The President laid before the Senate the following resolution:

H. C. R. No. 3, Be It Resolved by the House of Representatives, the Senate concurring, That the Joint Rules of the House and Senate of the Forty-sixth Legislature be, and they are hereby made, the temporary Joint Rules of the House and Senate of the Forty-seventh Legislature.

The resolution was read.

Senator Metcalfe (for himself and Senator Martin) offered the following amendment to the resolution:

Amend H. C. R. No. 3, by striking out the period at the end of the resolution and substituting therefor a comma and by adding thereto the following: “until January 28th, 1941.”

The amendment was adopted.

The resolution as amended was adopted.

Senate Resolution 3

The President laid before the Senate, as postponed business, the following resolution:

Resolved, That the Rules of the Senate of the Forty-fourth Legislature, except those rules which would require a four-fifths vote for their adoption, be adopted as the temporary rules of the Senate.

With the following substitute by Senators Martin and Metcalfe pending:

Resolved, That the Rules of the Senate of the Forty-sixth Legislature, except those rules which would require a four-fifths vote for their adoption, be adopted as the temporary rules of the Senate until January 28, 1941.

(Senator Winfield in the Chair.)

Question first recurring on the substitute, it was adopted.

The resolution as substituted then was adopted.

Adjournment

On motion of Senator Metcalfe, the Senate, at 11:50 o’clock a. m., adjourned until 10:00 o’clock a. m. tomorrow.

THIRD DAY

(Thursday, January 16, 1941)

The Senate met at 10:00 o’clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin  Brownlee  Chadick  Cotten  Fain  Formby  Graves  Hill  Isbell  Kelley  Lanning  Lemens  Lovelady  Martin  Mauritz  Metcalfe  Moore  Ramsey  Shivers  Smith  Sulak  Van Zandt  Vick  Weinert  Winfield  York

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Beck was granted leave of absence for today on account of illness on motion of Senator Aikin.

Notification to Senate

A committee from the House appeared at the bar of the Senate, and being duly announced, notified the Senate that the House had completed its organization and is ready for the transaction of business.
Signing of Bill and Resolutions

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bill and resolutions:

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred and Fifty Thousand Dollars ($350,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature, and declaring an emergency."

H. C. R. No. 1, Fixing the per diem of members of the Forty-seventh Legislature and providing the manner of computing mileage due them.

H. C. R. No. 2, Providing for joint sessions on Thursday and Friday, January 16th and 17th, 1941, to hear the biennial message of the Governor.

H. C. R. No. 4, Providing for a joint committee of the House and Senate to arrange for the inauguration of the Governor.

H. C. R. No. 5, Providing for a joint session of the House and Senate to count the votes for Governor and Lieutenant Governor.

Standing Committees

The President announced the following designations of memberships in the several standing committees of the Senate:

Agriculture

Senator Moffett, Chairman; Senator Sulak, Vice Chairman; Senators Aikin, Brownlee, Chadick, Formby, Hazlewood, Isbell, Kelley, Lemens, Lovelady, Mauritz, Metcalfe, York and Van Zandt.

Banking

Senator Winfield, Chairman; Senator Mauritz, Vice Chairman; Senators Beck, Cotten, Hazlewood, Hill, Lanning, Martin, Stone, Vick and Lemens.

Civil Jurisprudence

Senator Weinert, Chairman; Senator Martin, Vice Chairman; Senators Aikin, Beck, Brownlee, Fain, Graves, Hill, Isbell, Moore, Shivers, Smith, Stone, Van Zandt and Vick.

Commerce and Manufactures

Senator Graves, Chairman; Senator Spears, Vice Chairman; Senators Beck, Hill, Lovelady, Ramsey, Smith, Stone and Sulak.

Constitutional Amendments

Senator Beck, Chairman; Senator Smith, Vice Chairman; Senators Aikin, Chadick, Hazlewood, Martin, Metcalfe, Moffett, Moore, Ramsey, Sulak, Van Zandt, Vick, Weinert and Winfield.

Contingent Expenses

Senator Isbell, Chairman; Senator Shivers, Vice Chairman; Senators Beck, Formby, Lanning and Winfield.

Counties and County Boundaries

Senator Ramsey, Chairman; Senator Aikin, Vice Chairman; Senators Formby, Graves, Fain, Moore and Spears.

Criminal Jurisprudence

Senator Lemens, Chairman; Senator Ramsey, Vice Chairman; Senators Brownlee, Chadick, Cotten, Formby, Hazlewood, Kelley, Lovelady, Metcalfe, Spears and York.

Education

Senator Kelley, Chairman; Senator Hill, Vice Chairman; Senators Aikin, Chadick, Cotten, Fain, Lovelady, Spears, Stone, Van Zandt and Winfield.

Engrossed Bills

Senator Fain, Chairman; Senator Chadick, Vice Chairman; Senators Brownlee, Isbell and Martin.

Enrolled Bills

Senator Vick, Chairman; Senator Beck, Vice Chairman; Senators Lemens, Mauritz and Shivers.

Federal Relations

Senator Hazlewood, Chairman; Senator Formby, Vice Chairman; Senators Brownlee, Moore and Weinert.
Finance

Senator Aikin, Chairman; Senator Lanning, Vice Chairman; Senators Brownlee, Fain, Formby, Hill, Isbell, Kelley, Lemens, Lovelady, Metcalfe, Moffett, Spears, Sulak, Weinert, Winfield and York.

Game and Fish

Senator Smith, Chairman; Senator Weinert, Vice Chairman; Senators Kelley, Moore, Shivers, Stone, Winfield and York.

Highways and Motor Traffic

Senator Brownlee, Chairman; Senator Isbell, Vice Chairman; Senators Chadick, Cotten, Graves, Hazlewood, Kelley, Lemens, Martin, Ramsey, Smith, Sulak, Vick and York.

Insurance

Senator Van Zandt, Chairman; Senator Kelley, Vice Chairman; Senators Brownlee, Cotten, Graves, Hazlewood, Lemens, Martin, Ramsey, Smith, Sulak, Vick and York.

Internal Improvements

Senator Fain, Chairman; Senator Vick, Vice Chairman; Senators Hill, Isbell and Lanning.

Interstate Co-operation

Senator York, Chairman; Senator Cotten, Vice Chairman; Senators Moffett, Shivers and Sulak.

Judicial Districts

Senator Ramsey, Chairman; Senator York, Vice Chairman; Senators Aikin, Lovelady, Moore, Smith, Weinert and Winfield.

Labor

Senator Spears, Chairman; Senator Graves, Vice Chairman; Senators Chadick, Hazlewood, Hill, Lemens, Martin, Mauritz, Metcalfe, Moffett, Shivers, Stone and Sulak.

Military Affairs

Senator Metcalfe, Chairman; Senator Spears, Vice Chairman; Senators Aikin, Lemens, Moffett, Smith and Vick.

Mining, Irrigation and Drainage

Senator Shivers, Chairman; Senator Winfield, Vice Chairman; Senators Chadick, Fain, Hazlewood, Hill, Kelley, Lanning, Mauritz, Metcalfe, Moffett, Moore, Smith and Weinert.

Nominations of Governor

Senator Martin, Chairman; Senator York, Vice Chairman; Senators Aikin, Beck, Lemens, Metcalfe, Moffett, Moore, Shivers, Stone, Van Zandt and Vick.

Penitentiaries

Senator Stone, Chairman; Senator Fain, Vice Chairman; Senators Beck, Cotten, Formby, Graves, Isbell, Mauritz, Ramsey, Spears and York.

Privileges and Elections

Senator Hill, Chairman; Senator Beck, Vice Chairman; Senators Brownlee, Cotten, Martin, Spears and Van Zandt.

Public Buildings and Grounds

Senator Mauritz, Chairman; Senator Lovelady, Vice Chairman; Senators Formby, Isbell and Lemens.

Public Health

Senator Sulak, Chairman; Senator Lemens, Vice Chairman; Senators Beck, Brownlee, Chadick, Cotten, Fain, Graves, Hill, Isbell, Martin, Moffett, Stone and Vick.

Public Lands and Land Office

Senator Cotten, Chairman; Senator Moffett, Vice Chairman; Senators Hazlewood, Metcalfe, Moore, Shivers, Smith, Weinert and Winfield.

Public Printing

Senator Sulak, Chairman; Senator Lanning, Vice Chairman; Senators Graves, Lovelady and Spears.

Representative Districts

Senator Vick, Chairman; Senator Mauritz, Vice Chairman; Senators Martin, Ramsey and Van Zandt.

Rules

Senator Metcalfe, Chairman; Senator Moore, Vice Chairman; Senators Lanning, Martin, Shivers, Smith and Van Zandt.
Senatorial Districts

Senator Chadick, Chairman; Senator Kelley, Vice Chairman; Senators Aikin, Beck and Vick.

State Affairs

Senator Moore, Chairman; Senator Stone, Vice Chairman; Senators Chadick, Cotten, Graves, Hazlewood, Kelley, Martin, Mauritz, Ramsey, Shivers, Smith, Van Zandt, Vick, Weinert and Winfield.

State Institutions and Departments

Senator Smith, Chairman; Senator Metcalfe, Vice Chairman; Senators Fain, Formby and Graves.

Stock and Stock Raising

Senator Formby, Chairman; Senator Hazlewood, Vice Chairman; Senators Kelley, Lovelady, Mauritz, Moffett, Smith and Winfield.

Towns and City Corporations

Senator Hill, Chairman; Senator Isbell, Vice Chairman; Senators Lanning, Lemons, Mauritz, Ramsey, Spears, Sulak and York.

Senate Resolution 6

Senator Brownlee, by unanimous consent, offered the following resolution:

Whereas, On January 20, 1941, the President of the United States, Franklin D. Roosevelt, will be inaugurated and inducted into office to serve a third term; and

Whereas, Such date has been specified and designated by the Travis County Committee for the celebration of the President's birthday, such celebration extending over a period of ten days from the 20th of January, to and including the 30th of January; and

Whereas, Such celebration is held annually for the benefit of those unfortunate children who have been afflicted with infantile paralysis and in many cases are unable to receive proper medical attention, and the funds realized from such infantile paralysis fund drive are used solely for research, equipment, and treatment of such dependent and crippled children; and

Whereas, The Governor of the State of Texas, the Honorable W. Lee O'Daniel, has offered to open such campaign by making the first contribution, and the Mayor of the City of Austin, the Honorable Tom Miller, has offered to make the second contribution, and the Lieutenant-Governor of the State of Texas, the Honorable Coke Stevenson, has offered to make the third contribution; and

Whereas, The Universal News Reel has seen fit to designate Austin as one of the places in which to take pictures of the opening of this campaign; and

Whereas, The two local radio stations will carry the program and interview the people making contributions; and

Whereas, An exceedingly large crowd is expected to be present for the opening of such campaign; now, therefore, be it

Resolved, by the Senate of the State of Texas, That we, in honor and observance of, and in hearty accord with, such worthwhile program, do adjourn on the above date of January 20, 1941, at the hour of 11:50 a.m., so that we may proceed in a body to the stand erected to receive such contributions, the same being located on the corner of Seventh Street and Congress Avenue, in front of the Stephen F. Austin Hotel.

The resolution was read, and by unanimous consent, was considered at this time and was adopted.

