THIRTY-NINTH DAY
(Monday, March 24, 1941)

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

Absent—Excused
Smith  Spears

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 Thursday, March 20, 1941, was dispensed with and the Journal was approved.

Leaves of Absence Granted
Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Smith was granted leave of absence for today on account of important business, on motion of Senator Ramsey.

Reports of Standing Committees
Senator Weinert submitted the following reports:

Senate Chamber, Austin, Texas, March 24, 1941.
Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred
S. B. No. 373, A bill to be entitled "An Act providing that it shall be unlawful to take, kill, or attempt to take or kill any prairie chickens in this State until September 1, 1946; providing a penalty; 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, Vice Chairman.

Austin, Texas, March 21, 1941.

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 200, A bill to be entitled "An Act repealing Article 1731a of the Revised Civil Statutes of Texas, the same being H. B. No. 108, Chapter 25, page 201, Acts of the Forty-Sixth Legislature, Regular Session; 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, March 21, 1941.

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 228, A bill to be entitled "An Act to disapprove, invalidate, and strike Rule 28 of the Rules promulgated by the Supreme Court of the State of Texas; providing the effective date of the Act; repealing all Acts inconsistent herewith; 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 not pass.

WEINERT, Chairman.

Austin, Texas, March 21, 1941.

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 229, A bill to be entitled "An Act to disapprove, invalidate, and strike Rule 271 of the Rules promulgated by the Supreme Court of the State of Texas; providing the effec-
tive date of this Act; repealing all Acts inconsistent herewith; and de­
claring an emergency.”

Have had the same under considera­
tion, and I am instructed to report it back to the Senate with the recom­
mandation that it do not pass.

WEINERT, Chairman.

Austin, Texas,
March 21, 1941.

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

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred
S. B. No. 230, A bill to be entitled
“An Act to disapprove, invalidate, and
strike Rule 95 of the Rules promul­
gated by the Supreme Court of the
State of Texas; providing the effec­
tive date of the Act; repealing all
Acts inconsistent herewith; and de­
claring an emergency.”

Have had the same under considera­
tion, and I am instructed to report it back to the Senate with the recom­
mandation that it do not pass.

WEINERT, Chairman.

Austin, Texas,
March 21, 1941.

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

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred
S. B. No. 233, A bill to be entitled
“An Act to disapprove, invalidate, and
strike Rule 256 of the Rules promul­
gated by the Supreme Court of the
State of Texas; providing the effec­
tive date of the Act; repealing all
Acts inconsistent herewith; and de­
claring an emergency.”

Have had the same under considera­
tion, and I am instructed to report it back to the Senate with the recom­
mandation that it do not pass.

WEINERT, Chairman.

Austin, Texas,
March 21, 1941.

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

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred
S. B. No. 234, A bill to be entitled
“An Act to disapprove, invalidate, and
strike Rule 67 of the Rules promul­
gated by the Supreme Court of the
State of Texas; providing the effec­
tive date of the Act; repealing all
Acts inconsistent herewith; and de­
claring an emergency.”

Have had the same under considera­
tion, and I am instructed to report it back to the Senate with the recom­
mandation that it do not pass.

WEINERT, Chairman.

Austin, Texas,
March 21, 1941.

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

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred
S. B. No. 235, A bill to be entitled
“An Act to disapprove, invalidate, and
strike Rule 370 of the Rules promul­
gated by the Supreme Court of the
State of Texas; providing the effec­
tive date of the Act; repealing all
Acts inconsistent herewith; and de­
claring an emergency.”
Acts inconsistent herewith; 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 not pass.

WEINERT, Chairman.

Austin, Texas,
March 21, 1941.

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 269, A bill to be entitled "An Act to amend Articles 3927 and 3928, Revised Civil Statutes, 1925; providing the effective date of the Act; repealing all Acts inconsistent herewith; 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 not pass, but that the committee substitute for S. B. No. 269, hereto attached, do pass in lieu of the original bill, and that the committee substitute be printed.

WEINERT, Chairman.

