Senate Bill 37 Tabled
On motion of Senator Brownlee, S. B. No. 37 was tabled.

Committee Substitute Senate Resolution 21

The President laid before the Senate for consideration at this time:

C. S. S. R. No. 21, to adopt certain permanent rules pursuant to Section 5 of Article 3 of the Constitution.

Senator Metcalfe offered the following amendment to the resolution.

Amend the resolving clause of the committee substitute for S. R. 21 by striking out after the figures "107" the following: "of the Forty-sixth Legislature."

The amendment was adopted unanimously.

The resolution then was adopted by the following vote:

Yea—28

Aikin
Beck
Brownlee
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Kelley
Lanning
Lemens
Lovelady

Martin
Mauritz
Metcalf
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Van Zandt
Vick
Weinert
Winfield
York

Absent
Sulak
Absen—Excused
Chadick
Spears

Senate Concurrent Resolution 11

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 11, To adopt permanent joint rules of the Forty-seventh Legislature.

The President laid the resolution before the Senate, and it was read and it was adopted.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time and referred by the President to the committee indicated:

By Senator Van Zandt:

S. B. No. 126, A bill to be entitled "An Act authorizing trustees of common school districts and consolidated common school districts to make contracts with superintendents, principals, and teachers, with the approval of the county superintendent; providing for the length of time of such employment; providing that no contract may be signed until the newly elected trustees have qualified and taken the oath of office, and declaring an emergency."

To Committee on Education.

Adjournment

On motion of Senator Cotten, the Senate at 5:50 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

SEVENTEENTH DAY

(Tuesday, February 11, 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
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Metcalf
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Van Zandt
Vick
Weinert
Winfield
York

Absent—Excused
Sulak
Chadick
Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.
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.

**Leave of Absence Granted**

Senator Spears was granted leave of absence for today and tomorrow on account of important business on motion of Senator Graves.

**Senate Bills on First Reading**

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

By Senator Hazlewood:

S. B. No. 127, A bill to be entitled “An Act amending Articles 777 and 779 of the Code of Criminal Procedure of the State of Texas of 1925, defining certain terms; providing for penalties, and repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency.”

To Committee on Criminal Jurisprudence.

By Senator Winfield:

S. B. No. 128, A bill to be entitled “An Act making an appropriation of One Million, Five Hundred Thousand ($1,500,000) Dollars to the Texas State Parks Board for the purpose of acquiring property within the area which was designated and established by Chapter 4 of the Acts of the Regular Session of the Forty-sixth Legislature as the Big Bend National Park in Brewster County, Texas; and declaring an emergency.”

To Committee on Finance.

By Senator Martin:

S. B. No. 129, A bill to be entitled “An Act amending H. B. No. 704, passed at the Regular Session of the Forty-fourth Legislature, being Chapter 132, page 364, of the General Laws of the Forty-fourth Legislature, Regular Session, Sections 1 and 7, also known as Article 1269j of Vernon’s Texas Statutes, to provide for condemning land in fee simple for the purpose of acquiring necessary lands to construct airports thereon and other buildings or structures to be used in connection with such airports for the purpose of building and assembling various types of aircraft, and to authorize the sale or lease of such property to the Government of the United States for present or future national defense programs; and declaring an emergency.”

To Committee on Civil Jurisprudence.

By Senator Hazlewood:

S. B. No. 130, A bill to be entitled “An Act amending Article 183 of the Code of Criminal Procedure of the State of Texas of 1925, providing that the time during which an indictment, information, or complaint has been pending shall not be computed in the period of limitation; defining certain terms, repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency.”

To Committee on Criminal Jurisprudence.

By Senators Stone and Lovelady:

S. B. No. 131, A bill to be entitled “An Act amending Article 711 of the Code of Criminal Procedure of Texas so as to provide that the granting of a severance is within the discretion of the trial court; and declaring an emergency.”

To Committee on Criminal Jurisprudence.

By Senators Stone and Lovelady:

S. B. No. 132, A bill to be entitled “An Act requiring any person who cashes or receives a check or other negotiable instrument from another person whose identity is unknown to him to have the person cashing or passing such instrument place his thumb print or finger prints on the check or other instrument; providing that such thumb print or finger prints shall be deemed in law prima facie evidence of the identity of such person; and declaring an emergency.”

To Committee on Criminal Jurisprudence.

By Senators Stone and Lovelady:

S. B. No. 133, A bill to be entitled “An Act enacting an article to be known as Article 776b of the Code of Criminal Procedure of Texas, to provide that sentence shall not be suspended in any felony case where the penalty assessed by the court or jury is a fine, or a jail sentence, or both a fine and a jail sentence; and declaring an emergency.”