Senate Bills on First Reading

The following Senate bills were introduced, read severally first time, and referred by the President to the committees indicated:

By Senators Kelley, Brownlee, Metcalfe, Lanning, Mauritz, Winfield, Weinert and Formby:

S. B. No. 1, A bill to be entitled "An Act to amend Sections 3 and 5 of Chapter 42, General Laws of Texas, passed by the 41st Legislature, 2nd Called Session, as amended by Sections 3 and 5 of Chapter 282, Acts Regular Session 42nd Legislature; repealing Section 7 of Chapter 282, Acts Regular Session, 42nd Legislature, said Acts relating to the operation of vehicles on the public highways of Texas; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Moffett:

S. B. No. 2, A bill to be entitled "An Act providing for an appeal di-
Joint Session

The President announced that the hour fixed by concurrent action of the two Houses to meet in joint session to hear a portion of the biennial message of the Governor had arrived.

Accordingly, the President of the Senate and Senators present proceeded to the Hall of the House of Representatives at 10:30 o'clock a.m.

The Senators were announced and were admitted and escorted to seats already prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker’s stand.

The President called the Senate to order and directed the Secretary to call the roll of the Senate.

The roll was called, and the following Senators were present:

Aikin            Mauritz
Brownlee        Metcalfe
Chadick         Moffett
Cotten          Moore
Fain             Ramsey
Formby          Shivers
Graves           Smith
Hazlewood       Stone
Hill             Sulak
Isebell        Van Zandt
Kelley          Vick
Lanning         Weinert
Lemens          Winfield
Lovelady         York
Martin

Absent—Excused

Beck            Spears

A quorum of the Senate was announced present.

Hon. Homer Leonard, Speaker of the House, called the House to order and requested the Members of the House to register.

A quorum of the House was announced present.

Governor W. Lee O’Daniel was announced by the Doorkeeper of the House.

Accompanied by Mrs. O’Daniel and by Miss Molly O’Daniel, Mr. Pat O’Daniel and Mr. Mike O’Daniel, the Governor was escorted to the Speaker’s stand by Senators Martin, Brownlee, Smith, Kelley and Hazlewood and a committee of five members of the House.
Address by Governor

The Speaker presented Governor O'Daniel to the joint session.

The Governor then delivered to the Legislature a portion of his biennial message, as follows:

Members of the Forty-seventh Legislature:

The Constitution of Texas places on the Governor the responsibility of submitting to the Legislature his recommendations concerning the fiscal affairs of the State and other matters which in his judgment demand the attention of the Legislature. It is in compliance with this requirement of the Constitution that I am submitting to you today this message.

This session of the Texas Legislature convenes at a time when the whole world is disturbed and at a time when this Nation faces many problems constituting a national emergency, which must be dealt with by the President and the Congress of the United States. As Governor of Texas, I have always sought to perform my duties as Governor and leave to the President and the Congress of the United States the problem of dealing with national affairs. I have not used in the past and I do not intend in the future to use the office of Governor of this State to influence national legislation. I shall be content if when my term of office as Governor of Texas has expired, I am able to say that I have honestly and diligently performed my duty to the citizens of Texas in dealing with those matters which properly come within the field of State and local affairs.

I believe that the interest of Texas will be served best if we direct our efforts aggressively to the solution of state and local problems, many of which are unsolved and pressing, and avoid seeking to tell the national representatives whom the people have elected, how the national government should be conducted.

As Governor of Texas, I am proud to say that, in the emergency which the Nation now faces, this State has responded promptly to all requests from those in authority in our national government to cooperate in making effective the great program of national defense, and it shall be my desire to continue this cooperation to the fullest extent. In this regard, I think it wise to suggest at this time the desirability of waiting for requests for special emergency action to come to the State through properly authorized channels. It is a very easy matter to promote undesirable legislation on the theory that somehow, in some way it will be beneficial to national defense. I think we should guard carefully against the abuse of principles of sound legislation by the simple process of clothing this legislation in the words of national emergency.

Here is one matter which I want to emphasize today and that is my desire to work in harmony with the Texas Legislature in accomplishing the things which should be accomplished in this State. From my viewpoint, the Forty-seventh Legislature is a new legislative body and I think it highly inadvisable to bring into this Legislature any of the scars of the battles which were fought in the Forty-sixth Legislature. So far as I am concerned, the battles fought in the Forty-sixth Legislature are over. We are now entering upon a new legislative session and I am anxious and willing to work with every member of the Texas Senate and every member of the Texas House of Representatives in solving the problems before us.

I shall bring to the attention of the Legislature in this and in other messages, in the most definite terms, my views concerning State and local governmental matters, and I shall appreciate to the fullest extent the cooperation of the Legislature in both houses in dealing with these problems of government which it is our responsibility to meet.

In this message today I must of necessity refer only briefly to the many things which I feel require your attention. At a later date, in additional messages, I shall discuss these matters more in detail.

Due to the demand of the people, there has been a constant increase in the services rendered by State and local government, with the result that as these new services have been provided, new departments have been established and frequently in the process there has not been an orderly grouping of the activities of
government. As a result today the State government is operating a tremendous governmental machine without any well-ordered plan for doing the work. If we were just establishing a State government in Texas, we might outline an ideal system of conducting the affairs of government in a completely business-like manner, but such is not the case and based on the experience of this State as it has come to my attention, I am definitely of the opinion that any attempt to effect a complete reorganization of all phases of the State government in one bill or in one session of the Legislature would be doomed to failure and would result in nothing being accomplished. On the other hand, I do believe that if the Legislature will approach the matter with an open mind, it is possible to accomplish some constructive work in the plan of reorganizing State and local government.

Today, this Legislature faces the double duty of striking down and abolishing many unfair practices of our State government which have been foisted cunningly and cleverly upon the people for the personal benefit of the selfish few; and in their stead re-instate sound principles of State government based on a true form of Democracy which will carry out honestly and fairly the will and mandate of the majority of the people, for the benefit of the great rank and file of our more than six million citizens. I believe it is my duty to be bluntly bold in dealing with this subject and I shall, therefore, be specific in pointing out to you the process by which some of the vital functions of our Texas State Government have been taken away from the people of Texas and put into the hands of that wilful, powerful, smart and influential handful of people who make it their business to control much of the Texas State Government for their own benefit.

I have made a careful analysis and study of our Texas State Government, and in discussing our state problems with you today, I intend to be very frank, so there will be less chance for misunderstanding each other. To present the proper background for this consideration, I want to refer you to the Constitution of the State of Texas. Article II, Section I, reads as follows: “The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confined to a separate body of magistracy, to-wit: Those which are Legislative to one, those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.” That, ladies and gentlemen, is the true form of Democratic government established by our forefathers over one hundred years ago. A government divided into three divisions, each separate unto itself and each division performing a specific purpose.

Today, we have four divisions of government, and the fourth division in many instances performs all three functions of government—Legislative, Executive and Judicial. In fact this fourth division of our Texas State Government transacts most of the business of this State. In my opinion, this fourth division was deliberately and purposely set up and established through the influence of a relatively small group of selfish individuals, operating through a cunning central organization of powerful lobbyists, generally referred to by some as the third house of the Texas Legislature. Without doubt, it was set up for the explicit purpose of taking most of the powers of government away from the three constituted divisions, and placing these powers in this oligarchic fourth division, so that the third house could more easily control the affairs of State for the personal benefit of the selfish few who belong to this influential group, and to the almost total disregard of the welfare of the rank and file of our more than six million citizens of this State.

For more detailed information on this powerful fourth branch of our State Government I refer you to the report of our State Auditor, Tom King, dated December 29, 1939. From that report let me quote as follows: “The effect of the adoption of this amendment has been to create what should be properly termed a fourth
branch of government in Texas. More than one hundred of these six-year-term Boards or Commissions, the term of members overlapping as provided in the above amendment, are administering practically every function of our State Government. Boards and Commissions authorized the disbursement of approximately ninety-five per cent (95%) or $182,640,000.00 of expenditures from the State Treasury in the fiscal year ended August 31st, 1939, and in addition to the above, they spend approximately $25,000,000.00 State funds which were never placed in the State Treasury, and over which State officials did not exercise even a perfunctory approval. The sources of these undeposited funds were licenses assessed, ad valorem taxes, special assessments, and federal grants to the State of Texas, etc.

"This headless fourth division of Texas Government divided into many units, responsible only to the invisible pressure political groups which sponsored their creation, and constituting a bureaucracy of the spoils system of government, must be returned to the control of state officials selected by the citizenry at the ballot box, before there can be economy, efficiency, or proper organization of the fiscal system of our State.

"A recent report to President Roosevelt by his Committee on Administrative Management is quoted in part as follows: — 'We have watched the growth of Boards and Commissions transform the executive branches of our State Governments into grotesque agglomerations of independent and irresponsible units, bogged by the weight and confusion of the whole crazy structure.' Board members under the Texas system are appointed one-third of the membership every two years for terms of six years and cannot be removed by the Chief Executive of the State after appointment. There is no legal responsibility to the Chief Executive after the appointment is made. The term of office of the Governor is two years. A Governor of Texas, except in the case of newly-created boards, hasn't even a majority of his appointees, independent as they are, until the latter part of a second term in office. The net result is that certain cliques and groups are perpetuated in power after the administration of which they were a part has passed out of office. These bureaucratic Boards and Commissions, created as they are to perpetuate independent organizations of the spoils system, and horizontally grouped together in many instances, with their huge spending powers, and the large amounts of patronage they have to dispense, have secured control of the vital functions of administrative officials, and have through their political influence had the official set-up of the State stripped of powers and facilities to carry out the duties expected of state officials by the electorate. These independent boards and commissions enjoy power without responsibility and leave the Chief Executive with responsibility without power. He must detour around powerful administrative agencies which are in no way subject to his authority, and therefore are actual and potential obstructions to his effective over-all management of the State Government. These independent boards present a serious, immediate problem. No satisfactory administrative organization can be set up and leave suspended in the air, more than a hundred powerful irresponsible agencies free to determine policy and administer law. At the same time these boards present a long-range problem of even greater seriousness. That is because we keep on creating them. The claims of efficient administration and great accomplishment by these boards appears to be propaganda, and in no instance coming under the writer's observation have the statements been supported by accurate and adequate reports and facts to substantiate the claims."

Now, ladies and gentlemen, that is the report from our State Auditor who should know as much about the inner workings of our system as anybody else because he goes into these departments and audits their records. And may I point out to you that State Auditor Tom King made this report after I reappointed him and told him he was to wear no political bridle, and to feel free to call attention to conditions as he found them, regardless of whose toes he might step on in so doing. Now, this headless, irresponsible fourth division of our Texas State Govern-
ment, and this third house of well-organized lobbyists makes a combination which thwarts the will of the masses of our people and brings on most of the demoralized conditions which the great rank and file of our citizens experience. With this fourth division well entrenched, the third house cares very little who the people of Texas elect to the Legislature. What they are interested in is in cleverly and cunningly trying to get their men appointed to these powerful boards, or by various methods endeavor to control the actions of these individuals after their appointment, because these oligarchic boards have more to do with running the State's business than the Legislature and the Governor. This small but influential group that runs the affairs of Texas for the benefit of their own selfish clique, is happy to let the people have the pleasure of paying for poll-taxes and voting every two years, while its members concentrate their efforts on getting in the good graces of the members of these boards who serve six years. It is interesting to remember that while the terms of these board members are for six years, the terms of members of the House of Representatives and of the Governor are for only two years. I consider this combination of the third house and the fourth division the basic cause of most of our State governmental ills, and it should be dealt with sternly and promptly. The members of this Legislature are the only people who can remedy this condition. What is the remedy? In the first place, it may as well be acknowledged that you cannot eliminate the third house. But you can do something just as effective. You can ignore them. Ignoring them will render them just as impotent as eliminating them.