Austin, Texas,
March 21, 1941.

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 238, A bill to be entitled "An Act to amend Article 3927, Revised Civil Statutes, 1925; providing the effective date of the Act; repealing all Acts inconsistent herewith; 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 not pass, but that the committee substitute, hereto attached, do pass in lieu of the original bill, and that the committee substitute be printed.

WEINERT, Chairman.

Senate Chamber,
Austin, Texas,
March 20, 1941.

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

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 100, A bill to be entitled "An Act relating to the compensation of sheriffs, and their deputies, of the State of Texas, for certain designated duties and providing the method, means and sums which such officers shall be paid for such services, 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 that the committee substitute only be printed.

MOORE, Chairman.

Senator Sulak submitted the following report:

Austin, Texas,
March 24, 1941.

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

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 160, A bill to be entitled "An Act amending Section 3, Article 1042-A Penal Code of the Revised Criminal Statutes of Texas, Acts 1935, Forty-fourth Legislature, Chapter 237, page 554, providing that wheat flour, or other cereal flour, corn meal, blended flour, packed or re-packed, shall have the weight, name of the manufacturer, or name of the mill that shall blend or re-pack (defining the meaning of manufacturer) and the name and place where milled, or blended, or packed, or re-packed, printed in letters and figures on each sack of wheat flour, corn meal, or blended or that which is packed or re-packed; and declaring an emergency."
Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

SULAK, Chairman.

Senator Lemens submitted the following report:

Senate Chamber, Austin, Texas, March 24, 1941.

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

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 218, A bill to be entitled "An Act to provide a hearing as to the sanity and sobriety of persons who have previously been judicially declared to be of unsound mind or habitual drunkards; setting out procedure with reference thereto; and providing for venue for said cause of action; providing a saving clause; providing the Act shall be cumulative of certain Statutes; repealing Section 4 of Article 5561-a, Title 92 of Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration and we desire to report it back to the Senate with recommendation that it do pass and be printed.

LEMENS, Chairman.

Senator Hill submitted the following report:

Austin, Texas, March 20, 1941.

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

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 272, A bill to be entitled "An Act amending Chapter 1 of Title 50, of the Revised Civil Statutes of the State of Texas by adding Article 2929a; providing that no person who has been elected or appointed to an executive or administrative public office in the State of Texas for a term of more than two years shall be eligible to run for nomination or election to any other public office in the State of Texas for a term of which would begin before the expiration of the term of office to which such person was elected or appointed, without first resigning from such original office; providing that no election official shall place the name of such ineligible person on the ballot for any election or certify his name as a candidate or nominee; and providing for enforcement of such law by injunction proceedings and other remedies provided in the laws of Texas concerning ineligible candidates; defining the term 'executive or administrative public office' to mean all public offices except the legislative and judicial offices of members of the Legislature and Judges of the Courts of Texas; and declaring an emergency."

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

HILL, Chairman.

The following bill then was introduced, read first time and referred to the Committee on Finance:

By Senators Moffett, Sulak and Formby:

S. B. No. 403, A bill to be entitled "An Act to declare a State policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton and cotton products, and the increased use and consumption of same; directing that the heads of the State's various
agricultural agencies shall take due notice of said policy; providing for the establishment of a cotton research laboratory, and making an appropriation therefor; providing that the Board of Control may accept tracts of land, gifts, or grants; providing for construction to be under the Board of Control; providing for the location of said laboratories; providing for the employment of architects, engineers, experts, etc.; providing for the necessary expenses; providing for the Comptroller to pay warrants; providing rules and regulations shall allow for co-operation between cotton producing states; and declaring an emergency.”

