

LEGISLATIVE JOURNAL

SIXTY - THIRD (EXTRAORDINARY) SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska

Thursday, April 17, 1952

Pursuant to a proclamation by His Excellency, Val Peterson, Governor of the State of Nebraska, the sixty-third (extraordinary) session of the Legislature of Nebraska assembled in Legislative Hall of the capitol building at the hour of 12 o'clock noon, April 17, 1952, and was called to order by Lieutenant Governor Charles J. Warner.

PROCLAMATION OF THE GOVERNOR

By virtue of the authority vested in the Governor by Section 8, Article IV, of the Constitution of Nebraska, I, Val Peterson, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, do hereby call the Legislature of Nebraska to convene in extraordinary session at the State Capitol on Thursday, April 17, 1952, at 12:00 noon, for the purpose of considering:

1. An appropriation to the Adjutant General for the remainder of the biennium ending June 30, 1953, a sufficient amount from the general fund to defray the cost of furnishing emergency relief under the Storm Emergency Fund Act, Sections 84-110 to 84-119, Reissue Revised Statutes of Nebraska, 1950;

2. An appropriation of funds for the necessary expense of the extraordinary session herein called.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed.

Done at the Capitol in the City of Lincoln, this 16th Day of April, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-Two.

(SEAL)

/s/ Val Peterson
Governor

BY THE GOVERNOR:

James S. Pittenger
Secretary of State

Prayer was offered by Reverend E. C. Hansen.

The roll was called and the following members were present:

Adams, John, Sr.	Hill, Ralph W.	Moulton, William
Adams, Thomas H.	Hoyt, Ed	Nelson, Frank
Beaver, John E.	Klaver, Sam	Person, O. H.
Bridenbaugh, Hal	Kotouc, Otto, Sr.	Peterson, K. W.
Brown, J. L.	Kreutz, R. H.	Pizer, Harry L.
Burney, Dwight W.	Larkin, John J., Jr.	Prohs, Otto J.
Carmody, Arthur	Lee, Earl J.	Shalla, Joseph P.
Carson, Hugh	Liebers, Otto H.	Shultz, L. M.
Cole, D. J.	Lillibridge, C. C.	Syas, George
Cramer, Glenn	Lindgren, C. R.	Tvrdik, Charles F.
Diers, H. K.	McNutt, Robert	Vogel, Karl E.
Duis, Herbert J.	Marvel, Richard D.	Wellensiek, H. G.
Hern, William	Metzger, C. E.	Williams, W. J.

Members Excused

Senator Lusienki was excused because of illness until he is able to return to the Legislature.

Senator Wilson was excused for today because of adverse flying conditions.

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

Rules of the Legislature

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

MOTION—Committee on Credentials

Mr. President: I move that a committee of three be appointed on Credentials. (Signed) Richard D. Marvel

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

Marvel, chairman; Duis, Diers

The committee withdrew and subsequently returned with the following:

REPORT—Committee on Credentials

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

Floyd W. Pohlman, 2nd District, Otoe and Nemaha Counties

LETTER—Secretary of State

April 17, 1952

Mr. Hugo Srb

Clerk of the Legislature

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LEGISLATIVE JOURNAL

State House
Lincoln, Nebraska

Dear Hugo:

We hand you herewith the official appointment of Floyd W. Pohlman as a Member of the Legislature for the unexpired term of John P. McKnight, resigned.

Very truly yours,

JAMES S. PITTENGER
SECRETARY OF STATE

By (Signed) D. F. Whalen

D. F. Whalen
Assistant

CERTIFICATE

State of Nebraska, Department of State

I, James S. Pittenger, Secretary of State of the State of Nebraska do hereby certify that Floyd W. Pohlman has been appointed a Member of the Nebraska State Legislature from the Second Legislative District, for the unexpired term of John P. McKnight, resigned, for the term beginning April 16, 1952 and continuing until a successor is elected and qualified.

I further certify that the foregoing appointment was made by Governor Val Peterson under the authority granted by section 32-1042 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this 17th day of April in the year of our Lord, one thousand nine hundred and Fifty-Two.

(Signed) James S. Pittenger

Secretary of State

Motion by Senator Marvel to adopt the report of the Committee on Credentials prevailed.

MOTION—Committee to Escort Chief Justice

Mr. President: I move that the President appoint a committee of three to escort Chief Justice Robert G. Simmons to the Legislative Chamber for the purpose of administering the oath of office to the new member. (Signed) John Adams, Sr.

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

John Adams, chairman; McNutt, Wellensiek.

The committee retired and subsequently returned escorting the Chief Justice.

MOTION—Escort the New Member

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

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

Hern, chairman; Kotouc, Peterson.

The committee to escort the new member retired and subsequently returned escorting Floyd W. Pohlman.

The required oath of office was administered by Chief Justice Robert G. Simmons to the new member, who was then escorted to his seat in the legislative chamber.

Senator Tvrdik then welcomed Senator Pohlman as a new member of the Legislature and he responded with a greeting to the Legislature.