Now, ladies and gentlemen, in referring to this third house of powerful lobbyists, I do not in any manner refer to the honest and sincere citizens of this State who appear openly before the various committees of this Legislature to favor or oppose pending legislation. Your committees are created for that purpose and perform a useful function. It is those who seek to contact you outside those committee hearings who deserve your close scrutiny.

The members of this third house appear to be a somewhat heterogeneous group. The fine-feathered variety that roosts in the penthouse try to hold themselves somewhat aloof from the basement variety in the same house, and perhaps the pride of some will be somewhat crushed by this message just referring to all of them as one breed. However, time here will not permit a careful analysis of the various subdivisions of the third house.

Now, as far as the fourth division of government is concerned, I say to you in all sincerity that even with the exercise of all the power which you as members of the Legislature have, I do not believe you can abolish this division of our State Government. I base that statement on the well-known theory that the tail cannot wag the dog. If you want to find out how difficult it is to abolish the entire fourth division of the Texas State Government, just try to abolish any one of the more than one hundred of these boards and commissions which constitute the fourth division. But be not discouraged. I will tell you one thing that you can do to help break up this combination. In setting up this system, the members of the third house have violated one of the oldest and most fundamental principles of the relation of employers and employees. They have bestowed the Divine Right of Kings upon the heads of these oligarchic boards constituting this fourth division of our Texas State Government.

Once selected and appointed, these board members cannot be discharged—or, to use the more popular expression, "Once hired, they cannot be fired." Every housewife knows when she hires a cook, or maid, or nurse, that she will get very little service if she does not also have the right to fire the cook, or maid, or nurse. Every farmer knows he will get very little service from his hired-hands if he does not have the authority to fire them. In a true Democracy there is no sane argument against that age-old fundamental principle that the one who hires also has the right to fire. Yet, in this clever set-up of this fourth division, when once the Governor hires the members of these various boards, they are hired for six long years,
and regardless of whether they conduct themselves in a proper manner or are guilty of unethical practices or whether they are well or play sick, they go on for six years drawing their salary, and the one who hired them cannot dismiss them, regardless of how certain he may be they are not performing their duty or earning their salary. You Members can remedy this condition by simply giving to him who hires them the right to fire them. The only opposition you will encounter in doing this will be from the members of the third house, and their friends and collaborators. Ignore them.

The great rank and file of our good Texas citizens want this absurd system changed.

If I were a politician, I would not want you to change this system, because I would want to set up an office in Austin after I finish serving as Governor, and then be paid fabulous retaining fees to represent clients who desire to do business with the departments whose personnel consists of men whom I have appointed. Such an arrangement would redound to my material benefit for several years after I quit serving as Governor.

But, you all know I am not a politician and I expect to continue making an honest living after I have served my time as Governor. The obstructionists who will fight you in your attempt to make this change will say that they want to keep these boards free from politics, and removed from danger of domination by the Governor. Mature reflection will reveal the absurdity of such contention, particularly when we see that the system as now organized is honeycombed with politics, and besides that, is perpetual. If the Governor is given the right to hire and fire appointees, the people can get rid of the Governor and all his appointees in two years if his administration does not suit them. The way it is now, the people cannot get rid of this giant, headless, irresponsible fourth division of government. I will admit that I am not infallible. I may choose a man for a job, and think he is exactly fitted for that place, and appoint him. Later I may discover that he is wholly unfitted for the job, but there is no way for me to remove him. He just keeps on drawing his salary for six long years. I say that kind of a system is a bad system.

I do not believe the State has ever suffered much loss on account of any one having been dismissed from the public service—the loss occurs in the hiring, not the firing. Even if a good man was dismissed the State's interest is protected in that the Governor cannot make a new appointment except on approval of two-thirds of the members of the Senate. That is the safety valve which is supposed to protect the State. If the Governor should fire an appointee, he could not hire another to take his place unless two-thirds of the Senators also thought the new person designated was a good man and capable of performing the duties of that office. So I say to you that our system of making the Governor's appointees subject to confirmation by two-thirds of the members of the Senate constitutes an adequate safeguard for the protection of the public interest. But, if the Governor finds out after an appointment is made that it was a mistake, he should have the right to correct that mistake by dismissing the appointee and selecting another, who in turn must also be confirmed by two-thirds of the Senate.

Then in addition to this argument, it is well-known that almost anyone will work harder and better if he knows he can be discharged. The large number of appointees is more than one hundred boards and commissions, constituting this giant oligarchy which I have characterized as the fourth division of our Texas State Government, owe no allegiance to the Governor who appoints them because he cannot dismiss them, and they owe no allegiance to the voters of Texas because the voters do not elect them and cannot fire them. This is not criticism of any particular individual appointees, but is intended as a severe indictment of this part of our system of State Government.

Some of our ultra-smart lawyers who are connected directly or perhaps remotely with the powerful fourth division of our Government may try to tear this argument to pieces by saying that appointees can be removed from office by impeachment proceedings in the House of
Representatives, with subsequent trial by the Senate if they are impeached by the House. But I invite your careful consideration of the practical aspects of this procedure. Officials may, in truth, have charges brought against them in the House of Representatives. If those charges are voted, and the official is impeached, the Senate will sit as a court to act upon the case. It is possible that some official, charged with gross misconduct and dishonesty, might be removed. But may I remind you that there are many other reasons for removing a person from office besides dishonesty. Some people get too lazy on a job when they know they cannot be removed. I do not believe the people of Texas want a State appointee who stays away from his work too much, who is extravagant, or who is guilty of immoral or unethical acts. The Legislature is supposed to stay in session only four months out of twenty-four. This leaves twenty months out of the twenty-four that the Legislature will not be in position to remove an appointee, except at the enormous expense of a called special session. Therefore, this system under which the Legislature has the only power to remove an appointee is seen to be impractical, cumbersome, expensive, and ineffective, and that is exactly the reason why the third house and the fourth division want it retained and that is the reason why they will try to prevent you from changing the system.

In dealing with this subject I am striking at the very heart of the political set-up which uses this Texas State Government for its own personal and selfish gain. The intensity of criticism and objection to changing this system will serve as an indicator to show how close I have struck to the nerve center of their power. The objection and criticism will not come to you Members from the common folks of this State who are depending upon you to return this Texas State Government to the people who constitute this State, and I mean the more than six million of us.

Those powerful interests who will bitterly oppose changing this system will no doubt cry loud and long that the proposal means setting up a dictatorship in the office of the Governor. I say that is not true. It will only restore to the Governor the power which he needs to carry out the responsibilities of his office, and each Governor who is entrusted with this power, must render an account of that sacred trust to the sovereign voters of this State every two years. That is not a dictatorship. That is Democracy. The dictatorship lies in the system we now have, wherein the members of these powerful oligarchic boards and departments never do come before the bar of the sovereign voters of this State, nor are they responsible to any elective officer of the State.

To correct this obvious defect in our system, I have had a bill prepared, for your consideration, and I am pleased to submit it with this message.

There is another law in this State which is almost as absurd as the one just discussed. It is the law that provides for the appointment by the Governor of an Auditor to audit the Governor and his appointees. I invite you to consider what kind of an auditor's report you would get if you bought a store which you would seldom have opportunity to inspect; hired a manager to run that store and then let the manager hire his own auditor to audit the manager's accounts.

I think that if you furnished the money and hired a manager, you would most certainly want to select your own auditor instead of letting the manager select him. Well, the people of Texas have just that kind of a ridiculous system.

The people of Texas furnish the money and hire 181 Legislators to appropriate the money to the various departments. Then the people hire a Governor who appoints men to run these departments and spend this money, and then the system we now have provides for the Governor to appoint his own Auditor to audit himself and his appointees.

Under present-day conditions the State of Texas is spending, in round figures, Three Hundred Million Dollars ($300,000,000) or more each biennium, but only about twenty percent (20%) of this expenditure is carried in the regular appropriation bills. The Constitution of Texas places on the Texas Legislature the responsibility for authorizing the ex-
penditure of the taxpayer's money. It places upon the Legislature the responsibility of prescribing in definite terms the purposes for which this money can be expended. As the law now stands, the Legislature has no continuing, competent agency responsible to the Legislature whose duty it is to report to the Legislature whether or not the laws governing the expenditure of the taxpayers' money have been complied with. For instance, the last Legislature wrote into appropriation bills specific and definite limitations on the expenditure of money, but you ladies and gentlemen, who are assembled here today do not have the information which you should have to enable you to know whether the mandates of the Legislatures which have preceded you have been obeyed. The only sensible way to handle the auditing is for the Legislature which appropriates the money to appoint the Auditor to post-audit the books of the Governor and his appointees, and report back to the succeeding Legislature just how the money was spent and how much, so the Legislature will know that only the amounts appropriated were spent, and that such funds were spent for the purpose for which the Legislature appropriated them. I recommend that this extraordinary law be changed so that the Legislature will appoint the auditor instead of the Governor appointing him. It's the principle of our present system that I am condemning. The principle is wrong and it should be changed. Some time, some Legislature of Texas will change this unwise law, and I hope this, the 47th Legislature, will have the honor of making this change, and not leave it to some future Legislature to lock the barn door after the horses have been stolen.

Yes, that is a wise old saying that it is better to lock the barn door before the horses are stolen. But on the ranch where I was raised, our barn door was in two sections, an upper door and a lower door, and we learned that it was necessary to lock both barn doors to keep the horses from being stolen, because by locking the upper door the big horses could not get out, but we had to also lock the lower door to keep the colts from getting out. Therefore, I want to suggest that in this case you lock both doors. I have just described one of the doors to you, and will not discuss the other door. While you are changing the law so that the Legislature instead of the Governor will appoint the post-auditor, please also change the law so that the Governor can appoint a Budget Director to prepare the budget instead of having it prepared by the Board of Control, a body which also spends more than half of the State expenditures. I have full confidence in the present Board of Control, but the principle is wrong, and they should not be authorized to make up their own budget, nor the budget for any of the other departments. I recommend that you provide the State with a Budget Director to be appointed by the Governor, with the approval of two-thirds of the Senators, and take the appointment of the State Auditor away from the Governor, and place it in the hands of the Legislature. That will be locking both doors. I am submitting with this message a bill for your consideration which is intended to correct these two defects in our system.

After you change the law so that the Governor has, along with the appointive power, the power also to remove appointees, and have placed the budgetary control in the hands of the Governor, and the Auditor for post-auditing in the hands of the Legislature, the next move which I recommend is that all funds of the more than 100 different departments and bureaus be deposited in the State Treasury, where such funds rightfully belong, instead of having different departments carrying the money in their own bank, or their own possession. Along with this change, I recommend that the collection of all taxes, fees and other income of every department of the State be placed in the hands of the Comptroller, and if there are any collections which must be collected by others, that a daily report of those who collect should be made to the Comptroller, so he will know each day, the total income of all State departments. This centralized collecting by the Comptroller will effect a great saving to the State, over the present system under which several State employees from various
departments go to the expense of collecting from the same people in many instances. For your consideration, I am attaching hereto a proposed bill, which, if enacted, will greatly safeguard the money of our State.

