Special Laws passed at the First Called Session of the Fortieth Legislature as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature as amended by Chapter 15, General and Special Laws passed at the Second Called Session of the Forty-second Legislature as amended by Chapter 4, Special Laws passed at the Regular Session of the Fortieth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million ($15,000,000.00) Dollars, according to the last approved tax rolls; etc.; and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby; and declaring an emergency.

H. B. No. 717, A bill to be entitled "An Act amending Chapter 56, page 806, Special Laws of the Forty-sixth Legislature, 1939, as it pertains to Menard County, Texas; prohibiting the taking of fish in Menard County with any device equipped with more than two (2) hooks, prohibiting the use of floats except in certain cases, except artificial bait used with a rod and reel and excepting a twenty (20) foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said county; providing a closed season during the months of March and April; prohibiting the sale of any fresh water fish in said county; providing a penalty for any violation of this Act; prohibiting the taking of minnows for the purpose of sale or transporting more than two hundred (200) minnows from any county named in this Act; repealing all general and special laws in so far as they conflict with this Act; and declaring an emergency."

H. B. No. 808, A bill to be entitled "An Act making it lawful to hunt, take, and kill squirrels in Sutton County, Texas, at any time and declaring an open season for hunting squirrels in such county; repealing all laws or parts of laws in conflict; and declaring an emergency."

H. C. R. No. 97, Providing for a Joint Session of the House and Senate at 10:30 on the morning of Friday, April 18, 1941.

Adjournment

Senator Metcalfe moved that the Senate adjourn until 10:00 o'clock a.m., Monday, April 21, 1941.

The motion prevailed; and the Senate, accordingly, at 12:20 o'clock p.m., adjourned until 10:00 o'clock a.m. Monday, April 21, 1941.

FIFTY-SEVENTH DAY
(Monday, April 21, 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
Hazelwood
Hill
Isbell
Kelley
Lanning
Lemens
LoveLady
Mauritz
Metcalf
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Sulak
Van Zandt
Vick
Weinert
York

absent—excused

Martin
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 Friday, April 18, 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 Hill was granted leave of absence for today on account of important business, on motion of Senator Cotten.

Senator Winfield was granted leave of absence for today on account of
important business, on motion of Senator Kelley.

Senator Martin was granted leave of absence for today on account of important business, on motion of Senator Kelley.

Report of Standing Committee

Senator Ramsey submitted the following report:

Austin, Texas,
April 1, 1941.

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

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 436, A bill to be entitled "An Act authorizing the commissioners' court in each county in this State having a population of not less than thirty thousand, three hundred and sixty (30,360) nor more than thirty thousand, four hundred (30,400), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the county; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; providing for the filing of itemized sworn expense accounts; 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 not printed.

RAMSEY, Chairman.

Message from the House

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

Hall of the House of Representatives, Austin, Texas,
April 21, 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:

S. B. No. 433, A bill to be entitled "An Act authorizing any city or county of the State, acting separately or jointly, to acquire lands for the use of the United States Government, either by lease for a term of years or in fee simple title; authorizing the appropriation of any available funds of any such city or county for the payment of such lands; etc.; and declaring an emergency."

H. B. No. 25, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature as heretofore amended, by adding Sections 1a and 1b hereto; excepting from the definition of 'Motor Carrier' and 'Contract Carrier' certain persons, firms and corporations; exempting certain persons, firms and corporations transporting under certain circumstances and conditions their own employees, property or property in which they have an interest as consignee or agent; defining a private motor vehicle owner; exempting private motor vehicle owners from said Act; providing for the repeal of all laws and parts of laws in conflict with this Act; providing that if any Section, clause or provisions of this Act be held unconstitutional or invalid, it shall not affect the remaining portions; and declaring an emergency."

H. B. No. 372, A bill to be entitled "An Act relating to the payment of the prevailing rate of wages on public works; defining certain terms as used in this Act; providing the general rate of wages shall be paid; providing for predetermination of the prevailing rate of wages; requiring a public body to pay the prevailing rate of wages on any works constructed, repaired or improved by its own forces; providing that contractors shall be required to pay the stipulated wage schedule; requiring records to be kept; making certain exceptions; providing a penalty; repealing Chapter 45 of the Acts of the Forty-third Legislature; and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 359 by a vote of 107 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 434 by a vote of 106 yeas, 0 noes.

