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—26
Aikin  Martin
Beck  Mauritz
Brownlee  Moffett
Chadick  Moore
Fain  Ramsey
Formby  Shivers
Graves  Smith
Hazelwood  Stone
Isbell  Van Zandt
Kelley  Vick
Lanning  Weinert
Lemens  Winfield
Lovelady  York

Absent—Excused
Cotten  Spears
Hill  Sulak
Metcalf

Flowers to Miss Mary Jacobs

On motion of Senator Isbell and by unanimous consent, the Secretary of the Senate was authorized to send flowers to Miss Mary Jacobs, Senate telephone operator, who is ill at Seton Hospital.

Adjournment

On motion of Senator Lovelady, the Senate, at 2:55 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, May 12, 1941.
suits for delinquent taxes, statement of taxes sued for showing description of property assessed, 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 as amended and be printed.

WEINERT, Chairman.

Senate Joint Resolutions on First Reading

Senator York moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing two joint resolutions, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Absent—Excused
Smith

The following resolutions then were introduced, read first time and referred to the Committee on Constitutional Amendments.

By Senator York:
S. J. R. No. 19, Proposing the adoption of Section 16 of Article 7 of the Constitution allocating to the Agricultural and Mechanical College of Texas, after deducting the amount necessary to defray expenses of administration except those in connection with grazing leases, one-third of the income from the Permanent University Fund except income from grazing leases; providing that such revenue shall be used or pledged for the sole purpose of acquiring permanent improvements for said college, authorizing the board of directors of said college to pledge said revenues to secure bonds or notes issued for such purpose or to refund bonds or notes issued for such purpose; authorizing the investment of the Permanent University Fund in bonds or notes secured by such pledge; making the provisions of this Section cumulative but to prevail in event of conflict with other provisions; providing for calling an election and making an appropriation to defray the expenses thereof.

By Senator York:
S. J. R. No. 20, Proposing an amendment to the Constitution of the State of Texas by amending Section 33 of Article 16, of the Constitution of Texas so as to permit the Accounting Officers of this State to draw and pay warrants for salaries to officers of the United States Army or Navy who are assigned to duties in State institutions of higher education.

Senate Bill 466 on First Reading

The following local bill was introduced, read first time and referred to the Committee on Game and Fish.

By Senator York:
S. B. No. 466, A bill to be entitled "An Act providing for a closed season on wild deer and wild turkey in Robertson County for a period of four (4) years; prescribing penalties for the violation of this Act; repealing all laws in conflict; and declaring an emergency."

Senate Concurrent Resolution 55

Senator Moffett offered the following resolution:
S. C. R. No. 55, Relating to the observance of National Cotton Week.

Whereas, The urgency and need for increased markets and usage of American cotton is well known; and
Whereas, The current World War has not only shut off practically all exports of American cotton to foreign markets, but has also intensified the search for and the production of synthetic substitutes for cotton, which substitutes very likely will continue to be permanently competitive to American cotton in world markets; and
Whereas, The domestic consumption of other American farm crops during the current emergency has in most cases increased relatively more than the domestic consumption of American cotton, thereby intensi-
fying the need for increased consumption of cotton, which is the major farm crop in many Southern States, and particularly Texas, where the welfare of literally hundreds of communities is bound up with the price and marketability of cotton; and

Whereas, There is probably no one thing that would mean more to so many people in Texas than increased market demand and consumption of Texas grown cotton; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the efforts of the National Cotton Council, the National Cotton Textile Institute, and the Texas State-Wide Cotton Committee, to encourage, foster, and promote increased consumption of cotton, be endorsed to the fullest extent, and that this Legislature add the weight of its influence to the activities of the above mentioned agencies in observing National Cotton Week, May 16 to 24, thus tending to intensify the efforts of said agencies in molding public opinion so that same will be focused upon the need, necessity and urgency of increased consumption of this farm crop, thereby enabling idle acres to again become productive, unemployment to be decreased, and economic conditions throughout the State to be improved; and be it further

Resolved, That the press be requested to give widest possible publicity to this matter.

The resolution was read, and on motion of Senator Moffett and by unanimous consent, it was considered immediately and was adopted.

Motion to Set House Joint Resolution No. 10 as a Special Order

Senator Metcalfe moved that H. J. R. No. 10, relating to women serving on juries, be set as a special order for next Wednesday, May 14, 1941, at 10:00 o'clock a.m.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Aikin
Chadick
Fain
Graves
Hazlewood
Kelley
Lanning
Lemons
Mauritz
Metcalf
Moffett
Moore
Spears

Nays—14

Brownlee
Cotten
Formby
Hill
Isbell
Lovelady
Martin
Moffett
Moore
Spears
Van Zandt
Weinert
Winfield
York

Beck
Absent—Excused

Smith

House Bill 193 Set as Special Order

Senator Shivers moved that H. B. No. 193 be set as a special order for next Wednesday, May 14, 1941, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—22