Now, ladies and gentlemen, I want to point out to you at this juncture that these few changes in our system which I have just recommended are so practical and so essential to honest and efficient management that I cannot conceive of a single voice being raised against their adoption. The suggested principles which I have recommended are not new theories, but, on the contrary, are old and tried and proven principles of honest and efficient management. Every successful business enterprise in the United States employs such principles; else it is doomed to failure. The reason why these old antiquated and unsound practices are still in vogue in the Texas State Government is simply because the self-interested group previously referred to has willed it so in order that confusion and inefficiency will exist in this Government of ours, the better to serve the group's ulterior motives.

If any wolves in sheep's clothing should approach members of the Senate or House with objections to these changes which I have just recommended, I suggest that you carefully ascertain and analyze their motives before you consider their arguments. Also bear in mind that this assembly of powerful and well-organized lobbyists and the staffs which they can employ with their unlimited expense accounts, are very clever, and they receive handsome rewards, far more than you ladies and gentlemen receive, but they cannot draw that remuneration very long unless they can get you to do what their employers want done, and what those political employers want done is not what the great rank and file of our good citizens of Texas want done.

I may appear to be harsh on this group of which I speak, but during my brief experience with affairs of State, I have seen the hopes of common men wrecked by the crafty maneuvers of these interests, and that is why I want to go far enough in this mes-
sage so that no one can accuse me of not warning you ladies and gentlemen, and especially you new members, of the pitfalls and dangers that lie close at hand, just beyond the fortress of your own consciences.

You members who have been here before need no warning from me. I say to you that it is time to clean up this Texas State Government, and I am firmly convinced that the people back home want it cleaned up, and that is why they sent so many new faces down here this year; and those who have been here before must have been good, or they would not have been returned.

It is high time to quit talking about our great Democracy, and go ahead and re-create a true Democratic form of government in Texas, the kind our forefathers envisioned, and do it at this session of the Legislature. I mean a Democratic form of Government of the people, by the people and for the people, and that means all of the people, not just a favored few.

Section 49 of Article III of the Constitution of Texas reads as follows:

"No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debt; and the debt created to supply deficiencies in the revenue, shall never exceed in the aggregate at any one time two hundred thousand dollars."

Obviously, those who framed the Constitution of Texas thought they had prevented the State from creating a public debt, but experience has proved that this is not true.

The deficit in the State General Fund when this biennium ends will be approximately Thirty Million Dollars ($30,000,000). It is definitely a violation of the purpose of the Constitution to incur this debt without a vote of the people, but the debt has been incurred and it must be paid.

I feel that we, as servants of the taxpayers of this State, have an obligation to stop this violation of the purpose of the Texas Constitution and I hope that this Legislature will submit to the people of this State
a constitutional amendment which will provide that all bills passed by the Legislature appropriating public moneys shall first be sent to the State Comptroller of Public Accounts and that he shall attach to the appropriation bill a certification that under taxes already authorized, the funds will be available to pay the appropriation when it matures and that the Governor shall not be authorized to sign any appropriation bill until such certificate of the State Comptroller has been attached. I am attaching hereto a proposed Amendment to put this plan into operation, if adopted, and I trust you will give serious consideration to submitting this Amendment, or a similar one of your own choosing, to the voters of this State, at the earliest possible date. Let us get back to the fundamental principle of paying our bills as we go.

I believe also that it is highly important for this Legislature to give thought and attention to the general problem of establishing a merit system for State employees. I am not unmindful of the difficulties encountered in the operation of the civil service plan of selecting employees both by other States and by the national government, but I do not believe difficulties encountered are insurmountable. In any civil service law passed by the State I think the first and primary consideration should be to control the qualifications of those entering the State's service, with a minimum attention to the problem of keeping them on the payroll after they have entered. In other words, I am not much concerned about granting to department heads liberal authority in the matter of discharging employees, if you have a law that is strict enough to require that they will be replaced by those who are thoroughly competent. Such a law will, in my judgment, cure most of the troubles incident to the spoils system. Previous Legislatures have put off and sidestepped this essential legislation, until we have recently been obliged to set up a merit system in two of our State departments where Federal funds are contributed, or else such Federal funds would have been withheld.

In setting up this temporary Merit System Council, we tried to remove it as far as possible from political influence by inviting the Presidents of three of our institutions of higher education each to suggest the name of a member to serve on the Council. This they did. Then those three men so selected were appointed, and they, in turn, hired a Personnel Director to administer the rules and regulations. It is the intention of the plan for the Merit Council to formulate rules and regulations and examinations. In order to coordinate our educational institutions which educate our people, with our State departments which employ them, the Merit Council will arrange to give examinations in various schools of our State located at strategic points so that the products of our own educational institutions and all of our citizens seeking employment in State offices may be able to take the examinations and take them without traveling far from their homes.

When department heads of the State Government hereafter wants to hire employees, they may do so by applying to the Personnel Director of the State Merit Council, who will in turn supply their need with applicants who have made the necessary grades in the State examinations. With this start, I trust this Legislature will breathe the breath of law into the temporary Merit System which has been set up, and extend its jurisdiction to include all State departments.

Summarizing these recommendations which will affect the fundamental organization of State and local government, I have recommended as a program to accomplish this purpose the following:

(1) Extend the appointive power of the Governor to include also the power to remove appointees.
(2) Establish an effective budget control of State expenditures of public funds and tighten some phases of the budget law as it affects the expenditure of local funds, and establish an effective system of post-auditing which will make available to the Legislature the information which they must have if they are to perform the duties placed upon them by the Constitution of this State.
(3) Consolidate, insofar as possible, in the office of the Comptroller of Public Accounts the tax-collecting machinery of the State Government,
and eliminate as many as possible of the separate funds in which State money is now kept, and require in the future that these funds be placed in the Treasury of the State of Texas and be paid out only upon specific legislative appropriation.

(4) Amend the Constitution of this State so as to stop the practice of incurring a State debt, which has already reached tremendous proportions, through the process of deficit spending, so that the people of this State can be assured that the purpose of the Constitution of Texas will be carried out and that no debt will be assumed in this State without a vote of the people.

(5) Establish a Merit System to cover the selection of State employees.

I believe that if the Legislature will direct its efforts aggressively toward accomplishing these purposes and not waste its efforts in an attempt to pass some theoretical governmental reorganization plan which involves all phases of the State Government, we may hope to accomplish definite, specific, worthwhile improvement in the organization of State and local government which will improve the service and at the same time protect the reasonable interests of the taxpaying public. I most urgently ask the careful consideration of these foregoing recommendations by this Legislature.

In addition to the five foregoing recommendations intended to correct defects in the organization of our governmental structure, I now desire to direct your attention to the following important matters which should have your sincere consideration and attention.

(a) As I have traveled over Texas I have been impressed with the need for the development of farm to market roads. I do not minimize the importance of our main highway system in Texas, but I do believe that it would be possible for the Legislature to work out plans whereby the State Highway Department could be more helpful in the development of farm to market roads to serve the farmers and stockraisers of this State, and I urge upon you considerations of this subject.

(b) I believe that the law regulating the load of trucks on our public highways should be amended because I do not believe the present law is a reasonable law. When it is amended, I feel that these considerations should be the determining factors in dealing with the problem. First, the limit should be an overall weight limit and should be designed primarily to protect our highways from excessive loads. Based on studies I have made of this problem, it seems to me that there is a sufficient amount of information available to enable the Legislature to deal with this problem on this basis. Second, I believe that the law should be so written as to guarantee that where the highways are used for commercial purposes, transportation of freight and passengers for pay, the fees paid to the State should be sufficient to cover the proper proportional amount of the cost of constructing and maintaining these highways. Third, a factor which I think should be considered is that of safety. To me it is obvious that one truck going down the highway carrying fourteen thousand pounds is not as hazardous to public safety as two trucks carrying seven thousand pounds each. In other words, the more trucks you have on the highway, the greater the hazard to the traveling public. Of course, the size of the trucks and buses should be determined on a basis of safety to the public and the maintenance of proper weight limits. I believe that the number of trucks and buses on our public highways should be limited to that number which is essential to meet the public demand, and the lifting of the load limit on the highways from 7,000 pounds to 14,000 pounds will contribute to this purpose. I think the maintenance of a load limit which puts two trucks on the highway where one could serve the purpose is just as unreasonable as proposing to limit the length of trains which would result in putting two trains across a grade-crossing when normally one would pass—both are artificial limitations and are not in the public's interest.

(c) My position with reference to the question of the manufacture and sale of intoxicating beverages is well known. I have always opposed it, and I now oppose it. But, as Governor of this State, it is my responsibility under the law to see that we have effective control of the sale.
of intoxicating beverages, and it is
to this matter of control that I would
invite your attention at this time.
I believe that legislation should be
enacted which will go just as far
as possible toward eliminating the
troubles incident to the sale of in-
toxicating beverages in Texas. I be-
lieve those who are engaged in the
manufacture of beer and whiskey and
those who are engaged in the sale
of beer and whiskey should cooper-
ate in securing such control because
if they do not they may be assured
that the time will come when the
people of this State will by their
votes prohibit the sale of all intox-
icate beverages within the confines
of this State. I hope, therefore, that
the Legislature will give more ser-
ious consideration to this problem
and enact legislation to establish
more effective control, and I hope
that such legislation will not in any
sense disturb existing laws author-
zizing local committees throughout
the State to deal with this problem
as a local problem.

Another feature of control of the
liquor traffic which I think should
have the serious consideration of this
Legislature is the advertising of it.
I recognize the right of free press
and of free speech, as long as such
free press and free speech deals with
a product the sale of which is legally
authorized, but liquor and beer are
illegal products in some districts in
Texas. I believe that local districts
should be protected from having any form
of the traffic cross the boundary line
into their territory. Let those en-
gaged in the manufacture or sale of
beer and whiskey have free press
and free speech and distribute their
advertising in the territory where
the sale of their products is legalized,
but prohibit them from delivering
their advertising in any way in terri-
ctory where the sale of their pro-
duct is not legalized. Incidentally, it
occurs to me that those who are en-
gaged in the liquor business would
show some consideration to the rights
of people in dry districts by not
forcing their unwelcome advertising
of an illegal product into their dry
districts. It appears, however, that
they do not choose to willingly do
this. Therefore, it seems that the
force of law must be used to pro-
tect the rights of our Texas citizens
in all phases

of the liquor traffic, including the
advertising of it.

(d) My position with reference
to the operation of slot machines,
marble machines, and other gambling
devices, as well as parimutuel betting
on horse racing, has been stated to
the people before and is well known.
I believe all of these things are de-
finite detrimental to the welfare
of the people, and I hope that this
Legislature will not seek to legalize
any of these things under the sub-
terfuge of raising revenue for wor-
thy causes. I believe the right of
any member of the Legislature to
introduce and sponsor legislation fav-
orng any of these things if in his
judgment it is desirable to do so,
but I hope that if this be done, the
sponsors will handle it as a separate
matter so that when other members
are called to vote upon it and when
it comes to the Governor's desk, it
may be dealt with as an individual
matter on its own merits.