To Committee on Criminal Jurisprudence.
By Senator Metcalfe:

S. B. No. 184, A bill to be entitled "An Act amending S. B. No. 355, same being Chapter 338, Acts of the Regular Session of the Forty-fourth Legislature, as amended by S. B. No. 308, same being Chapter 341, Acts of the Forty-fifth Legislature, by adding a new section, prescribing the procedure to be followed by the Assessor and Collector of Taxes of Coleman County, Texas, in paying over to the Central Colorado River Authority the moneys granted said Authority under the provisions of Section 17a of S. B. No. 99, Acts of the Regular Session of the Forty-sixth Legislature; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senator Winfield:

S. B. No. 135, A bill to be entitled "An Act amending H. B. No. 1092 of the Regular Session of the Forty-sixth Legislature, Acts 1939, Chapter 15, page 652, so as to exclude independent school districts and common school districts from the operation thereof; and declaring an emergency."

To Committee on State Affairs.

By Senator Vick:

S. B. No. 136, A bill to be entitled "An Act amending S. B. No. 336 of the Regular Session of the Forty-first Legislature so as to make continuance of cases wherein a party or attorney is a member of the Legislature mandatory; and declaring an emergency."

To Committee on Civil Jurisprudence.

Bills Ordered Printed

On motion of Senator Lovelady, it was ordered that S. B. No. 124 be printed in advance of its consideration in committee.

On motion of Senator Moore, it was ordered that S. B. No. 12 be printed in advance of its consideration in committee.

Senate Concurrent Resolution 13

Senator Cotten offered the following resolution:

Whereas, The Forney Independent School District of Kaufman County anticipates a large number of people attending athletic events to be held in the near future; and

Whereas, It will be necessary and important to said school district to fence the grounds where said athletic events will be held; and

Whereas, It will be a great accommodation to said school district if the State Highway Department were permitted to loan said district the discarded wire hereinabove mentioned for the purpose of fencing grounds; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the School Board of the Forney Independent School District sufficient quantities of discarded wire hereinabove mentioned for the purposes above set out, said school board to return such wire upon request of the State Highway Department; and it is so resolved.

The resolution was read and was referred to the Committee on Public Buildings and Grounds.

Senate Bill 4 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 4, A bill to be entitled "An Act amending Article 2654 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 237, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 52, Acts of the Second Called Session of the Forty-first Legislature, as amended by Chapter 196, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 221, Acts of the Regular Session of the Forty-third Legislature, and as amended by Chapter 6 of the Acts of the First Called Session of the Forty-third Legislature, by adding thereto a new Article to be known as Article 2654e, providing that the governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, are authorized and directed to exempt five students annually from each of the other nations of the
American continents from the payment of tuition fees; etc.; and declaring an emergency.”

The bill was read second time.

Senator Shivers offered the following amendment to the bill:

Amend S. B. No. 4, page 1, line 47 of the printed bill by inserting after the word “who” the following: “is not a native born citizen of the country certifying his qualifications for receiving the privileges authorized by this Act and”

The amendment was adopted.

On motion of Senator Metcalfe, it was ordered that the caption of the bill be amended to conform to the body of the bill.

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 4 by adding between the words “five (5)” and “students” in line 34 the following words: “native born.”

The amendment was adopted.

The bill then was passed to engrossment.

Senate Bill 4 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

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

Nays—4

Akin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Kelley
Lanning
Lemens
Lovelady
Martin
Mauritz
Metcalfe
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Sulak
Van Zandt
Vick
Winfield

The bill was read third time and was passed by the following vote:

Yeas—24

Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Lanning
Lemens
Lovelady
Winfield

Nays—4

Akin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Lanning
Lemens
Lovelady
Winfield

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

Senate Bill 99 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 99, A bill to be entitled “An Act amending Chapter 286, Acts of the Forty-first Legislature, Regular Session, 1929, by adding a new Section thereto to be designated as Section 2a; and providing for minimum salary for a secretary-treasurer to be chosen from among the board members of the Texas College of Arts and Industries; and declaring an emergency.”

The bill was read second time.

The Senate refused to pass the bill to engrossment by the following vote:

Yeas—11

Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Kelley
Lanning
Lemens
Lovelady
Winfield

Nays—16

Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Lanning
Mauritz
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Sulak
Van Zandt
Vick
Winfield

Absent—Excused

Spears
The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 92, A bill to be entitled "An Act vesting the Supreme Court with the power to make amendments or changes in the rules of practice and procedure in civil actions prior to July 1, 1941, such changes to be effective September 1, 1941; providing for notice of any such amendment or changes; providing that this Act shall not repeal other powers of the Court to make rules of procedure; repealing laws in conflict herewith to the extent of such conflict; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 92 by adding thereto a new Section to be known as 2(a) and reading as follows:

"Section 2(a). Nothing in this Act shall affect the power and right of the Forty-seventh Legislature to disapprove the original rules as provided by H. B. No. 108, General Laws, Regular Session of the Forty-sixth Legislature; and in case of such disapproval, no such changes or amendments as provided in Section 1 hereof shall be made by the Supreme Court."

The amendment was adopted.

The bill then was passed to engrossment.

Senate Bill 92 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 92 be placed on its third reading and final passage.