MOTION—New Member, Committees

Mr. President: I move that the new member, Floyd W. Pohlman, be appointed on the committees served by his predecessor, John P. McKnight, and that, with this exception, the membership on all standing committees be the same as during the regular session. (Signed) Harry L. Pizer

The motion prevailed.

MOTION—Notify the Governor

Mr. President: I move that the President appoint a committee of five to notify Governor Val Peterson that the Legislature is now organized and ready to receive any communications. (Signed) Ed Hoyt

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

Hoyt, chairman; Lillibridge, Bridenbaugh, Kreutz, Metzger.

The Committee retired and subsequently returned escorting Governor Val Peterson, who delivered the following:

MESSAGE TO THE LEGISLATURE

To the Members of the Sixty-Third (Extraordinary) Session of the Legislature, April 17, 1952.

Mr. President, Mr. Speaker and Members of the Senate:

On January 25, 1949, during the worst series of blizzards ever to hit Nebraska and the Middlewest, I came before your Honorable Body to recommend a course of action and to request from you funds with which to follow that course. On that day, an unbelievably heavy blanket of snow, over 100 inches on the level in some places, made it impossible for farmers and ranchers to get from their homes to their trading places or even to their feed supplies and cattle in order that they might care for their livestock. Many homes lacked food and fuel. In others, the sick were unable to have the ministrations of their doctors. In some instances even the dead could not be removed for burial. Thousands of Nebraskans were caught in a monstrous force which stifled all normal activity.

I said then that I did not wish to call upon the Federal Government for assistance until we had made an honest attempt to solve our problems by the employment of our own resources. You accepted my recommendation and made available to the Adjutant General the sum of \$500,000 with which to remove snow and to restore normalcy to our state. We placed over 300 bulldozers

in the field under the direction of our National Guard and had made a good start in solving our problem when the Federal Government came to our assistance, and with its superior resources, fought the battle to a successful conclusion.

Nebraska, on that occasion, indicated to the Nation its willingness to make a real effort to meet its own problems. I am certain that all Nebraskans took pride in the action of your Honorable Body and in our determination to stand upon our own feet before we called upon others for help. I know that many people across the Nation commented favorably upon our decision at that time.

That emergency covered an area bounded by a line running southwesterly from Dixon County down to Howard and then westerly to the state line, dipping south of the Platte along the Burlington highline from approximately Elwood to the state line.

Today, we face another catastrophe. Thousands of Nebraskans living along the Missouri River are homeless, and in the days that lie ahead other thousands may be forced to evacuate. For days, brave people on the farms and in the cities and villages lying along the path of the Missouri have been fighting with everything at their command to keep the relentless waters of the "Big Muddy" from entering their homes and places of business.

Gallant battles have been fought—some won and some lost—and other titanic struggles are still in the process. In South Sioux City, sixty per cent of which was covered by water, determined men saved part of their city by the construction of a dike which they fashioned with bulldozers, shovels, and literally, their bare hands. In neighboring Dakota City, part of the town, too, was kept dry by great effort on the part of the citizenry. Many other communities are fighting with equal valor. In the Dakota County area, one member of this Honorable Body experienced the surge of flood waters onto his farm so rapidly that he wasn't even able to remove the rugs as he attempted to ready his home for the invasion. I refer to Senator Hal Bridenbaugh who lives in Dakota County.

Last night as the sun was sinking, I stood upon the Ak-Sar-Ben Bridge in Omaha and listened to the roar of the waters as they moved swiftly southward at a level above the earthen dikes built to contain them—but still within the wooden freeboards which have been extended above the concrete flood wall resting upon the dikes. It took no imagination to realize the catastrophe

which would befall our metropolitan city and its sister city, Council Bluffs, Iowa, should those dikes and restraining walls fail. Widespread devastation would be their lot.

In Omaha splendid leadership and determined effort by thousands of people have gained that community a fighting chance to escape the ravages of flood. Instrumental in the battle in Omaha has been the Nebraska Civil Defense Act of 1951. Its terms have permitted effective leadership and action. Had it not been in effect, it is quite likely that decisive action to withstand the flood could not have been taken without the declaration of Martial Law in part of, if not all, the metropolitan area. With this Act, which you gentlemen passed less than a year ago, citizens of Omaha have been able to cooperate and under civilian leadership carry on a highly efficient campaign against the onslaught of the river.

City and County authorities have acted with dispatch to meet the emergency in spite of the fact that they have been without funds and without authority to raise funds to meet the commitments which they have undertaken. Red tape has been brushed aside and the job is being done. If our cities and counties were not limited in their ability to raise funds, it is possible that, at least in the metropolitan area, the county and city governments would be able to go a long way toward meeting their own needs, aside from the reconstruction of dikes which has been undertaken by the Federal Government through the Corps of Engineers.

Through the Storm Emergency Fund and the authority granted under the Storm Emergency Act of 1949, this office has been able to extend some assistance to several of the communities affected by the flood. However, the funds available are inadequate to meet the needs.