(e) I have been impressed with
the fact that much undesirable leg-
islation is presented to the Legis-
lature in the form of local bills. Ob-
viously, there are a few cases where
local bills are justified, but I think
it is absolutely unsound policy to
seek to deal with many problems
which, in fact, affect all counties in
the State, by bills designed to af-
fect only one county in State. In
other words, I feel that a local bill
which applies to one county only,
may have an adverse effect upon
many other counties. I believe that
local bills should be confined to those
emergency matters which cannot be
dealt with by general legislation,
which definitely fall within the auth-
ority granted in the Constitution for
the passage of local bills.

(f) I believe most of the general
bills of the State remitting State
taxes to local units of government
are unsound. I think it has been
seriously abused in the past, and
I would most respectfully urge that
the Legislature consider very delib-
ately any proposal designed to re-
mit State taxes to any local unit
of government within the State. It
is a policy which should be stopped
and I think now is a good time to
stop it.

(g) At the past session of the
Texas Legislature, I submitted a
recommendation which I want to re-
new at this time and it is the rec-

commercial channels into political currents, then the danger must be

ommendation that the laws which

provide the death penalty for certain

crimes be amended and that there

be substituted for the death penalty

an irrevocable life sentence in the

donation. It is my considered

judgment that the irrevocable life

sentence would be a more effective

punishment than the death penalty.

I do not believe that any person, or

man-created association of people, as

a gang or as a State Government,

has the right to take the life of any

person.

(h) The Forty-sixth Legislature

passed a bill authorizing the State

to accept private contributions for

the purpose of purchasing land in

the Big Bend Park area, and to

donate such land to the Federal Gov-

dernment for the purpose of establish-

ning a National Park. Inasmuch as

a National Park in the Big Bend

area of Texas would bring thousands

of tourists to Texas, and benefit al-

most every citizen in our State, I

suggest that this Legislature give

serious consideration to a plan for

financing the purchase of such land

as is needed for this purpose.

(i) It is the duty of the Legis-

lature to re-district the State each

ten years, based on population. This
duty has been shirked since 1930,

and now the 1940 population figures

are available, and I trust that this

Legislature will perform its duty

and re-district this State in accord-

ance with the law.

(j) I trust you will take the

price tag off the poll-tax and give

free hand and wide berth to the right
to vote, on the basis of their inalienable

rights as American citizens instead of

on the size of their pocketbooks.

(k) Before concluding my recom-

mendations to this 47th Texas Legis-

lature today, I want to turn back

the pages of time to January 11th,

1895, and read to you a recommenda-
tion of one of the greatest Gover-
nors the common people of Texas
ever had, Governor James Stephen

Hogg. Here is his message:

"Looking ahead, only one danger

can be seen to threaten the useful-

ness of the (Railroad) Commission;

and by timely legislative action, this

can be measurably avoided. The tro-

uble lurks in the political arena.

Should the great powers vested in

the Commissioners be diverted from

"In my first message in 1891 on

this subject, warning the Legislature

against this danger, and pointing a

way out of it, I said: 'This can be

done by providing that no member

of the (Railroad) Commission shall

be eligible to any other position of

emolument or trust for the period of

two years after the expiration of

his term as Commissioner. . . One

of the great achievements of the

Commission desirable by all classes,

should be the removal of the rail-

ways from politics. With the feature

of disqualification as suggested, it is

not impossible for this result to be

fully attained. . . By this method

of biennial political agitations and

corrupting influence of corporate

power in the elections, always pro-

ductive of discontent, jealousy and

unhappiness among the just people,

will be at an end.'

"Every word of this I repeat now.

There is a serious danger to result

if the Railway Commission is per-

mitted to engage in politics. Their

election, with all the legislative re-

strictions that may be placed around

them, will produce much trouble any-

way. To permit them to use their

powers for political advantage in

seeking other offices, will, in time,

greatly impair, if not destroy, the

efficacy of the law. It cannot be ob-

jectionable to any man in public

life, who prefers a fine record to

political promotion, to know that the
law forbids his becoming a candidate for another office for a named period of years. His answer to the frequent importunities to run for office will be sufficient when he replies that the law forbids it. Thus his great public work will go on undisturbed, to the honor of himself, and benefit to the people. The law needs no amendment. A simple act, providing for the election of the (Railroad) Commissioners, in obedience to the late constitutional amendment, and declaring that ineligibility to other office for a short period of years, will be sufficient."

Those, ladies and gentlemen of the 47th Legislature, were the words of great Governor James Stephen Hogg, spoken to the Texas Legislature fifty years ago and repeated to the Legislature 46 years ago. We had no Highway Commission at that time, consequently, Governor Hogg could not include the Highway Commission in his recommendation which I have just read, but I think there are plenty of people in Texas today who will insist that members of the Highway Commission, and other State officials with power through which State favors can be exchanged for political support, should also be ineligible for election to other State offices, until at least two years after the term of office to which they were elected or appointed has expired. I want to submit Governor Hogg's recommendation to you, and recommend that you enlarge it to include all State officers, with the exception that State Representatives be eligible to run for the Senate, or vice versa. In order to be fair to all State officers who are now serving, and who may now or later have aspirations to run for other State offices, I suggest that you make the bill effective February 1st, 1943.

These foregoing recommendations, lettered from (a) to (k), both inclusive, constitute matters of urgent importance which I trust will receive your careful consideration. Other matters will be submitted to you from time to time during this Session, especially some recommendations intended to benefit the farmers of this great agricultural State, who have been so long neglected by their State Government.

I am pleased to report that much has been accomplished in our Industrialization Program and results have greatly exceeded our expectations. The surface, however, is only scratched, and our goal is to make Texas the greatest industrial State in the United States. I shall give you a special report later, on the Industrialization Program for your consideration.

I shall also be glad to discuss with you the consolidation of certain departments, and other economy plans to reduce the cost of Government.

The problems so far discussed are important matters which can be handled and enacted into law without costing the taxpayers much, if any, money, but which will make substantial improvements in our Texas State Government. Again I want to emphasize that in making these recommendations to you, I am only performing my Constitutional duty. I recognize that it is the exclusive duty and responsibility of the members of this Legislature to enact all legislation, and I am giving you the suggestions because I feel that these are all very important matters. If, however, you conclude to enact legislation that will better correct these evils in our system of Government, and prove to be more beneficial to our great rank and file of Texas citizens, I shall accept with propriety, your method, and cooperate to the fullest extent in putting it into effect.

I am submitting none of these recommendations today as emergency legislation, but on tomorrow, if it meets with your pleasure, I shall discuss with you the Number One Problem of Texas, that problem dealing with our Social Security obligations, and methods of obtaining revenue with which to discharge these obligations, and other important obligations of this State.

In the meantime, may I remind you that people of all States and Nations, having witnessed the downfall of Nations whose leaders betrayed the confidence of the common people, are today more than ever before, scrutinizing closely the actions of their leaders. I believe few people will deny that some of the same conditions and practices which caused the downfall of some of the Nations across the seas, and some of
the Nations of ancient history, exist here to a greater or lesser degree, and that like conditions and practices will produce like results, regardless of where they may be found.

Without listing the elements of this situation, may I state as my personal opinion, the view that uppermost in our shortcomings may be listed a quite general departure from the fundamental and practical application of true religious principles as taught us in the Holy Bible. This great Nation was founded by men and women who charted their every deed and action on the literal interpretation of the Ten Commandments, the Golden Rule and the Teachings of Christ. On that policy this Nation has forged ever upward and onward. Should our grip on those perpetually sound principles ever weaken sufficiently to start us in the opposite direction, the word America in the grinding process of Eternity, will mean no more than the words Sodom and Gomorrah. God's infallible law knows no favorites.

In my visits with you last fall, I was impressed with the serene sanctity of your homes, and with that love and explicit confidence which fairly beamed in the faces of your family and your neighbors who have chosen you as their leaders.

Practical as I am, I cannot help but believe that during this crucial world crisis, most of you, ladies and gentlemen, have been chosen by the hand of God, operating through His children, in the various communities of this State. Nothing like this upheaval has ever happened before in this great State of Texas. In your deliberations, I have no doubt but what most of you will keep in close communion with the only One Who can give human beings the kind of guidance that our State and Nation needs during this dark hour in world history. I feel that this Session of the Legislature will be a different kind of Session than has ever before been assembled. I am confident that more benefit will come out of this Session for the great rank and file of the common citizens of this State than has ever before been accomplished.

I anticipate the greatest joy of my life in sharing with you, ladies and gentlemen of the 47th Legislature of the great State of Texas, the most constructive accomplishments of our State's history.

May God bless us and guide us in our noble desires to serve our people.

**Senate Retires**

At 11:55 o'clock a.m., the Speaker announced that the business of the joint session had been concluded.

The President then requested the Senate to repair to its Chamber.

**In the Senate**

The President called the Senate to order at 12:00 o'clock m.

**Senate Bills on First Reading**

The following bills were introduced, read first time, and referred by the President to the committees indicated:

By Senator Mauritz:

S. B. No. 5, "A bill to be entitled "An Act granting and donating to each respective county in this State for a period of five (5) years, beginning with the taxable year 1942, all of the State ad valorem taxes for general revenue purposes not heretofore donated or appropriated, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies; providing that taxes shall be levied, assessed and collected as now provided by law; authorizing the Assessor or Collector of Taxes in each county to pay over to the County Treasurer all moneys collected by him at the end of each month during the period of this donation, less amounts allowed by law for assessing and collecting the same; providing that nothing in this Act shall amend, alter, modify or repeal any donation, grant or remission of taxes heretofore made; providing that the taxes donated and granted by this Act shall be used by the County Commissioners' Courts for any purpose not inconsistent with the Constitution of Texas, including lowering the ad valorem tax rate for county purposes, constructing flood control works and improvements in said county, improvements to prevent soil erosion and soil conservation purposes, irrigation and drainage projects, reforestation and road building, conservation and utilization of water, projects sponsored by a county in cooper-
ation with the Federal Works Progress Administration or its successors, purchase of rights-of-way for public roads, general relief and charitable purposes, paying the interest and sinking fund on any outstanding bonded indebtedness of the county, assisting in the development of navigation, and any other purpose or purposes not specifically prohibited by the Constitution; authorizing the Commissioners' Courts to contract with the Governing Boards of any River Authority or Water Improvement District to perform construction works for such River Authority or Water Improvement District; or to set aside any part, or all, of the taxes herein donated and granted to such county, for the use of such River Authority or Water Improvement District in retiring its bonded indebtedness, or carrying out any other purpose for which such District was created; providing that if any section, subsection, paragraph, clause, sentence, or word of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining provisions of this Act; and this Legislature hereby declares that it would have passed such remaining portions despite such invalidity; and declaring an emergency."

To Committee on State Affairs.

By Senators Winfield and Metcalfe:

S. B. No. 6, A bill to be entitled "An Act providing for the revision and compilation of the abstracts of patented, titled and surveyed land by the Commissioner of the General Land Office; making an appropriation for the printing and binding of same; providing for the distribution and sale of same by the Comptroller of Public Accounts; and declaring an emergency."

