo
Bowen	Fulton	Nelson	Stryker
Bridenbaugh	Gerdes	Olinger	Swanson
Burbach	Hollenbeck	Orme	Syas
Carpenter	Jensen	Otto	Thompson
Claussen	Klaver	Peck	Vosoba
Cooper	Lautenschlager	Pizer	Webb
Diers	Liebers	Portsche	Williams
Donner			

Voting in the negative, 0.

Not voting, 6:

McHugh	Ruhnke	Skarda	Tews
Moulton	Simmons		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 721.** With emergency.

A bill for an act to amend section 45-167, Revised Statutes Supplement, 1957, section 45-165, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 143, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 45-168, Revised Statutes Supplement, 1957, as amended by section 3, Legislative Bill 143, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the purchase of installment paper; to harmonize the provisions thereof with previous legislation; to provide appointment of resident agent and service of process; to provide for examination of books and records of licensees; to provide for transfer of certain books, records and physical property of the Department of Banking to the Tax Commissioner; 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, 38:

Aufenkamp	Fenske	Nelson	Simmons
Bowen	Fulton	Olinger	Skarda
Bridenbaugh	Gerdes	Orme	Stryker
Burbach	Hollenbeck	Otto	Swanson
Carpenter	Jensen	Peck	Syas
Claussen	Klaver	Pizer	Thompson
Cooper	Lautenschlager	Portsche	Vosoba
Diers	Liebers	Romans	Webb
Donner	Marvel	Russillo	Williams
Erlewine	Munnelly		

Voting in the negative, 0.

Not voting, 5:

Adams	Moulton	Ruhnke	Tews
McHugh			

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

**LEGISLATIVE BILL 727.** With emergency.

A bill for an act to amend section 84-721, Reissue Revised Statutes of Nebraska, 1943, relating to salaries; to provide that the salary of the Lieutenant Governor shall be as established by section 1, Legislative Bill 639, Sixty-ninth Session, Nebraska State

Legislature, 1959; to provide when a change in such salary shall become operative; 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, 26:

Adams	Jensen	Otto	Simmons
Bowen	Klaver	Peck	Swanson
Burbach	Lautenschlager	Pizer	Syas
Carpenter	Liebers	Portsche	Thompson
Claussen	Marvel	Romans	Webb
Cooper	Munnelly	Russillo	Williams
Gerdes	Orme		

Voting in the negative, 12:

Bridenbaugh	Erlewine	Hollenbeck	Skarda
Diers	Fenske	Nelson	Stryker
Donner	Fulton	Olinger	Vosoba

Not voting, 5:

Aufenkamp	Moulton	Ruhnke	Tews
McHugh			

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

Voting in the affirmative, 24:

Adams	Jensen	Orme	Russillo
Bowen	Klaver	Otto	Simmons
Burbach	Lautenschlager	Peck	Swanson
Carpenter	Liebers	Pizer	Syas
Claussen	Marvel	Portsche	Thompson
Gerdes	Munnelly	Romans	Williams

Voting in the negative, 14:

Aufenkamp	Donner	Nelson	Stryker
Bridenbaugh	Fenske	Olinger	Vosoba
Cooper	Fulton	Skarda	Webb
Diers	Hollenbeck		

Not voting, 5:

Erlewine	Moulton	Ruhnke	Tews
McHugh			

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

#### LEGISLATIVE BILL 728. With emergency.

A bill for an act to amend section 48-159, Revised Statutes Supplement, 1957, relating to Nebraska Workmen's Compensation Court; to increase the salary to be paid judges of the Nebraska Workmen's compensation Court; to provide when a change may be made in such salary; 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, 24:

Adams	Jensen	Otto	Skarda
Bowen	Klaver	Peck	Swanson
Burbach	Liebers	Pizer	Syas
Carpenter	Marvel	Portsche	Vosoba
Cooper	Munnelly	Russillo	Webb
Gerdes	Orme	Simmons	Williams

Voting in the negative, 14:

Aufenkamp	Donner	Hollenbeck	Romans
Bridenbaugh	Erlewine	Nelson	Stryker
Claussen	Fenske	Olinger	Thompson
Diers	Fulton		

Not voting, 5:

Lautenschlager	Moulton	Ruhnke	Tews
McHugh			

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

Voting in the affirmative, 25:

Adams	Klaver	Peck	Skarda
Bowen	Liebers	Pizer	Swanson
Burbach	Marvel	Portsche	Syas
Carpenter	Munnelly	Romans	Vosoba
Cooper	Orme	Russillo	Webb
Gerdes	Otto	Simmons	Williams
Jensen			

Voting in the negative, 14:

Aufenkamp	Donner	Hollenbeck	Olinger
Bridenbaugh	Erlewine	Lautenschlager	Stryker
Claussen	Fenske	Nelson	Thompson
Diers	Fulton		

Not voting, 4:

McHugh	Moulton	Ruhnke	Tews
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A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken and the title agreed to.

#### **LEGISLATIVE BILL 731. With emergency.**

A bill for an act to amend section 5, Legislative Bill 710, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to eminent domain; to provide that the award for damages to the condemnee shall include the reasonable cost of any necessary removal of personal property from the real estate being taken or attempted to be taken; 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, 38:

Adams	Erlewine	Munnelly	Simmons
Aufenkamp	Fenske	Nelson	Skarda
Bowen	Fulton	Olinger	Stryker
Bridenbaugh	Gerdes	Orme	Swanson
Burbach	Hollenbeck	Otto	Syas
Carpenter	Jensen	Peck	Thompson
Claussen	Klaver	Pizer	Vosoba
Cooper	Lautenschlager	Portsche	Webb
Diers	Liebers	Romans	Williams
Donner	Marvel		

Voting in the negative, 0.

Not voting, 5:

McHugh	Ruhnke	Russillo	Tews
Moulton			

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

### President Burney Presiding

#### SUSPEND RULES—Bills on Final Reading

Mr. President: I move that the rules be suspended and we consider on Final Reading the bills now scheduled for June 23rd. (Signed) Terry Carpenter

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

#### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 4.

A bill for an act to amend section 23-1115, Revised Statutes Supplement, 1957, relating to the salary of county judges; to increase the salary of county judges; to provide when such increase shall be effective; and to repeal the original section.

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

Voting in the affirmative, 30:

Adams	Donner	Otto	Skarda
Aufenkamp	Fenske	Peck	Swanson
Bowen	Jensen	Pizer	Syas
Burbach	Klaver	Portsche	Thompson
Carpenter	Lautenschlager	Romans	Vosoba
Claussen	Liebers	Russillo	Webb
Cooper	Munnelly	Simmons	Williams
Diers	Orme		

Voting in the negative, 9:

Bridenbaugh	Gerdes	Marvel	Olinger
Erlewine	Hollenbeck	Nelson	Stryker
Fulton			



Not voting, 4:

McHugh	Moulton	Ruhnke	Tews
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 335.**

A bill for an act to amend section 79-1279, Reissue Revised Statutes of Nebraska, 1943, relating to education; to increase the salary to be paid to Reserve Teachers; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Fenske	Munnelly	Russillo
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Carpenter	Klaver	Peck	Thompson
Claussen	Lautenschlager	Pizer	Vosoba
Cooper	Liebers	Portsche	Webb
Diers	Marvel	Romans	Williams
Donner			

Voting in the negative, 0.

Not voting, 6:

Erlewine	Moulton	Simmons	Tews
McHugh	Ruhnke		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 359.**

A bill for an act to amend sections 30-1806 and 30-1807, Revised Statutes Supplement, 1957, relating to decedents' estates; to extend the provisions to include unfunded life insurance trusts; to provide when property devised or bequeathed to an inter vivos trust shall not be administered under the provisions of sections 30-1801 to 30-1805, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and to repeal the original sections.

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

Voting in the affirmative, 37:

Adams	Erlewine	Marvel	Simmons
Aufenkamp	Fenske	Munnely	Skarda
Bowen	Fulton	Olinger	Stryker
Bridenbaugh	Gerdes	Orme	Swanson
Burbach	Hollenbeck	Otto	Syas
Carpenter	Jensen	Peck	Thompson
Claussen	Klaver	Pizer	Vosoba
Cooper	Lautenschlager	Portsche	Webb
Diers	Liebers	Russillo	Williams
Donner			

Voting in the negative, 0.

Not voting, 6:

McHugh	Nelson	Ruhnke	Tews
Moulton	Romans		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 462.**

Mr. Adams moved that LB 462 be returned to Select File for the following specific amendment:

1. Strike the enacting clause.

Motion pending.

#### **Visitors**

Mr. Peck introduced the Rev. W. H. Saas and thirty-one members of Saint John's Lutheran Church, Columbus, and Mr. and Mrs. Charles Athey and two children from Columbus.

Mr. Portsche introduced Henry Hobek of Denver, Colorado.

#### **STANDING COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 335.** Correctly enrolled.

**LEGISLATIVE BILL 687.** Correctly enrolled.

**LEGISLATIVE BILL 728.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 335 LB 687 LB 728

**Recess**

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

**After Recess**

The Legislature reconvened at 2:03 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Moulton, Ruhnke, and Tews who were excused.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 727.** Correctly enrolled.

**LEGISLATIVE BILL 359.** Correctly enrolled.

**LEGISLATIVE BILL 1.** Correctly enrolled.

**LEGISLATIVE BILL 505.** Correctly enrolled.

**LEGISLATIVE BILL 552.** Correctly enrolled.

**LEGISLATIVE BILL 617.** Correctly enrolled.

**LEGISLATIVE BILL 721.** Correctly enrolled.

**LEGISLATIVE BILL 731.** Correctly enrolled.

**LEGISLATIVE BILL 4.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 727 LB 359 LB 1 LB 505 LB 552 LB 617 LB 721 LB 731 LB 4 LR 33

## STANDING COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 74.** Placed on Select File as amended.

E and R amendments to LB 74:

1. In section 13, line 54, insert "as amended by Legislative Bill 335, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; and in line 166 insert "as amended by Legislative Bill 283, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,".

2. In section 16, line 8, strike "and 144" and insert ", 144, and 721".

3. In section 18, line 91, insert "as amended by Legislative Bill 646, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; in line 125, insert ", as amended by Legislative Bill 646, Sixty-ninth Session, Nebraska State Legislature, 1959" after "1943"; and in line 194 insert "as amended by Legislative Bill 549, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,".

4. In section 20, line 21, insert "as amended by Legislative Bill 507, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,".

5. In section 29, line 52, insert "as amended by Legislative Bill 283, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,".

6. In section 30, line 62 and also line 90, insert "as amended by Legislative Bills 131 and 410, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,"; and in line 125 insert "and amendments thereto," after "1943,".

7. In section 34, line 7, insert "as amended by Legislative Bill 658, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,".

8. In section 38, line 7, insert "as amended by Legislative Bill 215, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1957,".

9. In section 51, line 10, insert "as amended by Legislative Bill 413, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,".

10. In section 54, line 56, insert "as amended by Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959," after "1943,".

11. In section 58, strike lines 14 and 15, and insert "tion 33-150, Revised Statutes Supplement, 1957, as amended by Legislative Bill 687, Sixty-ninth Session, Nebraska State Legislature, 1959.".

12. In section 60, line 9, insert ", as amended by Legislative Bills 225 and 696, Sixty-ninth Session, Nebraska State Legislature, 1959" after "1943".

13. In section 61, line 9 and also line 20, insert ", as amended by Legislative Bill 223, Sixty-ninth Session, Nebraska State Legislature, 1959" after "1943".

**LEGISLATIVE BILL 738.** Placed on Select File as amended.

E and R amendments to LB 738:

1. In section 1, line 4, strike "or" and also strike the comma before "is", showing both as stricken.

2. In the Williams General File Amendment 1, line 2, strike "*United States*".

3. In the title, line 5, strike the second "or"; and in line 6 insert ", or Air Force" after "Corps".

**LEGISLATIVE BILL 705.** Placed on Select File as amended.

E and R amendments to LB 705:

1. Strike the Vosoba General File Amendment.

2. Insert "or electronic counting devices" after "machines" in section 1, lines 4, 5, 15, and 16; in section 2, lines 2, 4, 8, and 9; in section 3, lines 2, 3, and 6; in section 7, lines 2, 5, 7, and 12; in section 8, lines 1 and 4; in section 11, line 7; in section 12, lines 3, 5, 8, and 9; and in section 13, line 2.

3. In the Orme General File Amendment 1, line 5, insert "or electronic counting device" after "machine"; and in line 7 insert "or device" after "machine".

4. In section 2, line 2, strike "of" and insert "for"; in line 12 insert a comma after "balance"; and in line 13 insert a comma after "such".

5. In section 4, line 10, strike "election" and insert "elections".

6. In section 7, line 2, strike "originality" and insert "originally".

7. In section 11, line 8, strike "that" and insert "the"; also in line 8 insert "and" after the comma; and strike the comma in line 9.

8. In section 17, line 2, strike "A" and insert "In a".

9. In the title, lines 3, 4, and 6, insert "or electronic counting devices" after "machines"; in line 7 insert "or devices" after "machines"; and in line 3 insert "to provide for a vote of the electors as prescribed;" after the semicolon.

**LEGISLATIVE BILL 739.** Placed on Select File.

(Signed) Joe T. Vosoba, Chairman

#### BILLS ON FINAL READING

**LEGISLATIVE BILL 462.** Laid over.

#### Visitors

Mr. Romans introduced Mr. Bill Gogan from Ord.

Mr. Fulton introduced Mrs. Fred Lentz from Beatrice, and Mrs. Winston and Mrs. Gray from Rasberg, Oregon.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 685.** With emergency.

A bill for an act to amend section 84-712, Reissue Revised Statutes of Nebraska, 1943, and section 77-721, Reissue Revised Statutes of Nebraska, 1943, as amended by section 8, Legislative Bill 48, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to revenue and taxation; to provide when the Tax Commissioner may refuse to disclose the names of corporations reporting the names of Nebraska residents who own stock or shares of such corporations; to require that corporations organized or domesticated under the laws of this state file returns and statements disclosing prescribed information; to provide that only taxing officials shall have access to statements of financial condition filed by such corporations; 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, 20:

Adams	Jensen	McHugh	Skarda
Bowen	Klaver	Munnelly	Stryker
Bridenbaugh	Lautenschlager	Olinger	Syas
Carpenter	Liebers	Otto	Thompson
Diers	Marvel	Portsche	Vosoba

## Voting in the negative, 18:

Aufenkamp	Fenske	Orme	Simmons
Claussen	Fulton	Peck	Swanson
Cooper	Gerdes	Pizer	Webb
Donner	Hollenbeck	Russillo	Williams
Erlewine	Nelson		

## Not voting, 5:

Burbach	Romans	Ruhnke	Tews
Moulton			

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

## Voting in the affirmative, 19:

Adams	Erlewine	Marvel	Portsche
Bowen	Jensen	McHugh	Skarda
Bridenbaugh	Klaver	Munnelly	Thompson
Carpenter	Lautenschlager	Olinger	Vosoba
Diers	Liebers	Otto	

## Voting in the negative, 19:

Aufenkamp	Fulton	Peck	Swanson
Claussen	Gerdes	Pizer	Syas
Cooper	Hollenbeck	Romans	Webb
Donner	Nelson	Russillo	Williams
Fenske	Orme	Simmons	

## Not voting, 5:

Burbach	Ruhnke	Stryker	Tews
Moulton			

Having failed to receive a constitutional majority, the bill failed of passage with the emergency clause stricken.

**LEGISLATIVE BILL 723.** With emergency.

A bill for an act to amend section 39-721, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 381, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to highways; to require brakes on commercial trailers and semi-trailers as prescribed; 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, 38:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Jensen	Otto	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Erlewine	McHugh	Russillo	Williams
Fenske	Munnely		

Voting in the negative, 1:

Donner

Not voting, 4:

Burbach	Moulton	Ruhnke	Tews
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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.

**UNANIMOUS CONSENT—Read and Print Statement**

Mr. Carpenter requested unanimous consent that the statement relative to LB 724 be read and printed in the Journal. No objections. So ordered.

The Clerk read the following statement:

June 2, 1959

**L. B. 724 COMMITTEE STATEMENT**

Since the adoption of the present Nebraska Constitution in 1920, nearly 40 years ago, there have been changes in the economy



of this State, and the nation as a whole, probably not contemplated at the time our Constitution was adopted. One of those changes is the way in which certain commodities, particularly food products, are now produced and transported to market, especially in the case of frozen foods, such as fruits, berries, vegetables and meat products. The change has also taken place in the case of certain non-frozen or non-refrigerated food products, for instance, sugar. The area where the product is raised cannot absorb or use the entire crop or any great part of it. The product must be transported to distant markets. Since all of the crop cannot be thrown on the market at the same time it is necessary that somewhere along the line storage facilities be provided pending distribution to the ultimate consumer or user. In the case of frozen foods the storage facilities must be refrigerated warehouses, i.e., cold storage warehouses. Nebraska, and other midwestern states, being in the geographical center of the country, are particularly well located for the establishment of these intermediate or "in transit" warehouses and, since 1920, many such warehouses have been established in Nebraska. But equally good storage facilities, both cold storage and dry storage, have been established in adjoining and neighboring states and these warehouses are in direct competition with Nebraska warehouses for this storage in transit business. They are able to make heavy inroads on the business that would normally come to the Nebraska warehouses because in these adjoining states goods stored in transit pending delivery to some point outside the State are not exposed to taxation, and shippers and consignees who stop their goods enroute for storage pending delivery to final destination prefer to give their business to warehouses located in these states where the exposure to taxation does not exist.

The purpose of this Bill is to provide for the submission to the people of a constitutional amendment which will enable the Legislature, if it so desires, to place Nebraska warehouses on a parity with their competitors in adjoining states. Our present Constitution, adopted in 1920, provides that certain classes of property shall be exempt from taxation but of course no thought was given at the time of the adoption of this Constitution to exemption from taxation of these coast to coast and region to region shipments which, because of the economics of marketing, must be temporarily stopped in transit for storage pending delivery to final destination beyond the state. That class or character of merchandise had not materialized. Frozen foods had hardly been thought of. Consequently nothing is to be found in our present Constitution with reference to the exemption of such property from taxation while stored enroute in Nebraska warehouses.

The proposed Constitutional amendment which is the subject matter of this Bill would modernize our Constitution in the light of economic conditions and practices that have come into existence since the date of its adoption, and enable our Legislature, if it so desires, to place the Nebraska warehouse industry in a position of economic parity with its competitors in adjoining states by providing for the bonding and licensing of warehouses or storage areas for goods, wares and merchandise in transit in the State which are intended for and which are shipped to final destinations outside this State upon leaving such warehouses or storage areas, "and allowing the Legislature to exempt such goods, wares and merchandise from ad valorem taxation while in such warehouses or storage areas."

Our Constitution through timely amendments, should be kept abreast of the times. Constitutional limitations or omissions which have a tendency to limit the Legislature in the enactment of legislation conforming to existing business and economic conditions are a fit subject for reconsideration by the people. Unquestionably the Nebraska warehouse industry is being seriously harmed by the diversion of this storage in transit business to warehouses in other states, with no offsetting tax revenue since the merchandise thus diverted never comes into Nebraska. The overall purpose of this Bill is to free the next session of the Legislature from any supposed Constitutional limitations on its right to enact legislation exempting from taxation in Nebraska goods, wares and merchandise which are intended for and which are in fact shipped to final destination outside this state while the same are in storage in Nebraska warehouses which have been established for the purpose of handling such storage in transit business.

**LEGISLATIVE BILL 724.** By Committee on Revenue, Norman A. Otto, 34th District, Chairman

A bill for an act for submission to the electors of an amendment to Article VIII of the Constitution of Nebraska; to authorize the Legislature to establish bonded and licensed warehouses or storage areas for goods, wares, and merchandise in transit in the state which are intended for and which are shipped to final destinations outside this state, and to exempt such goods, wares and merchandise from ad valorem taxation while in such warehouses or storage areas; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1960, there shall be submitted to the electors of the State of Nebraska for approval an amendment to Article VIII of the Constitution of Nebraska, to be known as section 2A, which is hereby proposed by the Legislature:

Sec. 2A. The Legislature may establish bonded and licensed warehouses or storage areas for goods, wares and merchandise in transit in the state which are intended for and which are shipped to final destinations outside this state upon leaving such warehouses or storage areas, and may exempt such goods, wares and merchandise from ad valorem taxation while in such storage areas.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed in Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“Constitutional amendment to authorize the Legislature to establish bonded and licensed warehouses or storage areas for goods, wares, and merchandise in transit in the state which are intended for and which are shipped to final destination outside this state, and to exempt such goods, wares, and merchandise from ad valorem taxation while in such warehouses or storage areas.

- ☐ For  
☐ Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’”

Voting in the affirmative, 34:

Aufenkamp	Fulton	Munnelly	Russillo
Bowen	Gerdas	Olinger	Simmons
Carpenter	Hollenbeck	Orme	Skarda
Claussen	Jensen	Otto	Stryker
Cooper	Klaver	Peck	Swanson
Diers	Lautenschlager	Pizer	Vosoba
Donner	Liebers	Portsche	Webb
Erlewine	Marvel	Romans	Williams
Fenske	McHugh		

Voting in the negative, 4:

Adams	Nelson	Syas	Thompson
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Not voting, 5:

Bridenbaugh	Moulton	Ruhnke	Tews
Burbach			

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 730. With emergency.**

A bill for an act to amend sections 1 and 3, Legislative Bill 387, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to deceased persons; to provide who shall have the right to control the disposition of the remains of deceased persons and have the duty of interment and liability for the reasonable costs thereof; to provide that an autopsy shall be made within a reasonable time; 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, 39:

Adams	Erlewine	McHugh	Simmons
Aufenkamp	Fenske	Munnelly	Skarda
Bowen	Fulton	Nelson	Stryker
Bridenbaugh	Gerdes	Olinger	Swanson
Burbach	Hollenbeck	Orme	Syas
Carpenter	Jensen	Otto	Thompson
Claussen	Klaver	Peck	Vosoba
Cooper	Lautenschlager	Pizer	Webb
Diers	Liebers	Portsche	Williams
Donner	Marvel	Russillo	

Voting in the negative, 0.

Not voting, 4:

Moulton	Romans	Ruhnke	Tews
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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.

