EIGHTEENTH DAY
(Wednesday, February 12, 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  Martin
Beck  Mauritz
Brownlee  Metcalfe
Chadick  Moffett
Cotten  Moore
Fain  Ramsey
Formby  Shivers
Graves  Smith
Hazlewood  Stone
Hill  Sulak
Isbell  Van Zandt
Kelley  Vick
Lanning  Weinert
Lemens  Winfield
Lovelady  York

Absent—Excused
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 yester-
day was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Smith submitted the following reports:

Committee Room, Austin, Texas, February 11, 1941.
Hon. Coke R. Stevenson, President of the Senate.
Sir: We, your Committee on State Departments and Institutions, to whom was referred
H. B. No. 108, A bill to be entitled "An Act amending S. B. No. 427 of the Forty-sixth Legislature and providing for the employment of part-time employees by the heads of departments, boards, or commissions of the State government; and providing for the salaries of such part-time employees; and declaring an emergency." Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.
SMITH, Chairman.

Springfield submitted the following reports:

Committee Room, Austin, Texas, February 10, 1941.
Ho. Coke R. Stevenson, President of the Senate.
Sir: We, your Committee on Game and Fish, to whom was referred
S. B. No. 28, A bill to be entitled "An Act to repeal the Bosque County Fishing Law, being Chapter 43, page 792, H. B. No. 957, in the special laws of the Forty-sixth Legislature; and declaring an emergency."
Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.
SMITH, Chairman.

Senator Weinert submitted the following reports:

Austin, Texas, February 12, 1941.
Hon. Coke R. Stevenson, President of the Senate.
Sir: We, your Committee on Civil Jurisprudence, to whom was referred
S. B. No. 136, A bill to be entitled "An Act amending S. B. No. 356 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." Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.
WEINERT, Chairman.

Hon. Coke R. Stevenson, President of the Senate.
Sir: We, your Committee on Civil Jurisprudence, to whom was referred
H. B. No. 234, A bill to be entitled "An Act validating the incorporation of all cities and towns in Texas of five thousand (5,000) inhabitants or less heretofore incorporated and/or attempted in good faith to be incorporated under the General Laws of Texas; etc."
Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.
WEINERT, Chairman.
Austin, Texas, February 12, 1941.
Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 125, A bill to be entitled “An Act to amend Title 69 of the Revised Civil Statutes of Texas, 1925, by amending Articles 4113, 4114, 4116 and 4117 of Chapter 2 of said Title 69 relating to the commencement of proceedings for the appointment of guardians of the persons and estates of minors, etc.; and declaring an emergency.”

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas, February 12, 1941.
Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 129, A bill to be entitled “An Act amending H. B. 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, etc.; and declaring an emergency.”

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Moore submitted the following report:

Senate Chamber, Austin, Texas, February 11, 1941.
Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 20, A bill to be entitled “An Act repealing H. B. No. 170, 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; etc.; and declaring an emergency.”

Have had the same under consideration and do hereby recommend that the same do not pass, but that the committee substitute hereto attached do pass in lieu of the original bill and be printed.

MOORE, Chairman.

Senator Hill submitted the following report:

Austin, Texas, February 4, 1941.
Hon Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 104, A bill to be entitled “An Act authorizing the appointment by the district attorney or criminal district attorney of assistants and a stenographer in judicial districts composed of and confined to one county only and in which judicial district and county the population as determined by the last preceding Federal Census is not less than fifty thousand, five hundred (50,500) and not more than fifty-five thousand (55,000) inhabitants and in which said judicial district and county the tax value exceeds Seventy Million ($70,000,000) Dollars according to the last approved tax roll, fixing the compensation of said assistants and the stenographer and providing for the manner in which same shall be paid; and declaring an emergency.”

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

RAMSEY, Chairman.

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 Smith:
By Senator Sulak:  
S. B. No. 140, A bill to be entitled “An Act providing for the appraisal of property, real and personal, when sold under execution or other judicial order of sale; or under a deed of trust, mortgage or other contract; providing for the appointment of appraisers; providing that no such sale shall be consummated unless the highest bid at this sale is at least seventy-five per cent (75%) of the appraised value of the property; making provision of subsequent levies and sales, and for bond as to personal property; repealing all laws in conflict; and declaring an emergency.”

To Committee on Civil Jurisprudence.

By Senator Fain:
S. B. No. 141, A bill to be entitled “An Act making a specific appropriation out of the General Revenue Fund of the State of Texas not otherwise appropriated, to pay a judgment obtained by National Biscuit Company against the State of Texas pursuant to resolution granted by the State of Texas to the said National Biscuit Company, authorizing it to sue the State of Texas for the recovery of filing fees and franchise taxes paid to the Secretary of the State of Texas, which filing fees and franchise taxes the courts of the State of Texas, held to have been illegally collected; and, providing further that the Controller of the State of Texas be directed to issue a warrant to pay said judgment to the party herein named in payment of the same in the amount specified herein; and declaring an emergency.”