**Senate Bill 404 on First Reading**

Senator Ramsey moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

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Absent—Excused

Smith Spears

The following bill then was introduced, read first time and referred to the Committee on Privileges and Elections:

By Senator Mauritz:

S. B. No. 405, A bill to be entitled “An Act fixing the term of office of school trustees of independent school districts, whether created under general law or by special act of the Legislature, having as many as six hundred and two (602) and not more than six hundred and seven (607) scholastics according to the 1940 official scholastic census and wherein there may be situated a city having a population of as many as seventeen hundred twenty-five (1725) and not more than seventeen hundred thirty (1730) according to the last preceding Federal Census, and having a board of seven trustees; providing that in all such school districts trustees shall be voted upon and elected separately for positions on said board of trustees and prescribing a method whereby trustees in any such school district within ten days from the effective date of this Act shall draw for positions on said board of trustees and prescribing a method whereby trustees in any such school district; providing the manner and method of selecting trustees thereafter in any such district and for an official ballot for use in such trustee elections and the time within which and the manner in which a person desiring to become a candidate for election shall give notice of his or her candidacy as the case
may be; further providing that in any such election no candidate shall be eligible to have his or her name placed on the official ballot for more than one position to be filled at any such election; further providing that at any such election each voter shall vote for only one candidate for each such position and that the candidate receiving the highest number of votes for each respective position voted upon at any such election shall be entitled to serve as trustee on said board, holding the position thereon to which he or she as the case may be shall have been so elected; providing for the manner and method of giving notice of elections for trustees in all independent school districts included within the terms of this Act; further providing that all laws and parts of laws, both general and special insofar only as they may be in conflict herewith are repealed; and declaring an emergency."

Senate Resolution 68

Senator Isbell offered the following resolution:

Be It Resolved by the Senate of the State of Texas, That the committee heretofore appointed under and by virtue of the terms of S. R. No. 19 be and it is hereby empowered to meet at such places and times as in the wisdom of the committee may be deemed expedient; and, be it further

Resolved, That said committee shall have full power to formulate its own rules of procedure and evidence, and to provide for its own hours for meeting and adjourning, such meetings to be open to the public, except at such times as the committee, by a majority vote of the committee, may hold executive sessions; and, be it further

Resolved, That there is hereby appropriated out of the Contingent Expense Fund of the Forty-seventh Legislature to the use of said committee for the purpose of defraying necessary expenses incident for mileage and other expenses, and for the employment of stenographic and clerical hire, not to exceed the sum of Three Hundred ($300.00) Dollars. Such expenses to be paid upon sworn account of the persons entitled to such pay when approved by the chairman of said committee. The committee is empowered, when it deems necessary, to subpoena witnesses under process and to allow such witnesses the same mileage and per diem as allowed wit-

Adoption of Minority Report on
Senate Bill 12

Senator Mauritz moved that the minority report on S. B. No. 12 be adopted in lieu of the majority report on the bill and that the bill be printed.

The motion prevailed by the following vote:

Yeas—19

Beck  Brownlee  Cotten  Pain  Fornby  Graves  Hazlewood  Hill  Kelley  Lanning

Aikin  Chadick  Isbell  Martin  Moore

Nays—10

Lemens  Lovelady  Mauritz  Metcalfe  Moffett  Stone  Sulak  Vick  York  Lanning

Aikin  Ramsey  Shivers  Van Zandt  Weinert  Winfield

Absent—Excused

Smith  Spears

Senate Resolution 70

Senator Hazlewood, by unanimous consent, offered at this time the following resolution:

Whereas, The Most Reverend Robert E. Lucey, Bishop of Amarillo, has been named Archbishop of San Antonio with Catholic dominion over the members of his faith in Texas and Oklahoma; and

Whereas, Amarillo with sincere regret loses one of its most outstanding and best beloved citizens but congratulates the members of the Catholic Church in the fortunate choice of such splendid leadership; and

Whereas, The investiture of Bishop Lucey will occur in the historic and
venerable old Cathedral of San Fernando in San Antonio next Thursday; therefore, be it:

Resolved by the Senate of Texas, That it felicitates Archbishop Lucey and sends best wishes to him for a happy and successful reign as the Good Shepherd of his people in the great States of Texas and Oklahoma; and, be it further

Resolved, That Archbishop Lucey be invited to address the Senate at his convenience and as opportuned by the calendar of the Senate.