The House has concurred in Senate amendments to H. C. R. No. 67 by a vote of 107 yeas, 0 noes.
The House has concurred in Senate amendments to H. C. R. No. 68 by a vote of 107 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 405 by a vote of 103 yeas, 2 noes.

The House has concurred in Senate amendments to H. B. No. 709 by a vote of 110 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 759 by a vote of 114 yeas, 1 no.

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

Senate Bills on First Reading

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

By Senator Lovelady:

S. B. No. 437, A bill to be entitled "An Act amending Section 1, Chapter 35, Acts of the Special Laws of the Thirty-third Legislature, same being S. B. No. 253; and amending Section 1, Chapter 136, Acts of the Special Laws of the Forty-second Legislature, the same being S. B. No. 570; which Act amended Section 4, Chapter 35, Acts of the Thirty-third Legislature relating to the Clifton Independent School District; and validating the acts of the board of trustees; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Smith (by request):

S. B. No. 438, A bill to be entitled "An Act prescribing the powers and duties of the State Board of Control with reference to the operation and maintenance of all State Eleemosynary Institutions, providing for the appointment of superintendents, medical directors, and storekeepers and accountants, prescribing their duties, and prescribing the method for removal of all officers and employees; repealing Articles 635, 637, 690, 691, 692, 693, 3175, 3176, 3184, 3190, 3207, 3220, 3222, 3223, 3234, 3235, 3239, 3252, 3253, Section 69 of Article 3254a, 3255, Section 4 of Article 3239a, 5120, 5122, and 5163 of the Revised Civil Statutes of the State of Texas, Vernon's Annotated Edition, and all other laws or parts of laws in conflict herewith, and containing a saving clause and an emergency clause, and providing an effective date hereof.

To Committee on State Affairs.

Bills Tabled

The following bills, by unanimous consent, were laid on the table:

S. B. No. 146, on motion of Senator Mauritz.
S. B. No. 408, on motion of Senator Mauritz.
S. B. No. 138, on motion of Senator Metcalfe.
S. B. No. 252, on motion of Senator Metcalfe.
S. B. No. 145, on motion of Senator Isbell.
S. B. No. 34, on motion of Senator Brownlee.
S. B. No. 165, on motion of Senator Chadick.
S. B. No. 137, on motion of Senator Smith.
S. B. No. 48, on motion of Senator Graves.
S. B. No. 59, on motion of Senator Graves.

Senate Resolution 98

Senator Fain offered the following resolution:

Whereas, On Saturday, April 19, the Salesmanship Club of Houston held its twelfth Gridiron Dinner; and
Whereas, Members of the Senate of Texas were honored by being guests at such dinner; and
Whereas, The members of the Senate were given a day of splendid entertainment and were the recipients of unsurpassed hospitality of the citizens of Houston and Harris County; now, therefore, be it
Resolved by the Senate of Texas, That we express our sincere appreciation to the Salesmanship Club of Houston, to each and every member of the cast of the Gridiron show, to the President of the Salesmanship Club, Mr. Willard W. Glaze, to the toastmaster, Mr. Meredith James, to the Houston Bar Association, our hosts at breakfast, to Mr. Ray W. Smith, our host at luncheon, for the many courtesies and hospitalities and for a most enjoyable week-end; and, be it further
Resolved, That we commend the Salesmanship Club of Houston and particularly the cast of the Gridiron show for their efforts in having us
“see ourselves as others see us”; and, be it further,
Resolved, That a copy of this resolution be mailed to the President of the Salesmanship Club, the President of the Houston Bar Association, to Mr. James, and to Mr. Ray W. Smith.
The resolution was read.
On motion of Senator Pain, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Resolution 99

Senator Aikin offered the following resolution:
Whereas, Lieutenant Dawson Duncan of the 11th Quartermaster Regiment of the 36th Division, is present in the Capitol; and
Whereas, Mr. Duncan is on leave of absence from his duties as one of the Capitol correspondents for the Dallas News; and
Whereas, We wish to express our appreciation of him, and that we are glad to have him visit us; now, therefore, be it
Resolved, That Mr. Dawson be extended the privileges of the floor today and any time he can visit us during this session.
The resolution was read.
On motion of Senator Aikin and by unanimous consent, the resolution was considered at this time, and was adopted unanimously.