To Committee on Finance.

Senate Concurrent Resolution 14

Senator Smith offered the following resolution:
Whereas, Many young men now employed by the State of Texas in its many institutions, departments and all State agencies, within the draft age are being called by the Federal Government for military training; and

Whereas, Conditions might arise so that these young men may have to defend this country in time of war; and

Whereas, This service is one of the greatest sacrifices men are called on to make for their country; and
Whereas, These young men will have to serve at a remuneration much lower than they are now drawing; and

Whereas, It would be grossly unfair for them to make this sacrifice and be returned to private life without employment; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That it be declared the public policy of this State that all such young men of draft age called into military service be not discharged but given a leave of absence; and

Be It Further Resolved, That when these men have discharged their obligation to their country that they be reinstated by such institutions, departments and all State agencies to their former positions unless physically or mentally disqualified for such work; and

Be It Further Resolved, That all of the institutions, State departments and all State agencies be requested and directed to observe this pronounced policy.

SMITH, MOFFETT.

The resolution was read and, by unanimous consent, it was referred to the Committee on Military Affairs.

Message from the House

The Assistant Reading Clerk of the House was recognized 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 adopted the Conference Committee report on S. B. No. 72 by a vote of 131 ayes, 0 noes.

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

Senate Bill 99 on Engrossment

Senator Lanning moved to reconsider the vote by which the Senate refused to pass S. B. No. 99 to engrossment on yesterday.

The motion prevailed by the following vote:

Yeas—20
Brownlee  Lanning
Chadick  Lovelady
Cotten  Martin
Fain  Mauritz
Formby  Metcalf
Graves  Moffett
Hazelwood  Smith
Hill  Stone
Isbell  Vick
Kelley  Winfield

Nays—3
Aikin  York
Van Zandt

Absent
Beck  Shivers
Lemens  Sulak
Moore  Weinert
Ramsey

Absent—Excused
Spears

The President then laid before the Senate, on its 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 passed to engrossment.

Senate Bill 99 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 99 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23
Aikin  Chadick
Brownlee  Cotten
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:

Yeas-21
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Kelley
Lanning
Lovelady
Martin
Nays-4
Aikin
Shivers

Absent—Excused
Spears

On motion of Senator Weinert, S. B. No. 26 was re-referred from the Committee on Civil Jurisprudence to the Committee on Oil, Gas, and Conservation.

Report of Conference Committee on Senate Bill 72

Senator Van Zandt called for consideration at this time of the report of the Conference Committee on S. B. No. 72, which was submitted on yesterday.

The President laid the report before the Senate, and it was adopted by the following vote:

Yeas-27
Aikin
Beck
Brownlee
Chadick
Cotten
Fain
Formby
Graves
Hazlewood
Hill
Isbell
Kelley
Lanning
Lovelady
Martin
Mauritz
Moffett
Shivers
Smith
Vick
Van Zandt
Stone

Absent—Excused
Spears

Senate Bill 70 on Engrossment
(Unfinished Business)

The President laid before the Senate on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 70, A bill to be entitled "An Act to amend Section 8 of H. B. 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.; and declaring an emergency.”

Question—Shall the bill be passed to engrossment?

On motion of Senator Cotten, further consideration of the bill was postponed until February 17, 1941, and it was set as a special order for that day immediately after completion of the morning call on that day.
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:

Hall of the House of Representatives,
Austin, Texas,
February 12, 1941.
Hon. Coke R. Stevenson, President of the Senate.

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

S. B. No. 97, A bill to be entitled "An Act amending Section 9 of Article IV of Chapter 495 of the Acts of the Third Called Session of the Forty-fourth Legislature, as amended by S. B. No. 24, Chapter V, Acts of the Forty-sixth Legislature, so as to exempt instruments, notes, or other obligations taken by or on behalf of State Banking Corporations; and declaring an emergency.

(With amendments.)

S. B. No. 110, A bill to be entitled "An Act providing that no county having a population of not less than twenty-five thousand, four hundred seventy (25,470), nor more than twenty-five thousand, nine hundred fifteen (25,915) according to the last preceding Federal Census, shall have a county auditor; abolishing the office of county auditor in any such county; and declaring an emergency."