HAZLEWOOD, SULAK.

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

Message from the Governor

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,
March 24, 1941.

To the Members of the Forty-Seventh Legislature:

A few days ago I submitted to the Legislature a National Defense Aid Bill designed to accomplish the following objectives:

1. The first objective which I sought to accomplish was to prevent strikes and lockouts in those industries in Texas which are engaged in providing for national defense and in those industries which are rendering general public service, by requiring a sixty-day waiting period before strikes and lockouts could be called in these essential industries.

2. The second objective which I sought to accomplish in the bill submitted to the Legislature, was to prevent the use of force and violence in labor disputes in all industries.

3. The third objective the bill sought to accomplish was to permit peaceful picketing, but to prevent the abuse of this privilege.

The Attorney General has furnished me with a copy of his opinion concerning the constitutionality of the various portions of this bill. In his opinion the Attorney General stated that that portion of the bill submitted to the Legislature which is designed to prevent the use of force and violence in labor disputes was constitutional and enforceable. He further stated that Section 4 of the bill which I submitted, which seeks to prevent mobs from unlawfully forming around the entrance to places where labor disputes exist, was constitutional provided that there was added to this Section a definition of the term "labor dispute."

I submit to you today a substitute for H. No. 746 which meets the objection of the Attorney General and according to his ruling, this bill is constitutional and enforceable, and I ask that the Legislature pass this measure immediately. I feel that it is well that this bill is considered separate and apart from other phases of this question for the simple reason that this substitute bill deals with one question and one question only and that is, preventing the use of force and violence in labor disputes. It will remove the possibility of anyone voting against the bill on the theory that they are opposed to some other phase of the legislation. As this bill is drawn it simply guarantees to the citizen of this State the right to follow any lawful vocation and it makes it a felony, punishable by from one to two years in the State Penitentiary for the violation of the Act.

I think the time has come in Texas when we should begin to be concerned more about the right to work and less concerned about the right of somebody to quit work. I think the time has come when the last alibi should be removed and we should be able to get a vote on the question of whether the members of the Forty-seventh Legislature are willing to go on record in favor of a bill that outlaws the use of force and violence in labor disputes.

It is not necessary for me to tell the members of this Legislature that the passage of this bill will be of substantial assistance to all of our industries that are engaged in national defense because it is a well-known fact that in strikes that have occurred in Texas during the last few years the use of force and violence has been frequent and in many cases the employees have been forced away from their jobs, not because they wanted to leave, but because they were afraid to work. Therefore, as a means of aiding national defense and as a means of permanently protecting the rights of the citizens of this State, I urge the immediate passage of this bill.
On the second and third objectives which I sought to accomplish in my original bill submitted to the Legislature, namely, that of regulating peaceful picketing in this State, and that of preventing strikes and lockouts in national defense industries and in other industries rendering a general public service, I have not yet been able to have bills drafted which will, in my judgment, meet the urgent need of our State and at the same time conform to the Attorney General's opinion, but, within the immediate future I intend to submit to the Legislature a bill, or bills dealing with these two important phases of the question.

In the meantime, owing to the fact that the three objectives are related, yet each covers a completely different phase of the related subject, I am inclined to believe that it will be better to consider each of the three objectives in separate bills, so that the members can vote on each objective as they please, which they could not do if they were all three tied together in one bill.

In concluding this message, may I urge that the Legislature act immediately on the substitute bill which I have submitted for H. B. No. 746 which deals only with outlawing force and violence in this State, because in the form submitted it has the approval of the Attorney General's Department as constitutional and enforceable.

I am submitting this substitute bill for H. B. No. 746 as emergency legislation and urge its immediate enactment.