I think I should relate here, too, that our National Guard has been in the field since the beginning serving in a multitude of ways—policing evacuated areas, warning citizens and carrying on rescue and evacuation activities. Guard costs are approximately \$3,000 per day. Our Health Department is in the affected communities to insure that water supplies are pure and that sanitation problems are properly handled. The Highway Department, the Safety Patrol, a detail from the State Reformatory and others are on the job.

In order that the counties and cities in the affected areas may have help in fighting the flood, and help to repair and re-

construct streets, roads, sewage and water systems, schools and other utilities after the flood, I request that your Honorable Body appropriate to the Adjutant General's office the sum of \$500,000. It would be expended in accordance with Legislative Bill 325 enacted by the 1949 Legislature.

The money which you appropriate will be spent carefully and most certainly will not be disbursed unless it is required. Those who need it and want it will be required to justify their requests in such a manner that the best interests of the Nebraska taxpayers will be fully protected. I take pride in the manner in which the Adjutant General handled the funds allocated to his office during Operation Snowbound and have every confidence that these funds will be handled in the same careful manner. I point, too, to the fact that since the time that the Budget for the 1949-51 biennium went into effect to Tuesday of this week, this office had maintained intact the Storm Emergency Funds which were at its disposal.

It was my firm conviction that in this emergency, as that which confronted us in 1949, Nebraska should not request funds from the Federal Government until it had first taken positive steps to meet its own problems. Because I had confidence that you would view this problem as I do, and accordingly make funds available in this emergency, and also because time was of the essence, I have requested the President of the United States to declare the counties in Nebraska which border the Missouri River a disaster area. He has done so. I should have preferred to have had action by your Honorable Body first, but several Federal agencies could do nothing to help Nebraska until the Governor issued the required proclamation designating the river counties as a disaster area and appealed to the President for similar designation by him. Had this not been done, we should have had the unseemly situation of farmers living in the Missouri River bottoms being accorded different treatment by Federal Government agencies simply because they lived on opposite sides of that river.

Assistance to those who are suffering through no fault of their own, through this flood, must come from private sources and from the state and federal governments. The American Red Cross is doing a grand job of providing food, clothing, and shelter. When the flood waters have receded, it will help reconstruct homes. No unit of Government can expend public funds upon the reconstruction and repair of private homes and business establishments. Such help must come from private individuals and such institutions as the Red Cross.

Aside from the work being done by the Army Engineers in building levees and fighting to withstand the flood waters at various points along the river, no agency of the Federal Government can help fight the flood waters, but each must wait until the damage has been done and then step in and assist in the cleanup and rehabilitation process. Even then, the Federal Government is restricted to repairs and reconstruction of roads and utilities on a temporary basis. The great need from the State of Nebraska exists in repairs and reconstruction of roads, bridges, sewage plants, water plants, and other public utilities upon a permanent basis.

I plead with you in the name of those who today are suffering unprecedented floods to provide money in order that our State Government may extend a helping hand to its citizens.

I have full confidence that your actions will be in the best interests of the people of Nebraska.

The committee escorted the Governor from the Legislative Chamber.

Message from the Governor

May 23, 1951

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

Gentlemen:

For the information and subject to the approval and consideration of Your Honorable Body, I am pleased to advise that I have reappointed Lewis C. Sholes of Omaha, Nebraska, to the Douglas County Tax Appraisal Board for a six-year term beginning July 3, 1951, and expiring July 3, 1957.

Respectfully submitted,

(Signed) Val Peterson
Governor of Nebraska

Communications

Letter from John A. Stryker, Fort Worth, Texas, offering suggestion for a change in Nebraska license plates.

A copy of a Concurrent Resolution from the House of Representatives of the State of New Hampshire, dated August 21, 1951, making application to the Congress of the United States for calling a convention to propose an amendment to the Constitution of the United States limiting the taxing power of the federal government.

Communication addressed to the Secretary of State, dated May 25, 1951, from the Secretary of State, State of Maine, and enclosing a copy of a Memorial to the Senate and House of Representatives of the United States similar to the above resolution from the State of New Hampshire.

The Legislature was at ease from 1:00 to 1:05.

BILLS ON FIRST READING

The following bills were read the first time by title:

LEGISLATIVE BILL 1. By Arthur Carmody, Chairman, Budget Committee

A bill for an act to appropriate to the office of the Adjutant General, out of the state General Fund, the sum of five hundred thousand dollars for the remainder of the biennium ending June 30, 1953, for the Storm Emergency Fund; to appropriate for the remainder of the biennium ending June 30, 1953, all receipts and contributions from any source to the Storm Emergency Fund; to provide for the disbursement of such fund; and to declare an emergency.

LEGISLATIVE BILL 2. By Arthur Carmody, Chairman, Budget Committee

A bill for an act to provide for the compensation of employees, mileage of members, and for supplies and other incidental expenses incurred during the Sixty-third (Extraordinary) Session of the Legislature of the State of Nebraska; to appropriate the sum of six thousand dollars therefor; and to declare an emergency.