**LEGISLATIVE BILL 732.** With emergency.

A bill for an act relating to public welfare; to authorize the use of funds made available through an agency of the government of the United States to reimburse any county of this state for expenditures as prescribed; 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	Erlewine	McHugh	Russillo
Aufenkamp	Fenske	Munnelly	Simmons
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Stryker
Burbach	Hollenbeck	Orme	Swanson
Carpenter	Jensen	Otto	Syas
Claussen	Klaver	Peck	Thompson
Cooper	Lautenschlager	Pizer	Vosoba
Diers	Liebers	Portsche	Webb
Donner	Marvel	Romans	Williams

Voting in the negative, 0.

Not voting, 3:

Moulton	Ruhnke	Tews
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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.

**SUSPEND RULES—Consider Bills on Select File**

Mr. President: I move that the rules be suspended and we consider Select File bills 74, 738, 705, and 739 at this time. (Signed) Terry Carpenter

The motion prevailed with 29 ayes, 3 nays, and 11 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 74.** E and R amendments found in this Day's Journal were adopted.

Laid over.

**LEGISLATIVE BILL 738.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.

**LEGISLATIVE BILL 705.**

Mr. Skarda moved to reconsider the action of Friday, June 19, on the Orme amendment to LB 705.

The motion prevailed with 24 ayes, 11 nays, and 8 not voting.

**LEGISLATIVE BILL 739.** Advanced to E and R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 705.** Considered.

The Orme amendment found in the Legislative Journal for the One Hundred-fourteenth Day was rejected with 15 ayes, 23 nays, and 5 not voting.

Mr. Vosoba moved that LB 705 be indefinitely postponed. The motion lost with 10 ayes, 26 nays, and 7 not voting.

### Speaker Pizer Presiding

Mrs. Orme offered the following amendment which was adopted:

1. Amend section 1 of the bill, line 12 by inserting after "authorities" the following:

"; *Provided*, that the governing body of a county having a population of more than sixty thousand and less than two hundred thousand inhabitants shall not purchase, rent or otherwise acquire or make use of any voting machine until the question of purchasing, renting or otherwise acquiring or making use of such machine has been submitted to the electors of such county and has been approved by a three-fifths vote of the electors voting on such question at an election called for the submission of such question and of which election notice of the time and place thereof shall have been given by publication in some newspaper printed and of general circulation in the county or municipality three successive weeks prior thereto".

Advanced to E and R for review.

**Presented to the Governor**

Presented to the Governor for approval on June 22, 1959, at  
1:30 p.m.: LB 728 LB 335 LB 687

Presented to the Governor for approval on June 22, 1959, at  
2:20 p.m.: LB 727

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 72.** Correctly engrossed.

**LEGISLATIVE BILL 379.** Correctly engrossed.

**LEGISLATIVE BILL 706.** Correctly re-engrossed.

**LEGISLATIVE BILL 715.** Correctly engrossed.

**LEGISLATIVE BILL 733.** Correctly engrossed.

**LEGISLATIVE BILL 735.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**UNANIMOUS CONSENT—Read and Print Opinion**

Mr. Donner requested unanimous consent to have an opinion from the Attorney General read and printed in the Journal.

Messrs. Williams, Gerdes, and Jensen objected to having the opinion printed in the Journal.

Mr. Donner moved that the opinion of the Attorney General be read and printed in the Journal.

Mr. Donner requested a record vote.

Voting in the affirmative, 18:

Burbach	Lautenschlager	Romans	Swanson
Carpenter	Liebers	Russillo	Syas
Donner	Marvel	Simmons	Thompson
Erlewine	McHugh	Stryker	Vosoba
Fulton	Portsche		

Voting in the negative, 14:

Bridenbaugh	Fenske	Olinger	Peck
Claussen	Gerdes	Orme	Pizer
Cooper	Jensen	Otto	Williams
Diers	Nelson		

Not voting, 11:

Adams	Hollenbeck	Munnelly	Tews
Aufenkamp	Klaver	Ruhnke	Webb
Bowen	Moulton	Skarda	

The Donner motion prevailed.

The Clerk read the following opinion:

June 1, 1959

Senator John G. Donner  
Nebraska State Legislature  
State House  
Lincoln, Nebraska

Dear Senator Donner:

You have requested that we express an opinion with respect to the constitutionality of Section 54-134, R. S. Supp., 1957, with particular regard to the portion thereof which describes the location of three livestock sales barns as a part of the Nebraska Brand Area.

On January 29 of this year, Mr. Wenstrand of this office wrote a letter to you regarding the constitutionality of the above section. At that time this office said:

"We must assume, of course, that the areas set forth in this statute are the areas which are directly connected with the mischief sought to be remedied by the act; namely, cattle rustling. By this, we mean that it can be established that these areas represent the large cattle and ranching districts which, by virtue of their location, geography and cattle industry, are distinguishable from the other areas and locations in the state.

"If the foregoing propositions are true it is our opinion that our courts would have a basis for upholding the constitutionality of the statute in question."

We think the addition of the facts now brought forward, i.e., that a part of the area described in 54-134 is in fact no more or less than the ground upon which are located three livestock sales rings, rather than falling within the purview of the basic assumption of our former letter is directly contrary thereto. This seems abun-



dantly clear from the fact that these three sales rings on the perimeter of the county extremities of the brand area are not the only ones so situated. Other sales rings are situated in a similar manner with relation to the existing brand area, but are not included within the legislative brand area description.

As stated in the first letter, this office feels that as a matter of legal interpretation the benefit of any doubt as to the inclusion or exclusion of territory in the brand area must be assumed to reflect the policing needs of the state in a special situation. However, that assumption is rebuttable. The designation of a county, for instance, is a legislative utilization of a politically defined unit, and would seem to be a proper unit in the make-up of the area attempted to be regulated provided that it can be shown that the conditions in such county are such as the Legislature intends to reach. Accordingly, we must assume that in designating the counties which are enumerated in 54-134, the Legislature correctly and accurately determined the existence of the prerequisite conditions in the counties named. We would also suppose that in determining the area of the state's need other or smaller natural or political boundaries or units might be utilized in outlining the area. For instance, the east half of a county or all of a county above a certain river might more accurately determine the area for which the need exists. We must emphasize again that all of the foregoing is based on the assumption that as a matter of fact there is a true basis for outlining an area within the state where the police power needs to be exercised. On this we express no opinion; we merely concede the benefit of any doubt.

We are of the opinion, however, that the inclusion of the description of the three livestock sales rings is invalid on the face of the statute as special legislation proscribed by Art. III, Sec. 18, of the Nebraska Constitution. Conceding all benefit of doubt, we believe that the selection of but three of a number of livestock sales rings similarly situated for inclusion in the brand area cannot be reasonably justified for classification purposes. The function of the sales rings included is not dissimilar to those excluded. No basis exists for exclusive treatment. The many cases collected following the above constitutional section in the revised statutes are firm in opposing arbitrary classification. Furthermore, we deem it apparent that the purpose of including livestock sales rings in the brand area at all is different than the purpose for which the other areas were included, and that it is at least questionable whether such inclusion is justifiable under the exercise of the police power for the purposes it has been exercised in this field.

Very truly yours,  
CLARENCE S. BECK  
Attorney General

(Signed) Richard H. Williams  
Richard H. Williams  
Assistant Attorney General

RHW:jmc

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 52.** Re: Constitutionality and Enforcement of Nebraska Brand Act.

Introduced by John G. Donner, 27th District.

WHEREAS, it is not the policy of the Legislature to enact unconstitutional laws, and

WHEREAS, it is not the policy of the state to enforce unconstitutional laws, and

WHEREAS, it appears that section 54-134, Revised Statutes Supplement, 1957, is unconstitutional because of the inclusion of three sales rings, and

WHEREAS, there are other sales rings that should be included in the brand area.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Attorney General and Secretary of State have a conference to determine the constitutionality of section 54-134, Revised Statutes Supplement, 1957.

2. That until the courts render a decision on the constitutionality of such section 54-134, Revised Statutes Supplement, 1957, the inspectors and enforcement officers of the Nebraska brand area refrain from enforcing the provisions of the Nebraska Brand Act.

### MOTION—Reconsider Action on LR 35

Mr. President: I move to reconsider our action on Resolution No. 35. (Signed) John R. Cooper

Mr. Stryker moved the previous question. The motion prevailed with 16 ayes, 14 nays, and 13 not voting.

The Cooper motion to reconsider prevailed with 24 ayes, 13 nays, and 6 not voting.

Legislative Resolution 35 was rejected with 14 ayes, 21 nays, and 8 not voting.

#### **UNANIMOUS CONSENT—Consideration of Reports**

Mr. Carpenter requested unanimous consent that the Clerk be instructed to contact the Governor and Board of Control regarding the reports requested by the Legislature on May 18, and that they be requested to have their report, if a report would be made, on the Clerk's desk by Wednesday morning, June 24, and that reports not on hand at that time, not be considered after that date. No objections. So ordered.

#### **Member Excused**

Mr. Romans was excused until 10:00 a.m. Tuesday, June 23.

#### **Adjournment**

At 3:45 p.m., on a motion by Mr. Fenske, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## ONE HUNDRED-SIXTEENTH DAY

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Legislative Chamber, Lincoln, Nebraska

Tuesday, June 23, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by Mr. Thompson.

The roll was called and all members were present except Messrs. Moulton and Otto who were excused, Messrs. Munnely and Skarda who were excused until 9:30 a.m., Mr. Adams who was excused until 9:45 a.m., and Mr. Romans who was excused until 10:30 a.m.

The Journal for the One Hundred-fifteenth Day was approved.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 705.** Replaced on Select File as amended.

E and R amendments to LB 705:

1. Strike Enrollment and Review Amendment 3 found on page 2149 of the Journal.

2. In Enrollment and Review Amendment 9, found on page 2150 of the Journal, strike "to provide for a vote of the electors as prescribed;" and insert "to require a vote of the electors before voting machines are used in prescribed counties;"

**LEGISLATIVE BILL 378.** Correctly engrossed.

**LEGISLATIVE BILL 723.** Correctly enrolled.

**LEGISLATIVE BILL 724.** Correctly enrolled.

**LEGISLATIVE BILL 730.** Correctly enrolled.

**LEGISLATIVE BILL 732.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 723 LB 724 LB 730 LB 732

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 52.**

Mr. Donner moved that LR 52 be adopted.

Mr. Donner requested a record vote.

Voting in the affirmative, 4:

Burbach	Donner	Orme	Syas
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Voting in the negative, 24:

Bowen	Gerdes	Nelson	Stryker
Claussen	Hollenbeck	Olinger	Swanson
Cooper	Jensen	Peck	Thompson
Diers	Lautenschlager	Pizer	Vosoba
Erlewine	Liebers	Ruhnke	Webb
Fenske	Marvel	Russillo	Williams

Not voting, 15:

Adams	Fulton	Munnelly	Simmons
Aufenkamp	Klaver	Otto	Skarda
Bridenbaugh	McHugh	Portsche	Tews
Carpenter	Moulton	Romans	

The Donner motion lost and LR 52 was rejected.

**SUSPEND RULES—Consider LB 705**

Mr. President: I move that the rules be suspended and we consider LB 705 on Select File before taking up Final Reading. (Signed) Sam Klaver

The motion prevailed with 30 ayes, 0 nays, and 13 not voting.

**Visitor**

Mrs. Orme introduced Miss Dorothy Finley of New York City.

**SELECT FILE**

**LEGISLATIVE BILL 705.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for engrossment.

**BILLS ON FINAL READING**

**LEGISLATIVE BILL 462.** Laid over temporarily.

**Member Excused**

Mr. Erlewine was excused for Wednesday and Thursday, June 24 and 25.

**SUSPEND RULES—Consider Bills on Final Reading**

Mr. President: I move that the rules be suspended and we consider tomorrow's final reading bills today. (Signed) Peter H. Claussen

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

**UNANIMOUS CONSENT—Change of Order**

Mr. Liebers requested unanimous consent that LB 729, LB 283, and LB 238 be placed at the head of Final Reading. No objections. So ordered.

**UNANIMOUS CONSENT—Lay Over LB 488**

Mr. Burbach requested unanimous consent that LB 488 be laid over on Final Reading until tomorrow, June 24. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 729.** With emergency.

A bill for an act to amend section 75-105, Reissue Revised Statutes of Nebraska, 1943, and section 53-112, Revised Statutes Supplement, 1957, relating to salaries; to increase the annual salary payable to the secretary of the Nebraska Liquor Control Commission and the secretary of the State Railway Commission;

to provide when such increases shall be effective; 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, 24:

Aufenkamp	Jensen	Orme	Swanson
Bowen	Klaver	Peck	Syas
Burbach	Lautenschlager	Pizer	Tews
Carpenter	Liebers	Portsche	Thompson
Cooper	Marvel	Russillo	Vosoba
Gerdes	McHugh	Simmons	Webb

Voting in the negative, 12:

Bridenbaugh	Erlewine	Hollenbeck	Ruhnke
Diers	Fenske	Nelson	Stryker
Donner	Fulton	Olinger	Williams

Not voting, 7:

Adams	Moulton	Otto	Skarda
Claussen	Munnelly	Romans	

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

Voting in the affirmative, 24:

Aufenkamp	Jensen	Orme	Swanson
Bowen	Klaver	Peck	Syas
Burbach	Lautenschlager	Pizer	Tews
Carpenter	Liebers	Portsche	Thompson
Cooper	Marvel	Russillo	Vosoba
Gerdes	McHugh	Simmons	Webb

Voting in the negative, 12:

Bridenbaugh	Erlewine	Hollenbeck	Ruhnke
Diers	Fenske	Nelson	Stryker
Donner	Fulton	Olinger	Williams

Not voting, 7:

Adams  
Claussen

Moulton  
Munnelly

Otto  
Romans

Skarda

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

**LEGISLATIVE BILL 283.** With emergency.

A bill for an act to amend section 72-1005, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 583, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 72-1007, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 583, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the State Institutional and Military Department Building Fund; to provide that a portion of the levy creating such fund shall be for the use of the Nebraska School for the Deaf and the Nebraska School for the Blind, of which portion the first three hundred fifty thousand dollars shall be expended on the Nebraska School for the Blind; to reduce the amount of the funds from such levy allocated to the Board of Control; 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, 37:

Aufenkamp	Gerdes	Nelson	Skarda
Bowen	Hollenbeck	Olinger	Stryker
Burbach	Jensen	Orme	Swanson
Carpenter	Klaver	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Donner	Marvel	Ruhnke	Vosoba
Erlewine	McHugh	Russillo	Webb
Fenske	Munnelly	Simmons	Williams
Fulton			

Voting in the negative, 2:

Bridenbaugh      Diers

Not voting, 4:

Adams	Moulton	Otto	Romans
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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.

# **LEGISLATIVE BILL 238.**

Mr. Stryker moved that LB 238 be returned to Select File for the following specific amendment:

1. Strike the enacting clause.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 13:

Bridenbaugh	Fenske	Nelson	Ruhnke
Claussen	Hollenbeck	Olinger	Simmons
Cooper	Liebers	Peck	Stryker
Erlewine			

Voting in the negative, 25:

Aufenkamp	Jensen	Orme	Syas
Bowen	Klaver	Pizer	Tews
Burbach	Lautenschlager	Portsche	Thompson
Carpenter	Marvel	Russillo	Vosoba
Diers	McHugh	Skarda	Webb
Fulton	Munnelly	Swanson	Williams
Gerdes			

Not voting, 5:

Adams	Moulton	Otto	Romans
Donner			

The Stryker motion lost.

# **LEGISLATIVE BILL 238. With emergency.**

A bill for an act to amend section 81-117, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to provide extra compensation for work done on holidays by regular employees working on the hourly basis, as prescribed; to provide a guarantee of forty hours work each week to prescribed hourly employees; 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, 26:

Adams	Gerdes	Orme	Syas
Aufenkamp	Jensen	Pizer	Tews
Bowen	Klaver	Portsche	Thompson
Carpenter	Lautenschlager	Russillo	Vosoba
Diers	Marvel	Skarda	Webb
Donner	McHugh	Swanson	Williams
Fulton	Munnelly		

## Voting in the negative, 14:

Bridenbaugh	Erlewine	Nelson	Ruhnke
Burbach	Fenske	Olinger	Simmons
Claussen	Hollenbeck	Peck	Stryker
Cooper	Liebers		

## Not voting, 3:

Moulton	Otto	Romans
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Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

## Voting in the affirmative, 25:

Adams	Jensen	Orme	Syas
Aufenkamp	Klaver	Pizer	Tews
Bowen	Lautenschlager	Portsche	Thompson
Diers	Marvel	Russillo	Vosoba
Donner	McHugh	Skarda	Webb
Fulton	Munnelly	Swanson	Williams
Gerdes			

## Voting in the negative, 14:

Bridenbaugh	Erlewine	Nelson	Ruhnke
Burbach	Fenske	Olinger	Simmons
Claussen	Hollenbeck	Peck	Stryker
Cooper	Liebers		

## Not voting, 4:

Carpenter	Moulton	Otto	Romans
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A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken and the title agreed to.

**Communications**

Telegram from Mr. Paul R. Malone, Co-Chairman of The Tax Payers Plan relative to the investigation of the Highway Department.

**LEGISLATIVE BILL 462.**

Mr. Adams renewed his pending motion, found in the Legislative Journal for the One Hundred-fifteenth Day, to return LB 462 to Select File to strike the enacting clause.

The motion lost with 7 ayes, 29 nays, and 7 not voting.

**Visitors**

Mr. Aufenkamp introduced Mrs. William Demme and her two children from Talmage.

**LEGISLATIVE BILL 462.**

A bill for an act to amend sections 25-531, 25-1579, 25-2154, 33-106, 33-106.01, and 48-187, Reissue Revised Statutes of Nebraska, 1943, relating to fees of the clerk of the district court; to provide, except where otherwise provided by law, a uniform fee to be paid to the clerk of the district court in each civil and criminal case; and to repeal the original sections, and also sections 33-143 and 33-144, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 32:

Aufenkamp	Fenske	Nelson	Simmons
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Peck	Syas
Claussen	Lautenschlager	Pizer	Tews
Cooper	Liebers	Portsche	Thompson
Diers	Marvel	Ruhnke	Vosoba
Erlewine	McHugh	Russillo	Williams

Voting in the negative, 6:

Donner	Klaver	Skarda	Webb
Fulton	Munnelly		

Not voting, 5:

Adams	Moulton	Otto	Romans
Carpenter			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 365.

A bill for an act relating to atomic energy; to provide that the state shall coordinate its activities in the field of atomic energy with the federal government; to provide for a Coordinator of Atomic Development Activities, his appointment and his duties.

Whereupon the President stated: "All provisions of law relating to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Peck	Syas
Claussen	Klaver	Pizer	Tews
Cooper	Lautenschlager	Portsche	Thompson
Diers	Liebers	Ruhnke	Vosoba
Donner	Marvel	Russillo	Williams
Erlewine	McHugh		

Voting in the negative, 0.

Not voting, 5:

Carpenter	Otto	Romans	Webb
Moulton			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 420. With emergency.

A bill for an act to amend sections 81-872, 81-876, 81-877, 81-881, 81-884, and 81-884.01, Reissue Revised Statutes of Nebraska, 1943, relating to the State Real Estate Commission; to provide that no person under the age of twenty-one years or not a citizen of the United States shall be eligible for a broker's or salesman's license; to eliminate the provision defining a single act that constitutes

a person as real estate broker or real estate salesman; to change the provisions for giving examination, and effect of failing of an applicant to pass; to provide additional grounds for denial or revocation of license; to provide for hearings; to provide for fees and collection thereof; to change provisions for appeals; to redefine unfair practices; to repeal the original sections, and also section 81-884.03, Reissue Revised Statutes of Nebraska, 1943; 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	Erlewine	Munnelly	Simmons
Bowen	Fulton	Nelson	Skarda
Bridenbaugh	Gerdes	Olinger	Swanson
Burbach	Hollenbeck	Orme	Syas
Carpenter	Jensen	Peck	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Ruhnke	Vosoba
Diers	Marvel	Russillo	Webb
Donner	McHugh		

Voting in the negative, 3:

Fenske	Pizer	Stryker
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Not voting, 6:

Aufenkamp	Moulton	Romans	Williams
Klaver	Otto		

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

**Speaker Pizer Presiding**

#### **LEGISLATIVE BILL 591.**

A bill for an act to amend section 44-404, Reissue Revised Statutes of Nebraska, 1943, relating to Standard Nonforfeiture Law; to provide for valuation of policy contracts, as prescribed; and to repeal the original section.

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

Voting in the affirmative, 41:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Moulton      Otto

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 635.

A bill for an act relating to state trust companies; to permit state trust companies to merge or consolidate with national banking associations and the procedure to be followed; to provide the rights, powers, and duties of the resulting national bank and trust company; to provide for payment of the value of their shares to state trust company stockholders who dissent from such merger; and to provide how such value shall be determined.

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

Voting in the affirmative, 41:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Skarda
Bowen	Gerdes	Olinger	Stryker
Bridenbaugh	Hollenbeck	Orme	Swanson
Burbach	Jensen	Peck	Syas
Carpenter	Klaver	Pizer	Tews
Claussen	Lautenschlager	Portsche	Thompson
Cooper	Liebers	Romans	Vosoba
Diers	Marvel	Ruhnke	Webb
Donner	McHugh	Russillo	Williams
Erlewine			

Voting in the negative, 0.

Not voting, 2:

Moulton                      Otto

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 624.** By George Syas, 4th District; John R. Cooper, 1st District.

A bill for an act for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to prescribe the maximum compensation members of the Legislature may receive; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1960, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. Members of the Legislature shall be elected for a term of two years beginning at noon on the first Tuesday in January in the year next ensuing the general election at which they were elected. Each member shall be nominated and elected in a non-partisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed two hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to prescribe the maximum salary members of the Legislature may receive.