Respectfully submitted,

W. LEE O' DANIEL,
Governor of Texas.

Signing of Bills and Resolution

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

H. B. No. 19, A bill to be entitled "An Act to amend Section 5 of Chapter 42, General Laws of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Section 5 of Chapter 282, Acts, Regular Session, Forty-second Legislature, repealing Section 7 of Chapter 282, Acts, Regular Session, Forty-second Legislature, and all laws in conflict herewith, said Acts relating to the operation of vehicles on the public highways of Texas; providing nothing herein shall be construed as authorizing increase in size or dimensions of commercial motor vehicles as now provided by law; and declaring an emergency."

H. B. No. 229, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than six thousand, one hundred (6,100), and not more than six thousand, one hundred eighty (6,180), and in counties having a population of not less than nine thousand, four hundred (9,400), and not more than nine thousand, six hundred (9,600), according to the last preceding Federal Census, to allow each county commissioner and county judge, certain traveling expenses while traveling on official business; and declaring an emergency."

H. B. No. 367, A bill to be entitled "An Act making it unlawful to hunt or kill wild foxes in DeWitt County; repealing all laws in conflict therewith; and declaring an emergency."

H. B. No. 446, A bill to be entitled "An Act creating a special road law for Brown County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants, validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to Brown County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 513, A bill to be entitled "An Act creating a special road law for Camp County, Texas; authorizing the commissioners' court to issue funding bonds or warrants in lieu of certain scrip warrants, and validating such scrip; providing the method of issuing the same; making it the duty of the commissioners' court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the general laws pertaining to roads and bridges applicable to Camp County, Texas, and
providing that the provisions of this Act shall be effective in case of conflict with any General or Special Law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 522, A bill to be entitled "An Act providing that the salary of county commissioners, in counties having a population of not less than seventeen thousand, four hundred seventy-five (17,475) nor more than seventeen thousand, five hundred (17,500), according to the last Federal Census, and having a taxable valuation in excess of Six Million, Eight Hundred Thousand ($6,800,000.00) Dollars, for the next preceding year, shall be Eighteen Hundred ($1,800.00) Dollars per year, payable out of the road and bridge fund of said county; and declaring an emergency."

H. B. No. 649, A bill to be entitled "An Act amending H. B. No. 804, Forty-fifth Legislature, Regular Session, approved May 1, 1937, making it unlawful to keep, impound, confine, or transport game fish in live boxes or ponds, or to have live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported, and to possess, keep, or place in storage more than thirty game fish in Harrison and Marion Counties, State of Texas; defining the terms 'live box,' 'pond,' 'in storage,' and 'game fish,' as used in this Act; providing for the liberation or destruction of fish confined or impounded, or kept in storage, in violation of this Act, and providing penalties for the violation of this Act; all laws and parts of laws conflicting herewith are hereby repealed; and declaring an emergency."

H. B. No. 650, A bill to be entitled "An Act making it unlawful for any person to catch, take, or retain in one day, or have in his possession, more than fifteen (15) bass, or more than fifteen (15) crappie or white perch, or more than thirty (30) in the aggregate of both bass and crappie or white perch, thirty (30) game fish and thirty-six (36) goggle-eye and bream totaling sixty-six (66) in Harrison or Marion County, Texas; defining guides, and making it unlawful for guides to catch, take, or retain, or have in their possession, any bass or crappie or white perch in either Harrison or Marion County, Texas; providing penalties for violation thereof; all laws and parts of laws conflicting herewith are hereby repealed; and declaring an emergency."

H. B. No. 708, A bill to be entitled "An Act to create Road District No. 4 of Lamb County, Texas; defining its boundaries; providing that said district shall be governed and controlled by the provisions of Chapter 16, General Laws, Thirty-ninth Legislature, First Called Session, 1926, and amendments, except as herein otherwise provided; etc.; and declaring an emergency."

H. C. R. No. 76, Congratulating Hon. Coke R. Stevenson on his birthday.

H. C. R. No. 77, Granting permission to House and Senate to adjourn from Thursday, March 20, 1941 to Monday, March 24, 1941.