H. B. No. 10, A bill to be entitled "An Act amending Article 349 of the Penal Code of the State of Texas, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 83, A bill to be entitled "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Nueces River Conservation and Reclamation District, for each of the fiscal years ending August 31, 1942, and August 31, 1943, to aid said district in making the necessary surveys and preparing the necessary plans for its construction program; and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act authorizing the county board of trustees in counties having a population of not less than five thousand nine hundred (5,900) nor more than six thousand (6,000) as shown by the Federal Census of 1940, to set aside a certain amount of the available school fund apportioned to such counties to defray certain expenses in the administration of the scholastic affairs of such counties; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 251, A bill to be entitled "An Act making an appropriation for the use of the San Antonio River and Conservancy District; providing manner for signing warrants; providing that any unexpended balance on August 31, 1943, be repaid to the State of Texas; and declaring an emergency."

H. B. No. 283, A bill to be entitled "An Act amending Article 5739 of the Revised Civil Statutes of Texas of 1925, as amended by Acts 1930, Forty-first Legislature, Fourth Called Session, page 12, Chapter 12, Section 2, said Article being a portion of what is commonly known as the Cooperative Marketing Act of Texas, and extending the scope of said Cooperative Marketing Act to cover the marketing of aquatic products, in conformity with existing Federal Law."

H. B. No. 318, A bill to be entitled "An Act amending Article 2831 of the Revised Civil Statutes of the State of Texas by adding a new Section to be known as Article 2831A, and providing for certain school fund balances not expended for the current year to be placed in the School Equilization Fund in certain counties in Texas having a population of not less than three hundred ninety thousand (390,000) and not more than five hundred thousand (500,000), according to the last preceding Federal Census, repealing all parts of laws in conflict; and declaring an emergency."

H. C. R. No. 20, Granting Mrs. Gertrude Caben permission to sue the State.

Respectfully submitted,

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

Senate Bill 104 on Second Reading

On motion of Senator Hill and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended to permit consideration of S. B. No. 104 at this time.
The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 104, A bill to be entitled "An Act authorizing the appointment by the District Attorney or Criminal District Attorney of assistants and a stenographer in judicial districts composed of and confined to one county only and in which judicial district and county the population as determined by the last preceding Federal Census is not less than fifty thousand, five hundred (50,500) and not more than fifty-five thousand (55,000) inhabitants and in which said judicial district and county the tax value exceeds Seventy Million ($70,000,000) Dollars according to the last approved tax roll, fixing the compensation of said assistants and the stenographer and providing for the manner in which same shall be paid; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 104 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 104 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

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

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

Absent—Excused

Spears

Hour for Executive Session Set

On motion of Senator Martin and by unanimous consent, it was agreed to hold an executive session of the Senate at 11:00 o'clock a.m. tomorrow, to consider nominations of the Governor.

Reference of House Concurrent Resolution 20

H. C. R. No. 20, received from the House today, was read and was referred by the President to the Committee on State Affairs.

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 10, to Committee on Penitentiaries.
H. B. No. 283, to Committee on Agriculture.
H. B. No. 227, to Committee on Education.
H. B. No. 318, to Committee on Education.
H. B. No. 83, to Committee on Finance.
H. B. No. 251, to Committee on Finance.

Senate Bill 103 on Second Reading

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

S. B. No. 103, A bill to be entitled "An Act to authorize housing authori-
ties to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; to make obligations issued for such projects of housing authorities legal investments and security for deposits; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Signing of Resolution

The President signed in the presence of the Senate, after its caption had been read, the following enrolled resolution:

H. C. R. No. 34, Providing for a joint session to hear the a cappella choir of the North Texas State Teachers College.

Meeting of Committee of the Whole Senate

At 11:00 o'clock a. m., the Senate resolved itself into the Committee of the Whole Senate (in accordance with a motion adopted on yesterday) to continue the examination and hearing of the State Auditor.

Senator Cotten, at the request of the President, acted as Chairman of the Committee of the Whole.

The Committee rose at 12:00 o'clock, meridian.

In the Senate

President Pro Tempore Cotten called the Senate to order as in legislative session at 12:05 o'clock p. m.

Adjournment

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

NINETEENTH DAY

(Thursday, February 13, 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  Mauritz
Beck  Metcalfe
Brownlee  Moffett
Chadick  Moore
Cotten  Ramsey
Fain  Shivers
Formby  Smith
Graves  Spears
Hazlewood  Stone
Hill  Sulak
Isbell  Van Zandt
Kelley  Vick
Lanning  Weinert
Lemens  Winfield
Lovelady  York
Martin

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

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.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
February 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 124, A bill to be entitled "An Act providing for the deposit of moneys to the credit of a fund to be known as the 'Social Security Account'; creating the Social Security Account in the office of the State Treasury; providing for the allocation of the funds so accumulated; repeal-