- ☐ For  
☐ Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 34:

Aufenkamp	Fenske	Munnelly	Skarda
Bowen	Gerdes	Olinger	Swanson
Bridenbaugh	Hollenbeck	Orme	Syas
Burbach	Jensen	Peck	Tews
Carpenter	Klaver	Pizer	Thompson
Claussen	Lautenschlager	Portsche	Vosoba
Cooper	Liebers	Russillo	Webb
Donner	Marvel	Simmons	Williams.
Erlewine	McHugh		

Voting in the negative, 5:

Diers	Nelson	Ruhnke	Stryker
Fulton			

Not voting, 4:

Adams	Moulton	Otto	Romans
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A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 633. With emergency.**

A bill for an act relating to weather; to provide for weather control districts; to provide for their organization; to provide the procedures, powers, and duties thereof; to provide for the dissolution thereof; to provide for jurisdiction of the courts as prescribed; to provide that such districts shall have power to tax as prescribed; to make certain acts unlawful; to provide penalties; to provide how this act may be cited; to provide a savings clause for districts organized under a prior law; and to repeal sections



2-2410, 2-2411, 2-2412, 2-2413, 2-2414, 2-2415, 2-2416, 2-2417, 2-2418, 2-2419, 2-2420, 2-2421, 2-2422, 2-2423, 2-2424, 2-2425, 2-2426, and 2-2427, Revised Statutes Supplement, 1957; 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, 26:

Adams	Jensen	Peck	Stryker
Aufenkamp	Klaver	Portsche	Swanson
Bridenbaugh	Lautenschlager	Ruhnke	Syas
Burbach	Liebers	Russillo	Tews
Carpenter	McHugh	Simmons	Thompson
Claussen	Munnelly	Skarda	Vosoba
Gerdes	Olinger		

Voting in the negative, 14:

Bowen	Erlewine	Marvel	Pizer
Cooper	Fenske	Nelson	Romans
Diers	Fulton	Orme	Webb
Donner	Hollenbeck		

Not voting, 3:

Moulton	Otto	Williams
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Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

Voting in the affirmative, 26:

Adams	Jensen	Peck	Stryker
Aufenkamp	Klaver	Portsche	Swanson
Bridenbaugh	Lautenschlager	Ruhnke	Syas
Burbach	Liebers	Russillo	Tews
Carpenter	McHugh	Simmons	Thompson
Claussen	Munnelly	Skarda	Vosoba
Gerdes	Olinger		

Voting in the negative, 14:

Bowen	Erlewine	Marvel	Pizer
Cooper	Fenske	Nelson	Romans
Diers	Fulton	Orme	Webb
Donner	Hollenbeck		

Not voting, 3:

Moulton	Otto	Williams
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A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken and the title agreed to.

### Visitor

Mr. Fulton introduced Mr. Frank Fulton of Wymore, a former member of the Legislature.

### LEGISLATIVE BILL 310. With emergency.

A bill for an act to amend sections 29-724, 77-1720, and 83-424, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1112 and 33-117, Revised Statutes Supplement, 1957, and section 83-337, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 227, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to fees and allowances; to increase the mileage allowance of county officers, their deputies and assistants; to provide a greater allowance for sheriffs for travel within their county than for outside it; to provide that the county board may purchase prescribed equipment for installation on motor vehicles of sheriffs and their deputies, which equipment shall remain the property of the county; to authorize the reimbursement to sheriffs and deputies for prescribed damage to motor vehicles; 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, 38:

Adams	Cooper	Jensen	Nelson
Aufenkamp	Diers	Klaver	Olinger
Bowen	Erlewine	Lautenschlager	Orme
Bridenbaugh	Fenske	Liebers	Peck
Burbach	Fulton	Marvel	Pizer
Carpenter	Gerdes	McHugh	Portsche
Claussen	Hollenbeck	Munnelly	Romans

Ruhnke	Skarda	Tews	Vosoba
Russillo	Swanson	Thompson	Webb
Simmons	Syas		

Voting in the negative, 1:

Donner

Not voting, 4:

Moulton	Otto	Stryker	Williams
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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.

**President Burney Presiding**

**Presented to the Governor**

Presented to the Governor for approval on June 23, 1959, at 9:00 a.m.: LB 1 LB 4 LB 359 LB 505 LB 552 LB 617  
LB 721 LB 731

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 656.** Correctly engrossed.

**LEGISLATIVE BILL 736.** Correctly engrossed.

**LEGISLATIVE BILL 737.** Correctly engrossed.

**LEGISLATIVE BILL 738.** Correctly engrossed.

**LEGISLATIVE BILL 739.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

**MOTION—Recess**

Mr. President: I move we recess until 2:00 p.m. (Signed) Harry L. Pizer

The motion lost.

**UNANIMOUS CONSENT—Consider LB 622**

Mr. Stryker requested unanimous consent to consider LB 622 on Final Reading at this time. No objections. So ordered.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 622.**

A bill for an act to amend section 81-805, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 428, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to the Game, Forestation and Parks Commission; to authorize the Game, Forestation and Parks Commission to enter into contracts, leases, or lease-purchase agreements for prescribed purposes; to authorize such commission to publish informational material and to charge fees therefor; to authorize the issuance of special fishing permits to wards of the state, without charge, as prescribed; and to repeal the original section.

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

Voting in the affirmative, 40:

Adams	Erlewine	McHugh	Simmons
Aufenkamp	Fenske	Nelson	Skarda
Bowen	Fulton	Olinger	Stryker
Bridenbaugh	Gerdes	Orme	Swanson
Burbach	Hollenbeck	Peck	Syas
Carpenter	Jensen	Pizer	Tews
Claussen	Klaver	Portsche	Thompson
Cooper	Lautenschlager	Romans	Vosoba
Diers	Liebers	Ruhnke	Webb
Donner	Marvel	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Moulton	Munnelly	Otto
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**UNANIMOUS CONSENT—Consider LB 488**

Mr. Klaver requested unanimous consent that LB 488 be considered on Final Reading at this time. No objections. So ordered.

**BILLS ON FINAL READING**

**LEGISLATIVE BILL 488.**

Mr. Donner moved that LB 488 be returned to Select File for the following specific amendment:

1. Strike the enacting clause.

The motion lost with 9 ayes, 25 nays, and 9 not voting.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 488. With emergency.**

A bill for an act to amend section 88-216, Reissue Revised Statutes of Nebraska, 1943, relating to public grain warehouses; to require that proceeds of registration fees required by the provisions of this act shall be placed in the state General Fund; to provide a penalty for violation of such section; to provide duties for certain officers; to provide for liability; 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, 27:

Adams	Diers	McHugh	Stryker
Bowen	Erlewine	Munnelly	Syas
Bridenbaugh	Fenske	Olinger	Tews
Burbach	Jensen	Orme	Thompson
Carpenter	Lautenschlager	Portsche	Vosoba
Claussen	Liebers	Ruhnke	Webb
Cooper	Marvel	Simmons	

Voting in the negative, 10:

Aufenkamp	Gerdas	Pizer	Russillo
Donner	Hollenbeck	Romans	Swanson
Fulton	Nelson		

Not voting, 6:

Klaver	Otto	Skarda	Williams
Moulton	Peck		

Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

Voting in the affirmative, 29:

Adams	Donner	Marvel	Simmons
Bowen	Erlewine	McHugh	Stryker
Bridenbaugh	Fenske	Munnelly	Syas
Burbach	Jensen	Olinger	Tews
Carpenter	Klaver	Orme	Thompson
Claussen	Lautenschlager	Portsche	Vosoba
Cooper	Liebers	Ruhnke	Webb
Diers			

Voting in the negative, 9:

Aufenkamp	Hollenbeck	Pizer	Russillo
Fulton	Nelson	Romans	Swanson
Gerdes			

Not voting, 5:

Moulton	Peck	Skarda	Williams
Otto			

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

### Explanation of Vote

Mr. President: I voted "aye" on Final Reading of LB 488 for the purpose of reconsideration only. (Signed) John G. Donner

### Recess

At 11:59 a.m., on a motion by Mr. Claussen, the Legislature recessed until 2:00 p.m.

### After Recess

The Legislature reconvened at 2:00 p.m., President Burney presiding.

The roll was called and all members were present except Mr. Moulton who was excused, and Mr. Otto who was excused until 3:30 p.m.

**MESSAGE FROM THE GOVERNOR**

June 20, 1959

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

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 20, 1959, he approved LB 410, LB 683 and LB 717.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**Member Excused**

Mr. Gerdes was excused from 2:30 p.m. for the remainder of the day.

**Invitation**

Invitation from the Nebraska Traffic Safety Foundation, Inc., to a luncheon at 12:00 o'clock noon, Thursday, June 25, at the Townhouse, 70th and Dodge Streets, Omaha.

**UNANIMOUS CONSENT—Return LB 705 to Select File**

Mr. Vosoba requested unanimous consent to return LB 705 to Select File for the adoption of the E and R amendments found in the Legislative Journal for the One Hundred-fifteenth Day as amended by the E and R amendments adopted in this Day's Journal. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 705.** E and R amendments found in the Legislative Journal for the One Hundred-fifteenth Day were adopted as amended by the E and R amendments adopted in this Day's Journal.

Advanced to E and R for engrossment.

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 238.** Correctly enrolled.

**LEGISLATIVE BILL 283.** Correctly enrolled.

**LEGISLATIVE BILL 729.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 238 LB 283 LB 729

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 53.** Re: Legislative Council Study of the Penal and Correctional System and Parole System.

Introduced by David D. Tews, 15th District.

WHEREAS, the people of Nebraska have, by popular vote, removed the constitutional authority of the Board of Control and have implied, by this same action, a desire for more effective control and operation of state institutions, and

WHEREAS, the record of institutional operation in the past indicates a need for modernization of the penal and correctional system in Nebraska to insure more effective and better coordinated action of institutions and other agencies in order to reach the desired objectives of the correctional processes, and

WHEREAS, the present parole system has been the law of this state for many years, and the Constitution and laws might need changing; and

WHEREAS, the 1957 Legislature adopted a new probation system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to study the penal and correctional system and parole system and report its findings and recommendations to the next regular session of the Legislature. The study to consist of:



(a) Determination of the controlling authority for penal and correctional institutions such as a Director of Penal Institutions and whether such a director and such a department should function under the Governor or under the general control of a Board of Social Welfare;

(b) What institutions should be placed under such a department and the specific authority to be held by the director and by the administrative heads of the various institutions;

(c) The possibility of establishment of a reception center to which all individuals committed to penal or correctional institutions would be sent for initial classification and determination of the institution in which the sentence should be served;

(d) The possibility of revision of the penal code to provide a specific indeterminate sentence for all individuals convicted of crimes, such as the automatic application of the minimum and maximum sentence now provided by law, in order to provide time to evaluate and rehabilitate each individual so convicted;

(e) The means of providing more effective relationships between the institutions and the paroling authority to insure that institutional programs are based on established parole policies and that the highest degree of coordination is obtained;

(f) The possible revision of laws that are no longer pertinent to the penal and correctional programs of these institutions and which are restrictive to change to modern penal concepts; and

(g) The possible change in the Constitution and laws covering the manner of selecting a parole tribunal and powers of such a tribunal; and

(h) The manner in which the present probation system is functioning and suggested changes, if any, for improving the same.

Referred to the Legislative Council Executive Board.

**LEGISLATIVE RESOLUTION 54.** Re: Legislative Council Study of Lobbyists.

Introduced by Terry Carpenter, 42nd District.

WHEREAS, the people of the State of Nebraska are concerned relative to the influence, if any, of those who now lobby and those who are registered and not registered, in the influence and effectiveness pertaining to the initiation, consideration, passing and lobbying of legislation in the Nebraska State Legislature, and second, the influence and pressures that are brought about by those people who have held, both in the legislative body and

the executive branch, offices in the past and present, and appointees of such individuals together with existing appointments in all the areas of the departments which administer, interpret, advocate and advise both the passage of legislation and the administration of existing legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to inquire into and make recommendations, if and where the circumstances shall be such as to warrant recommendations to the next session of the Legislature.

2. The committee shall:

(a) Inquire into the activities of all lobbyists, both registered and not registered, who have had an effect or presumed effect upon the passage of legislation;

(b) Inquire into the activities of all persons who, as lobbyists or otherwise, appear before the various departments of state government, and the extent of the influence they exercise over all operations of the responsibility of such activities;

(c) Determine the reason by which those lobbyists over a period of time, continuously make available to members of the legislative and executive departments of the State of Nebraska, foods, entertainment and such other activities as are generally known to exist;

(d) Determine if those who have held responsible positions with the state government in both the administrative, executive and legislative branch, have exercised such positions after they have left their office or during the time they have occupied them, either through appointments they have made or contracts developed since then, and the extent of such influence, if in existence, exists;

(e) Determine the fees that registered lobbyists are paid and who pays them, the manner in which they are expended in order to influence, direct or otherwise, the passage of legislation or the operation of any department of state government; and

(f) Ascertain those members of the Legislature who might be in the employ of and being paid during the time they serve in the Legislature, and whether or not such situation is detrimental to the fair consideration of legislation and the operation of the administrative departments of the state; and those members who

are majority stockholders in corporate structures operating within the State of Nebraska who could use such position to bring about the consideration of legislation within the State of Nebraska.

3. The committee shall be authorized to have the power to subpoena to obtain bank accounts, book accounts, federal income tax returns, and all areas of receipts and disbursements necessary to bring about a determination in the interest of the general public whether or not such abuses exist. Such information shall cover the period commencing with January 1, 1957.

Referred to the Legislative Council Executive Board.

**LEGISLATIVE RESOLUTION 55.** Re: Legislative Council Study of the Department of Roads and the State Highway Commission.

Introduced by William R. Skarda, Jr., 7th District; Marvin Lautenschlager, 30th District; and Lewis Webb, 39th District.

WHEREAS, the Department of Roads is custodian of the state highway system with full authority in all departmental administrative details in all matters engineering design, with the construction, operation and protection thereof, and

WHEREAS, the State Highway Commission has advisory duties to the Department of Roads.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee of five members to make a study of the Department of Roads and State Highway Commission. The study to consist of:

- (a) Contracts and the procedure for letting same;
- (b) Bonds of contracts and how the amount is fixed;
- (c) The procedure for letting of all contracts;
- (d) Selection and location of highways;
- (e) Efficiency rating of highways constructed and to be constructed in the future;
- (f) Condemnation procedure and manner of determining damages; and
- (g) Qualifications formulas determining amounts for which contractors can qualify.

2. That the committee be authorized to secure the services of the office of the Attorney General to assist in making such study.

3. That the Budget Committee provide for an appropriation of fifteen thousand dollars to the Legislative Council to cover the expenses of making such study.

#### **Member Excused**

Mr. Carpenter was excused at 2:25 p.m. for the remainder of the day.

#### **Visitors**

Mr. Donner introduced Kenneth E. Shibaton of Albion, and Charles R. Utermohlen of Hershey.

#### **LEGISLATIVE RESOLUTION 56. Re: Legislative Council Study of Fort Robinson.**

Introduced by William R. Skarda, Jr., 7th District; Peter H. Claussen, 16th District; and George C. Gerdes, 41st District.

WHEREAS, the varied state and state-federal activities at Fort Robinson, Nebraska, are of vital interest to all Nebraskans; and

WHEREAS, the taxpayers of the State of Nebraska have spent hundreds of thousands of dollars of their tax money in development and operation of the varied activities on this federally-owned area; and

WHEREAS, there exists reasonable doubt that maximum public use and public benefits from the various desirable activities at Fort Robinson can be attained under present operating policies and conditions formulated by the various governmental units involved; and

WHEREAS, Fort Robinson offers outstanding potential benefits to all Nebraskans in the fields of fundamental beef cattle research, outdoor recreation, and historic and archaeological interpretation, if sound and proper operating conditions and relationships can be attained.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to make a comprehensive study of the maximum and desirable usage of

the Fort Robinson area, together with budgetary problems pertaining thereto, and the inter-governmental relationships involved, and submit to the next regular session of the Legislature a report of its findings, together with recommendations for desirable and necessary legislation and inter-governmental action regarding Fort Robinson.

Referred to the Legislative Council Executive Board.

**MOTION—Reconsider Action on LB 624**

Mr. President: I move we reconsider our action on Final Reading of LB 624. (Signed) George Syas

The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

**BILLS ON FINAL READING**

**LEGISLATIVE BILL 624.**

Mr. Syas moved that LB 624 be returned to Select File for the following specific amendments:

1. Amend the Russillo Amendment 2 by striking lines 3 and 4 and inserting:

“Constitutional Amendment to provide that each member of the Legislature shall receive a salary of not to exceed two hundred dollars per month.”.

2. Amend title to conform.

The motion prevailed with 35 ayes, 0 nays, and 8 not voting, and LB 624 was returned to Select File.

**SELECT FILE**

**LEGISLATIVE BILL 624.** The Syas specific amendments found in this Day's Journal were adopted with 33 ayes, 0 nays, and 10 not voting.

Advanced to E and R for re-engrossment.

**MOTION—Reconsider Action on LB 488**

Mr. President: I move that we reconsider our action of today in final passage of LB 488. (Signed) John G. Donner

Mr. Donner moved the previous question. The motion lost with 10 ayes, 24 nays, and 9 not voting.

The Donner motion to reconsider action on LB 488 lost with 10 ayes, 21 nays, and 12 not voting.

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 624.** Replaced on Select File as amended.

E and R amendment to LB 624:

1. In Enrollment and Review Amendment 2, adopted June 16, 1959, strike lines 4 to 6 and insert "'members;'" and insert 'to provide that members of the Legislature shall receive a salary of not to exceed two hundred dollars per month;'".

(Signed) Joe T. Vosoba, Chairman

### SUSPEND RULES—Consider LB 624

Mr. President: I move to suspend the rules and consider LB 624 on Select File at this time. (Signed) Joe T. Vosoba

The motion prevailed with 29 ayes, 0 nays, and 14 not voting.

### SELECT FILE

**LEGISLATIVE BILL 624.** E and R amendments found in this Day's Journal were adopted.

Advanced to E and R for re-engrossment.

### STANDING COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 488.** Correctly enrolled.

**LEGISLATIVE BILL 633.** Correctly enrolled.

**LEGISLATIVE BILL 462.** Correctly enrolled.

**LEGISLATIVE BILL 365.** Correctly enrolled.

**LEGISLATIVE BILL 420.** Correctly enrolled.

**LEGISLATIVE BILL 591.** Correctly enrolled.

**LEGISLATIVE BILL 635.** Correctly enrolled.

**LEGISLATIVE BILL 310.** Correctly enrolled.

**LEGISLATIVE BILL 622.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 488 LB 633 LB 462 LB 365  
LB 420 LB 591 LB 622 LB 635 LB 310

#### **Visitors**

Mrs. Orme introduced Mr. and Mrs. W. T. Cochrane, De De, and Bill from Salinas, California.

#### **MOTION—Invitation**

Mr. President: I move that the Legislature invite Mr. LeRoy Welsh to address this body at 2:00 p.m., Thursday, June 25, 1959.  
(Signed) Hans O. Jensen

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

#### **UNANIMOUS CONSENT—Rules Committee Meeting**

Mr. Marvel requested unanimous consent that the Rules Committee be excused for a short Rules Committee meeting. No objections. So ordered.

#### **Speaker Pizer Presiding**

#### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 487.**

A bill for an act to amend sections 53-133, 53-134, 53-135, 53-142, 53-145, 53-149, and 53-150, Reissue Revised Statutes of Nebraska, 1943, and sections 53-121, 53-124, 53-125, 53-127, 53-131, 53-138.01, and 53-146, Revised Statutes Supplement, 1957, section 53-130, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 53-132, Revised Statutes Supplement,

1957, as amended by section 2, Legislative Bill 398, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to liquors; to require all applications for liquor licenses to be filed with the Nebraska Liquor Control Commission; to provide for hearings upon new and renewal licenses; to provide for the processing of new applications by the commission and local governing body; to provide for the processing of renewal applications by the commission; to provide for publication of notice of intent to renew licenses; to provide for protests and the procedure thereon; and to repeal the original sections, and also sections 53-134.01, 53-136, and 53-138, Reissue Revised Statutes of Nebraska, 1943, and section 53-137, Revised Statutes Supplement, 1957.

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

Voting in the affirmative, 37:

Adams	Fulton	Olinger	Skarda
Aufenkamp	Hollenbeck	Orme	Stryker
Bowen	Jensen	Otto	Swanson
Bridenbaugh	Klaver	Peck	Syas
Burbach	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Ruhnke	Vosoba
Diers	McHugh	Russillo	Webb
Donner	Munnely	Simmons	Williams
Erlewine			

Voting in the negative, 2:

Fenske	Nelson
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Not voting, 4:

Carpenter	Gerdas	Moulton	Romans
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### UNANIMOUS CONSENT—Consider LB 74

Mr. Liebers requested unanimous consent to consider LB 74 on Select File at this time. No objections. So ordered.

#### SELECT FILE

#### LEGISLATIVE BILL 74.



Mr. Liebers offered the following Budget Committee amendments which were adopted by unanimous consent:

1. Amend section 4 of the bill, line 12 by striking "36,550.00" and inserting "38,550.00".

2. Amend section 7 of the bill, by inserting after line 14, the following:

"(3) Salaries and expenses in connection with the enforcement of the bingo law, appropriate "46,000.00", renumber subdivisions (3) and (4) as subsections (4) and (5) respectively, by inserting after line 23, the following:

"Appropriate from Licenses, Fees,  
and Cash Funds

(6) Salaries, wages, administration, and expenses in connection with the enforcement of the bingo laws, appropriate all receipts collected during the biennium, no estimate", and renumber subsection (5) as subsection (7).

3. Amend section 9 of the bill, line 7 by striking "70,750.00" and inserting "71,750.00".

4. Amend section 10 of the bill, line 7 by striking "499,000.00" and inserting "500,100.00".

5. Amend section 11 of the bill, line 14 by striking "247,500.00" and inserting "248,500.00".

6. Amend section 12 of the bill, line 7 by striking "71,320.00" and inserting "72,320.00".

7. Amend section 13 of the bill, by inserting after line 60, the following:

"(6) School for the Blind, salaries, wages, maintenance, and expense of operation, appropriate 160,933.00", renumbering subsections (6) to (10) as subsections (7) to (11), respectively, by inserting after line 90, the following:

"(12) Nebraska School for the Blind, Institutional Cash Funds, salaries, wages, and maintenance, reappropriate the unexpended balance on hand as of June 30, 1959, in Auditor Account No. 621, then appropriate all receipts collected during the biennium, no estimate.", by renumbering subsections (11) to (22) as subsections (13) to (24), respectively, and line 162 by inserting "reappropriate the unexpended balance on hand as of June 30, 1959, in Auditor Account No. 16T, then" before "appropriate".

8. Amend section 18 of the bill, by inserting after line 225, the following:

"Appropriate from Nebraska Agricultural  
Products Research Fund—Special Levy

(27) Nebraska Agricultural Products Research Fund for research of new, additional and improved uses of agricultural products, appropriate all receipts collected during the biennium, estimated 302,638.00", and line 71 by striking "Agricultural statistics" and inserting "Division of Nebraska Resources".