Messages from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following messages:

Hall of the House of Representatives, Austin, Texas, March 24, 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:

H. B. No. 334, A bill to be entitled "An Act regulating the City Board of Health, the City Health Officer, and the personnel of the City Health Department, in cities with a population between two hundred thousand (200,000) and two hundred ninety thousand (290,000) inhabitants, according to the last preceding or any subsequent Federal Census; prescribing the number of members of such board and the qualifications of the members of such board and of said City Health Officer; and prescribing the duties of such board; prescribing the manner of removal of members of such board and of the personnel of said City Health Department; providing that in the event any Section, subdivision, paragraph, sentence or clause of this Act be held unconstitutional that the remaining portion shall be valid; and declaring an emergency."

H. B. No. 345, A bill to be entitled "An Act making an emergency ap-
appropriation for the remaining portion of the fiscal year ending August 31, 1941, to assist in the maintenance of a newly established quarantine patrol station necessary to the enforcement of the provisions of Article 135A Vernon's Revised Civil Statutes of Texas, 1925, and to pay salaries of quarantine inspectors for the operation of this station and of agents of the Department of Agriculture in carrying out an extension of the harvesting season as provided for in the statute referred to; and to pay the salaries of two (2) floral inspectors for the remaining part of the fiscal year in order to properly enforce the provisions of the Texas Orchard and Nursery Inspection Law, Chapter VII, Revised Civil Statutes of 1925, and Chapter X, Revised Criminal Statutes of 1925; and declaring an emergency.”

H. B. No. 765, A bill to be entitled “An Act to amend H. B. No. 427, Acts Forty-second Legislature, Regular Session, providing that all officers and employees of the State of Texas, any county or political subdivision thereof, including municipalities, who are members of the National Guard, National Guard Reserves, or Organized Reserves of the Army or Navy of the United States, shall be entitled to leave of absence without loss of pay or efficiency rating during such days as they may attend training ordered or authorized under provisions of law; limiting the period of absence with pay to twelve (12) days in any one calendar year; providing that such limitation to twelve (12) days absence with pay shall not apply to members of the Legislature; and declaring an emergency.”

H. B. No. 373, A bill to be entitled “An Act further regulating the prescribing of liquor for medicinal purposes and the transportation, storage and sale thereof by amending subsection (11) and (16) of Section 15, Article 1, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by the addition of a new subsection (19) to said Section 15, Article 1; prescribing penalties; providing saving clauses; and declaring an emergency.”

The House has concurred in Senate amendments to H. B. No. 19 by a vote of 117 yeas, 5 noes.

The House refused to concur in Senate amendments to H. B. No. 338 and has requested the appointment of a Conference Committee to consider the differences between the two Houses and appoints: McDonald, Skiles, Halsey, Hardeman and White.

The House has tabled by a vote of 71 ayes and 62 nays:

H. B. No. 322, 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; repealing all laws in conflict with this Act; and declaring an emergency.”

Respectfully submitted,

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

Conference Committee on House Bill 338

Senator York moved that the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 338 be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators York, Ramsey, Metcalfe, Moffett and Mauritz.

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. 765, to Committee on Military Affairs.

H. B. No. 345, to Committee on Finance.

H. B. No. 334, to Committee on Civil Jurisprudence.

H. B. No. 373, to Committee on Criminal Jurisprudence.

Senate Bill 11 on Passage to Engrossment

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

H. B. No. 765, to Committee on Military Affairs.

H. B. No. 345, to Committee on Finance.

H. B. No. 334, to Committee on Civil Jurisprudence.

H. B. No. 373, to Committee on Criminal Jurisprudence.

The President laid before the Senate, as the unfinished business on its passage to engrossment (the bill hav-
ing been read second time on March 10, 1941):

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 agents,’ 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, etc.; and declaring an emergency.”

With the following amendment by Senators Aikin and Lemens pending:

Amend S. B. No. 11, page 7, line 8, by adding at the end of Section 21 the following:

“The number of employees and the salaries of each shall be as fixed in the biennial departmental appropriation bill.”

AIKIN,
LEMENS.

The amendment was adopted.