To Committee on Finance.

By Senator Stone:

S. B. No. 7, A bill to be entitled "An Act defining industrial life insurance; forbidding the delivery or issuance for delivery of any policy of industrial life insurance, unless it shall contain certain provisions, and making said provisions subject to certain exceptions; securing to insureds and beneficiaries under policies previously issued the right to select, under certain circumstances, extended or paid-up insurance and providing for the automatic selection of extended insurance in the event such insureds or beneficiaries fail to make a selection; designating additional optional provisions to be contained in policies of industrial life insurance; forbidding the inclusion of certain provisions in industrial life insurance policies; requiring approval of the Board of Insurance Commissioners of all policies of industrial life insurance including such policies which provide for accident and health benefits in addition to natural death benefits, and all riders and endorsements before same can be delivered or issued for delivery; requiring written notice in case of disapproval of any policy, rider or endorsement; providing for an appeal from the decision of the Board; providing that this Act and no other shall apply to and govern the form and content of industrial life insurance policies; providing that upon proper showing to the Board of Insurance Commissioners of inability of an insurer to comply with this Act immediately upon the same becoming effective, such insurer may at the discretion of the Board have sixty days from and after the effective date of this Act in which to make full compliance with its provisions; providing for the severability of the provisions of this Act, and declaring an emergency."

To Committee on Insurance.

By Senator Chadick:

S. B. No. 8, A bill to be entitled "An Act providing for the proration by the Railroad Commission of Texas of wet gas and/or wet gas and distillate wells in the same manner as is now provided for oil wells, provided that nothing in this Act shall apply to dry gas wells and providing that all laws and parts of laws in conflict with this Act and particularly any portion of Article 6008 of Vernon's Annotated Civil Statutes of Texas that may be in conflict with this Act are hereby repealed, and declaring an emergency."

To Committee on Mining, Irrigation and Drainage.

By Senator Spears:

S. B. No. 9, A bill to be entitled "An Act to protect trade-mark owners, distributors, and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a disting-
Executive Act.

CHAPTER 8

A CIPROCLAL, 
in that no contract, if not in violation of Chapter 3, Title 19, Penal Code of the Statutes of Texas or Title 126, Revised Civil Statutes of Texas, 1925, and if made for a period not in excess of two (2) years from the date of execution, shall be deemed in violation of any law of the State of Texas by reason of certain provisions therein; defining certain terms; making certain exceptions; making certain acts unlawful and providing a penalty therefor; regulating contracts of nonresidents; providing a saving clause; providing a title; and declaring an emergency.

To Committee on Commerce and Manufacturers.

By Senators Meticall, Moffett and Winfield:

S. B. No. 10, A bill to be entitled "An Act to extend the time for the payment of all notes or obligations executed by purchasers of school land for the unpaid balance of principal due the State thereon until November 1, 1951; amending Article 5312, Revised Civil Statutes 1925; amending Article 5326, Revised Civil Statutes 1925; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Martin:

S. B. No. 11, A bill to be entitled "An Act providing for the licensing of certain Insurance Agents; providing for two classes of Insurance Agents; defining the two classes of Insurance Agents; defining "Local Recording Agent"; defining "Solicitor"; providing the manner in which a Local Recording Agent shall make application to the Board of Insurance Commissioners for a license to operate; providing that individuals and partnerships may be granted a license as Local Recording Agents, and the manner in which such license shall be granted and to whom it may be granted; providing what the application for a license shall contain; providing who are entitled to make application for a license as a Local Recording Agent; making it unlawful for any person, firm or partnership to act as a Local Recording Agent or Solicitor in procuring business for any Insurance Company, Corporation, Inter-insurance Exchange, Mutual, Reciprocal, Association, Lloyds, or other Insurance Carrier without having in force a license as provided in this Act; providing for application for and licensing of a Solicitor; providing what such application shall contain and under what circumstances a license shall be granted to a Solicitor; providing for an examination to be given by the Board of Insurance Commissioners to an applicant for license as a Local Recording Agent, and to an applicant for license as a Solicitor and exempting certain persons from examination; making it unlawful for a person selling insurance or any other person to rebate or discriminate; providing that nothing in the Act shall prohibit a person insuring his own property or property in which he has an interest; prohibiting coercion of insurance; and giving the right of each citizen to choose his own agent or insurance carrier; prohibiting the licensing of an individual or firm from engaging in insurance business principally to handle insurance on property in which he has an interest or in which his family has an interest or his employer or employee; providing for the renewal of licenses and the terms upon which such renewals may be issued; providing for the fixing of rules and regulations for the examinations provided and the time within which such examinations shall be given, and for notice thereof; providing for the payment of fees by applicants for a license as Local Recording Agent, and for applicants for a license as Solicitor; providing for fees to be paid for renewal of licenses as Local Recording Agent or Solicitor; providing for the issuing of a license by the Board of Insurance Commissioners when any applicant shall have complied with the Act; providing that Local Recording Agents shall act as such only during the time they are acting as the authorized agent of an Insurance Company or Carrier having permit to do business in this State; providing the manner in which a Solicitor may be appointed by a Local Recording Agent and the application therefor; providing the number of Local Recording Agents a Solicitor may act for; and prohibiting a Solicitor from soliciting insurance until certain requirements have been complied with; making it unlawful for a Local Recording Agent or Solicitor to write a greater amount of insurance against loss by fire on property than the reasonable value thereof; providing for
the suspension or cancellation of the license of a Local Recording Agent or Solicitor and the circumstances under which it may be done, and providing for a hearing with reference to the suspension or cancellation, and setting forth the causes for which any such license may be cancelled or suspended; providing for voluntary surrender of the license held by a Local Recording Agent or Solicitor; providing that the Board of Insurance Commissioners shall not have the right to refuse to issue, or renew, nor suspend, nor revoke any license provided for in the Act except on hearing after notice, and providing the manner in which such hearing shall be had, providing that the applicant or accused shall have the right to be represented by counsel, providing who shall represent the Board as counsel, giving the Board the right to summon witnesses, and to require the production of records, books, etc., and to administer oaths, providing that applications can be made to the Courts for production of records and witnesses, requiring certain peace officers to serve process, and providing for payment for such services; providing for the payment of witness fees and expenses, providing for the hearings to be held before the Board or any member thereof, providing places where such hearings may be had; giving any such applicant or accused the right of appeal to the Courts from any adverse order or judgment of the Board of Insurance Commissioners, and the time within which such appeal shall be taken, and providing for notice to be given by the Board of any order entered, and providing the manner in which such notice may be given, exempting certain Insurance Companies from the provisions of the Act, and exempting certain persons, firms, and individuals from the provisions of this Act; providing for the handling of fees paid under the provisions of this Act; and the manner in which expenditures of such fees shall be made; making it unlawful for any Local Recording Agent to pay any money or other thing of value for the solicitation of insurance other than to his or its duly licensed Solicitor or to another Local Recording Agent; making it unlawful for any Solicitor to pay money, commission, or other thing of value for or on account of solicitation or negotiation of insurance, to any person, firm, or corporation; providing that all other laws in conflict with this Act are repealed, making the Act cumulative as to all laws that are not in conflict therewith; making it a misdemeanor for any person or any member of any firm who violates certain sections of the Act named, and making each day's violation as separate and distinct offense, and providing a penalty for such offenses; providing for injunctive relief, and by whom, and the manner in which such relief by injunction may be instituted and prosecuted, and making such relief cumulative; making it the duty of the Board of Insurance Commissioners and the administrative officers of the different Counties of the State to carry out the terms of the Act; and giving the Board of Insurance Commissioners the right to examine the books of any applicant for original license or renewal; providing that in the event any District or County Attorney shall fail or refuse to carry out the terms of the Act the Attorney General may take action under the terms of the Act, and giving the right to any private person to file complaints charging violations of the Act; providing that the personnel charged with the direct supervision of the Act, except regularly elected law enforcement officers, shall be responsible to and serve at will of Board of Insurance Commissioners; providing that if any portion of the Act shall be declared unconstitutional such provision shall not affect the validity of the remaining portions of the Act; and declaring an emergency."

To Committee on Insurance.

By Senator Mauritz:
S. B. No. 12, A bill to be entitled "An Act amending Article 5510 of the Revised Civil Statutes of 1925, relating to the ten year limitation on actions to recover lands, tenements and hereditaments so as to require the person in peaceable and adverse possession to pay all taxes without delinquency during the last five years of such adverse possession, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Stone:
S. B. No. 13, A bill to be entitled "An Act granting to any city in this State bordering upon the Gulf of Mexico and now or hereafter having a population of sixty thousand or more
inhabitants, as shown by the next preceding Federal Census taken before any action under such Act is taken by such city, the right of use and occupancy for park purposes of tidelands and bed and waters of the Gulf of Mexico to the extent of two thousand feet from the line of ordinary high tide, in front of and between extensions of property lines of property acquired or to be acquired by such city for park purposes; giving and granting to any such city the power to declare abandoned for use as streets and highways and take, occupy and use for park purposes, lands theretofore dedicated as streets or highways which have become unfit for such use by reason of submersion by the waters of the Gulf of Mexico, or the building of a seawall, breakwater, or other structure, upon a finding by the governing body of the city of such unfitness; prohibiting the taking of any private property or interest therein without compensation; giving to the governing body of any such city full rights of management and control of tidelands and bed and waters of the Gulf of Mexico to the extent allowed in such Act for park purposes including the right of acquiring, erecting, equipping, conducting, operating and maintaining upon, over and into such tidelands and waters and bed of the Gulf of Mexico a pier extending from the shore with structures thereon to provide facilities for recreation, amusement, comfort and assemblies of the public; prohibiting the operation and maintenance of more than one such pier by any city; prohibiting the erection of any such pier extending into the waters of the Gulf of Mexico for a greater distance than two thousand feet from the line of ordinary high tide, or in any part of any channel deepened or improved for commercial navigation, or between the shore line and any such channel, or in any arm, inlet, bay, or body of water other than the main body of the Gulf of Mexico; authorizing certain specified facilities to be erected, maintained and operated upon such a pier and providing that the same shall not be exclusive of other facilities and uses reasonably adapted and suitable for park purposes thereon; empowering any such city to acquire by gift, purchase or condemnation such privately owned land, or rights in privately owned land, within its limits for use for park purposes in connection with such a pier as its governing body may determine to be necessary; empowering any such city to issue its negotiable bonds and levy taxes therefor for the purpose of paying in whole or in part the costs of acquiring privately owned lands, if any, to be used in connection with such a pier and the costs of erecting, constructing, furnishing and equipping the same; requiring the issuance of such bonds to be governed by the provisions of Chapter I, Title 22, Revised Statutes of 1925, and Acts amendatory of and supplementary thereto and providing that when any bonds to be issued for such purpose have heretofore been duly authorized at an election called and conducted in the manner prescribed by Chapter I, Title 22, Revised Civil Statutes of 1925 and Acts amendatory of and supplementary thereto, the governing body of the city wherein such election has been conducted may issue the bonds authorized at such election without another election thereon; authorizing the governing body of the city in its discretion to use the proceeds of such bonds to pay in part the cost of building, erecting, constructing, furnishing and equipping structures and improvements authorized by such Act which, together with lands and interests in lands occupied or used in connection therewith and the income therefrom may have been or are to be mortgaged and encumbered for the purpose of providing funds for additional costs of acquiring building, erecting, constructing, furnishing or equipping the same, or for any one or more of such purposes; authorizing any such city acquiring, building, erecting, constructing, or equipping any such pier, structure or improvement through its governing body to mortgage and encumber the same and its income together with all lands, and interests, easements and other rights in land acquired or to be acquired and used in connection therewith, including its right of use and occupancy of the tidelands and bed and waters of the Gulf of Mexico for the purpose of securing the payment of bonds, notes, or warrants authorized by such Act to be issued for the purpose of providing funds to pay all or any part of the cost of acquiring lands and interests in lands to be used in connection with such pier, structure, or improvement and of building, erecting, constructing, furnishing, or equipping the same and
to give as additional security to the purchaser under any sale or foreclosure under such mortgage and encumbrance his, their, or its successors or assigns, a franchise to operate the properties purchased at such sale for a period of not over thirty-five years after the purchase thereof with the right to use and occupy the tidelands, waters and bed of the Gulf of Mexico in connection therewith for such period for like purposes for which use and occupancy thereof are granted to the city providing that upon the termination of such period, or cessation of the use of the properties for such purposes prior to the termination of such period, the right of use and occupancy of the tidelands, waters and bed of the Gulf of Mexico shall revert to the city; providing that such power to mortgage and encumber may be exercised as to property acquired, built, erected, constructed, furnished, or equipped for purposes authorized by such Act whether the entire cost thereof shall be defrayed wholly from proceeds of bonds, notes, or warrants secured by such mortgage and encumbrance or partly therefrom and partly with proceeds of bonds, notes, or warrants authorized by other provisions of the Act; providing that bonds, warrants, or notes so secured by such mortgage and encumbrance shall never be a debt against the city issuing the same; prescribing certain provisions to be therein contained and requiring that the nature of the encumbrance and the control, management and operation of the property encumbered be subject to and governed by Articles 1113, 1114, 1115, 1116, 1117 and 1118 of Revised Civil Statutes of 1925 in the same manner as are parks and systems named in Article 1111 of the Revised Civil Statutes of 1925; authorizing the governing body of any such Act to levy and collect in addition to taxes authorized for paying interest and principal of bonds issued under such Act annual ad valorem taxes not to exceed five cents on each one hundred dollars valuation of taxable property in the city for any one year for the purpose of defraying in part the cost of acquiring, building, constructing, erecting, furnishing, or equipping such pier, structure, or improvement, or the cost of land, or interests in land, to be used in connection therewith or for the purpose of repairing, enlarging, extending, alter-
By Senators Moore, Van Zandt and Fain:

S. B. No. 20, A bill to be entitled "An Act repealing House Bill No. 176, Chapter 91 of the First Called Session of the Forty-first Legislature of the State of Texas, 1929; and providing for the creation of a Legislative Audit Committee and fixing its duties, and providing for the appointment of a State Auditor by said Legislative Audit Committee; prescribing the qualifications, duties, and authority of said State Auditor and fixing his compensation; providing for the necessary assistants for said State Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of State Auditor and his assistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the personnel of said office; and prescribing penalties; providing that the State Auditor shall be confirmed by the Senate; and declaring an emergency."

To Committee on State Affairs.

By Senator Spears:

S. B. No. 21, A bill to be entitled "An Act creating a firemen's Civil Service law in cities in the State of Texas having a population of 10,000 or more; providing for a Civil Service Commission; and providing for removal of commissioners for cause; and right of hearing before removal, with right to appeal to the District Court; further providing for and defining the function, powers and duties of the Civil Service Commission, setting out rules and regulations for hearing and investigations, methods of appeal, competitive tests and qualifications of persons seeking employment in said department. Providing for the appointment of a secretary and chief examiner of said Civil Service Commission and method of selection of said secretary; further defining certain terms used in this Act. Providing qualifications for applicants, their tenure of office, promotions and violations for which members of Fire Department may be discharged or removed from service. Providing for the Civil Service rights for the head of the department and the duties of officers and employees to assist the Commission. Providing further for..."
appointments to fill vacancies, certification of pay rolls; also providing for leave of absence. Providing penalties for marking, misgrading and other irregularities in examinations. Further providing that no person holding any position of employment under this Act shall be forced to contribute to political campaigns or public office holders for retention of any position. Providing for the method in making this Act effective by cities of the State and penalties on the authorities for failure to do so. Providing that said cities shall provide the Commission with suitable rooms and accommodations and office equipment to carry on the business of said Commission. Providing penalty for violation of this Act; providing that if any part of this Act shall be held unconstitutional, such holding shall not affect the validity of the remaining portions of this Act, repealing all conflicting laws; and declaring an emergency."

To Committee on State Affairs.

By Senator Spears:

S. B. No. 22, A bill to be entitled "An Act providing for the appointment of Grand Jury Bailiffs by the Judge of the Criminal District Court in any County having a population of not less than three hundred twenty-five thousand (225,000) inhabitants and not more than three hundred ninety thousand (390,000) inhabitants, according to the United States Census of 1940 and all future Federal Census; providing for the salaries of said Grand Jury Bailiffs, the method of payment, and the removal of said Grand Jury Bailiffs; providing certain expenses to be allowed for travel and in connection with the use of the automobiles for official business by said Grand Jury Bailiffs; repealing all laws in conflict, and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senators Lemens and Graves:

S. B. No. 23, A bill to be entitled "An Act providing for licensing of operators, commercial operators and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of applicants for operators', commercial operators' and chauffeurs' licenses; providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial operators' and chauffeurs' licenses, providing a penalty for a violation of the restrictions imposed and for the revocation or suspension of restricted licenses; relating to the carrying of a license by the licensee and exhibiting same; prescribing the amount of fees and providing for the collection of same by the Department of Public Safety and the disposition of same; providing for the time of expiration of licenses and for renewal of same; providing for notice to the Department of changes of address or name of licensee; providing for certain records to be kept by the Department of Public Safety; relating to the authority of the Department of Public Safety to suspend, revoke or cancel licenses; providing for time, place and manner of holding hearings before the Department of Public Safety; providing for the period of suspension by the Department; providing for the automatic suspension of licenses upon conviction of certain offenses; providing for the surrender and return of license to the Department upon suspension; providing for court to forward license to Department and report convictions and defining "conviction" and providing that a suspended sentence shall not mitigate against automatic suspension of license on conviction of certain offenses; prohibiting the operation of motor vehicle under foreign license during suspension or revocation in this State; providing authority of the Department of Public Safety to suspend or revoke license and to suspend privileges of non-residents and report convictions, and to suspend resident license upon conviction in another state; providing for the cancellation of licenses under certain conditions; providing for the right of appeal when license denied or cancelled, suspended or revoked by Department, except where such suspension or revocation is automatic; pro-
hibiting the driving of motor vehicle while license or privilege is cancelled, suspended or revoked; and making it unlawful to commit certain other Acts; providing authority of the Department of Public Safety to require accident reports and providing a penalty for failure to report; providing for forms of accident statistics and reports and making such reports confidential; providing for a penalty for violation of the Act; and providing for a maximum fine in certain instances; repealing all laws and parts of laws in conflict herewith, and particularly Senate Bill 15, Chapter 466, Page 1785, General Laws, Second Called Session, Forty-fourth Legislature, as amended by House Bill 16, Chapter 369, Page 752, Regular Session Forty-fifth Legislature; providing an emergency and providing the Act shall take effect from and after its passage.

To Committee on Civil Jurisprudence.

By Senator Spears:

S. B. No. 24, A bill to be entitled "An Act to amend Article 2135 of the Revised Civil Statutes of Texas, exempting certain persons and classes of persons from Jury Service, by exempting from Jury Service all Civil Service employees of the Federal Government, when engaged in the regular and actual discharge of their duties, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Lemens:

S. B. No. 25, A bill to be entitled "An Act to amend Article 2975, Revised Civil Statutes, 1925, by adding thereto a new Article prescribing additional requirements for the official ballot in general elections."

To Committee on Privileges and Elections.

By Senators Moore and Shivers:

S. B. No. 26, A bill to be entitled "An Act amending Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1 of Chapter 15 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, and as amended by House Bill 851, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide for the termination of the Act on September 1, 1943; providing all other Sections of the Act shall remain in full force and effect; providing all offenses, liabilities, penalties, or forfeitures, civil or criminal, incurred because of violation of said Act shall be instituted and proceeded with in all respects as if said Section 20 had read in its original enactment the same as provided for in this Act; providing the procedure prescribed in said Chapter 76 shall be followed in all prosecutions and suits now pending or hereafter instituted; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 27, A bill to be entitled "An Act amending Article 802 of the Penal Code of Texas, 1925, as amended by Chapter 60, House Bill 120, Acts of the Regular Session of the Forty-fifth Legislature; provided further that when a person is charged by indictment or information with driving while intoxicated, that evidence as to the amount of alcohol in the defendant's blood at the time of the alleged offense, as shown by chemical tests or analyses of the breath, urine, blood or other bodily substance, shall be admissible in evidence upon the issue of intoxication; and to provide that any Peace Officer in this State, upon arresting a person for driving while intoxicated, may have such chemical tests or analyses made at the time of the arrest, with or without the consent, expressed or implied, of the person so charged, by any person licensed to practice medicine in the State of Texas or by any laboratory technician working under said licensed practitioner or by any laboratory technician employed in any clinic or chemical laboratory of the State or any county or any municipality in the State; and to provide that upon the trial of said person, if such tests or analyses show .05% or less by weight of intoxicating liquor in the blood of said defendant at the time of the alleged offense, such evidence shall be prima facie evidence of the innocence of defendant; if such tests or analyses show .15% or more by weight of intoxicating liquor in the blood of defendant at the time of the alleged offense, such evidence shall be prima facie evidence of the guilt of defendant; if such tests or analyses show more than .05% and less than .15%
by weight of intoxicating liquor in the bloor of aid defendant at the time of the alleged offense, such evidence shall be relevant but not prima facie evidence either of the guilt or innocence of defendant; and to provide that if any part or parts of this Act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the other provisions of this Act, and declaring an emergency."

To Committee on Criminal Jurisprudence.

Senate Joint Resolutions on First Reading

The following joint resolutions were introduced, read severally first time and referred by the President to the Committee on Constitutional Amendments:

By Senators Lanning, Metcalfe and Mauritz:

S. J. R. No. 1, A joint resolution proposing an amendment to Article VIII of the Constitution of the State of Texas, by adding thereto a new section to be known as "Section 7-a" providing that all road-user tax revenues shall be used exclusively for road purposes under the regulations prescribed by the Legislature, excepting that one-fourth (1/4) of the net revenues derived from motor fuel taxes are allocated to the State Available School Fund; providing for proclamation, publication and election and appropriating the necessary funds therefor.

By Senators Moffett, Lanning and Lovelady:

S. J. R. No. 2, A joint resolution proposing an amendment to Article 3 of the Constitution of the State of Texas authorizing the lending of Two Million Dollars ($2,000,000.00) of the Permanent School Fund for the construction of a State office building, or buildings; providing for payment to the Permanent School Fund; providing for the submission of this Amendment to the voters of this State; and providing for the necessary proclamation and expenses of publication.