MOTION—Suspend Rules—General File

Mr. President: I move that the rules be suspended and the bills this day introduced be placed on General File. (Signed) Arthur Carmody

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

MOTION—Supplies

Mr. President: I move that the Clerk be authorized to furnish supplies for the Legislature. (Signed) D. J. Cole

The motion prevailed.

MOTION—Supplies

Mr. President: I move that the Clerk furnish the new member, Floyd W. Pohlman, with the Statutes and Session Laws and other usual supplies. (Signed) O. H. Person

The motion prevailed.

Announcement

Senator Carmody announced that planes from the Department of Aeronautics would be available for any of the Senators who wished to view the flooded area.

Unanimous Consent

Senator Carmody asked unanimous consent that the names of any of the Senators who so desired be added as co-introducers on the bills introduced by the Budget Committee.

No objection.

Members Excused

Senators Carmody and Shultz were excused for Friday, April 18, 1952.

Adjournment

Mr. President: I move that we adjourn until 10 o'clock tomorrow morning. (Signed) John J. Larkin, Jr.

Motion amended to read 2 o'clock on motion by Senator Tvrdik.
Motion as amended prevailed.

Hugo F. Srb

Clerk of the Legislature

SECOND DAY

Legislative Chamber, Lincoln, Nebraska

April 18, 1952

Pursuant to adjournment, the Legislature met at 2:00 p.m., President Warner presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Babcock, Carmody, Lusinski and Shultz, who were excused.

Members Excused

Messrs. Bridenbaugh, Burney, Carson, Klaver, Larkin, Marvel, Shultz, Tvrdik, Wellensiek and Williams were excused for Saturday, April 19, 1952. Mr. Babcock was excused for the remainder of the session.

MOTION—Adjourn

Mr. President: I move that when the Legislature adjourns today, it adjourn until 8 o'clock tomorrow morning. (Signed) H. K. Diers

The motion prevailed.

The Journal for the First Day was approved.

Communications

Letter from W. W. Putney, Potentate, Sesostri Temple, inviting the members of the State Legislature who belong to the Ancient

Arabic Order of the Nobles of the Mystic Shrine to attend the Ceremonial to be held in Lincoln on Friday, April 18, 1952.

Letter from Leslie L. Frey, Bigelow, Kent, Willard & Company, regarding work done by that organization to reorganize various branches of the state government of New Hampshire.

A copy of Senate Resolution No. 32 from the State of California, expressing thanks to the Michigan State Senate for its Senate Resolution No. 8.

GENERAL FILE

LEGISLATIVE BILL 1. Read and considered.

Advanced to E & R for review.

LEGISLATIVE BILL 2. Read and considered.

Advanced to E & R for review.

Members Excused

Messrs. Lee, Lillibridge and Tvrdik were excused for Monday, April 21, 1952.

Adjournment

At 2:50 p.m., on a motion by Senator Marvel, the Legislature adjourned.

Hugo F. Srb

Clerk of the Legislature

THIRD DAY

Legislative Chamber, Lincoln, Nebraska

Saturday, April 19, 1952

Pursuant to adjournment, the Legislature met at 8:00 a.m., President Warner presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. John Adams, Babcock, Bridenbaugh, Burney, Carson, Klaver, Larkin, Lillibridge, Lusinski, Marvel, Shultz, Tvrdik and Wellensiek, who were excused.

The Journal for the Second Day was approved.

Attorney General's Opinion

April 18, 1952

Honorable Ed. Hoyt
Speaker of the Legislature
State House
Lincoln, Nebraska

Dear Senator Hoyt:

You request an opinion respecting the minimum time within which various procedural steps may be taken by the legislature in the enactment of the appropriation bill for the passage of which the legislature has been convened by the Governor, and the time within which the legislature may adjourn subsequent to the passage of the bill.

Section 14 of Article III of the Constitution reads, so much of it as is pertinent, as follows:

“No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day.....”

The introduction of the bill was accomplished on April 17. We assume that the legislature will not sit on Sunday, April 20, but will sit on Saturday, April 19. The five-day period may be computed as follows:

April 17 will be excluded, and the count of legislative days will commence April 18. Sunday, April 20, will be excluded. The five legislative days will expire at the conclusion of the day's business on April 23.

The bill may be placed “on file for final reading and passage for at least one legislative day” by doing so no later than April 22. Thus April 23 will be the “at least one legislative day” which must run to satisfy the constitutional requirement. The vote on final passage may be taken on April 24. It appears that the 1946 special session of the legislature by a similar time sequence complied with the constitutional requirement in passing bills for the purposes for which it was convened.

Section 15 of Article IV of the Constitution provides, so much of it as is pertinent, as follows:

“Every bill passed by the legislature, before it becomes a law, and every order, resolution or vote to which the concurrence of both Houses may be necessary (except on questions of adjournment) shall be presented to the Governor.Any bill which shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it; unless the legislature by their adjournment prevent its return; in which case it shall be filed, with his objections, in the office of the secretary of state within five days after such adjournment, or become a law.”