The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>1</td>
</tr>
</tbody>
</table>

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>1</td>
</tr>
</tbody>
</table>

Message from the House

The President recognized the Assistant Reading Clerk of the House to present the following message:

Hall of the House of Representatives, Austin, Texas, February 11, 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 resolution:

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 tide lands 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; etc.; and declaring an emergency."

The House has granted the request of the Senate for a conference committee to adjust the differences between the two Houses on S. B. No. 72, and the following conference have been appointed on the part of the House:

- Messrs. Chambers, Skiles, Matthews, Burkett, and Manning.

Respectfully submitted,

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

Senate Bill 70 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 70, A bill to be entitled "An Act to amend Section 8 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, providing for the exemption for prescribing, administering, dispensing or selling at retail certain specified medicinal preparations containing small amounts of certain named drugs, etc."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Committee of the Whole Senate

At 11:00 o'clock a.m., the President announced the arrival of the hour to hold a meeting of the Committee of the Whole Senate, pursuant to Senate Resolutions 16 and 35, for the purpose of conducting an examination and hearing of the State Auditor.

The President requested Senator Cotten to serve as chairman of the committee.

Senator Cotten called the committee to order at 11:10 o'clock a.m.

The Committee rose at 12:00 o'clock m.

In the Senate

President Pro Tempore Cotten called the Senate to order as in legislative session.

Report of Conference Committee on Senate Bill 72

Senator Van Zandt submitted the following report:

Committee Room,
Austin, Texas,
February 6, 1941.

Hon. Coke R. Stevenson, President of the Senate.
Hon. Homer Leonard, Speaker of the House.

Sirs:

Your free conference committee appointed to adjust the differences between the Senate and the House on S. B. No. 72, by Van Zandt, had same under consideration and have adjusted the differences and recommend the passage of the attached bill.

VAN ZANDT,
WEINERT,
MOORE,
LOVELADY,
VICK,
On the Part of The Senate.

CHAMBERS,
SKILES,
MANNING,
MATTHEWS,
BURKETT,
On the Part of The House.
S. B. No. 72, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and districts formed by consolidation of rural high school districts and contiguous independent school districts, and all other school districts, whether created by general or special law or by county boards of trustees; and providing this Act shall not validate the organization or creation of any district, or consolidation or annexation of any district in or to such district where the same is now involved in litigation or where suit or litigation is filed with reference thereto within twenty (20) days after the effective date of this Act; validating the acts of said county boards of trustees and boards of trustees of such districts and of the county commissioners courts in certain instances; validating all proceedings and acts of said boards of trustees and of the county commissioners courts in certain instances; validating all bonds voted, authorized and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, assessed, and collected therein, and heretofore authorized or attempted to be authorized by any act, or acts of said districts, or by any Act of the Legislature; making certain exemptions; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. All school districts, including common school districts, independent school districts, consolidated common school districts, rural high school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, county line rural high school districts, and districts formed by consolidation of rural high school districts and contiguous independent school districts, and all other school districts, groups or annexations of whole districts or parts of districts by vote of the people residing in such districts or by action of county school boards, whether created by general or special law in this State, and heretofore laid out and established or attempted to be established by the proper officials of any county or by the Legislature of the State of Texas, and heretofore recognized by either state or county authorities as school districts, are hereby validated in all respects as though they had been duly and legally established in the first instance. All acts of the boards of trustees in such districts and all commissioners courts in ordering an election or elections, declaring the results of such elections, levying, attempting or purporting to levy taxes for and on behalf of such school districts, and all bonds issued and now outstanding, and all bonds heretofore voted but not yet issued and all bond assumption tax elections are hereby in all things validated. The fact that by inadvertence or oversight any act of the officers of any county in the creation of any district was omitted shall in no wise invalidate such district, and the fact that by inadvertence or oversight any act was omitted by the board of trustees of any such district or the commissioners court of any county in ordering an election or elections, or in declaring the results thereof, or in levying the taxes for such district, or in the issuance of the bonds of any such district, shall in no wise invalidate any of such proceedings or any bonds so issued by such districts.

All acts of the county boards of trustees of any and all counties in rearranging, changing, or subdividing such school districts or increasing or decreasing the area thereof, in any school district of any kind, or in creating new districts out of parts of existing districts or otherwise, are hereby in all things validated.

Section 2. All school districts mentioned in this Act are hereby authorized and empowered to levy, assess, and collect the same rate of tax as is now being levied, assessed and collected therein and heretofore author-
ized or attempted to be authorized taken by such city, the right of use and occupancy for park purposes of tide lands 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; etc.; and declaring an emergency.

H. C. R. No. 26, Designating the 19th day of February as Texas Statehood day.

Hour Set for Meeting of Committee

On motion of Senator Hill and by unanimous consent, it was agreed to hold a meeting of the Committee of the Whole Senate to continue the examination and hearing of the State Auditor at 11:00 o'clock a.m. tomorrow.

Adjournment

On motion of Senator Martin, the Senate, at 12:05 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.