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. 25, to Committee on Highways and Motor Traffic.
H. B. No. 372, to Committee on Labor.

Reference of House Concurrent Resolutions

The following resolutions, previously received from the House, were laid before the Senate, read severally, and referred to the committees indicated:
H. C. R. No. 95, to Committee on Agriculture.
H. C. R. No. 96, to Committee on Public Buildings and Grounds.
H. C. R. No. 98, to Committee on Highways and Motor Traffic.

Senate Bill 204 on Second Reading

On motion of Senator Fain and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 204 at this time.
The President laid before the Senate on its second reading and passage to engrossment:
S. B. No. 204, A bill to be entitled "An Act to repeal Chapter 10, Acts Fourth Called Session of the Forty-first Legislature, as amended by Chapter 202, Regular Session Forty-second Legislature, declaring the open season for killing wild turkeys in any county composing the 3rd, 5th and 14th Senatorial Districts, and in counties having a population of over three hundred fifty thousand (350,000) according to the 1930 Federal Census, or any other census taken thereafter, to be during the months of March and April; and declaring an emergency."
The bill was read second time.
Senator Fain offered the following amendment to the bill:
Amend S. B. No. 204 by striking out all below the enacting clause and inserting in lieu thereof the following:
"Section 1. It shall be unlawful to kill, take or attempt to kill or take any wild turkey in any of the counties now included in the 2nd, 3rd, 5th, 6th, 7th, 9th, 13th, 14th, 15th, 16th, and 17th Senatorial Districts of this State until November 16, 1946, and thereafter the open season in said counties shall be during the period November 16th to December 31st.
Providing, however, that there shall be an open season for taking wild turkey in Leon County during the period November 16th to December 31st of each year, beginning in 1941.
Sec. 2. All laws or parts of laws of this State, so far as they conflict with any provision of this Act, and specifically Article 879c-1, Penal Code, Texas, be and the same are hereby repealed.
Sec. 3. Nothing contained in this Act shall apply to Robertson County, and no law or part of law, in so far as it applies to Robertson County, shall be repealed by any portion of this Act.
Sec. 4. Any person who takes any wild turkey in counties to which this Act applies at any time other than the open season provided herein, or who otherwise violates any provisions
of this Act, shall be deemed guilty of
a misdemeanor, and upon conviction
shall be fined in a sum not less than
Fifty ($50.00) Dollars, nor more than
Two Hundred ($200.00) Dollars, and
upon conviction shall automatically
forfeit his right to hunt with a gun
in this State for a period of one year
following the date of his conviction.

Sec. 5. The fact that wild turkey
are near extermination in the coun­
ties comprising the Senatorial Dis­
tricts to which this Act applies, and
because efforts are being made to
restore wild turkey in the counties in
which this Act applies, creates an
emergency and an imperative public
necessity requiring that the constitu­
tional rule providing that bills be read
on three several days in each House
be suspended and same is hereby sus­
pended, and this Act shall be in force
and take effect from and after its
passage, and it is so enacted."

The amendment was adopted.

Senator Fain offered the following
amendment:

Amend S. B. No. 204 by striking out
all above the enacting clause and in­
serting in lieu thereof, the following:

A bill to be entitled
"An Act making it unlawful to kill or
take wild turkey in any of the counties
now included in any of the counties
now included in the 2nd, 3rd, 5th, 6th,
7th, 9th, 13th, 14th, 15th, 16th, and
17th Senatorial Districts of this State
until November 16th, 1946; fixing the
open season that shall apply there­
after; fixing an open season in Leon
County beginning in 1941; repealing
conflicting laws, and specifically Ar­
ticle 879c-1, Penal Code; excepting
Robertson County from all provisions
of this Act; providing a penalty for
violations of this Act; and declaring
an emergency."