Unlike the constitutions of some states there is no requirement in the Constitution of Nebraska that a bill shall be presented to the Governor within a specified time prior to adjournment sine die.

The constitutional command is that the bill be presented to the Governor. No time within which delivery shall be accomplished is stated. If the case be, therefore, that the legislature adjourns subsequent to the passage of the bill and the signing thereof by the appropriate officer of the legislature, still the five-day period within which the Governor shall act upon it cannot commence to run until the day the bill is presented to him. There is no constitutional requirement that the legislature remain in session beyond the 24th day of April if that be the legislative day on which the bill is passed and signed, the bill being presented to the Governor on that day.

Very truly yours,

CLARENCE S. BECK
Attorney General

(Signed) William T. Gleeson
William T. Gleeson
Deputy Attorney General

WTG:mk

RESOLUTION

LEGISLATIVE RESOLUTION 1. Re: Conveyance of Fort Robinson to State of Nebraska

Introduced by Wm. Hern, Otto Prohs and Harry L. Pizer

WHEREAS, the Federal Government has ceased to use the property known as Fort Robinson for military purposes; and

WHEREAS, the Federal Government has planned to abandon some of the buildings situated thereon and to dismantle some of such buildings.

NOW, THEREFORE, BE IT RESOLVED BY THE SIXTY-THIRD (EXTRAORDINARY) SESSION OF THE NEBRASKA STATE LEGISLATURE:

1. That the United States government is hereby requested to convey to the State of Nebraska all of the real estate which is comprised within Fort Robinson.

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

Unanimous Consent

Senator Hern asked unanimous consent to add the names of co-introducers to Legislative Resolution 1.

The following names were added as co-introducers of Legislative Resolution 1: Cole, Brown, Nelson, Peterson and Williams.

Announcement

Senator Vogel announced that the Legislative Council Highway Committee would meet Tuesday afternoon, April 22, in Dr. Shumate's office, instead of on Friday, April 25, as originally scheduled.

STANDING COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.

LEGISLATIVE BILL 2. Placed on Select File.

Members Excused

Messrs. Duis, Peterson and Vogel were excused for Monday, April 21, 1952.

Adjournment

Mr. President: I move that the Legislature adjourn until 2 o'clock Monday afternoon, April 21, 1952. (Signed) Wm. Hern

Senator Kotouc moved to amend the motion to read 10:00 a.m. The motion lost.

The original motion prevailed, and the Legislature adjourned at 8:25 a.m.

Hugo F. Srb

Clerk of the Legislature

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska

Monday, April 21, 1952

Pursuant to adjournment, the Legislature met at 2:00 p.m., President Warner presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Babcock, Duis, Hill, Lee, Lillibridge, Lusienski, Shultz, Tvrdik, Vogel and Wilson, who were excused.

RESOLUTION

LEGISLATIVE RESOLUTION 2. Re: Legislative Council study of adequate flood control

Introduced by George Syas

WHEREAS, it has been necessary that this Extraordinary Session of the Legislature be called to appropriate money to alleviate suffering and distress occasioned by flood on the Missouri River; and

WHEREAS, the government of the United States has not carried out a plan of flood control on the Missouri River sufficient to prevent hardship and disaster to citizens of Nebraska;

NOW THEREFORE, BE IT RESOLVED BY THE SIXTY-THIRD (EXTRAORDINARY) SESSION OF THE NEBRASKA STATE LEGISLATURE:

1. That the Legislative Council, by and through its Committee on Water-shed Legislation, be instructed to study and report to the next session of the Nebraska Legislature what steps should be taken and what legislation enacted by the State of Nebraska to protect its citizens and their property from the effects of floods on the rivers of this state, and to prevent a recurrence of the situation which has been the occasion for the convening of this Extraordinary Session of the Legislature.

LEGISLATIVE RESOLUTION 1.

L. R. 1 was adopted with 32 ayes, 0 nays and 11 not voting.

Ease

The Legislature was at ease from 2:15 to 3:00 to hear a report on Operation Snow Bound by Gen. Guy N. Henninger and to ask questions of Lt. Col. Kenneth E. Ristau and Maj. William Kitrell regarding the present emergency.

SUSPEND RULES—Consider Bills

Mr. President: I move that the rules be suspended and we take up bills on Select File at this time. (Signed) J. E. Beaver

The motion prevailed with 31 ayes, 0 nays and 12 not voting.

SELECT FILE

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

LEGISLATIVE BILL 2. Advanced to E and R for engrossment.

Unanimous Consent

The following names were added as co-introducers of L. B. 1: Klaver, Pohlman, J. Adams, Brown, Moulton, Syas and Bridenbaugh.

Members Excused

Senator J. Adams was excused for Tuesday, April 22, 1952.

Senator Shalla was excused for Tuesday and Wednesday, April 22 and April 23, 1952.

Adjournment

Mr. President: I move that we adjourn until 8 o'clock tomorrow morning. (Signed) K. W. Peterson

Senator Moulton moved to amend the motion to read 1 p.m.

The motion lost.

Senator Wellensiek moved to amend the motion to read 9 a.m. The motion carried.