Senator Brownlee offered the following amendment to the bill:

Amend S. B. No. 11 by adding on page 6, of the printed bill, after line No. 63, the following subsection, to-wit:

“(g). Nothing in this entire Act shall ever be construed to apply to any member, agent, employee, or representative of any county mutual fire insurance company as exempted under S. B. No. 121, Forty-fifth Legislature Acts 1937.”

BROWNLEE,
SULAK,
MAURITZ,
WEINERT.

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 11, page 6, line 48 by inserting after the word “Life” and before the word “Insurance” the words, “Health and Accident” and in line 49 after the word “Life” and before the word “Department” the words “Health and Accident.”

The amendment was adopted.

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. No. 11, page 3, by striking out from line 14 all after the word “agent” and all of line 15 through the word “office.”

The amendment was adopted.

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. No. 11, Section 9, page 4, by striking out of line 62, page 4, the figures “$25.00” and substitute therefor the figures “$10.00, ” and by striking out of line 63 the figures “$15.00” and substitute therefor the figures “$5.00,” and by striking out of line 64 the figures “$5.00” and substitute therefor the figures “$2.50,” and on page 5, line 1, by striking out the figures “$2.00,” and substitute therefor the figures “$1.00.”

METCALFE,
SMITH.

The amendment was adopted.

Senator Lovelady offered the following amendment to the bill:

Amend S. B. No. 11, by inserting the following to be known as Section 2-a:

“The provisions of this Act shall not apply to those persons selling insurance in towns of less than three thousand (3,000) people, according to the last preceding Federal Census.”

The amendment was adopted.

On motion of Senator Martin and by unanimous consent it was ordered that the caption be amended to conform to the body of the bill.

The bill then was passed to engrossment.

Senate Bill 11 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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<td>Smith</td>
<td>Spears</td>
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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—27**

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

**Nays—2**

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

**Absent—Excused**

- Smith
- Spears

**Senate Bill 326 on Second Reading**

On motion of Senator Shivers the regular order of business was suspended to permit consideration of S. B. No. 326 at this time.

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

S. B. No. 326, A bill to be entitled "An Act to amend the subject matter embraced in Section 7, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended by Section 3, Chapter 67, General and Special Laws, Forty-fifth Legislature, Regular Session, as amended by Section 4, Chapter 2, General Laws, Forty-sixth Legislature, Regular Session, as amended by S. B. No. 29 of the Forty-seventh Legislature, Regular Session, providing for determining the amount of contributions by employers and defining certain terms, and providing for the effective date of this Act and for the repeal of all laws and parts of laws in conflict therewith; and declaring an emergency."

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

**Senate Bill 326 on Third Reading**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 326 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

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

**Nays—1**

- Sulak

**Absent—Excused**

- Smith
- Spears

**Adjournment**

Senator Lemens moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:25 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.
In Memory of

Mrs. L. O. Thompson

Senator Shivers offered the following resolution:

(Senate Resolution 69)

Mrs. L. O. Thompson of Amarillo, Texas, the mother of Col. Ernest O. Thompson, Chairman of the Railroad Commission of Texas, passed away at her home in Amarillo on Wednesday, March 19, 1941.

Mrs. Thompson was known as the kindly and cheerful mother of her distinguished son, Col. Thompson, and was noted for her graciousness and wisdom, as well as for her beautiful religious character. She was an outstanding civic leader, taking an active part in behalf of all things for the welfare of her community and country. She truly contributed her life towards making her community a better place in which to live. Aside from her community activities, she was a home woman and made her home and her family her first duty and responsibility.

Resolved, Therefore, that we extend to Col. Thompson and the other members of deceased’s family our sincere sympathy and heartfelt regret at the passing of this noble woman; that a copy of this resolution be spread on the Senate Journal in memory of Mrs. Thompson and that the Senate adjourn today out of respect to her; and that the Secretary of the Senate be instructed to furnish copies of this resolution to the members of the family of Mrs. Thompson.

SHIVERS,
HAZLEWOOD,
VICK.

The resolution was read and was adopted unanimously.