The amendment was adopted.

The bill was then passed to en­
grossment.

Senate Bill 204 on Third Reading

Senator Fain moved that the con­
stitutional rule requiring bills to be
read on three several days be sus­
pended and that S. B. No. 204 be
placed on its third reading and final
passage.

The motion prevailed by the follow­
ing vote: Yeas—28


Absent—Excused

Martin Winfield Spears

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

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

Yeas—28


Absent—Excused

Martin Winfield Spears

The amendment was adopted.

The bill was then passed to en­
grossment.

Senate Bill 204 on Third Reading

Senator Fain moved that the con­
stitutional rule requiring bills to be
read on three several days be sus­
pended and that S. B. No. 204 be
placed on its third reading and final
passage.

The motion prevailed by the follow­
ing vote: Yeas—28

Aikin Beck Brownlee Chadick

Cotten Metcalfe
Fain Moffett
Formby Moore
Graves Ramsey
Hazlewood Shivers
Hill Smith
Isbell Stone
Kelley Sulak
Lanning Van Zandt
Lemens Vick
Lovelady Weinert
Mauritz York

Absent—Excused

Martin Winfield
Spears

The amendment was adopted.

The bill was then passed to en­
grossment.

Senate Bill 204 on Third Reading

Senator Fain moved that the con­
stitutional rule requiring bills to be
read on three several days be sus­
pended and that S. B. No. 204 be
placed on its third reading and final
passage.

The motion prevailed by the follow­

yeas—28

Aikin Beck Brownlee Chadick
lorem taxes on rolling stock belonging to railroad companies; providing that taxes shall be levied, assessed and collected as now provided by law; etc.; and declaring an emergency."

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

Yeas—19
Brownlee  Lovelady
Chadick    Mauritz
Fain       Moffett
Formby     Ramsey
Graves     Smith
Hazlewood  Stone
Hill       Sulak
Kelley     Van Zandt
Lanning    Vick
Lemens     
Nays—7
Aikin       Moore
Cotten      Shivers
Isbell      York
Metcalfe    
Beck        Weinert
Absent—Excused
Martin      Winfield
Spears      

Senate Resolution 100

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

Whereas, Superintendent L. W. St. Clair of the LaGrange High School, the Senior Class, the Choral Club of the High School, accompanied by its director, Miss Lelia Lee Batte and sponsors E. Y. Steakley and Miss Marie Mainor are in the galleries; and

Whereas, The Choral Club is an outstanding High School Choral Club; therefore, be it

Resolved, That the visitors be extended the privileges of the floor, and be invited to render several selections for the entertainment of the Senate; and, be it further

Resolved, That copies of this resolution be furnished the above named visitors and to Miss Verline Engbrock, president of the Club.

The resolution was read.

On motion of Senator Sulak and by unanimous consent, the resolution was considered immediately and was adopted.

Accordingly, the members of the class, having been escorted to the bar of the Senate by Senator Sulak, sang for the Senate.

Senate Bill 187 on Second Reading

On motion of Senator York and by unanimous consent, the regular order of business was suspended, to permit consideration of S. f. No. 187 at this time.

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

S. B. No. 187, A bill to be entitled "An Act to facilitate the cooperation of this State with other units of government, determining the membership of the Board, and establishing the Texas Commission on Interstate Cooperation; describing the functions and operations of said commission; providing for the establishment of delegations and committees; providing for reports; providing titles for the committees and the commission; declaring the Council of State Governments a joint governmental agency of this State and of the other states; stating the intent of a fund to be appropriated by the Legislature, providing a saving clause; and declaring an emergency."

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

Senate Bill 187 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 187 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28
Aikin       Lovelady
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      York

On motion of Senator Sulak and by unanimous consent, the resolution was considered immediately and was adopted.
Absent—Excused

Martin Winfield Spears

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:

Yea
Beck
Brownlee
Chadick
Fain
Formby
Graves
Hazelwood
Hill
Kelley
Lanning
Lemens
Lovelady
Aikin
Cotten

Nay
Mauritz
Metcalfe
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Sulak
Van Zandt
Vick
York

House Bill 444 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 444 at this time.