Senator Peterson's motion as amended by Senator Wellensiek prevailed, and the Legislature adjourned at 3:15.

Hugo F. Srb

Clerk of the Legislature

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska

Tuesday, April 22, 1952

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. John Adams, Babcock, Burney, Hill, Kreutz, Lee, Lusinski, Shalla, Shultz and Tvrdik, who were excused.

Visitors

Senator Beaver introduced Supt. Forrest Rockwell, Mrs. Rockwell, 5 sponsors and 14 students from Craig High School, Craig, Nebraska.

RESOLUTION

LEGISLATIVE RESOLUTION 2.

L. R. 2 failed to pass with 8 ayes, 2 nays and 33 not voting.

President Signs

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

L. R. 1

STANDING COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 1. Correctly engrossed.

LEGISLATIVE BILL 2. Correctly engrossed.

Visitors

Senator Bridenbaugh introduced Lawrence Nelson, Superintendent, and 11 students from Dixon High School, Dixon, Nebraska.

Birthday

Senator Hoyt announced that today is Senator Kotouc's birthday. Members of the Legislature sang "Happy Birthday" and Senator Kotouc made a few appropriate remarks in reply.

RECESS

The Legislature recessed from 9:20 until 9:30 a.m.

AFTER RECESS

The Legislature reconvened at 9:30 a.m., President Warner presiding.

The roll was called and all members were present except Messrs. John Adams, Babcock, Burney, Hill, Kreutz, Lee, Lusinski, Shalla, Shultz and Tvrdik, who were excused.

Visitors

Senator Bridenbaugh introduced Frank Sailors, Superintendent, and 20 students from Newcastle High School, Newcastle, Nebraska.

Announcements

Senator Person announced that the Committee on Public Health and Miscellaneous Subjects would meet for a few minutes following adjournment today.

Senator Vogel announced that the Legislative Council Highway Committee would meet this afternoon at 2 p.m.

Members Excused

Senators Klaver, Peterson, Wellensiek and Wilson were excused for Wednesday, April 23, 1952.

Adjournment

Mr. President: I move that we adjourn until Wednesday, April 23, at 11:00 p.m., and that when we adjourn tomorrow we adjourn to Thursday, April 24, at 12:30 a.m. (Signed) Richard D. Marvel

The motion lost.

Mr. President: I move that we adjourn until 10 a.m., Wednesday, April 23. (Signed) Wm. Moulton

The motion carried, and at 9:45 the Legislature adjourned until 10 a.m., Wednesday, April 23, 1952.

Hugo F. Srb

Clerk of the Legislature

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska

Wednesday, April 23, 1952

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

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. John Adams, Babcock, Klaver, Lillibridge, Peterson, Shalla, Shultz, Tvrdik, Wellensiek and Wilson, who were excused.

Visitors

Senator Lusienki introduced Miss Dorothy Beatty, teacher, and 26 members of the Modern Problems Class, Kramer High School, Columbus, Nebraska.

Member Excused

Senator Marvel was excused for Thursday, April 24, 1952.

Adjournment

Mr. President: I move that we adjourn. (Signed) Herbert J. Duis.

The motion lost.

Mr. President: I move that we adjourn until 8 a.m. tomorrow. (Signed) O. H. Person

The motion carried, and at 10:15 the Legislature adjourned until 8 a.m. Thursday, April 24, 1952.

Hugo F. Srb

Clerk of the Legislature

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska

Thursday, April 24, 1952

Pursuant to adjournment, the Legislature met at 8:00 a.m., President Warner presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Babcock, Marvel, Peterson and Shalla, who were excused.

The Journal for the Fourth, Fifth and Sixth Days were approved.

Communication

April 22, 1952

Hon. Ed Hoyt,
Speaker of the Legislature,
Capitol Bldg.,
Lincoln, Nebr.

Dear Mr. Speaker:-

When the recent threat of flood disaster made its appearance in the Omaha, Douglas County area, there arose need for legal authority vested in a proper person or persons for numerous vital decisions. For example, authority to order evacuation, the conditions and schedule thereof, the protection of public utilities by building of dikes which would cross railroad tracks or streets, thus immobilizing traffic; using or trespassing on private property in working on the dike; arranging for signal system in case of a dike break, to get workers out of the dike area; proper communications by phone, radio and short wave and numerous other subjects.

Part of the territory effected is in the city, part in the county. No person or officer was legally authorized in regular scope of his duties to exercise such powers, without being an interloper and without subjecting himself and his co-workers to financial liability for damages.

The provisions of the Civil Defense Act of 1951 (L.B. 480) furnished a most effective and satisfactory solution to these problems. It enabled our City-County Civil Defense Director, Sam W. Reynolds, to issue necessary orders without subjecting himself or his workers to personal liability for damage. It centralized the source of authority so that confusion was held to a minimum. It enabled all local civil defense organizations to co-operate fully with city and county authorities and relief organizations. It got the job done.