9. Amend section 19 of the bill, line 9 by striking "22,000.00" and inserting "24,000.00", by striking lines 30 to 34 and inserting "and then appropriate all receipts collected during the biennium, estimated 75,000.00", and inserting after line 40, the following:

"(5) Nebraska Installment Sales Act, administration and enforcement, appropriate all receipts collected during the biennium, estimated 25,800.00".

10. Amend section 21 of the bill, line 24 by striking "215,000.00" and inserting "223,000.00".

11. Amend section 22 of the bill, line 24 by striking "interest" to "receipts".

12. Amend section 23 of the bill, by striking lines 4 to 7 and inserting "Certificate of Title Act, Motor Vehicle", line 9 by inserting "including not to exceed \$82,500.00 for administration of the Motor Vehicle Safety Responsibility Act," before "and", and line 17 by striking "759,000.00" and inserting "803,500.00".

13. Amend section 24, lines 5 and 6, by striking "exclusive of operation of weighing stations," by striking lines 23 to 25 and inserting "construction;" and by striking line 26 and inserting "construction of, or additions to buildings, costing".

14. Amend section 27, line 42 by striking "10,000.00" and inserting "26,000.00".

15. Amend section 28 of the bill, line 19 by striking "70,000.00" and inserting "80,800.00".

16. Amend section 30 of the bill, line 62 by inserting "and amendments thereto," before "reappropriate", and by striking lines 115 to 120 and inserting "Judges, reappropriate the unexpended balance on hand as of June 30, 1959, in Auditor Account No.".

17. Amend section 31 of the bill, by inserting after line 17, the following:

"(2) Tourist promotion, salaries, wages, and expenses, appropriate 30,000.00", by renumbering subsections (2) to (6) as (3) to (7), respectively, line 35 by inserting "reappropriate \$20,000.00 of the unexpended balance on hand as of June 30, 1959, in Auditor Account No. 307C, which sum shall be returned to Auditor Account No. 307C as collected, then", before "appropriate", and line 48 by inserting "after deducting the \$20,000.00 as provided in subsection (4) of section 31 of this act which is to be returned to this account from the receipts as collected under subsection (4) of section 31 of this act," before "reappropriate".

18. Amend section 35 of the bill, line 7 by striking "112,400.00" and inserting "123,200.00".

19. Amend section 43 of the bill, line 12 by striking "\$12,-660,723.73" and inserting "\$12,499,790.73".

20. Amend section 50 of the bill, line 6 by striking "but not".

21. Amend section 54 of the bill, lines 24 and 25 by striking "Nebraska Trade" and inserting "Vocational Technical".

22. Amend section 58 of the bill, lines 10 and 11, by striking "Department of Water Resources,".

23. Amend the Cooper Amendment 1, to section 31, adopted June 19, 1959, line 1, by striking "line 1" and inserting "line 48".

24. Amend section 52 of the bill, by inserting after line 2, the following:

"Appropriate from General Fund—Property Tax Levy

(1) Salaries, wages, maintenance and expense, appropriate 8,000.00", and line 5, strike "(1)" and insert "(2)".

25. Amend section 13 of the bill, line 69, by striking "248,000.00" and inserting "262,280.00", and line 76 by striking "308,500.00" and inserting "313,500.00".

26. Amend section 13 of the bill, line 162 by inserting ", Nebraska School for the Blind, Nebraska School for the Deaf, and" before "Vocational".

27. Amend section 43 of the bill, line 9 by inserting "and the School for Trainable Retarded Children at Cozad" after "Hastings,".

28. Amend section 14 of the bill, line 17 by striking "737,015.00" and inserting "798,015.00".

29. Amend section 24 of the bill, line 14 by striking "\$3,845,-000.00" and inserting "\$3,959,012.26".

30. Amend section 31 of the bill, line 31 by striking "4,056,000.00" and inserting "4,016,000.00".

31. Amend section 33 of the bill, line 8 by striking "400,000.00" and inserting "401,000.00".

32. Amend section 43 of the bill, line 59 by striking "900,000.00" and inserting "764,000.00".

33. Amend section 19, line 24 by striking "302,400.00" to "319,400.00".

Laid over temporarily.

### Visitors

Mr. Russillo introduced Mr. Leonard Bergman from Omaha.

Mr. Vosoba introduced Mr. and Mrs. Joseph Vosoba from Milligan.

### Presented to the Governor

Presented to the Governor for approval on June 23, 1959 at 3:10 p.m.: LB 488 LB 729 LB 283 LB 238 LB 732 LB 730 LB 724 LB 723

(Signed) Jo Fisher, Enrolling Clerk

### BILLS ON FINAL READING

The following bill was read and put upon final passage:

#### LEGISLATIVE BILL 690. With emergency.

A bill for an act to amend sections 8-206, 16-715, 17-608, 21-1316, 24-601, 72-202, 77-2302, 77-2306, 77-2315, 77-2320, 77-2326.04, 77-2331, 77-2341, 77-2344, 77-2352, 77-2355, and 85-123.01, Reissue Revised Statutes of Nebraska, 1943, and sections 8-210, 8-320, 15-1016, and 44-309, Revised Statutes Supplement, 1957, and section 21-1714, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 529, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to investments; to authorize banks, trust companies, insurance companies, building and loan associations, credit unions, executors, administrators, guardians, trustees, and other fiduciaries, and the State of Nebraska and its political subdivisions, institutions, and agencies thereof to invest funds in bonds and debentures issued either singly or collectively by any of the twelve federal land banks, the twelve intermediate credit banks, or the thirteen banks for cooperatives under the supervision of the Farm Credit Administration; to authorize the use of such bonds

and debentures as security for public deposit; to increase the amount that insurance companies may invest in prescribed bonds or notes; to harmonize the provisions with previous legislation; 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, 35:

Adams	Fulton	Olinger	Stryker
Bowen	Hollenbeck	Orme	Swanson
Bridenbaugh	Klaver	Otto	Syas
Burbach	Lautenschlager	Peck	Tews
Claussen	Liebers	Pizer	Thompson
Cooper	Marvel	Portsche	Vosoba
Diers	McHugh	Russillo	Webb
Erlewine	Munnely	Simmons	Williams
Fenske	Nelson	Skarda	

Voting in the negative, 0.

Not voting, 8:

Aufenkamp	Donner	Jensen	Romans
Carpenter	Gerdes	Moulton	Ruhnke

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

#### UNANIMOUS CONSENT—Consider LB 74

Mr. Liebers requested unanimous consent to consider LB 74 on Select File at this time. No objections. So ordered.

#### SELECT FILE

**LEGISLATIVE BILL 74.** Advanced to E and R for engrossment.

#### MESSAGE FROM THE GOVERNOR

June 23, 1959

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

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 23, 1959, he approved LB 127, LB 533, LB 605, LB 673.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

**UNANIMOUS CONSENT—Withdraw LB 477**

Mr. Simmons requested unanimous consent to withdraw LB 477. No objections. So ordered.

**MOTION—Request Return of LB 238**

Mr. President: I move that the Governor be requested to return LB 238. (Signed) Harold B. Stryker

The motion prevailed with 28 ayes, 0 nays, and 15 not voting.

**Announcement—Recount Committee Meeting**

Mr. Fenske announced that the Recount Committee will meet in the West Senate Lounge Wednesday morning, June 24, at 8:45 a.m.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 691. With emergency.**

A bill for an act to amend section 37-201, Revised Statutes Supplement, 1957, and section 37-213, Revised Statutes Supplement, 1957, as amended by section 4, Legislative Bill 686, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to game and fish; to provide that no fishing permit shall be required of the owner or his invitee fishing in any body of water, as prescribed, located entirely upon privately-owned land and which is entirely privately stocked and not operated on a commercial basis for profit; to provide for the furnishing of written statements to invitees as prescribed; to make certain acts unlawful; to provide penalties; to provide for separability; 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, 34:

Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Russillo	Vosoba
Erlewine	Munnelly	Simmons	Webb
Fenske	Nelson	Skarda	Williams
Fulton	Olinger		

Voting in the negative, 0.

Not voting, 9:

Adams	Donner	Jensen	Romans
Aufenkamp	Gerdes	Moulton	Ruhnke
Carpenter			

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

#### **MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) Harry L. Pizer  
The motion lost.

#### **MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) A. A. Fenske  
The motion lost with 14 ayes, 19 nays, and 10 not voting.

#### **MOTION—Consider LB 702 on Final Reading**

Mr. President: I move we consider LB 702 on Final Reading at this time. (Signed) John R. Cooper

The motion lost with 9 ayes, 22 nays, and 12 not voting.

#### **MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) John R. Cooper  
The motion lost with 10 ayes, 19 nays, and 14 not voting.

**Report—LB 238 Returned**

June 23, 1959

Mr. President: Your assistant clerk respectfully reports that the Governor has this date returned LB 238 in response to the request of the Legislature. (Signed) Francis V. Robinson, Assistant Clerk of the Legislature

**MOTION—Reconsider Action on LB 238**

Mr. President: I move we reconsider our action on final passage of LB 238. (Signed) Harold B. Stryker

The motion prevailed with 29 ayes, 5 nays, and 9 not voting.

**BILLS ON FINAL READING****LEGISLATIVE BILL 238.**

Mr. Stryker moved that LB 238 be returned to Select File for the following specific amendment:

1. In the title, strike lines 5 to 7 and all amendments thereto and insert "vide that regular employees working on the hourly basis shall be paid wages for the usual number of work hours for holidays; to provide a guarantee of forty hours work each week to prescribed hourly employees; to repeal the original section; and to declare an emergency."

The motion prevailed with 27 ayes, 4 nays, and 12 not voting, and LB 238 was returned to Select File.

**SELECT FILE**

**LEGISLATIVE BILL 238.** The Stryker specific amendment found in this Day's Journal was adopted with 27 ayes, 4 nays, and 12 not voting.

Advanced to E and R for re-engrossment.

**Adjournment**

At 5:13 p.m., on a motion by Mr. Cooper, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature



ONE HUNDRED-SEVENTEENTH DAY—JUNE 24, 1959 2201

**LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION**

**ONE HUNDRED-SEVENTEENTH DAY**

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Legislative Chamber, Lincoln, Nebraska

Wednesday, June 24, 1959

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

Prayer was offered by Mr. Olinger.

The roll called and all members were present except Messrs. Carpenter, Erlewine, Moulton, and Ruhnke who were excused.

The Journal for the One Hundred-sixteenth Day was approved.

**MESSAGE FROM THE GOVERNOR**

June 23, 1959

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

Gentlemen and Mrs. Orme:

Some time ago, your Honorable Body requested a report from this office on the circumstances surrounding the resignation of the warden of the Penitentiary.

Under the Statutes and the Constitution of this State, the administration of the state institutions is a matter for the executive branch of our government. The action of this office in connection with the resignation of the warden is one in which I have no hesitancy in making a report as a matter of courtesy and as Chief Executive but one in which I do not feel that there is any particular obligation to furnish information to the legislative branch.

Upon my assumption of the duties of the Office of Governor, I immediately began receiving reports of situations at the State Penitentiary which were not in the best interests of the people of Nebraska.

After I had satisfied myself that such reports were meritorious and were supportable in fact, I presented them to the warden who,

in view of these facts, agreed to resign. He subsequently changed his mind and reviewed the matter with the Board of Control. The evidence which I had was then presented to the Board of Control. The Board of Control acknowledged the accuracy of the information and that the same had been the subject of previous discussion with the warden. Four days later, the warden resigned. Thereafter, I suggested to the Board of Control that their search for the new warden should be conducted without regard for political affiliation but with sole regard for background, experience and qualifications in the fields of criminology and penology. The Board of Control has apparently pursued this recommendation and we now have a new warden at the Penitentiary who is not a political appointee but one whose recommendations indicate that a professionally trained person will be in charge of this important institution.

Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:s

#### **Announcement**

The Clerk reported that pursuant to the instructions of the Legislature on June 22, he had contacted the Board of Control and had been informed that they will submit their report this morning June 24.

#### **STANDING COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 238.** Replaced on Select File as amended.

E and R amendment to LB 238:

1. In line 5 of the Stryker Specific Amendment adopted June 23, 1959, insert "and" after the semicolon; and in line 6 strike "; and to declare an emergency".

**LEGISLATIVE BILL 624.** Correctly re-engrossed.

**LEGISLATIVE BILL 705.** Correctly engrossed.

**LEGISLATIVE BILL 487.** Correctly enrolled.

ONE HUNDRED-SEVENTEENTH DAY—JUNE 24, 1959 2203

**LEGISLATIVE BILL 690.** Correctly enrolled.

**LEGISLATIVE BILL 691.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 487 LB 690 LB 691

### **SUSPEND RULES—Consider LB 238 on Select File**

Mr. President: I move that the rules be suspended and we consider LB 238 on Select File. (Signed) Harold B. Stryker

The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 238.** E and R amendment found in this Day's Journal was adopted.

Advanced to E and R for re-engrossment.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 55.** Referred to the Legislative Council Executive Board.

### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 702.**

A bill for an act to amend sections 32-401, 32-402, 32-517, 32-525, 32-526, 32-533, 32-709, 32-812, 46-531, 70-610, and 70-611, Reissue Revised Statutes of Nebraska, 1943, sections 32-403, 32-496, 32-4,105, 32-4,108, 32-503.01, 32-504, 32-510, 32-514, 32-518, 32-519.01, 32-528, 32-535, 32-538, 32-815, and 32-819, Revised Statutes Supplement, 1957, section 32-524, Reissue Revised Statutes of Nebraska, 1943, as amended by section 59, Legislative Bill 667, Sixty-ninth Session, Nebraska State Legislature, 1959, section 32-519, Revised Statutes Supplement, 1957, as amended by section 58, Legislative Bill 667, Sixty-ninth Session, Nebraska State Legislature, 1959, section 32-522, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 200, Sixty-ninth Session, Nebraska State Legisla-

ture, 1959, and section 32-537, Revised Statutes Supplement, 1957, as amended by section 3, Legislative Bill 200, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to elections; to increase the time now allowed voters and officials in conducting and voting at elections as prescribed; to harmonize the provisions with previous legislation; to change the qualifications of election officials; to change provisions respecting the placing of initiative and referendum measures on the ballot; and to repeal the original sections.

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

Voting in the affirmative, 36:

Adams	Gerdes	Nelson	Simmons
Bowen	Hollenbeck	Olinger	Stryker
Bridenbaugh	Jensen	Orme	Swanson
Claussen	Klaver	Otto	Syas
Cooper	Lautenschlager	Peck	Tews
Diers	Liebers	Pizer	Thompson
Donner	Marvel	Portsche	Vosoba
Fenske	McHugh	Romans	Webb
Fulton	Munnely	Russillo	Williams

Voting in the negative, 2:

Aufenkamp      Burbach

Not voting, 5:

Carpenter	Moulton	Ruhnke	Skarda
Erlewine			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **SUSPEND RULES—Bills on Final Reading**

Mr. President: I move that the rules be suspended and we consider tomorrow's Final Reading bills this morning. (Signed) Harry L. Pizer

The motion prevailed with 35 ayes, 0 nays, and 8 not voting.

#### **Presented to the Governor**

Presented to the Governor for approval on June 24, 1959, at 9:00 a.m.: LB 633 LB 462 LB 365 LB 420 LB 591 LB 635 LB 310 LB 622

(Signed) Jo Fisher, Enrolling Clerk

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 72. With emergency.**

A bill for an act to provide for the payment of the salaries of the officers of the Nebraska state government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, for the biennium ending June 30, 1961; to provide for the payment thereof; and to declare an emergency.

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

Voting in the affirmative, 38:

Adams	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Stryker
Bowen	Hollenbeck	Orme	Swanson
Bridenbaugh	Jensen	Otto	Syas
Burbach	Klaver	Peck	Tews
Claussen	Lautenschlager	Pizer	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	McHugh	Russillo	Williams
Fenske	Munnelly		

Voting in the negative, 0.

Not voting, 5:

Carpenter	Moulton	Ruhnke	Skarda
Erlewine			

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

**LEGISLATIVE BILL 379.**

A bill for an act relating to state-owned aircraft; to authorize the purchase of aircraft hull insurance on state-owned airplanes; and to authorize the purchase of liability insurance as prescribed.

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

Voting in the affirmative, 36:

Adams	Fulton	Munnelly	Simmons
Aufenkamp	Gerdes	Olinger	Stryker
Bowen	Hollenbeck	Orme	Swanson
Burbach	Jensen	Otto	Syas
Claussen	Klaver	Peck	Tews
Cooper	Lautenschlager	Pizer	Thompson
Diers	Liebers	Portsche	Vosoba
Donner	Marvel	Romans	Webb
Fenske	McHugh	Russillo	Williams

Voting in the negative, 1:

Nelson

Not voting, 6:

Bridenbaugh	Erlewine	Ruhnke	Skarda
Carpenter	Moulton		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 706.

A bill for an act relating to hospitals; to provide for the formation of local hospital districts; to provide how such districts may be formed; to provide for a board of directors for such districts and the selection of the members thereof; to provide for the scheduling, calling, and conducting of district elections; to provide for the annexation of area or the withdrawal of area from such districts; to provide for the dissolution of such districts; to provide the powers and duties of such districts, their boards of directors, and their officers; to provide how the affairs of such districts shall be conducted; to provide penalties; to provide that such districts shall have the power to levy taxes, as prescribed; and to provide how this act shall be cited.

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

Voting in the affirmative, 34:

Adams	Claussen	Fulton	Liebers
Aufenkamp	Cooper	Gerdes	Marvel
Bowen	Diers	Hollenbeck	McHugh
Bridenbaugh	Donner	Klaver	Munnelly
Burbach	Fenske	Lautenschlager	Nelson

Olinger	Romans	Stryker	Tews
Orme	Russillo	Swanson	Thompson
Otto	Simmons	Syas	Williams
Portsche	Skarda		

Voting in the negative, 3:

Pizer	Vosoba	Webb
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Not voting, 6:

Carpenter	Jensen	Peck	Ruhnke
Erlewine	Moulton		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 715.

A bill for an act to amend section 60-435, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to eliminate restrictions on the power of members of the Nebraska Safety Patrol to stop motor vehicles for inspection; to provide a period of time for correcting defects revealed by such inspection; to eliminate obsolete material; and to repeal the original section.

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

Voting in the affirmative, 37:

Adams	Fulton	Olinger	Skarda
Aufenkamp	Gerdas	Orme	Stryker
Bowen	Hollenbeck	Otto	Swanson
Bridenbaugh	Klaver	Peck	Syas
Burbach	Lautenschlager	Pizer	Tews
Claussen	Liebers	Portsche	Thompson
Cooper	Marvel	Romans	Vosoba
Diers	McHugh	Russillo	Webb
Donner	Munnelly	Simmons	Williams
Fenske			

Voting in the negative, 0.

Not voting, 6:

Carpenter	Jensen	Nelson	Ruhnke
Erlewine	Moulton		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 733.** By Committee on Banking, Commerce and Insurance, Terry Carpenter, 42nd District, a member of the Committee.

A bill for an act for submission to the electors of an amendment to Article V, section 15, of the Constitution of Nebraska, relating to the judicial; to provide for election of more than one county judge for a county; to provide for forming county judge judicial districts as prescribed; to provide for the submission of the proposed amendment to the electors at the general elections in November, 1960; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1960, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article V, section 15, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 15. In the year 1960 and every four years thereafter there shall be elected in and for every county one or more judges as the Legislature may provide, who shall be judge of the county court of such county, whose term of office shall be four years and whose salary shall be fixed by the Legislature; *Provided*, that two or more counties may form a county court judicial district when approved by a majority of the electors of each county in the district; *and provided further*, when two or more counties form a county court judicial district, one county judge shall be elected for a term of four years from the district at the same time other county judges are elected, whose salary shall be fixed by the Legislature."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide for election of more than one county judge for a county and for forming county judge judicial districts.

☐ For

☐ Against"



Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it a part of the Constitution of Nebraska.

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

Voting in the affirmative, 35:

Adams	Fulton	Olinger	Stryker
Aufenkamp	Gerdess	Orme	Swanson
Bowen	Jensen	Otto	Syas
Bridenbaugh	Klaver	Peck	Tews
Burbach	Lautenschlager	Pizer	Thompson
Claussen	Liebers	Portsche	Vosoba
Cooper	Marvel	Russillo	Webb
Diers	McHugh	Simmons	Williams
Fenske	Munnelly	Skarda	

Voting in the negative, 4:

Donner	Hollenbeck	Nelson	Romans
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Not voting, 4:

Carpenter	Erlewine	Moulton	Ruhnke
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A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 735.

A bill for an act to amend section 60-328, Revised Statutes Supplement, 1957, relating to motor vehicles; to extend the time during which a permit may be issued for a truck licensed under the laws of another state to haul grain in this state; to provide that the fee for such permit shall be reciprocal subject to a minimum; and to repeal the original section.

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

Voting in the affirmative, 38:

Adams	Bridenbaugh	Cooper	Fenske
Aufenkamp	Burbach	Diers	Fulton
Bowen	Claussen	Donner	Gerdess

Hollenbeck	Munnelly	Portsche	Syas
Jensen	Nelson	Romans	Tews
Klaver	Olinger	Russillo	Thompson
Lautenschlager	Orme	Skarda	Vosoba
Liebers	Otto	Stryker	Webb
Marvel	Peck	Swanson	Williams
McHugh	Pizer		

Voting in the negative, 0.

Not voting, 5:

Carpenter	Moulton	Ruhnke	Simmons
Erlewine			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### RESOLUTIONS

#### LEGISLATIVE RESOLUTION 57. Re: Legislative Council Study of Laws Relating to Nursing Homes.

Introduced by John P. Munnelly, 8th District; Fern Hubbard Orme, 20th District; and William R. Skarda, Jr., 7th District.

WHEREAS, the problems of the aging are being studied more and more throughout the nation, and

WHEREAS, there are many nursing, convalescent, and outpatient homes and homes for the aged and needy, which are inspected by the Department of Health and State Fire Marshal.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Legislative Council appoint a committee to study the laws of this state relating to nursing, convalescent, and outpatient homes and homes for the aged and needy. The committee shall make a report of its findings and recommendations to the next regular session of the Legislature. The study to cover (a) determination of income, assets and resources of the aging, (b) utilization of health services and facilities by the aging, (c) the impact of such utilization on present services and facilities, (d) proper care and environment of the patients, (e) the proper health and fire protection, and (f) adequate funds being furnished for the care and support of the patients and persons using such homes.

Referred to the Legislative Council Executive Board.