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

H. B. No. 444, A bill to be entitled "An Act to amend H. B. No. 20, Acts of the Forty-sixth Legislature, Regular Session, reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts; providing the manner of election of members of the State Soil Conservation Board; fixing the terms of office and defining the powers and duties of said members of said State Soil Conservation Board; providing for the creation of county soil conservation committees; etc.; providing a separability clause; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 444 by striking out the last sentence in paragraph E, on page 4.

The amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 444 by striking out the date April 1, 1941 in the emergency clause, and inserting in lieu thereof the words, "its passage."

The amendment was adopted.

Question—Shall the bill be passed to third reading?

Joint Session

(To Hear Address of Hon. Lyndon B. Johnson)

At 11:30 o'clock a. m., the President announced the hour heretofore fixed by joint action of the two Houses to meet in joint session to hear an address by Hon. Lyndon B. Johnson had arrived, and he requested the Senators to proceed in a body to the Hall of the House of Representatives.

The Senate was announced at the Hall of the House, and the Senators were admitted and escorted to seats 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 Speaker asked the members to register, and a quorum of the House was announced present.

The President of the Senate called the Senate to order, and announced a quorum of the Senate present.

Hon. Lyndon B. Johnson was announced at the bar of the House, and was escorted to the Speaker's stand by Senators Brownlee, York, Kelley, Smith, Vick and Mauritz on the part of the Senate; and by Representatives Bruhl, Carrington, Stanford, Ellis, Cleveland, Smith of Bastrop, Hughes, Lansberry, Lehman, Fuchs, Skiles, Bullock and Winfree on the part of the House.

The Speaker presented Senator Smith, who presented Hon. Lyndon B. Johnson to the joint session.
Hon. Lyndon B. Johnson then addressed the joint session.

At the conclusion of the address, the President announced the business of the joint session completed and requested the Senators to repair to the Senate Chamber.

In the Senate

The President called the Senate to order at 12:05 o'clock p. m.

Pages Excused

On motion of Senator Chadick, and by unanimous consent, the pages of the Senate were excused for this afternoon.

Bill Signed

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

S. B. No. 433, A bill to be entitled "An Act authorizing any city or county of the State, acting separately or jointly, to acquire lands for the use of the United States Government, either by lease for a term of years or in fee simple title; authorizing the appropriation of any available funds of any such city or county for the payment of such lands; authorizing the issuance of time warrants in payment thereof; authorizing the condemnation of lands for such purpose, either for a period of years or in fee simple; authorizing the taking of possession of said lands, immediately after filing condemnation suit, upon depositing with the county clerk the amount of money estimated by the commissioners' court or city council of the city or county involved to be just compensation for the interest taken; providing for the deposit of any additional amount found by the special commissioners in condemnation where the compensation found to be just is greater than the amount fixed by the commissioners' court; authorizing any such city or county to contract with the United States Government or its agencies, obligating itself to acquire lease-hold interest or fee simple title in land and validating any such agreement heretofore executed by any such city or county with the United States Government; providing that unconstitutionality of any part of the law shall not invalidate the remainder; and declaring an emergency."

Adjournment

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

Senator Metcalfe moved that the Senate recess until 2:00 o'clock p. m. today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn prevailed by the following vote:

Yeas—13

Brownlee   Lovelady
Cotten      Mauritz
Fain        Moore
Formby      Ramsey
Isbell      Stone
Lanning     Van Zandt
Lemens

Nays—8

Aikin       Metcalfe
Chadick     Moffett
Graves      Sulak
Hazlewood   Vick

Absent—Excused

Martin      Winfield
Spears

The Senate, accordingly, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FIFTY-EIGHTH DAY

(Tuesday, April 22, 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         Hazlewood
Beck          Hill
Brownlee      Isbell
Chadick       Kelley
Cotten        Lanning
Fain          Lemens
Formby        Lovelady
Graves        Martin