In my considered judgement, there was no other way to have done this except to have resorted to martial law. That remedy is a harsh one which ordinarily is avoided except as a last resort; and in many of the areas of action it would not have achieved the same results which actually transpired.

The writer has had contact with the Civil Defense Act of 1951 since it was presented to your regular 62nd Session in drafted form. Since its passage I have served as vice-chairman of the State Committee and have observed it, on a local level through its various activities. On the basis of this experience, and of the knowledge of how it has worked here in the past ten days, I think it can be said that if we never have to resort to this Act again, the time and effort in making it a law will have been eminently worthwhile because of the important part it played in the hour of emergency.

Perhaps it may need minor amendment from time to time, but in the main it will stand as a landmark of good, foresighted legislating on the part of the 62nd Session. Our entire community is deeply grateful.

Sincerely yours,

(S) Roman L. Hruska

CHAIRMAN

DOUGLAS COUNTY COMMISSIONERS

RLH:C

Unanimous Consent

Senator Lusienki asked unanimous consent that the foregoing letter be made a part of this day's Journal.

Consent was granted, and it was so ordered.

MOTION—Employees' Salaries

Mr. President: I move that in the figuring of the salaries of the employees of this session, the schedule of wages for 1951 be used. (Signed) Arthur Carmody

The motion prevailed.

Invitation

An invitation was extended to the members of the Legislature by the Engineering Department of the University of Nebraska to attend their Open House on Thursday, April 24, from 2:00 until 10:00 p.m.

MOTION—Session Laws and Journals

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

The motion prevailed.

MOTION—Approve Journal

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

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 and otherwise complete the business of the office for the Sixty-third (Extraordinary) Session of the Legislature. (Signed) J. E. Beaver

The motion prevailed.

Communication

Communication from Southeast Nebraska Taxpayers Association favoring the retention of buildings at Fort Robinson and the converting of the Fort into a home for the aged.

Statement

Senator Lee brought up the matter of obtaining information in connection with the constitutional amendments to be voted on in the fall and furnishing this information to the Legislators.

Senator Burney stated that the Legislative Council was planning to prepare such reports and that the same could be distributed to the members of the Legislature.

Visitor

Senator Prohs introduced Brig. Gen. Warren C. Wood, who has been in charge of flood relief work in Omaha. General Wood addressed the Members briefly.

MOTION—Suspend Rules

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

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 1. With emergency.

A bill for an act to appropriate to the office of the Adjutant General, out of the state General Fund, the sum of five hundred thousand dollars for the remainder of the biennium ending June 30, 1953, for the Storm Emergency Fund; to appropriate for the remainder of the biennium ending June 30, 1953, all receipts and contributions from any source to the Storm Emergency Fund; to provide for the disbursement 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, 39:

Adams, J.	Diers	Liebers	Pohlman
Adams, T.	Duis	Lillibridge	Prohs
Beaver	Hern	Lindgren	Shultz
Bridenbaugh	Hill	Lusienski	Syas
Brown	Hoyt	McNutt	Tvrdik
Burney	Klaver	Metzger	Vogel
Carmody	Kotouc	Moulton	Wellensiek
Carson	Kreutz	Nelson	Williams
Cole	Larkin	Person	Wilson
Cramer	Lee	Pizer	

Voting in the negative, 0.

Not voting, 4:

Babcock	Marvel	Peterson	Shalla
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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 L. B. 1. (Signed) Richard D. Marvel

LEGISLATIVE BILL 2. With emergency.

A bill for an act to provide for the compensation of employees, mileage of members, and for supplies and other incidental expenses incurred during the Sixty-third (Extraordinary) Session of the Legislature of the State of Nebraska; to appropriate the sum of six thousand dollars therefor; and to declare an emergency.

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

Voting in the affirmative, 39:

Adams, J.	Diers	Liebers	Pohlman
Adams, T.	Duis	Lillibridge	Prohs
Beaver	Hern	Lindgren	Shultz
Bridenbaugh	Hill	Lusienski	Syas
Brown	Hoyt	McNutt	Tvrdik
Burney	Klaver	Metzger	Vogel
Carmody	Kotouc	Moulton	Wellensiek
Carson	Kreutz	Nelson	Williams
Cole	Larkin	Person	Wilson
Cramer	Lee	Pizer	

Voting in the negative, 0.

Not voting, 4:

Babcock	Marvel	Peterson	Shalla
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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 L. B. 2. (Signed) Richard D. Marvel

Mr. Pohlman Presiding

President Warner Presiding

STANDING COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1. Correctly enrolled.
LEGISLATIVE BILL 2. Correctly enrolled.

(Signed) John E. Beaver, Chairman

President Signs

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

L. B. 1

L. B. 2

STANDING COMMITTEE REPORTS

Enrollment and Review

Presented to the Governor for approval April 24, 1952, at 9:07 a.m.

L. B. 1

L. B. 2

(Signed) John E. Beaver, Chairman

MOTION—Notify the Governor

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

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

Liebers, chairman; Pohlman, Wilson, Syas, Kotouc

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

Statement

Senator Prohs expressed appreciation for the courtesies shown him during the time he has served in the Legislature.