**Speaker Pizer Presiding**

**Report From Board of Control**

The Clerk read a report submitted by the Board of Control, together with communications from Mr. Joseph B. Bovey, former Warden of the State Penitentiary, and Mrs. Catherine N. Martin, Chairman of the Board of Control.

Mr. Bridenbaugh requested unanimous consent that copies of the report and communications just read by the Clerk be mimeographed and placed on the members' desks. No objections. So ordered.

**SELECT COMMITTEE REPORTS**

**Committee on Contest**

June 22, 1959

The Honorable Dwight W. Burney, Lieutenant Governor,  
and Members of the 69th Session of the Nebraska Legislature

Gentlemen and Mrs. Orme:

Upon February 3, 1959 the President of this body appointed five members whose names are affixed to this report as the original Committee to carry out the duties of handling the contested election for the office of Governor of our State. By approving the Rules of Procedure, as outlined in the Legislative Journal under date of February 9, 1959, the Legislature instructed that when the duties of the Recount Committee were completed a report to you should be drafted, and in accordance with those instructions this report is submitted for your consideration.

It was necessary to hold numerous meetings by the Committee, exploring and discussing the procedure which the Committee would follow, and to submit rules to this body which would be fair and equitable to all peoples, and subsequently to be approved by the Legislature prior to the beginning of counting ballots.

There were several reports presented and officially approved and recorded by this body from time to time. Consequently, it is necessary to make, as a part of this report, those Legislative Journals and other documents which are as follows:

One copy of the Legislative Journal dated February 3, 1959 containing a summary of evidence pertaining to the contest on governor recount collected by the Committee on Committees and presented to this body. This copy of the Journal contains

a motion presented and duly passed, and so recorded on Page 367, that this Legislature direct that a recount be held for the office of governor during the 1958 general election. In this same edition of the Journal, and recorded upon Page 369, a motion was presented and duly passed directing the President to appoint a Committee of five senators who shall conduct the recount of the ballots and file a report of their findings with the Legislature.

On Page 370 of the Legislative Journal of February 3, 1959 the President appointed five members from this body to serve on the Recount Committee as follows:

A. A. Fenske, Chairman  
Harold B. Stryker  
Oliver Olinger  
Richard D. Marvel  
J. O. Peck

One copy of Legislative Journal dated February 9, 1959 containing a letter of instruction from the office of the Attorney General pertaining to the payment of expenses incurred by the Committee handling the recount procedure.

One copy of Legislative Journal dated February 18, 1959 in which a copy of the Rules of Procedure are printed and adopted by this Legislature.

One copy of Legislative Journal issued under date of February 21, 1959 wherein a change is recorded in the Rules of Procedure, by amendment, to enlarge the Committee from five members to fifteen members. This amendment was approved, and the President of this body appointed ten additional members to the original Committee, as follows: Senators Thompson, Nelson, Skarda, Diers, Gerdes, Erlewine, Vosoba, Romans, Swanson, and Lautenschlager. This action is recorded on Page 575 of the Journal.

One copy of Legislative Journal issued under date of February 27 in which there is printed the telegram presented to the Honorable Dwight Burney by Joseph S. Wishart in which he respectfully requests that the recount of ballots for the office of governor be discontinued and terminated immediately. Also, there is recorded a motion, which prevailed, that the contest be terminated and the recounting of ballots be discontinued by the Legislature.

The original copies of minutes covering various meetings of the Committee handling the recount procedure.

Also incorporated and to be considered as a part of this report there is attached a complete list of names, addresses, hours worked, and amount due recount employees.

Tabulation of 84,567 ballots counted by the Committee from precincts in Douglas and Lancaster Counties.

Copy of comments pertaining to ballots in question and disposition made by the Recount Committee.

The foregoing documents, as presented to this Legislative body, outline the progress and procedure followed by your Recount Committee. It need not be said that the task assigned to the Committee was a difficult one to handle, and from the outset it was the desire of the Committee to draft Rules of Procedure for your approval which would be fair to all parties concerned. We do feel indebted to those who worked with the Committee during the inception of setting up procedures that might be followed. Were it not possible to obtain the help of experienced people who have knowledge pertaining to this sort of problem, the assignment given to your Committee would have been still more difficult; and, to those people who lent their assistance we are grateful.

There were 84,567 ballots counted, and at the time the recount was discontinued, while numerous mistakes were discovered, there was apparent evidence that the outcome of the recount would be changed to a minor degree, should all of the ballots be counted that were cast during the gubernatorial race in the year 1958 at the general election.

Where there was a discrepancy or question on a ballot, a committee of three senators determined the validity of the ballot, and a record of this determination was recorded for each precinct. A copy of this determination is enclosed with this report, and we request it be placed on file for any future reference.

Please be advised that all ballots have been returned to the counties from which they came. The expense of returning these ballots has been paid in full. You are further advised that the records have been checked and a determination made with respect to the payment of any expense incurred by your Committee, and so far as we know, there is no reason why the funds placed on deposit by those demanding the recount should not be refunded.

This completes the report of your Committee, and it is presented to you for your approval, and so recorded in the Legislative Journal, in accordance with your instruction by Resolution duly presented and passed by this body upon February 3, 1959 and printed in the Legislative Journal. In closing the Committee

desires to express its appreciation for your patience and consideration in dealing with this problem.

Respectfully submitted, .

(Signed) A. A. Fenske, Chairman  
(Signed) Harold B. Stryker, Vice Chairman  
(Signed) Oliver Olinger  
(Signed) Richard D. Marvel  
(Signed) J. O. Peck

JOP:dm

#### **MOTION—Adopt Report**

Mr. President: I move the adoption of the foregoing report submitted by the election contest committee. (Signed) A. A. Fenske

The motion prevailed.

#### **STANDING COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 238.** Correctly re-engrossed.

(Signed) Joe T. Vosoba, Chairman

##### **Members Excused**

Messrs. Russillo, Marvel, Cooper, Fulton, and Tews were excused for this afternoon, June 24.

#### **MOTION—Adjournment**

Mr. President: I move we adjourn. (Signed) Jack Romans

The motion lost with 14 ayes, 20 nays, and 9 not voting.

##### **Recess**

At 11:21 a.m., on a motion by Mr. Bridenbaugh, the Legislature recessed until 3:00 p.m.

##### **After Recess**

The Legislature reconvened at 3:01 p.m., President Burney presiding.

The roll was called and all members were present except Messrs. Adams, Erlewine, Fulton, Lautenschlager, Marvel, Moulton, Ruhnke, Russillo, and Tews who were excused.

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 72.** Correctly enrolled.  
**LEGISLATIVE BILL 379.** Correctly enrolled.  
**LEGISLATIVE BILL 702.** Correctly enrolled.  
**LEGISLATIVE BILL 706.** Correctly enrolled.  
**LEGISLATIVE BILL 715.** Correctly enrolled.  
**LEGISLATIVE BILL 733.** Correctly enrolled.  
**LEGISLATIVE BILL 735.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LB 72 LB 379 LB 702 LB 706  
LB 715 LB 733 LB 735

#### **Communications**

Letter from William E. Grubbs, Director of Insurance, relative to the annual report of insurance business in Nebraska.

#### **MOTION—Flowers**

Mr. President: I move that flowers be sent to Mr. Ed Schultz who is in the hospital. (Signed) John G. Donner

The motion prevailed.

#### **UNANIMOUS CONSENT—Letters of Congratulations**

Mr. Simmons requested unanimous consent that the Clerk be instructed to write letters of congratulations to the Governor of Cornhusker Boys' State and the Governor of Cornhusker Girls' State. No objections. So ordered.

**Visitors**

Mr. Otto introduced Mr. and Mrs. Frank Burnham from Loup City.

Mr. Burbach introduced Mr. Chuck Roth from Laurel.

Mr. Vosoba introduced Mrs. Vivian Zajicek and children, and Mrs. Betty Steinacher from Wilber.

**UNANIMOUS CONSENT—Return LB 74 to Select File**

Mr. Liebers requested unanimous consent that LB 74 be returned to Select File for the following specific amendment:

1. Amend the bill by striking Unanimous Consent Amendment 29, adopted June 23, 1959.

No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 74.** The pending Liebers specific amendment found in this Day's Journal was adopted with 30 ayes, 0 nays, and 13 not voting.

Laid over temporarily.

**MESSAGE FROM THE GOVERNOR**

June 24, 1959

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

Gentlemen and Mrs. Orme:

I am respectfully returning LB 1 to you without my signature of approval.

This bill would necessitate an expenditure of \$1.58 by the State of Nebraska to refund \$1.00 for a partly used sticker issued by the Game, Forestation and Parks Commission.

The obvious administrative difficulties, as well as this mathematically irreconcilable fact, are in and of themselves sufficient to justify a veto of this legislation. The fact that the bill does not carry an emergency clause, however, would result in the imposition



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of this tax in three different fashions: (1) One group would pay the complete tax; (2) Another group would pay no tax; and (3) Still another group would have a portion of their tax payment refunded to them.

In addition, the Department would find itself forced to sell the stamps at \$1.00 until the law becomes effective and thereafter refund the tax at a cost of \$1.58 to the Department, and to the State of Nebraska.

The Department has authority to exempt areas within its jurisdiction insofar as the display of this sticker is concerned. I am advised that the Commission contemplates the issuance of this exemption, in view of the legislative attitude on this matter, which exemption will be made effective prior to the time that the 1960 stickers are placed on sale.

In the light of all these considerations, I am, therefore, respectfully vetoing LB 1.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:s

#### SELECT FILE

#### LEGISLATIVE BILL 74.

Mr. Liebers offered the following amendment which was adopted by unanimous consent:

1. Amend the bill by striking unanimous consent amendment 30, adopted June 23, 1959.

Laid over temporarily.

#### MOTION—Pass LB 1

Mr. President: I move that LB 1 be passed notwithstanding the Governor's objections. (Signed) Terry Carpenter

Voting in the affirmative, 7:

Cooper	Hollenbeck	Romans	Syas
Donner	Portsche	Skarda	

## Voting in the negative, 25:

Aufenkamp	Fenske	Olinger	Stryker
Bowen	Gerdes	Orme	Swanson
Bridenbaugh	Klaver	Otto	Thompson
Burbach	Liebers	Peck	Vosoba
Carpenter	McHugh	Pizer	Webb
Claussen	Nelson	Simmons	Williams
Diers			

## Not voting, 11:

Adams	Jensen	Moulton	Russillo
Erlewine	Lautenschlager	Munnelly	Tews
Fulton	Marvel	Ruhnke	

A constitutional three-fifths majority having failed to vote in the affirmative, the bill failed of passage notwithstanding the Governor's objections.

**SELECT FILE**

**LEGISLATIVE BILL 74.** Advanced to E and R for engrossment.

**MESSAGE FROM THE GOVERNOR**

June 24, 1959

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

Gentlemen and Mrs. Orme:

I am respectfully returning LB 687 to you, without my signature of approval.

This bill originally was introduced for the purpose of eliminating the Department of Athletics and combining it with the Department of Health. To this proposal, this office interposed no objection. It did recommend, however, that the power of appointment of the State Athletic Commissioner continue to repose in the Governor, who is elected by the people, rather than in the hands of an appointive official.

The State of Nebraska is tremendously interested in the athletic program under the supervision of the State Athletic Commissioner and I believe that, if this interest is to be respected, the Athletic Commissioner should be appointed by one who is elected by the people, rather than by an official who is appointed by a board.

In addition, my attention has been invited to the fact that, in the event this bill becomes law, three changes will be required in LB 74. LB 74 is presently drafted to continue a separate Department of Athletics. If this bill becomes law, the budget bill must be amended to accommodate these changes.

This separate Department of Athletics has been in existence but a brief period. It would appear well to give it an additional biennium in order to explore fully the merits in mind in the recent session at which this separate department was created.

For these reasons, I am respectfully vetoing LB 687.

Respectfully submitted,

STATE OF NEBRASKA  
(Signed) Ralph G. Brooks  
GOVERNOR

RGB:RBC:s

**Adjournment**

At 3:36 p.m., on a motion by Mr. Carpenter, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## ONE HUNDRED-EIGHTEENTH DAY

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Legislative Chamber, Lincoln, Nebraska  
Thursday, June 25, 1959

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

Prayer was offered by Mr. Nelson.

The roll was called and all members were present except  
Mr. Erlewine who was excused and Mr. Russillo who was excused  
until 10:15 a.m.

**Corrections for the Journal**

Page 2207, line 18, correct the spelling of the word "defects".

Page 2208, line 16, capitalize the word "that".

Page 2210, line 24, insert "and homes" after "homes".

The Journal for the One Hundred-seventeenth Day was ap-  
proved as corrected.

**MOTION—Flowers**

Mr. President: I move that flowers be sent to Ray Miller  
who is in the hospital. (Signed) Harry L. Pizer

The motion prevailed.

**Presented to the Governor**

Presented to the Governor for approval on June 24, 1959, at  
3:30 p.m.: LB 72 LB 379 LB 702 LB 706 LB 715 LB  
733 LB 735 LB 690 LB 487 LB 691

(Signed) Jo Fisher, Enrolling Clerk

**SUSPEND RULES—Bills on Final Reading**

Mr. President: I move that the rules be suspended and we consider tomorrow's final reading bills today. (Signed) Harry L. Pizer

The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 378.** With emergency.

A bill for an act relating to public improvements in cities of the metropolitan class; to define terms; to provide the authority for paving, grading, curbing, guttering, surfacing, re-surfacing, and improving streets, alleys, major traffic streets, connecting links, controlled access facilities, main thoroughfares, highways, and boulevards; to provide the manner, methods, and procedures for creating improvement districts and the requirements therefor; to provide for levying special assessments and property taxes; to provide limitations on the use of prescribed funds; to provide for grading and changing grades; to provide methods for assessing damages and paying awards; to provide for construction and repair of sidewalks and for vacating streets; to provide for water and gas or other utility connections in the streets; to provide for the improvement of intersections; to provide for notices and the publication thereof; to provide for protests and for specifications for materials; to provide a severability clause; to repeal sections 14-301, 14-302, 14-303, 14-304, 14-305, 14-306, 14-307, 14-308, 14-309, 14-310, 14-312, 14-313, 14-314, 14-315, 14-316, 14-317, 14-318, 14-319, 14-320, 14-321, 14-323, 14-324, 14-325, 14-326, 14-327, 14-328, 14-329, 14-330, 14-331, 14-332, 14-333, 14-334, 14-335, 14-336, 14-337, 14-338, 14-339, 14-340, 14-341, 14-342, 14-343, 14-344, 14-345, 14-346, and 14-347, Reissue Revised Statutes of Nebraska, 1943, and also sections 14-311 and 14-322, Revised Statutes Supplement, 1957; 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, 35:

Aufenkamp	Burbach	Diers	Fulton
Bowen	Claussen	Donner	Gerdes
Bridenbaugh	Cooper	Fenske	Hollenbeck

Jensen	Nelson	Portsche	Tews
Liebers	Olinger	Romans	Thompson
Marvel	Orme	Simmons	Vosoba
McHugh	Otto	Stryker	Webb
Moulton	Peck	Swanson	Williams
Munnelly	Pizer	Syas	

Voting in the negative, 5:

Carpenter	Lautenschlager	Ruhnke	Skarda
Klaver			

Not voting, 3:

Adams	Erlewine	Russillo
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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.

#### Visitor

Mr. Fenske introduced Mr. Wilber Brawner of Dix.

#### LEGISLATIVE BILL 656. With emergency.

A bill for an act to amend sections 23-146 and 79-442, Reissue Revised Statutes of Nebraska, 1943, sections 15-603 and 18-302, Revised Statutes Supplement, 1957, section 16-502, Revised Statutes Supplement, 1957, as amended by section 1, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959, section 17-611, Revised Statutes Supplement, 1957, as amended by section 2, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959, and section 18-301, Revised Statutes Supplement, 1957, as amended by section 3, Legislative Bill 262, Sixty-ninth Session, Nebraska State Legislature, 1959, relating to public contracts; to raise the limitation on the amount of contracts, with the governmental body which they serve, in which prescribed public officers may be interested; to provide that officers of cities of the primary class and first class may have an interest in contracts with their city as prescribed; to harmonize provisions with previous legislation; 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, 36:

Adams	Fenske	Munnelly	Simmons
Aufenkamp	Fulton	Nelson	Stryker
Bowen	Gerdes	Olinger	Swanson
Bridenbaugh	Hollenbeck	Orme	Syas
Burbach	Jensen	Otto	Tews
Claussen	Lautenschlager	Peck	Thompson
Cooper	Liebers	Portsche	Vosoba
Diers	Marvel	Romans	Webb
Donner	Moulton	Ruhnke	Williams

Voting in the negative, 4:

Carpenter	Klaver	Pizer	Skarda
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Not voting, 3:

Erlewine	McHugh	Russillo
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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.

### Visitors

Mr. Bowen introduced Mr. Robert Lewis from Hildreth.

Mr. Webb introduced Mr. and Mrs. Ted Turner from Amarillo, Texas.

### LEGISLATIVE BILL 736. With emergency.

A bill for an act to make appropriations for the payment of claims filed against the State of Nebraska in the office of the Auditor of Public Accounts or the secretary of Sundry Claims Board, not heretofore paid, and for which no appropriation has been made; to make appropriations for the payment of miscellaneous claims presented to the Legislature for which no appropriations have been made; to provide the manner in which certain money so appropriated shall be paid and expended; 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	Fulton	Nelson	Simmons
Aufenkamp	Gerdes	Olinger	Skarda
Bowen	Hollenbeck	Orme	Stryker
Bridenbaugh	Klaver	Otto	Swanson
Burbach	Lautenschlager	Peck	Syas
Claussen	Liebers	Pizer	Tews
Cooper	Marvel	Portsche	Thompson
Diers	McHugh	Romans	Vosoba
Donner	Moulton	Ruhnke	Webb
Fenske	Munnelly	Russillo	Williams

Voting in the negative, 0.

Not voting, 3:

Carpenter	Erlewine	Jensen
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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.

#### Visitors

Mr. Bridenbaugh introduced his wife, his daughter, Mrs. Fred Pachyla, and his grandchildren, Ray, Cheryl, and Hankie.

#### LEGISLATIVE BILL 737. With emergency.

A bill for an act relating to cities of the primary class; to authorize a city of the primary class to designate and establish controlled access facilities of roads, streets, highways, and alleys as prescribed; to prohibit prescribed uses of publicly-owned or leased property; to provide for acquisition of property; to authorize primary cities to designate, establish, design, construct, maintain, vacate, alter, improve, and regulate frontage roads and to exercise jurisdiction over the same; to provide for specifications for materials as prescribed; 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	Burbach	Donner	Jensen
Aufenkamp	Claussen	Fenske	Lautenschlager
Bowen	Cooper	Fulton	Liebers
Bridenbaugh	Diers	Gerdes	Marvel



McHugh	Otto	Russillo	Tews
Moulton	Pizer	Stryker	Thompson
Munnelly	Portsche	Swanson	Vosoba
Olinger	Romans	Syas	Williams
Orme	Ruhnke		

Voting in the negative, 3:

Carpenter	Klaver	Nelson
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Not voting, 6:

Erlewine	Peck	Skarda	Webb
Hollenbeck	Simmons		

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

#### **LEGISLATIVE BILL 738.** With emergency.

A bill for an act to amend sections 79-446 and 79-447, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to make it permissive to admit children of any officer or enlisted man of the United States Army, Navy, Marine Corps, or Air Force on active duty in the State of Nebraska and residing on property acquired by the United States as prescribed; to provide that such children may be admitted to the district without payment of tuition; to harmonize the provisions thereof; to provide that the State of Nebraska may pay the tuition charged; 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, 26:

Aufenkamp	Fulton	Olinger	Stryker
Bowen	Klaver	Otto	Swanson
Bridenbaugh	Lautenschlager	Peck	Tews
Carpenter	Liebers	Pizer	Thompson
Claussen	Marvel	Romans	Vosoba
Diers	Moulton	Ruhnke	Williams
Fenske	Nelson		

Voting in the negative, 13:

Adams	Jensen	Orme	Skarda
Burbach	McHugh	Portsche	Syas
Donner	Munnelly	Russillo	Webb
Gerdes			

Not voting, 4:

Cooper	Erlewine	Hollenbeck	Simmons
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Having failed to receive a constitutional two-thirds majority, the bill failed to pass with the emergency clause attached.

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 stricken?'"

Voting in the affirmative, 26:

Aufenkamp	Fulton	Olinger	Stryker
Bowen	Klaver	Otto	Swanson
Bridenbaugh	Lautenschlager	Peck	Tews
Carpenter	Liebers	Pizer	Thompson
Claussen	Marvel	Romans	Vosoba
Diers	Moulton	Ruhnke	Williams
Fenske	Nelson		

Voting in the negative, 13:

Adams	Jensen	Orme	Skarda
Burbach	McHugh	Portsche	Syas
Donner	Munnelly	Russillo	Webb
Gerdes			

Not voting, 4:

Cooper	Erlewine	Hollenbeck	Simmons
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A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken and the title agreed to.

### Explanations of Vote

Mr. President: Had I been present, I would have voted "aye" on LB 378 and LB 656. (Signed) Michael P. Russillo

Mr. President: Had I been present, I would have voted "aye" on LB 736. (Signed) Hans O. Jensen

**Speaker Pizer Presiding**

**Communications**

Letter to Mr. Carpenter from Governor Ralph G. Brooks, relating to the reduction in the assessed valuation of the Western Electric Company, Omaha.

Telegrams from Carolyn Kling, Department Adjutant, Disabled American Veterans; Adjutant Russell Loos, Robert Flansburg Chapter Number Seven, Disabled American Veterans; Marion B. White, Commander, Douglas MacArthur Chapter Number Two Disabled American Veterans of Omaha; and a letter from James C. Smith, Department Commander of The American Legion, opposing the removal of Louis R. Eby, Director of the Department of Veterans' Affairs.

**UNANIMOUS CONSENT—Withdraw Motions**

Mr. Carpenter requested unanimous consent that his pending motions to reconsider our action in failing to override the Governor's veto of LB 516 and LB 536, appearing in the Journal for the One Hundred-first Legislative Day, be withdrawn. No objections. So ordered.

**MOTION—Return LB 705 to Select File**

Mr. President: I move that LB 705 be returned to Select File for the following specific amendments. (Signed) Hal Bridenbaugh

1. In the Orme General File Amendment 1, adopted June 22, 1959, line 4, strike "more than sixty thousand and", and in line 9, strike "three-fifths" and insert "majority".