By Senator Moffett:

S. J. R. No. 3, A joint resolution to amend the Constitution of the State of Texas, by adopting a new Section, which shall provide that the Court of Criminal Appeals of Texas may sit at any time during the year for the transaction of business, and that its term shall begin and end with each calendar year; repealing existing provisions in conflict therewith; providing for the holding of an election; prescribing the form of ballot; directing the Governor to issue the necessary proclamation; and making an appropriation.

Senate Resolution 7

Senator Fain offered the following resolution:

Whereas, The President of the United States asserted in his opening message to the Congress of the United States on January 6th, 1941, that "Every realist knows that the democratic way of life is at this moment being directly assailed in every part of the world—assailed either by arms, or by secret spreading of poisonous propaganda by those who seek to destroy unity and promote discord in nations still at peace."; and

Whereas, He further asserted "—it is not probable that any enemy would be stupid enough to attack us by landing troops in the United States from across thousands of miles of ocean, until it had acquired strategic bases from which to operate. But we learn much from the lessons of the past years in Europe—particularly the lesson of Norway, whose essential seaports were captured by treachery and surprise built up over a series of years. "The first phase of the invasion of this hemisphere would not be the landing of regular troops. The necessary strategic points would be occupied by secret agents and their dupes—and great numbers of them are already here—; and

Whereas, It has been revealed by J. Edgar Hoover, Director of the Federal Bureau of Investigation, that activities of fifth columnists, foreign spies, and saboteurs have over taxed America's little army of 1,200 G-men with investigations; and

Whereas, Our State is the abundant storehouse of natural resources essential to the National Defense; the custodian of the West Point of the Air, and numerous flying fields; the possessor of many strategic points necessary to the complete protection
of our Country and the potential arsenal of this Nation; and
Whereas, There is no branch of our State Government at this time charged with the specific duty of investigating un-American activities; and there is no central agency for the assembling and gathering of such information from the various law enforcement agencies of our State; and
Whereas, It is expedient that Texas marshall all her enforcement divisions and energies in the protection of our industries, resources and frontiers; now therefore, be it
Resolved, By the Senate of the State of Texas:

Section 1. That the President of the Senate be, and he is hereby authorized to appoint a special committee to be composed of three members for the purpose of conducting an investigation of (1) the extent, character, and objects of un-American Propaganda activities in the State of Texas, (2) the diffusion within the State of Texas of subversive and Un-American Propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid the Legislature in any necessary remedial legislation.

Sec. 2. That said Committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting and adjourning. Sessions of said Committee shall be open to the public, except at such times as the Committee, by a majority vote, may determine to hold an executive session. The Chairman of said Committee shall be elected by a majority vote of the members of said Committee and the Committee shall appoint its own secretary and employees.

Sec. 3. That the Committee, by a majority vote, shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and the production of all books and records, and upon disobedience of any subpoena the said Committee shall have power to issue attachments which may be addressed to and served by either some person appointed by said Committee or any sheriff or any constable of this State. The Committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the Committee shall further have all powers necessary in order to accomplish the purpose for which it is appointed. All action by the Committee shall be by majority vote.

Sec. 4. Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided in Senate Bill No. 359, passed at the Regular Session of the 45th Legislature.

Sec. 5. The witnesses attending said Committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the District Court.

Sec. 6. Said Committee may, within its discretion, turn over to the Federal Bureau of Investigation, to the Dies Committee, or to any other Federal Agency, any testimony or other information that it may deem of value to any or all of said agencies.

Sec. 7. That said Committee may call upon the various Departments of State Government for assistance and advice, and it shall be the duty of all such departments to give counsel and assistance to said Committee upon request of the Chairman or members of said Committee.

Sec. 8. That said Committee shall commence its investigations at the earliest practicable moment and shall submit a comprehensive report of its findings in writing to the 48th Legislature along with its recommendation for remedial legislation.

Sec. 10. That the compensation and expenses incident to the work of such Committee herein provided for shall be paid out of the appropriation for mileage and per diem and contingent expenses of the 47th Legislature, upon sworn account of the persons entitled to such pay, when approved by the Chairman of said Committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent.
fund of said 47th Legislature to meet the payment of such per diem and expenses of the members of said Committee, witnesses, fees, compensation and other expenses incident to said investigation.

The resolution was read, and the President stated that if there was no objection, the resolution would be referred to the Committee on Military Affairs.

There was no objection offered, and the resolution was so referred.

Recess

On motion of Senator Hill, the Senate, at 12:20 o'clock p. m., took recess to 2:55 o'clock p. m. today.

Afternoon Session

The Senate met at 2:55 o'clock p. m. and was called to order by the President.

Message from the House

The Assistant Reading Clerk of the House was announced by the Doorkeeper and was recognized by the President to present the following message:

Austin, Texas,
January 16, 1941.
Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 1, Relative to appointment of committee to count the votes in the recent election for Governor and Lieutenant Governor, and to make the necessary arrangement for their inauguration.

H. C. R. No. 7, Relative to selection of poet laureate.

H. C. R. No. 8, In memory of George Edward Robinson, Sr., of Galveston, Texas.

H. C. R. No. 11, Relative to leaves of absence for employees of the State Departments, who are called into active military training.

The House has concurred in Senate amendments to H. C. R. No. 3 by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives

Joint Session

The President announced that the hour fixed by concurrent action of the two Houses to meet in joint session to count the votes for Governor and Lieutenant Governor had arrived.

Accordingly, the President of the Senate and Senators present repaired to the Hall of the House of Representatives at 3:00 o'clock p. m.

The Senators were announced at the Hall of the House and were admitted and escorted to seats already prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's stand.

The President called the Senate to order and directed the Secretary to call the roll of the Senate.

The roll was called, and the following Senators were present:

Aikin
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Kelley
Canning
Lemens
Lovelady
Martin
Mauritz
Metcalf
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Sulak
Van Zandt
Vick
Weinert
Winfield
York

Absent—Excused

Beck
Spears

A quorum of the Senate was announced present.

Hon. Homer Leonard, Speaker of the House, called the House to order, and requested the Members of the House to register.

A quorum of the House was announced present.
Speaker Leonard then requested the tellers appointed pursuant to S. C. R. No. 1 to come forward and receive the returns of votes cast at the last General Election for Governor and Lieutenant Governor, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives.

Senators Brownlee, Isbell, Martin, Formby and Fain, on the part of the Senate, and Messrs. Moore, Henderson, Eubank, Sallas, and McGlassan, on the part of the House, then received the returns and proceeded to count the votes cast for Governor and Lieutenant Governor at the last General Election.

(Senator Akin in the President’s Chair.)

When the count was completed, Senator Houghton Brownlee, for the Senate tellers, and Hon. Choice Moore, for the House tellers, presented the following report, which was read to the joint session:

House of Representatives, Austin, Texas, January 16, 1941.

Hon. Coke Stevenson, Lieutenant Governor:

Hon. Homer Leonard, Speaker:

We, the joint committee and the tellers appointed by the Senate and House of Representatives to canvass the votes cast at the last General Election held in the State of Texas on November 5, 1940, for Governor and Lieutenant Governor of the State of Texas as shown by returns delivered to us by the Secretary of State, beg leave to report that we have performed that duty and the result of our canvass is as follows:

There were cast for Governor:

<table>
<thead>
<tr>
<th>Name</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>W. Lee O’Daniel</td>
<td>1,019,338</td>
</tr>
<tr>
<td>George C. Hopkins</td>
<td>59,855</td>
</tr>
<tr>
<td>Ben H. Lauderdale</td>
<td>59,202</td>
</tr>
<tr>
<td>Geo. Atkinson</td>
<td>1</td>
</tr>
<tr>
<td>Bert Bollinger</td>
<td>1</td>
</tr>
<tr>
<td>T. T. Bouldin</td>
<td>1</td>
</tr>
<tr>
<td>Floyd Chaffin</td>
<td>1</td>
</tr>
<tr>
<td>Bill Corry</td>
<td>1</td>
</tr>
<tr>
<td>Jim Ferguson</td>
<td>1</td>
</tr>
<tr>
<td>M. Ferguson</td>
<td>1</td>
</tr>
<tr>
<td>John N. Garner</td>
<td>1</td>
</tr>
<tr>
<td>Duce Gillespie</td>
<td>2</td>
</tr>
<tr>
<td>Margaret Harris Gordon</td>
<td>1</td>
</tr>
</tbody>
</table>

There were cast for Lieutenant Governor:

<table>
<thead>
<tr>
<th>Name</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coke R. Stevenson</td>
<td>1,020,977</td>
</tr>
<tr>
<td>S. D. Bennett</td>
<td>47,622</td>
</tr>
<tr>
<td>Cecil B. Robinett</td>
<td>268</td>
</tr>
</tbody>
</table>

There were 233 counties reporting.

All of which is respectfully submitted,

BROWNLEE, ISBELL, MARTIN, FORMBY, FAIN.

On the part of the Senate,

MOORE, HENDERSON, EUBANK, SALLAS, McGLASSON.

On the part of the House.

Whereupon, Speaker Leonard made the following announcement:

“Hon. W. Lee O’Daniel, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years; and Hon. Coke R. Stevenson,
having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for the ensuing term of two years."

The business of the joint session having been concluded, the Presiding Officer of the Senate (Senator Aikin in the Chair) requested the Senators to proceed in a body to the Senate Chamber.

In the Senate

The President called the Senate to order at 5:25 o'clock p. m.

Recess

On motion of Senator Brownlee, the Senate, at 5:36 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.
In Memory of

Hon. George Edward Robinson, Sr.

Senator Stone offered the following resolution:

(Senate Concurrent Resolution 2)

Whereas, On the 23rd day of October, A. D. 1940, the Great Architect of the Universe called to rest from his earthly labors, the Hon. George Edward Robinson, Sr., of Galveston, Texas, the father of the Hon. Theodore R. Robinson, a Member of the House of Representatives during the 46th session; and

Whereas, The said George Edward Robinson, Sr. lived a long, useful and active life; and

Whereas, The said George Edward Robinson, Sr. served the City of Galveston, Texas, as a City Commissioner with credit to himself and honor to his city; and

Whereas, The said George Edward Robinson, Sr. always took an active and interested part in all civic affairs looking to the betterment of his City, County, State and Country; and

Whereas, The said George Edward Robinson, Sr. was a man possessed of a lovable and admirable personality, and was possessed of splendid traits of character; and

Whereas, In the passing of this lovable and distinguished gentleman his community has suffered the loss of a beautiful and shining character, a faithful public servant, and a true, honorable and loyal citizen and friend; now, therefore, be it

Resolved, That the Senate of Texas, the House of Representatives concurring, acknowledge with deep regret the passing of this fine gentleman and citizen of Texas, and that a copy of this resolution be spread upon the memorial pages of the Senate and House of Representatives of the day, as a token of the love and esteem in which was held this lovable and fine man; and be it further

Resolved, That the Secretary of the Senate, and the Chief Clerk of the House of Representatives send the family of deceased a copy of this resolution under their respective seals, and that when the Senate and House of Representatives adjourn today, they do so in silent tribute to a man whose name shall live long in the affection of his friends and sorrowing family.

STONE.

The resolution was read and was adopted unanimously.