Adjournment

Mr. President: The Sixty-third (Extraordinary) Session of the Legislature of Nebraska having finished all business before it, I move that it now adjourn sine die. (Signed) Otto J. Prohs

The motion prevailed, and at 9:25 a.m. the Legislature adjourned.

Hugo F. Srb

Clerk of the Legislature

SALARIES OF EMPLOYEES

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REPORT ON SALARIES OF LEGISLATIVE EMPLOYEES

Paid from Special Legislative Funds

From April 16 to April 25, incl., 1952

Employee	Position	Rate of Pay	Total
L. T. Fleetwood	Asst. Clerk	\$16.00 da	\$112.00
George Santo	Sgt.-at-arms	7.40 da	51.80
R. C. Johnson	Asst. Sgt.-at-arms	7.00 da	49.00
Ruby Nelson	Postmistress	6.00 da	42.00
E. C. Hansen	Chaplain	4.60 da	32.00
Jo Fisher	Engrossing Clerk	10.00 da	60.00
Hollis S. Thurber	Bookkeeper	8.00 da	64.00
Glendora Hueser	Secretary	7.60 da	26.60
Verna M. Coleman	Page	5.40 da	37.80
Winona B. Brady	Page	5.40 da	27.00
Paula Williams	Page	5.40 da	35.10
George Wilcox	Page	5.40 da	5.40
Gertrude Tyler	Telephone Operator	6.00 da	48.00
F. R. Miller	Clerk, Bill Room	7.40 da	59.20
Carl Hoffman	Asst. Custodian	6.60 da	46.20
Velimir Timitch	Asst. Custodian	6.60 da	52.80
TOTAL			\$749.10*

*Deducted from this amount:

Withholding Tax	\$82.80
Social Security	10.75
	\$93.55

The above list does not include the following employees who are paid on a monthly basis from regular legislative funds of the 62nd Session: Hugo F. Srb, Clerk of the Legislature; LaVerne Obermeyer, Journal Clerk; Guila C. Darling, Secretary; Ernest Fouts, Chief Custodian.

Hugo F. Srb

Clerk of the Legislature

STANDING COMMITTEES OF THE LEGISLATURE

Sixty-third (Extraordinary) Session

(April 17-24, 1952)

AGRICULTURE—Hern, Chairman

Marvel	Duis	Prohs
Moulton	T. Adams	Williams
Lusienski	Cramer	

BANKING, COMMERCE AND INSURANCE—Babcock, Chairman

Kotouc	Brown	McNutt
Diers	Wellensiek	Beaver
Kreutz	Hoyt	

BUDGET—Carmody, Chairman

Liebers	Pizer	Bridenbaugh
Syas	Hill	Peterson
Burney	Shultz	

EDUCATION—Cramer, Chairman

Marvel	Duis	Prohs
Moulton	T. Adams	Williams
Lusienski	Hern	

GOVERNMENT—Vogel, Chairman

Lindgren	Klaver	Cole
Kreutz	Carson	Nelson
Larkin	Shalla	

JUDICIARY—Wellensiek, Acting Chairman

McNutt	Person	Kotouc
Lee	J. Adams	Beaver
Pohlman	Tvrdik	

LABOR AND PUBLIC WELFARE—Carson, Chairman

Klaver	Shalla	Cole
Vogel	Kreutz	Nelson
Larkin	Lindgren	

STANDING COMMITTEES

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MISCELLANEOUS APPROPRIATIONS AND CLAIMS—

Lillibridge, Chairman

Metzger	Hoyt	Brown
Babcock	Wilson	Diers

PUBLIC HEALTH AND MISCELLANEOUS SUBJECTS—

Person, Chairman

Carson	Klaver	Lindgren
J. Adams	Cole	Nelson

PUBLIC WORKS—Prohs, Chairman

Hern	Lusienski	Cramer
Marvel	Duis	Williams
Moulton	T. Adams	

REVENUE—Tvrdik, Chairman

Lee	Larkin	Wilson
Pohlman	Metzger	Shalla
Vogel	Lillibridge	

RULES—Lusienski, Chairman

T. Adams	Wilson
J. Adams	Williams

INTERGOVERNMENTAL COOPERATION—Lee, Chairman

Members

Carmody	Burney
Vogel	Babcock

Alternates

Lillibridge	Bridenbaugh
Moulton	Prohs

Tvrdik, delegate at large

Cramer, alternate at large

ENROLLMENT & REVIEW—Beaver, Chairman

MESSAGE FROM GOVERNOR

After Adjournment

April 24, 1952

To the President, the Speaker
and Members of the Legislature

Gentlemen:

Governor Peterson has requested me to inform Your Honorable Body that on April 24, 1952, he approved L.B. 1 and 2.

Respectfully submitted,

(Signed) Paul F. Wagner
Administrative Assistant

LEGISLATIVE BILLS BY INTRODUCERS

Committee on Budget

L.B. 1 Appropriation, Storm Emergency Fund

L.B. 2 Appropriation, expenses, special session