2. Strike Enrollment and Review Amendment 2, adopted June 23, 1959.

3. Section 1 of the bill, line 3, strike "by a deferred payment plan, purchase", and insert "rental, acquire".

4. Section 1 of the bill, lines 14 and 15, strike "by a deferred purchase plan, purchase" and insert "rental, acquire".

5. Section 2 of the bill, lines 3 and 4, strike "as provided by this act", and insert "authorized by law".

6. Section 2 of the bill, strike line 7 beginning with the word "Such" and strike all of lines 8 to 13.

The motion prevailed with 28 ayes, 7 nays, and 8 not voting, and LB 705 was returned to Select File.

**SELECT FILE**

**LEGISLATIVE BILL 705.** The pending Bridenbaugh specific amendments found in this Day's Journal were adopted with 34 ayes, 5 nays, and 4 not voting.

Advanced to E and R for re-engrossment.

**Visitors**

Mr. Donner introduced Mr. Jerry Henn.

Mr. Donner introduced Mrs. Elsa Reinmuth from Lincoln.

**REPORT ON RESOLUTIONS**

June 25, 1959

Report of the Executive Board of the Nebraska Legislative Council on proposed Studies for the 1959-1961 interim period:

According to Section 3 of Rule 15 of the Rules of the Nebraska Legislature, resolutions proposing that studies be made by the Legislative Council are to be referred to the Executive Board of the Legislative Council, which Board is to make recommendations that the proposed studies be made or rejected.

In making its recommendations the Board has kept in mind that only 15 months will intervene between the end of the present session and the time when the studies will have to be completed and made ready for presentation to the entire Legislative Council. The Board has also considered the significance of the proposed studies to the state as a whole and whether or not studies on the same or closely related subjects have been made in the past. Finally, the Board has paid particular attention to resolutions proposing studies of current and outstanding problems and controversies.

A total of 30 resolutions have been introduced during the present session. It is obvious that all of these proposed studies cannot be made in the limited time available. If the Board has recommended against a particular study being made it is not because it feels there is no merit in the proposal, but only that perhaps others would accomplish more at the present time. Where possible, the Board has recommended the combination of two or more resolutions into one study. This will allow more of the studies to be made and will reduce the number of committees

necessary and thus the burden on the individual members during the coming interim period.

Following are the recommendations of the Executive Board with regard to the resolutions which have been introduced directing that Legislative Council studies be made:

### **Studies Recommended**

1. **Legislative Resolution 1.** This resolution proposes a study of the state election laws and system. Because of the difficulties and controversies growing out of the last general election the Board feels that this will be a timely and important study.

2. **Legislative Resolution 3.** This will be a study of traffic safety and traffic laws, the adequacy of our rules of the road, the Uniform Motor Vehicle Code, and the enforcement of such laws and rules. Two other resolutions have been introduced on this same subject, LR 4 and LR 46. The Board is recommending the adoption of LR 3 with the understanding that it will cover all of the proposals mentioned in these other two resolutions. The language of LR 3 is broad enough to accomplish this purpose. As will be mentioned below, therefore, the Board is recommending that LR 4 and LR 46 not be adopted.

3. **Legislative Resolution 7.** This proposes a comprehensive study of state government reorganization in Nebraska. It will include a study of the functions and duties of all executive and administrative departments, boards, commissions, etc., their internal organization and operation, and all other matters designed to produce efficiency and economy in the state administration.

4. **Legislative Resolution 9.** This proposes a study of the Board of Control system of institutional management in Nebraska, of the functions, needs, management, and government of the various state charitable, mental, reformatory, and penal institutions. LR 10 proposes a similar study and it is recommended that it be merged with LR 9. Below, therefore, the Board recommends rejection of LR 10 because it is not needed.

5. **Legislative Resolution 18.** This study will cover the laws governing the brand inspection area in the state. The committee will examine into what areas of the state should be in a brand inspection area and what changes are needed in the laws to enforce properly the provisions relating to branded livestock. This is a recurring problem and the Board feels that some attention should be given it at this time.

6. **Legislative Resolution 29.** This proposes a study of the possibility of creating districts for school supervisory purposes and do so by combining counties into a district suitable to provide higher qualified persons for this type of work. This will entail an examination into the present county superintendent system in the state. The Board is recommending that LR 36, which proposes a study of free high school tuition, not be passed and that this subject be covered by the committee set up by LR 29.

7. **Legislative Resolution 33.** The Board earlier reported on this resolution for a study of higher education and it was adopted by the Legislature. No further action is needed with regard to this resolution.

8. **Legislative Resolution 39** (as amended). Proposes a study of the utilization of agricultural surpluses and the extent to which the activities of both state and federal agencies in this field are being coordinated.

9. **Legislative Resolution 40.** Calls for a detailed study of the organization and functioning of the State Railway Commission.

10. **Legislative Resolution 44.** Would provide for a study of labor practices in the state and the need for a State Labor Relations Act.

11. **Legislative Resolution 45.** This resolution would set up a committee to study the manner of taxing property in the state and the problem of exempting property from taxation. Another resolution, LR 41, proposes a study of the present method of taxing livestock in Nebraska and of proposed other methods of taxing this type of property. The Board recommends that this be joined with LR 45 and the same committee make both studies. Therefore, it will recommend that LR 41 not be approved.

12. **Legislative Resolution 49.** Proposes a study of the existing methods of diagnosis, commitment, and treatment of the mentally retarded, and the ways of fully utilizing the most modern scientific contributions available in this field.

13. **Legislative Resolution 48.** To provide a study of trends, progress and potentials in the general field of outdoor recreation in Nebraska, and the related problem of tourist attraction. Another resolution, LR 56, proposes a study of all aspects of the new Fort Robinson area. The Board is recommending that this be covered by the committee set up under LR 48. In addition, LR 14, proposing a study of advertising devices along highways in Nebraska, is being joined with LR 48. Thus, the Board will recommend that LR 56 and LR 14 be disapproved.

14. **Legislative Resolution 53.** This study would cover all aspects and phases of the penal and correctional system in the state, and the closely-related problem of parole. It would include a look at the desirability of creating a separate controlling authority for this specialized type of institution.

15. **Legislative Resolution 57.** This resolution would provide for a study of the laws of the state pertaining to nursing, convalescent, and outpatient homes for the aged and needy. Included would be the adequacy and safety of the facilities available for these aged persons at the various private institutions.

### **Studies Not Recommended**

1. **Legislative Resolution 4.** This calls for a study almost identical with that included in LR 3 which is being recommended by the Board. There is thus no need for this resolution. This concerns the rules of the road, traffic safety, and enforcement.

2. **Legislative Resolution 46.** This resolution also calls for a study of the same problems included within LR 3 being recommended by the Board. All matters mentioned in LR 46 will be covered in the study to be made under LR 3. There is thus no need for the adoption of this resolution.

3. **Legislative Resolution 10.** Proposes the same type of study included in LR 9 which the Board is recommending be adopted. This is the Board of Control study. There is thus no need for the adoption of LR 10.

4. **Legislative Resolution 36.** The proposed study of free high school tuition called for by this resolution will be undertaken by the committee which the Board is recommending be set up under LR 29, which resolution would study the problem of creating districts for the supervision of the schools. There is thus no need for the adoption of this resolution.

5. **Legislative Resolution 41.** As explained above, the study of the method of taxing livestock in Nebraska called for by this resolution will be made by the committee set up under LR 45. LR 45 calls for a study of the manner of taxing property, and the Board is recommending its approval. There is thus no need for the adoption of this resolution, LR 41.

6. **Legislative Resolution 56.** The study of Fort Robinson proposed by this resolution can be made by the committee set up under LR 48. LR 48 calls for a study of outdoor recreation (including

parks development) and the tourist industry. There is thus no need for the adoption of LR 56.

7. **Legislative Resolution 14.** This resolution also is not needed because the study it calls for, advertising devices along state highways, can easily be made by the committee set up under LR 43.

Thus, while the Board is recommending against the adoption of the above 7 resolutions, it is only because the studies they call for can easily be made by committees set up by the resolutions which the Board is approving. There is no need for these duplicating resolutions and committees.

8. **Legislative Resolution 35.** No action is needed on this because the Legislature has already acted in defeating its proposed study of the Department of Roads.

9. **Legislative Resolution 55.** This is a resolution that calls for almost the identical study originally requested in LR 35. Since the Legislature has already voted down LR 35 proposing this study, the Board feels that it is only logical to recommend against the adoption of LR 55.

10. **Legislative Resolution 51.** This would set up a study of the licensing of insurance agents in Nebraska. There appears no great demand for this study, and the industry itself says such a study is not needed. The problem is being handled adequately.

11. **Legislative Resolution 25.** This resolution calls for a study of the organization, functions, and methods of operation of the Legislature. A committee of the Legislative Council made such a study four years ago. In addition, the present rules committee of the Legislature has been working hard on this problem and the Board feels that nothing constructive could result from a similar study during the coming interim period.

12. **Legislative Resolution 50.** This would create a committee to study the advisability of creating an investment board of qualified persons with training and experience in investments to handle the investment of state funds. A committee during the last interim period considered this subject and recommended to this Legislature the establishment of such a board. The bill was defeated and the Board sees no reason to go over the same ground during the coming interim period.

13. **Legislative Resolution 38.** This would create a committee to study the salaries, duties, and retirement systems of state officers and employees. A committee of the Legislative Council made a study of state salaries just recently, and the existing retirement



studies were the object of a study just this past interim period. In addition, the proposed study of state government organization being recommended by the Board (LR 7) will naturally hit upon the matters mentioned in Resolution 38 to a certain degree.

14. **Legislative Resolution 54.** This is the proposed study of lobbyists and lobbying. The Board feels that this study would accomplish no good purpose and couldn't determine most of the questions mentioned in the resolution even as the result of a study.

15. **Legislative Resolution 47.** This resolution proposes a study of the need for and establishment of a juvenile court system for the entire state, the jurisdiction of the same, probably costs, and related matters. The Board feels that before any further study is made it be seen how the new law relating to Lancaster and Douglas counties works out during the next two years.

As was mentioned earlier in this report there is merit in all of the proposed studies, but it would be impossible to make them all in the short space of 15 months. A choice has to be made. The Board feels that the recommendations made in this report will result in an adequate interim study program covering major problem areas.

Respectfully submitted by,

EXECUTIVE BOARD  
LEGISLATIVE COUNCIL

# **MOTION—Adopt Report**

Mr. President: I move the adoption of the Report on Resolutions. (Signed) Don Thompson

Mr. Russillo requested a division of the question.

**President Burney Presiding**

Mr. Carpenter requested a record vote on each resolution.

## **LEGISLATIVE RESOLUTION 1.**

Voting in the affirmative, 38:

Aufenkamp	Carpenter	Donner	Hollenbeck
Bowen	Claussen	Fenske	Jensen
Bridenbaugh	Cooper	Fulton	Klaver
Burbach	Diers	Gerdes	Lautenschlager

Liebers	Otto	Russillo	Syas
Marvel	Peck	Simmons	Tews
Moulton	Pizer	Skarda	Thompson
Munnelly	Portsche	Stryker	Vosoba
Nelson	Romans	Swanson	Webb
Olinger	Ruhnke		

Voting in the negative, 2:

McHugh	Orme
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Not voting, 3:

Adams	Erlewine	Williams
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LR 1 was adopted.

#### UNANIMOUS CONSENT—Explanation of Resolutions

Mr. Ruhnke requested unanimous consent to dispense with the reading of each resolution in lieu of an explanation by the introducer.

Mr. Carpenter objected.

Mr. Ruhnke moved to dispense with the reading of each resolution in lieu of an explanation by the introducer.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 27:

Bridenbaugh	Hollenbeck	Otto	Stryker
Claussen	Lautenschlager	Peck	Swanson
Cooper	Liebers	Pizer	Tews
Diers	Marvel	Portsche	Thompson
Fenske	McHugh	Ruhnke	Vosoba
Fulton	Moulton	Russillo	Webb
Gerdes	Olinger	Simmons	

Voting in the negative, 11:

Adams	Jensen	Nelson	Skarda
Carpenter	Klaver	Orme	Williams
Donner	Munnelly	Romans	

Not voting, 5:

Aufenkamp	Burbach	Erlewine	Syas
Bowen			

The Ruhnke motion prevailed.

**LEGISLATIVE RESOLUTION 3. Considered.**

**Explanation of Vote**

Mr. President: Had I been present, I would have voted in favor of Legislative Bills 1, 505, 552, 617, 687, 728, 731, 4, 487, 690, 691, 729, 283, 238, 462, 365, 420, 591, 635, 624, 633, 310, 622, 488, 72, 379, 706, 715, 733, 735, 335, 359, 685, 723, 724, 730, and 732, and no on LB 727. (Signed) William Moulton

**Communications**

Telegrams to Mr. Russillo from Dr. Floyd L. Paynter, Commander, Omaha Post No. 1, The American Legion, and the Commander of St. Mihiel Post No. 247 of the Veterans of Foreign Wars, requesting retention of Louis R. Eby as Director of Veterans' Affairs.

**Recess**

At 11:55 a.m., on a motion by Mr. Carpenter, the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:03 p.m., President Burney presiding.

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

**Visitors**

Mr. Olinger introduced his wife, and his granddaughter, Sandra Gilbert of Tekamah.

**Guest**

Mr. Jensen introduced Mr. LeRoy Welsh, Chairman of the Commission of Increased Industrial Use of Agricultural Products.

Mr. Welsh addressed the Legislature.

**Visitors**

Mr. Jensen introduced Chancellor Clifford Hardin, Dr. John Weaver, E. W. Janicke, Dean W. V. Lambert, and George Round from Lincoln, and Mr. Fred Hansen from Aurora.

## STANDING COMMITTEE REPORTS

## Enrollment and Review

**LEGISLATIVE BILL 378.** Correctly enrolled.

**LEGISLATIVE BILL 656.** Correctly enrolled.

**LEGISLATIVE BILL 736.** Correctly enrolled.

**LEGISLATIVE BILL 737.** Correctly enrolled.

**LEGISLATIVE BILL 738.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

## President Signs

While the Legislature was in session and capable of transacting business, the President signed: LB 378 LB 656 LB 736  
LB 737 LB 738

## MESSAGE FROM THE GOVERNOR

June 25, 1959

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

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 25, 1959, he approved LB 4, LB 72, LB 283, LB 310, LB 335, LB 359, LB 365, LB 379, LB 420, LB 488, LB 505, LB 537, LB 552, LB 591, LB 593, LB 594, LB 622, LB 633, LB 635, LB 674, LB 706, LB 715, LB 721, LB 723, LB 724, LB 727, LB 728, LB 729, LB 730, LB 731, LB 732, and LB 733.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

## UNANIMOUS CONSENT—Return LB 74 to Select File

Mr. Liebers requested unanimous consent to return LB 74 to Select File for the following specific amendments:

1. Amend section 41 of the bill, line 1 by inserting a period after "41".
2. Amend section 46 of the bill, line 70 by striking "1959" and inserting "1961".
3. Amend section 53 of the bill, line 1 by inserting a period after "53".
4. Amend section 54 of the bill by striking lines 24 to 26 and inserting "and W. H. Kellogg Foundation;".
5. Amend section 64 of the bill, line 1 by inserting a period after "64".
6. Amend the Cooper Amendment, adopted June 19, 1959, line 4 by striking "fund" and inserting "Funds,".
7. Amend Enrollment and Review Amendment 11, line 3 by striking "687" and inserting "201".

No objections. So ordered, and LB 74 was returned to Select File.

#### SELECT FILE

**LEGISLATIVE BILL 74.** The pending Liebers specific amendments found in this Day's Journal were adopted by unanimous consent.

Mr. Carpenter moved that LB 74 be returned to General File for the following specific amendment:

1. Amend the bill by reducing each appropriation from the General Fund by three per cent.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 7:

Carpenter	Fulton	Lautenschlager	Skarda
Donner	Klaver	Romans	

Voting in the negative, 32:

Adams	Cooper	Jensen	Nelson
Aufenkamp	Diers	Liebers	Olinger
Bowen	Fenske	Marvel	Orme
Burbach	Gerdes	McHugh	Otto
Claussen	Hollenbeck	Moulton	Peck

Pizer	Russillo	Swanson	Vosoba
Portsche	Simmons	Syas	Webb
Ruhnke	Stryker	Thompson	Williams

Not voting, 4:

Bridenbaugh	Erlewine	Munnelly	Tews
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The Carpenter motion lost.

Advanced to E and R for engrossment.

#### Explanation of Vote

Mr. President: Had I been present, I would have voted "No" on the Carpenter motion to return LB 74 to General File. (Signed) David D. Tews

### STANDING COMMITTEE REPORTS

#### Rules Committee

The Rules Committee, after several meetings and careful consideration of all proposed changes in the rules, recommend the following rule changes:

#### I

Amend Rule 11, Page 23, by adding a new section thereto numbered Sec. 10, as follows:

Sec. 10. No bill, having been introduced, may be withdrawn except upon motion of the first introducer with the consent of his co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

#### II

Amend Rule 12, Sec. 5, subsection d, Page 24, as follows:

d. At any time during consideration of bills on either general or select file, any member may move that the bill be passed over, and if the motion is carried by a majority of those voting, the bill shall be passed over *but shall lose its place and be placed at the bottom of such file and shall retain its place on the file.* This motion shall have the same precedence as to lay on the table.

III

Amend Rule 15, Page 29, by deleting Sections 4 and 5 thereof and substituting therefor a new section 4 as follows:

Sec. 4. All other resolutions, except sympathy resolutions which may be summarily disposed of, shall be referred by the Reference Committee to the proper standing committees which shall hold public hearings and submit reports thereon in the same manner as is required by Rule 6 with respect to Legislative Bills. The vote of a majority of the elected members shall be required for the adoption of any resolution.

IV

Amend Rule 16, Page 30, by adding thereto the following paragraph:

"No printed or written material of any nature may be placed on the desks of the members or distributed to them in the Legislative Chamber, unless such material clearly indicates on its face the party or parties responsible for its distribution. The distribution must be approved by at least one member of the Legislature."

V

Amend Rule 11, Section 1, Page 21, as follows:

Sec. 1. Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills. No bill shall be introduced unless it has been approved as to form and draftmanship by the legislative bill drafter. Such approval shall also set forth the name of the member or members of the executive department if any, who requested assistance in the preparation of the bill. No bill so requested by a member or members of the executive department, other than the Governor, shall be introduced except by one of the standing committees to which bills are referred by the reference committee. Except with unanimous consent or a vote of a majority of the elected members, no bill shall be introduced which bears the names of more than three members. The name of the introducer shall be followed by the number of his legislative district.

VI

Amend Rule 4, Section 10, Page 7, as follows:

Section 10. No member shall speak more than twice, for more than ten minutes on each occasion, upon any one question

in debate during the same legislative day, without leave of the Legislature, except in explanation, unless he be the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken.

## VII

Amend Rule 16, Page 30, by adding the following after the word "admit" in line 11:

"; however, under no circumstances shall other persons be permitted to be seated beside members while the Legislature is considering bills on final reading."

## VIII

Amend Rule 12, Section 5, Page 24, by adding a new subparagraph thereto as follows:

"(e) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members."

## IX

Amend Rule 6, Section 7, Page 11, as follows:

"Sec. 7. *Except for the general appropriation bills necessary for the support of the state government for the biennium, The the* Legislature may, by vote of a majority of the elected members, request a report from any standing committee at any time after said committee shall have been in possession of a bill or resolution for ~~ten~~ *twenty* legislative days."

## X

Amend Rule 12, Section 6, Page 24, by adding the following sentence at the end thereof:

"*Advancement to Enrollment and Review from General File for such purpose shall require a majority of those voting, but there must be a minimum of nineteen affirmative votes.*"

## XI

Amend Rule 7, Section 2, Page 13, as follows:

Sec. 2. The order of business of the Legislature shall be as follows:



- a. Prayer by the Chaplain
- b. Roll call
- c. Call for correction of the journal.
- d. Petitions and memorials.
- e. Notice of Committee hearings.
- f. Reports of standing committees
- g. Reports of select committees
- h. Resolutions
- i. Introduction of bills
- j. Bills on first reading by title.
- k. Reference of bills to committees on a day subsequent to first reading
  - l. Bills on final reading
- m. Consideration of bills on select file
- n. *Unfinished business*, including messages on the President's desk.
  - o. *Special order of the day*
- p. *Consideration of bills on general file*
- q. Miscellaneous business

## XII

Amend Rule 6, Section 9, Page 12, as follows:

Sec. 9. If the standing committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; Provided, that such bill may be placed on general file or referred back to the standing committee by a majority *three-fifths* vote of all the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of all elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter.

## XIII

Amend Rule 11, Section 3, Page 22, as follows:

Sec. 3. No bill shall be introduced after the twentieth legislative day, except upon recommendation of the Governor, or by a standing committee upon the vote of a majority of its members and upon the vote of a majority *two thirds* of the elected members of the Legislature.

## XIV

Amend Rule 5, Section 2, Page 8, as follows:

Sec. 2. The Committee on Committees, by a majority vote of all its members, shall recommend to the Legislature for its approval and adoption the following standing committees, each with the number of members as hereinafter set forth, one of whom shall be designated by the Committee on Committees as Chairman thereof:

Agriculture, including conservation, fish and game, livestock and grazing	9 7 members
Banking, Commerce and Insurance	9 7 members
Budget, including finance, ways and means, and state institutions	9 9 members
Education, including university and normal schools and libraries, and school lands and funds	9 7 members
Enrollment and Review, including arrangement, phraseology and correlation	1 member
Government, including state, county and municipal governments, elections and apportionment	9 7 members
Intergovernmental Cooperation	5 members
Judiciary	9 7 members
Labor and Public Welfare, including social security and child labor	9 7 members
Miscellaneous Subjects <i>Appropriations and Claims</i>	7 members
Public Health <i>and Miscellaneous Subjects</i>	7 members
Public Works	9 7 members
Revenue, including taxation, <i>salaries</i> , licenses and fees	9 7 members
Rules, including procedure and order of business	5 members
Salaries and Claims	7 members

## XV

Amend Rule 14, page 28, by adding thereto a new section 5 as follows:

"Sec. 5. Immediately upon the referral of any bill to a standing committee, the first introducer of the bill shall prepare and submit to the committee a statement in writing setting forth the reason for the bill and the purposes sought to be accomplished thereby. Such statement shall be incorporated into the committee records. No bill shall be reported to General File by a committee

unless such a statement has been submitted by the introducer of the bill."

## XVI

Amend Rule 10, Section 12, Page 19, by adding the following at the end thereof:

"Questions of privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature."

(Signed) Richard D. Marvel, Chairman

### Committee on Committees

June 25, 1959

Mr. President:

Your Committee on Committees reports favorably on the appointments listed below, made by Governor Brooks, and suggests that they be voted upon for confirmation separately:

**Jack Obbink**, Director, Department of Aeronautics

This is for a two-year term, beginning on May 1, 1959 and ending January 5, 1961.

**Mrs. Wendell Berge**, Member, Board of Health

Appointed on April 29, 1959 to fill the unexpired term of Dr. C. B. Edwards, deceased, which ends on September 14, 1959.

(Signed) William Moulton, Chairman

### Vote on Mr. Obbink

Voting in the affirmative, 32; voting in the negative, 5; not voting, 6.

Having received a majority of the votes of all members, the President declared the appointment of Mr. Obbink confirmed.

### Vote on Mrs. Berge

Voting in the affirmative, 40; voting in the negative, 0; not voting, 3.

Having received a majority of the votes of all members, the President declared the appointment of Mrs. Berge confirmed.

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 74.** Correctly engrossed.

(Signed) Joe T. Vosoba, Chairman

### **SUSPEND RULES—Consider Report**

Mr. President: I move the rules be suspended and we consider the Report on Resolutions. (Signed) H. K. Diers

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

### **MOTION—Adopt Report**

Mr. President: I move that the Report on Resolutions be adopted. (Signed) Harold B. Stryker

Mr. Carpenter offered the following amendments to Resolution 7:

Section D—To study all existing laws relative to operation of each executive or administrative agency, department, board, commission, and other agencies to determine which functions are necessary or should be repealed or amended in line with present conditions.

Section E—To study the use of all physical properties of all state agencies to determine the necessity of future expansions or curtailments.

Section F—To request the Governor to participate himself or through representatives of his own choosing.

Section G—To employ competent assistants qualified to judge in the area of their duties.

### **Speaker Pizer Presiding**

Mr. Russillo moved the previous question. The motion prevailed with 30 ayes, 0 nays, and 13 not voting.

The Carpenter amendments to LR 7 were rejected with 16 ayes, 17 nays, and 10 not voting.

Mr. Carpenter offered the following amendment which was adopted:

1. Amend Resolution 33 by adding a new section D as follows:

"Section D. To determine if one state-wide board elected state-wide should supervise and control all public agencies of education above the high school level."

#### **Member Excused**

Mr. Liebers was excused at 4:00 p.m. for the remainder of the day.

Mr. Carpenter offered the following amendment which was adopted with 24 ayes, 9 nays, and 10 not voting:

1. Amend Resolution 40 by adding a new section 2 as follows:

"Section 2. To determine if the best interests of the state would be best served by having members of the Railway Commission appointed by the Governor."

#### **UNANIMOUS CONSENT—Print Communication**

Mr. Moulton requested unanimous consent that a communication be printed in the Journal.

Mr. Carpenter objected.

Mr. Moulton moved that the communication be printed in the Journal.

Mr. Carpenter requested a record vote.

#### **President Burney Presiding**

Voting in the affirmative, 24:

Adams	Hollenbeck	Orme	Simmons
Bridenbaugh	Lautenschlager	Peck	Stryker
Cooper	Marvel	Portsche	Swanson
Donner	McHugh	Romans	Tews
Fulton	Moulton	Ruhnke	Webb
Gerdes	Munnelly	Russillo	Williams

Voting in the negative, 9:

Carpenter	Klaver	Otto	Skarda
Diers	Olinger	Pizer	Vosoba
Jensen			

Not voting, 10:

Aufenkamp	Claussen	Liebers	Syas
Bowen	Erlewine	Nelson	Thompson
Burbach	Fenske		

The Moulton motion prevailed.

### Communication

June 25, 1959

Mr. President and  
Members of the Legislature

In view of the fact that the Governor exercised his right of veto over LB 687 and because time will not permit amendments which would be acceptable in order to override the veto, it is my considered opinion that this Legislature should, by letter, ask Governor Brooks to follow the law as it is written and substantiated by the Attorney General.

This means that he must insist that the Director of Athletics live in Lincoln. The present Director does not do so.

Sincerely yours,

(Signed) William Moulton  
WILLIAM MOULTON

WM:EVB

### RESOLUTIONS

Mr. Romans moved to amend the Report on Resolutions by striking recommendation 10, thereby eliminating Legislative Resolution 44.

Mr. Peck moved the previous question. The motion prevailed with 20 ayes, 13 nays, and 10 not voting.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 12:

Bridenbaugh	Fenske	Nelson	Russillo
Claussen	Hollenbeck	Peck	Simmons
Donner	Lautenschlager	Romans	Swanson

Voting in the negative, 27:

Adams	Gerdes	Olinger	Stryker
Aufenkamp	Jensen	Orme	Syas
Bowen	Klaver	Otto	Tews
Burbach	Marvel	Pizer	Thompson
Carpenter	McHugh	Portsche	Vosoba
Diers	Moulton	Ruhnke	Williams
Fulton	Munnely	Skarda	

Not voting, 4:

Cooper	Erlewine	Liebers	Webb
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The Romans motion was rejected.

Mr. Gerdes moved that the recommendation numbered 13 be amended to provide that LR 56 and LR 14 be incorporated into LR 48. The motion prevailed.

#### Member Excused

Mr. Claussen was excused at 4:30 p.m. for the remainder of the day and for Friday, June 26.

Mr. Vosoba offered the following amendment which was adopted:

1. Amend LR 3 by striking paragraph numbered 1 and substitute the following:

"1. That the Legislative Council appoint a committee of seven members to make a comprehensive and detailed study of all aspects of traffic conditions, traffic safety and traffic laws, including but not limited to:

A. The adequacy of the rules of the road, and the Uniform Vehicle Code prepared by the National Committee on Uniform Traffic Laws and Ordinances;

B. The enforcement of traffic laws, including methods used by the Nebraska Safety Patrol, county sheriffs and other police officials; and

C. The extent to which present traffic safety laws are being enforced by the courts and administered by state agencies, including the effects of the Motor Vehicle Safety Responsibility Act."

#### Presented to the Governor

Presented to the Governor for approval on June 25, 1959, at 3:20 p.m.: LB 738 LB 737 LB 736 LB 656 LB 378

(Signed) Jo Fisher, Enrolling Clerk

**STANDING COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 705.** Correctly re-engrossed.

(Signed) Joe T. Vosoba, Chairman

**Member Excused**

Mr. Simmons was excused for Friday, June 26.

**MOTION—Adjournment**

Mr. President: I move we adjourn until 9:00 a.m. Friday, June 26. (Signed) Fern Hubbard Orme

The motion lost.

**Member Excused**

Mr. Fulton was excused at 4:45 p.m. for the remainder of the day.

**RESOLUTIONS**

Mr. Jensen moved that LR 50 be included in the resolutions for study.

The motion lost with 15 ayes, 17 nays, and 11 not voting.

**Adjournment**

At 4:57 p.m., on a motion by Mrs. Orme, the Legislature adjourned.

Hugo F. Srb  
Clerk of the Legislature



LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

ONE HUNDRED-NINETEENTH DAY

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Legislative Chamber, Lincoln, Nebraska

Friday, June 26, 1959

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Burney presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Claussen and Simmons who were excused, Mr. Ruhnke who was excused until 9:15 a.m., and Mr. Portsche who was excused until 10:45 a.m.

**Corrections for the Journal**

Page 2230, line 30, correct the spelling of "recommend".

Page 2241, line 18, insert "n." after "o.".

Page 2241, line 19, insert "c." after "p.".

Page 2241, line 39, show "a" as stricken.

Page 2242, line 25, show "Subjects" as stricken.

Page 2246, line 19, correct the spelling of "Sincerely".

The Journal for the One Hundred-eighteenth Day was approved as corrected.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 58.** Re: Establishment of a Research Laboratory for Agricultural Products.

Introduced by Harold B. Stryker, 17th District; Hans O. Jensen, 25th District; and Arnold Ruhnke, 22nd District.

WHEREAS, there is a surplus of farm production, specifically grain, in the central area of the United States; and

WHEREAS, an approach to utilization of the produce in surplus is to find new uses for such products, and

WHEREAS, Nebraska is centrally located in the Middle West farming area and is appropriating money to effect the attack on surplus problems of utilization and marketing of our agricultural surplus, and

WHEREAS, the Nebraska Legislature has authorized a study committee to correlate all activities of research in the State of Nebraska with that of the Federal government into an intensified and effective research program so there will be the least possible overlapping of effort in this area, and

WHEREAS, it is the desire of Nebraska to cooperate with other states in the Middle West as well as with the Federal government to carry out a uniform agricultural research program,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That the Congress of the United States establish a laboratory at the University of Nebraska, College of Agriculture for the purpose of doing both basic and applied research on problems concerned with finding new uses and outlets for agricultural products or to find replacement crops for those now in surplus.

Mr. Stryker moved that the rules be suspended and that LR 58 be considered at this time.

The motion prevailed with 31 ayes, 0 nays, and 12 not voting.

LR 58 was adopted with 26 ayes, 0 nays, and 17 not voting.

**LEGISLATIVE RESOLUTION 59.** Re: Memorial to Former Members of Legislature, Now Deceased.

Introduced by Harry L. Pizer, 38th District.

WHEREAS, we are born, we live, and we die, and

WHEREAS, as we meet today we find that the Almighty Father has taken into His charge many of our former members, who will not return from their glorious resting place, and

WHEREAS, those former members who are peaceably resting in that glorious abode above be assured that their efforts are being preserved and their memories are being cherished.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That we pause in our deliberations and stand in silent tribute to the memories of Ross Amspoker, Joshua Brown, Walter M. Burr, William S. Crossland, Tom Dooley, Ralph W. Hill, Edward F. Lusinski, William A. McHenry, Clyde G. Pitney, Franklin S. Wells, and William Martin Iodence, who have preceded us here and who, by their labors, helped to mold the institutions and traditions which we now seek to preserve and perpetuate.

2. That the Clerk of the Legislature be directed to spread at large on the Legislative Journal this resolution, and that a copy of said resolution, properly authenticated and suitably engrossed, be sent by the Clerk to each of the families of the deceased members above named as an expression of our respect for the deceased and our sympathy for the bereaved.

Mr. Pizer moved that the rules be suspended and LR 59 be adopted.

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

The members stood for a moment in silent tribute.

#### **Member Excused**

Mr. Carpenter was excused for Saturday, June 27.

#### **MOTION—Appreciation**

Mr. President: I move this Legislature, 69th Session, record our deep appreciation for the fine service of our veteran Sergeant-at-arms. Notwithstanding the tenseness during the opening days of the session, a contest of the Governorship of Nebraska and two bitter contests for legislative seats, he kept a calm and even temperament and an alertness to every situation arising that gave us all confidence — order and dignity was maintained in our Legislature. (Signed) Terry Carpenter

The motion prevailed.

#### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 739.** With emergency.

A bill for an act to appropriate the sum of twenty-five thousand dollars to aid in defraying the expense of compensation of officers and employees of the Legislature, for supplies and other incidental

expenses of the Sixty-ninth Session, Nebraska State Legislature, including printing, stationery, postage, and other expenses which may be lawfully incurred by the Legislature for the remainder of the biennium ending June 30, 1959, and for the ad interim activities of the Legislature during the biennium ending June 30, 1961; 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	Fenske	Moulton	Skarda
Aufenkamp	Fulton	Munnelly	Stryker
Bowen	Gerdes	Nelson	Swanson
Bridenbaugh	Hollenbeck	Olinger	Syas
Burbach	Jensen	Orme	Tews
Carpenter	Klaver	Otto	Thompson
Cooper	Lautenschlager	Peck	Vosoba
Diers	Liebers	Pizer	Webb
Donner	Marvel	Romans	Williams
Erlewine	McHugh	Russillo	

Voting in the negative, 0.

Not voting, 4:

Claussen	Portsche	Ruhnke	Simmons
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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.

### **SUSPEND RULES—Bills on Final Reading**

Mr. President: I move that the rules be suspended and we consider LB 624 and LB 238 on Final Reading at this time. (Signed) Terry Carpenter

The motion prevailed with 37 ayes, 0 nays, and 6 not voting.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 624.** By George Syas, 4th District; John R. Cooper, 1st District.

A bill for an act for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating

to the Legislature; to provide that members of the Legislature shall receive a salary of not to exceed two hundred dollars per month; to provide for the submission of the proposed amendment to the electors at the general election in November, 1960; to provide the manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1960, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. Members of the Legislature shall be elected for a term of two years beginning at noon on the first Tuesday in January in the year next ensuing the general election at which they were elected. Each member shall be nominated and elected in a non-partisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed two hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that each member of the Legislature shall receive a salary of not to exceed two hundred dollars per month.

- ☐ For
- ☐ Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

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

Voting in the affirmative, 30:

Aufenkamp	Jensen	Orme	Swanson
Bowen	Klaver	Otto	Syas
Burbach	Lautenschlager	Peck	Tews
Carpenter	Liebers	Pizer	Thompson
Cooper	Marvel	Romans	Vosoba
Erlewine	McHugh	Russillo	Webb
Fenske	Moulton	Skarda	Williams
Gerdes	Munnely		

Voting in the negative, 9:

Bridenbaugh	Fulton	Nelson	Ruhnke
Diers	Hollenbeck	Olinger	Stryker
Donner			

Not voting, 4:

Adams	Claussen	Portsche	Simmons
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A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 238.

A bill for an act to amend section 81-117, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to provide that regular employees working on the hourly basis shall be paid wages for the usual number of work hours for holidays; to provide a guarantee of forty hours work each week to prescribed hourly employees; and to repeal the original section.

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

Voting in the affirmative, 27:

Aufenkamp	Gerdes	Moulton	Syas
Bowen	Jensen	Munnely	Tews
Bridenbaugh	Klaver	Orme	Thompson
Carpenter	Lautenschlager	Otto	Vosoba
Diers	Liebers	Pizer	Webb
Donner	Marvel	Skarda	Williams
Fulton	McHugh	Swanson	

Voting in the negative, 12:

Burbach	Fenske	Olinger	Ruhnke
Cooper	Hollenbeck	Peck	Russillo
Erlewine	Nelson	Romans	Stryker

Not voting, 4:

Adams	Claussen	Portsche	Simmons
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### RESOLUTIONS

Mr. Jensen moved to amend Recommendation 3 of the Report on Resolutions by amending LR 7 as follows:

1. Amend the resolution by striking the period after the third "Whereas" and inserting the following:

" , and WHEREAS, there are substantial funds accumulating in the General and Special Funds of the State of Nebraska which might be profitably invested, and

WHEREAS, there is not at this time an efficient method of investing such funds of this state, and

WHEREAS, interest rates and financial gain are increasing on desirable and safe investments that the state might purchase if an investment board was created that was composed of qualified personnel who had training and experience in making such investments, and

WHEREAS, if such available funds were safely invested by experienced and trained personnel, the state would gain substantial financial benefit thereby."

2. Amend paragraph numbered 1 by striking the word "and" after the comma in subdivision (b) thereof, by striking the period at the end of subdivision (c) and inserting the following:

"and, (d) The advisability of creating an investment board of qualified persons who have training and experience in safe and sound investments to advise and assist state officials in investments of state funds."

The motion prevailed.

Mr. Carpenter moved that the Report on Resolutions be amended by including LR 51 among the resolutions being studied.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 11:

Bowen	Klaver	Munnelly	Skarda
Carpenter	Lautenschlager	Orme	Webb
Cooper	Marvel	Otto	

Voting in the negative, 24:

Adams	Erlewine	Moulton	Russillo
Aufenkamp	Fenske	Nelson	Stryker
Bridenbaugh	Fulton	Olinger	Swanson
Burbach	Gerdes	Peck	Tews
Diers	Jensen	Pizer	Vosoba
Donner	McHugh	Ruhnke	Williams

Not voting, 8:

Claussen	Liebers	Romans	Syas
Hollenbeck	Portsche	Simmons	Thompson

The Carpenter motion lost.

#### Visitors

Mr. Marvel introduced Mrs. Olive Stumbo and daughter Cheri from Hastings.

Mr. Carpenter introduced Mr. Gibbon and Mr. Smith from Scottsbluff.

#### Member Excused

Mr. Romans was excused at 9:50 a.m. for the remainder of the day.

Mr. Carpenter moved that the Report on Resolutions be amended to include LR 54 among the resolutions for study.

Mr. Carpenter requested a record vote.

Voting in the affirmative, 11:

Aufenkamp	Erlewine	Munnelly	Skarda
Carpenter	Klaver	Orme	Webb
Donner	Lautenschlager	Otto	

Voting in the negative, 27:



Adams	Fulton	Moulton	Stryker
Bowen	Gerdes	Nelson	Swanson
Bridenbaugh	Hollenbeck	Olinger	Syas
Burbach	Jensen	Peck	Thompson
Cooper	Liebers	Pizer	Vosoba
Diers	Marvel	Ruhnke	Williams
Fenske	McHugh	Russillo	

Not voting, 5:

Claussen	Romans	Simmons	Tews
Portsche			

The Carpenter motion lost.

#### **Visitors**

Mrs. Orme introduced Mrs. Robert Hoffman of the Lincoln Air Force Base, Mrs. Roland Fox of San Antonio, Texas, and Mrs. Jack Rolfson of New Orleans, Louisiana.

#### **MOTION—Adjournment**

Mr. President: I move that when we adjourn today, it be until 9:00 a.m. on Saturday, June 27. (Signed) David D. Tews

The motion prevailed with 34 ayes, 0 nays, and 9 not voting.

#### **Announcement—Budget Committee Meeting**

Mr. Liebers announced that there would be an informal meeting of the Budget Committee at 1:45 p.m. today, June 26.

#### **Member Excused**

Mr. Simmons was excused for Saturday, June 27.

#### **RESOLUTIONS**

Mr. Vosoba requested unanimous consent that the names of Peter H. Claussen, Hal Bridenbaugh, and Sam Klaver be added as co-introducers of Legislative Resolution 3. No objections. So ordered.

Mr. Skarda moved that the Report on Resolutions be amended to include LR 55 among the resolutions for study.

#### **Speaker Pizer Presiding**

Mr. Williams moved the previous question. The motion prevailed with 24 ayes, 5 nays, and 14 not voting.

Mr. Lautenschlager moved to amend the Skarda amendment by striking Paragraph 3 of LR 55.

The motion prevailed with 21 ayes, 10 nays, and 12 not voting.

The Skarda amendment as amended lost with 12 ayes, 25 nays, and 6 not voting.

Mr. Thompson moved to adopt the Report on Resolutions as amended.

The motion prevailed and the Report was adopted.

### **Speaker Signs**

While the Legislature was in session and capable of transacting business, the Speaker signed: LR 58 LR 59

### **Members Excused**

Messrs. Klaver, Fenske, Peck, Burbach, and Williams were excused at 11:00 a.m. for the remainder of the day.

### **UNANIMOUS CONSENT—Rules Committee Report**

Mr. Marvel requested unanimous consent to take up the Rules Committee Report, found in the Legislative Journal for the One Hundred-eighteenth Day, at this time, and that each rule change be considered separately. No objections. So ordered.

### **President Burney Presiding**

Mr. Marvel moved the adoption of rule change I. The motion prevailed with 28 ayes, 0 nays, and 15 not voting.

Mr. Marvel moved the adoption of rule change II.

### **Speaker Pizer Presiding**

Mr. Ruhnke moved that proposed rule change II be amended as follows: Line 3 of the Journal, strike "any member" and insert in lieu thereof "*the first introducer of any bill*"; and line 5, insert after "*but*" the following "*, except with unanimous consent,*".

Motion pending.

Laid over at the request of Mr. Thompson.

Mr. Marvel moved the adoption of rule change III.

Mr. Thompson moved that proposed rule change III be amended as follows: Line 6, strike "shall" and insert "may".

Motion pending.

#### **Visitors**

Mr. Nelson introduced Mr. and Mrs. Garwood and two children of Bassett.

#### **Recess**

At 12:02 p.m., on a motion by Mr. Portsche, the Legislature recessed until 2:00 p.m.

#### **After Recess**

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

The roll was called and all members were present except Messrs. Burbach, Carpenter, Claussen, Fenske, Klaver, Peck, Romans, Simmons, and Williams who were excused.

#### **Rules Committee Report**

The pending Thompson motion found in this Day's Journal, to amend proposed rule change III, prevailed.

Proposed rule change III was rejected with 23 ayes, 5 nays, and 15 not voting.

#### **Mr. Tews Presiding**

Mr. Marvel moved the adoption of rule change IV. The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

Mr. Marvel moved the adoption of rule change V. The motion prevailed with 32 ayes, 1 nay, and 10 not voting.

Mr. Marvel requested unanimous consent to amend rule change VI, line 2, by inserting "nor" before the word "for". No objections. So ordered.

Mr. Marvel moved the adoption of rule change VI as amended. The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

Mr. Marvel moved the adoption of rule change VII. The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

Mr. Marvel moved the adoption of rule change VIII. The motion prevailed with 32 ayes, 0 nays, and 11 not voting.

Mr. Marvel moved the adoption or rule change IX. The motion prevailed with 33 ayes, 0 nays, and 10 not voting.

Mr. Russillo moved to amend rule change X, line 5, by striking "*nineteen*" and inserting "*fifteen*".

The motion lost with 14 ayes, 17 nays, and 12 not voting.

Mr. Marvel moved the adoption of rule change X. The motion lost with 21 ayes, 9 nays, and 13 not voting.

Mr. Lautenschlager moved to reconsider the action on rule change X. The motion prevailed with 28 ayes, 1 nay, and 14 not voting.

Mr. Otto moved to reconsider the action on the Russillo amendment to rule change X. The motion prevailed with 28 ayes, 3 nays, and 12 not voting.

The Russillo amendment was adopted with 28 ayes, 2 nays, and 13 not voting.

Rule change X was adopted as amended with 28 ayes, 3 nays, and 12 not voting.

Mr. Marvel moved the adoption of rule change XI. The motion prevailed with 28 ayes, 0 nays, and 15 not voting.

Mr. Marvel moved the adoption of rule change XII.

Mr. Cooper moved the previous question. The motion prevailed with 21 ayes, 3 nays, and 19 not voting.

Rule change XII was rejected with 20 ayes, 10 nays, and 13 not voting.

Mr. Marvel requested unanimous consent that rule changes XIII and XIV be laid over. No objections. So ordered.

Mr. Marvel moved the adoption of rule change XV. The motion prevailed with 27 ayes, 1 nay, and 15 not voting.

#### **Speaker Pizer Presiding**

Mr. Marvel moved the adoption of rule change XVI. The motion prevailed with 30 ayes, 2 nays, and 11 not voting.

#### **MOTION—Amend Rules**

Mr. President: I move that the Rules be amended as follows:

1. Rule 4, add a new section as follows:

"12. A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed and preserved, under the direction of the Clerk."

(Signed) Joe T. Vosoba

Mr. Vosoba requested a Call of the House.

A Call of the House was ordered and showed 31 members present.

Mr. Vosoba moved that the Call be raised. The motion prevailed with 28 ayes, 0 nays, and 15 not voting.

The Vosoba amendment was rejected with 23 ayes, 8 nays, and 12 not voting.

#### **Member Excused**

Mr. Aufenkamp was excused at 4:00 p.m. for the remainder of the day.

### **STANDING COMMITTEE REPORTS**

#### **Enrollment and Review**

**LEGISLATIVE BILL 624.** Correctly enrolled.

**LEGISLATIVE BILL 739.** Correctly enrolled.

**LEGISLATIVE BILL 238.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

#### **Speaker Signs**

While the Legislature was in session and capable of transacting business, the Speaker signed: LB 624 LB 739 LB 238

#### **Announcement**

Mr. Thompson announced that forms have been placed on the members' desks upon which they may indicate their preference of Council studies.

#### **Adjournment**

At 4:09 p.m., on a motion by Mrs. Orme, the Legislature adjourned until 9:00 a.m., Saturday, June 27, 1959.

Hugo F. Srb  
Clerk of the Legislature

## LEGISLATIVE JOURNAL — SIXTY-NINTH SESSION

## ONE HUNDRED-TWENTIETH DAY

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Legislative Chamber, Lincoln, Nebraska

Saturday, June 27, 1959

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Carpenter who was excused, and Mr. Simmons who was excused until 11:30 a.m.

**Corrections for the Journal**

Page 2261, insert after line 6, "(Signed) Joe T. Vosoba".

The Journal for the One Hundred-nineteenth Day was approved as corrected.

**MESSAGES FROM THE GOVERNOR**

June 26, 1959

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

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 26, 1959,\* he approved LB 529 and LB 660.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

June 27, 1959

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

\* Original bills show June 25, 1959.

Gentlemen and Mrs. Orme:

Governor Brooks has requested me to inform your Honorable Body that on June 27, 1959,\* he approved LB 690, LB 691, LB 702, LB 735, LB 736, LB 737 and LB 378.

Very truly yours,

(Signed) Robert B. Conrad  
ROBERT B. CONRAD  
ADMINISTRATIVE ASSISTANT

RBC:e

June 26, 1959

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, Nebraska

Gentlemen and Mrs. Orme:

The closing days of this legislative session have been accompanied by discussion concerning the position of Director of the Department of Veterans Affairs.

I have considered replacing the present Director, who is now beyond retirement age, with another veteran. These considerations have arisen for several reasons, some of which include:

1. He has permitted a state employee in his office to serve as head of a statewide organization requiring a vast amount of time, travel and expense; it has not seemed consistent with good office practice or governmental procedure to approve this situation and I do not propose that it should be continued.
2. I know that had I not been elected to this office the present director would have been replaced by his personally hand-picked successor without sufficient regard being given to the will and wish of every veterans' organization and that of individual veterans.
3. While it has been said that this office is a non-political office, it, nevertheless, has not been conducted as such and the present director has permitted himself to become associated closely with the political aspirations and objectives of partisan organizations and candidates.

\* Original bills show June 26, 1959.

The Department of Veterans Affairs, however, deals exclusively with former members of our Armed Forces, their families and their widows. In all my appointments, I have been first concerned with the acceptability of the proposed appointee in the particular areas of interests which he would be asked to serve. I had received earlier acceptability of an appointee other than the incumbent. The organizations representing these veterans have formally recommended to me that the present Director be retained. This formal recommendation had never been made to me until the morning of June 26. The views of these organizations are valuable to me. Of even greater value, however, is the realization that the rank and file veteran, whose contribution to Nebraska is too often overlooked and whose views will not be disregarded by this office, is content with the present administration of this Department. I am pleased to have the benefit of their thinking and I have no hesitancy in responding to their suggestions.

I have counselled with representatives of veterans' organizations and individual veterans throughout the State of Nebraska. I have conferred with members of your Honorable Body, among them Senator Marvel whose wide experience in veterans' affairs has earned him the respect of Nebraska veterans.

I am confident that responsible members of veterans' organizations and the Veterans Advisory Council will correct those matters which I have heretofore mentioned. If that correction does not result, I will feel free to take additional action in this office.

In view of the lateness of the session, I respectfully recommend that you suspend your rules and confirm my reappointment of Louis R. Eby to the position of Director of Veterans Affairs.

Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks

GOVERNOR

RGB:RBC:sn

#### **SUSPEND RULES—Confirm Reappointment**

Mr. President: I move that the rules be suspended and the Governor's reappointment of Louis R. Eby as Director of the Department of Veterans' Affairs be confirmed. (Signed) Richard D. Marvel

The motion prevailed with 41 ayes, 0 nays, and 2 not voting, and the President declared the reappointment of Mr. Eby confirmed.



**President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 1 LR 3 LR 7  
LR 18 LR 29 LR 9 LR 39 LR 40 LR 44 LR 45 LR 48  
LR 49 LR 53 LR 57

**Presented to the Governor**

Presented to the Governor for approval on June 27, 1959, at 8:30 a.m.: LB 739 LB 624 LB 238

(Signed) Jo Fisher, Enrolling Clerk

**SUSPEND RULES—Bills on Final Reading**

Mr. President: I move that the rules be suspended and we have final reading today for bills set for Monday, June 29, 1959. (Signed) Harry L. Pizer

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

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:  
**LEGISLATIVE BILL 74.** With emergency.

A bill for an act making appropriations for the state government of the State of Nebraska for the biennium beginning July 1, 1959, and ending June 30, 1961; to prescribe conditions for the determination of the levy of the state taxes for the state General Fund; to recite limits and conditions on the expenditure of funds from the appropriations so made; 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, 36:

Adams	Fulton	Munnelly	Russillo
Aufenkamp	Gerdes	Nelson	Stryker
Bowen	Hollenbeck	Olinger	Swanson
Burbach	Jensen	Orme	Syas
Claussen	Klaver	Otto	Tews
Cooper	Liebers	Peck	Thompson
Diers	Marvel	Pizer	Vosoba
Erlewine	McHugh	Portsche	Webb
Fenske	Moulton	Ruhnke	Williams

Voting in the negative, 5:

Bridenbaugh	Lautenschlager	Romans	Skarda
Donner			

Not voting, 2:

Carpenter	Simmons
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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.

#### Visitors

President Burney introduced Honorable William C. F. Heuer, State Senator from Minnesota, Mrs. Heuer, their daughter, son, and daughter-in-law.

#### LEGISLATIVE BILL 705.

A bill for an act relating to elections; to provide for the use of voting machines or electronic counting devices as prescribed; to provide for a vote of the electors as prescribed; to provide for the purchase or rental of voting machines or electronic counting devices; to prescribe salaries; to provide conditions for voting machines or electronic counting devices; to provide for instruction in the use of such machines or devices; and to repeal sections 32-463.01, 32-463.02, 32-463.03, and 32-463.04, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 29:

Bowen	Jensen	Orme	Stryker
Bridenbaugh	Lautenschlager	Otto	Swanson
Burbach	Liebers	Peck	Syas
Claussen	Marvel	Portsche	Tews
Cooper	McHugh	Romans	Thompson
Donner	Moulton	Russillo	Webb
Fulton	Munnely	Skarda	Williams
Gerdes			

Voting in the negative, 12:

Adams	Erlewine	Klaver	Pizer
Aufenkamp	Fenske	Nelson	Ruhnke
Diers	Hollenbeck	Olinger	Vosoba

Not voting, 2:

Carpenter Simmons

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Invitation**

Mr. Romans invited the members to attend the Burwell Rodeo with him on Saturday, August 8, 1959.

### **Introduction of Employees**

Mr. Vosoba introduced Mrs. Dorothy Wickman and Mrs. Jean Carpenter, employees of the Enrollment and Review Committee.

### **Rule Changes**

Mr. Marvel moved that rule change II, found in the Legislative Journal for the One Hundred-eighteenth Day, be rejected.

### **Speaker Pizer Presiding**

The motion prevailed with 37 ayes, 1 nay, and 5 not voting.

Mr. Ruhnke moved to amend rule change XIII, line 5, by striking "*two thirds*" and inserting "*three-fifths*".

Mr. Romans moved the previous question. The motion prevailed with 31 ayes, 0 nays, and 12 not voting.

The Ruhnke amendment was adopted with 28 ayes, 8 nays, and 7 not voting.

Mr. Marvel moved the adoption of rule change XIII as amended. The motion prevailed with 29 ayes, 10 nays, and 4 not voting.

Mr. Marvel moved that rule change XIV be adopted. Motion pending.

## **STANDING COMMITTEE REPORTS**

### **Enrollment and Review**

**LEGISLATIVE BILL 74.** Correctly enrolled.

**LEGISLATIVE BILL 705.** Correctly enrolled.

(Signed) Joe T. Vosoba, Chairman

**Speaker Signs**

While the Legislature was in session and capable of transacting business, the Speaker signed: LB 74      LB 705

**Rule Changes****President Burney Presiding**

The pending Marvel motion found in this Day's Journal to adopt rule change XIV prevailed with 26 ayes, 14 nays, and 3 not voting.

Mr. Ruhnke moved that Rule 6, section 3, be amended by striking the words "taking final action on" and inserting "advancing".

The motion lost with 6 ayes, 29 nays, and 8 not voting.

**Visitor**

Mr. Cooper introduced Phillip "Skippy" Green of Lincoln.

Mr. Burbach moved to reconsider the action of June 26 and adopt the Vosoba amendment to Rule 4.

The motion prevailed with 31 ayes, 8 nays, and 4 not voting, and the Vosoba amendment to Rule 4 was adopted.

Mr. Erlewine moved that Rule 6, section 3, page 11, be amended by adding: Committee chairmen shall make rules concerning length of public hearings but no rebuttal shall be for more than ten minutes.

Mr. Erlewine requested a Call of the House.

A Call of the House was ordered and showed 38 members present.

Mr. Skarda moved that the Call be raised. The motion prevailed with 36 ayes, 0 nays, and 7 not voting.

The Erlewine amendment was adopted with 29 ayes, 11 nays, and 3 not voting.

Mr. Peck moved to reconsider proposed rule change XII found in the Legislative Journal for the One Hundred-eighteenth Day.

The motion prevailed with 23 ayes, 17 nays, and 3 not voting.

Mr. Lautenschlager moved that proposal XII be amended by striking "*three-fifths* vote of all the elected members" in line 5, and inserting "*twenty-four affirmative votes*". The amendment lost with 6 ayes, 35 nays, and 2 not voting.

Rule change XII was rejected with 24 ayes, 17 nays, and 2 not voting.

### **Presented to the Governor**

Presented to the Governor for approval on June 27, 1959  
at 11:30 a.m.: LB 705 LB 74

(Signed) Jo Fisher, Enrolling Clerk

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 60.** Re: In Memory of Edward C. Hansen.

Introduced by Harry L. Pizer, 38th District.

WHEREAS, we are born, we live, and we die, and

WHEREAS, Edward C. Hansen served more than twelve years as Chaplain of the Nebraska State Legislature, and

WHEREAS, every mornings devotion was an inspiration to the Legislature and his memory is cherished by all who knew him.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SIXTY-NINTH SESSION ASSEMBLED:

1. That we pause in our deliberations and stand in silent tribute to the memory of Edward C. Hansen, who has preceded us here, and who by his divine guidance helped us in our efforts to carry out our tasks.

2. That the Clerk of the Legislature be directed to spread at large on the Legislative Journal this resolution, and that a copy of said resolution, properly authenticated and suitably engrossed, be sent by the Clerk to the family of the deceased as an expression of our respect for the deceased and our sympathy for the bereaved.

Mr. Pizer moved that the rules be suspended and LR 60 be adopted.

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

The members stood for a moment in silent tribute.

#### **President Signs**

While the Legislature was in session and capable of transacting business, the President signed: LR 60

#### **Communication**

A statement from Louis R. Eby, Director of Veterans' Affairs, expressing appreciation for the confirmation of his reappointment.

#### **Presentation of Gift**

Mr. Tews, on behalf of the entire Legislature, paid tribute to the work of Mr. Vosoba as Chairman of the Enrollment and Review Committee, and presented him with a piece of luggage and a travel clock in appreciation of his work.

Mr. Vosoba thanked the Members for the gifts.

#### **MOTION—Approve Printing**

Mr. President: I move that the Legislature approve the printing of the Permanent Legislative Journal by Joe Christensen and the Session Laws, Separates, letterheads, envelopes, and bills by Capitol Printing Company. (Signed) Sam Klaver

The motion prevailed.

#### **MOTION—Group Picture**

Mr. President: I move that the University be requested and authorized to place a group picture of the members of the Sixty-ninth Session in the West Senate Lounge, and that the Legislature express its appreciation for this service. (Signed) David D. Tews

The motion prevailed.

#### **MOTION—Mailing Separates to Members**

Mr. President: I move that the Clerk be directed to send to each member of the Legislature a file of the bills passed, as soon as printed, and the expense in so doing be paid out of the Incidental Expense Appropriation. (Signed) Peter H. Claussen

The motion prevailed.

**MOTION—File Bills and Records**

Mr. President: I move that the Chairman of each standing committee be requested to file with the Clerk of the Legislature any bills and standing committee records remaining in his possession, so that a proper record may be made of the final disposition of such bills. (Signed) Dwain Williams

The motion prevailed.

**MOTION—Print Rules and Index**

Mr. President: I move that the Clerk be authorized to have a revised copy of the Rules and Index printed, as needed. (Signed) Richard D. Marvel

The motion prevailed.

**MOTION—Print Brochure**

Mr. President: I move that the Clerk of the Legislature be directed to prepare the usual brochure showing a comparison of the bicameral and unicameral legislative systems and other pertinent data. (Signed) Harold B. Stryker

The motion prevailed.

**MOTION—Mailing of Permanent Journal and Session Laws**

Mr. President: I move that the Clerk of the Legislature be instructed to send to each Member of the Legislature, and to each authorized member of the Press assigned to the Legislature for the Sixty-ninth Session, a copy of the permanent Legislative Journal and Session Laws of the Sixty-ninth Session, when completed; and that the proper officers of the Legislature be authorized to issue vouchers against the fund provided for Incidental Expenses of the Sixty-ninth Session of the Nebraska Legislature in payment of necessary postage or express and necessary wrapping material for sending said Legislative Journal and Session Laws to Members of the Legislature, and that the Press and the members of the Legislature be allowed to keep their Statutes and Supplements and letter files. (Signed) J. O. Peck

The motion prevailed.

**MOTION—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, supplies, legislative chamber furniture, and otherwise complete the

business of the office for the Sixty-ninth Session of the Legislature, and to employ such help as is necessary during the interim. (Signed) H. K. Diers

The motion prevailed.

#### **MOTION—Committee to Notify Governor**

Mr. President: I move that a committee of five be appointed to wait upon the Governor and 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) Hans O. Jensen

The motion prevailed.

#### **Committee Appointed**

The President appointed the following committee to wait upon the Governor: Jensen, chairman; Fenske, Gerdes, Swanson, and Orme.

#### **MOTION—Express Appreciation to Administrative Members**

Mr. President: I move that this Sixty-ninth Session of the Nebraska State Legislature express its appreciation to Hugo F. Srb, Francis V. Robinson, John J. Wilson and Emory Burnett, administrative members in the performance of a very difficult duty to the complete satisfaction of the membership if this body. Without their counsel, advice, and experience, this Legislature would have been hard-put to perform and expedite the duties assumed and performed by its membership.

I further move that we give them a standing vote of confidence and appreciation. (Signed) Joe T. Vosoba

The motion prevailed.

#### **MOTION—Express Appreciation to Employees**

Mr. President: I move that the Legislature take this opportunity to express its gratitude and appreciation of the efficient and conscientious performance of their duties by the employees of this body.

It is through their efforts in part that this body has been able to efficiently perform their duties to serve the people of this state and be it resolved that we want to take this opportunity to express our appreciation of such splendid service. (Signed) William Moulton.



The motion prevailed.

**Appreciation**

Mr. President: The elective officers and employees of the Sixty-ninth Session hereby express their appreciation for the privilege of serving this Legislature and for the courtesies extended to them by each and every Member. (Signed) Hugo F. Srb, Clerk of the Legislature

**MOTION—Appreciation to Press**

Mr. President: I move that a standing vote of thanks be given to the newspapers and the press associations for their accuracy and fairness in reporting to the people of our State the activities of this Session of the Legislature. (Signed) Marvin Lautenschlager

The motion prevailed.

**MOTION—Appreciation to Broadcasting Stations**

Mr. President: I move that this body express its thanks and appreciation to the radio and television stations for broadcasting news of the Legislature to the citizens of the State. (Signed) Don Thompson

The motion prevailed.

**MOTION—Present Flags**

Mr. President: I move that as evidence of our sincere appreciation of our presiding officers for the fair and impartial performance of their duties, we obtain a United States flag, similar to those previously used for such occasions and present one to Lieutenant Governor Dwight W. Burney and a Nebraska flag to Speaker Harry L. Pizer. (Signed) Otto H. Liebers

The motion prevailed.

**MOTION—Present Gavel**

Mr. President: I move that Lieutenant Governor Dwight W. Burney be presented with the gavel used during the Sixty-ninth Session of the Nebraska Legislature. (Signed) Michael P. Russillo

The motion prevailed.

**MOTION—Present Gavel**

Mr. President: I move that Speaker Harry L. Pizer be presented

with a gavel, an emblem of his serving as a fair and impartial presiding officer. (Signed) John Adams, Sr.

The motion prevailed.

#### **Announcement—Council Studies**

Mr. Thompson announced that the Legislative Council Executive Board will meet on July 6 to organize the committees for the Council studies.

#### **MOTION—Appreciation to President Burney**

Mr. President: I move that this Sixty-ninth Session of the Nebraska State Legislature give a standing vote of appreciation to the outstanding performance of Lieutenant Governor Dwight Burney, who as Lieutenant Governor, is the presiding officer of this body and who, without exception, because of his integrity, his experience and his knowledge of the workings of the Legislature, has demonstrated to this body that example of impartiality and fairness which should be written officially in the history of the State of Nebraska. (Signed) Arthur W. Swanson

The motion prevailed.

#### **Report of Committee**

The Committee appointed to wait upon the Governor, returned with the information that they had called upon the Governor, and the Governor had given them the following message.

#### **MESSAGE FROM THE GOVERNOR**

June 27, 1959

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

Gentlemen and Mrs. Orme:

We come now to the close of the 120th day, the final day of the Sixty-ninth Legislative Session.

When the record is finally written, informed observers of state government will record this session as one of the most historical in the proud progress of Nebraska.

There have been many divergent expressions of opinion in the painstaking procedure of providing constructive legislation for our

people. Some of these differences were attributable to diverse philosophies; these were settled in democratic fashion and that is always in the public good. Some of the differences were attributable, not to legitimate variations of philosophy, but on the sole ground of partisan politics. At times, during this session, this partisan characteristic submerged the best interests of the people of Nebraska.

Nebraskans will long experience the effects of this Legislative Session. Fortunately, the legislative advancements in the areas of taxation, education, highway safety and park and recreational development, exceed the legislative failures in the areas of civil service, a state labor relations law and billboard control.

Above the accomplishments and the shortcomings of this Legislative Session, however, stands boldly and clearly one irrefutable fact . . . . Nebraska is proud that individuals of your stature in your community and in your varying walks of life will dedicate yourselves, your time, your talents, your comfort and your personal treasure to the fulfillment of a legislative objective which will contribute to the advancement of the Nebraska we all know and love so well.

Respectfully submitted,

STATE OF NEBRASKA

(Signed) Ralph G. Brooks

GOVERNOR

RGB:RBC:s

#### **MOTION—Appreciation to Chaplain**

Mr. President: I move that this Sixty-ninth Session of the Nebraska State Legislature give a standing vote of appreciation to our Chaplain, Rev. Martin Schroeder. (Signed) Norman A. Otto

The motion prevailed.

The President expressed appreciation to Gertrude Tyler, Telephone Operator; Ruby B. Nelson, Postmaster; George Santo, Sergeant-at-arms; and Max Baskins, Assistant Sergeant-at-arms.

#### **Appreciation**

Mr. Adams expressed his appreciation to President Burney, Mr. Srb, and all other members and employees of the Legislature for their courtesy and assistance during this session.

**Adjournment**

Mr. President: I move that the Journal for the One Hundred-twentieth Day, as prepared by the Clerk, be approved, and that the Sixty-ninth Session of the Legislature, having finished all business before it, now (12:54 p.m.) adjourn sine die. (Signed) John Aufenkamp

The motion prevailed.

Hugo F. Srb  
Clerk of the Legislature

**CERTIFICATE**

I, Hugo F. Srb, Clerk of the Legislature, hereby certify that the foregoing is a true and correct copy of the Legislative Journal of the Sixty-ninth Session of the Legislature of the State of Nebraska, convened and held in the City of Lincoln, State of Nebraska, January 6, 1959 to June 27, 1959.

(Signed) Hugo F. Srb  
Clerk of the Legislature

November 13, 1959  
Lincoln, Nebraska

**LEGISLATIVE BILLS**

**Disposed of After Adjournment**

**Approved by the Governor:**

Legislative Bill 617	June 29, 1959
Legislative Bill 74	June 30, 1959
Legislative Bill 238	June 30, 1959
Legislative Bill 462	June 30, 1959
Legislative Bill 487	June 30, 1959
Legislative Bill 624	June 30, 1959
Legislative Bill 739	June 30, 1959
Legislative Bill 705	July 1, 1959

**Filed with the Governor's objections in the office of the Secretary of State:**

Legislative Bill 656	June 30, 1959
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**Became law without the signature of the Governor:**

Legislative Bill 738	July 1, 1959
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