Aikin
Brownlee
Chadick
Fain
Formby
Hazlewood
Hill
Isbell
Kelley
Lanning
Lovelady
Martin
Moffett
Moore
Metcalf
Mauritz
Moore
Spears
Shivers
Stone
Weinert
Winfield
York

Nays—5

Cotten
Lemons
Ramsey
Van Zandt
Vick

Absent

Beck
Graves

Absent—Excused

Smith

Motion to Set House Bill 199 as Special Order

Senator Moffett moved that H. B. No. 199, the oil proration bill, be set as a special order for next Wednesday, May 14, 1941, immediately after disposition of H. B. No. 193, previously set as a special order for that day.
The motion was lost by the following vote:

**Yeas—12**
- Kelley
- Lovelady
- Martin
- Metcalfe
- Moffett
- Moore
- Nays—12
- Aikin
- Brownlee
- Chadick
- Cotten
- Formby
- Graves
- Absent
- Beck
- Fain
- Hazlewood
- Smith

**Session to Consider Local and Uncontested Bills**

Senator Stone moved that the Senate hold a session next Monday night, May 19, 1941, to consider local and uncontested bills and that the bills be submitted to the committee for inclusion on the calendar of bills to be considered on that night, together with a brief statement of the purpose of each bill, not later than Friday, May 16, 1941 at 12:00 o'clock noon.

The motion prevailed unanimously.

**Communication from Congressman W. R. Poage**

The President laid before the Senate and had read the following communication:

Washington, D. C.,
May 12, 1941.

Hon. Coke R. Stevenson, Lieutenant Governor,
Austin, Texas.

I am in receipt of a certified copy of S. R. No. 127 calling on Congress and the President to take all possible steps to assure prompt and continuous delivery of needed munitions and supplies to Great Britain. I am appreciative of the intelligent and patriotic stand taken by your body of which I was formerly a member. I agree 100 per cent. I favor the use of the entire naval force of this nation if necessary to make good on our promise to deliver aid. Only in this way can we remove threat at our own existence. Please express my views and thanks to the Senate.

W. R. POAGE,
Congressman 11th Texas District.

On motion of Senator Lovelady, the communication was ordered printed in the Journal.

**House Concurrent Resolution 111**

The President laid before the Senate and had read (the resolution having been received from the House on May 1, 1941):

H. C. R. No. 111, Recalling H. B. No. 371 from Governor for correction.

By unanimous consent, the resolution was considered and was adopted at this time.

**House Concurrent Resolution 129**

The President laid before the Senate and had read (the resolution having been received from the House on May 9, 1941):

H. C. R. No. 129, Authorizing correction in enrolled copy of H. B. No. 903.

By unanimous consent, the resolution was considered and was adopted at this time.

**House Concurrent Resolutions 104 and 123**

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. 104, to Committee on Agriculture.

H. C. R. No. 123, to Committee on State Affairs.

**House Concurrent Resolution 125**

The President laid before the Senate and had read (the resolution having been received from the House on May 9, 1941):

H. C. R. No. 125, Inviting the President of the United States and certain other United States Officials to visit Texas to inspect the defense projects in the State.

By unanimous consent, the resolution was considered at this time.
Senator Shivers offered the following amendment to the resolution:

Amend H. C. R. No. 125 by adding after the word “Abilene” the following: “Beaumont, Port Arthur, and Orange.”

The amendment was adopted.

The resolution as amended was adopted.

Senate Concurrent Resolution 56

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

Whereas, On or about the 21st day of September, 1940, Arol Kerley and W. E. Pendergrass were traveling in an automobile on the Wright-City-Henderson highway in the State of Texas, and

Whereas, On such occasion another automobile, belonging to the Railroad Commission of the State of Texas, or to the State of Texas, was likewise traveling on such highway, and was operated or caused to be operated by the Railroad Commission or the State of Texas, by and through an agent, servant and employee of the Railroad Commission of Texas or of the State of Texas, by the name of R. R. Fowler, who on such occasion was driving a 1939 Chevrolet car, with license number SX3-625, it being Texas Railroad Commission car Number 33, and

Whereas, On such occasion such automobiles were involved in a collision in which the said Arol Kerley and W. E. Pendergrass claim that they sustained numerous and severe personal injuries, which they claim were the result of negligence on the part of the said Fowler, on the occasion in question; and

Whereas, It is the public policy of this State to grant to persons who sustain injuries a trial of the question of liability or fault for producing injuries, and the extent of damage therefrom; and

Whereas, It is the policy of this State, and is so declared herein, that the State of Texas and the Railroad Commission of Texas ought not to be exempt from liability, if an agent, servant or employee of either the State of Texas or the Railroad Commission of Texas does negligently injure another, causing damage to such other person; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the State of Texas and the Railroad Commission of Texas assume any and all liability by reason of the act or acts of the said R. R. Fowler on the occasion above set forth, and declare that if the said R. R. Fowler on the occasion in question negligently caused injuries or damage to either the said W. E. Pendergrass or Arol Kerley, or both, that then and in that event the State of Texas and the Railroad Commission of Texas assume liability for the acts of the said Fowler, and the damages, if any, resulting to Arol Kerley and W. E. Pendergrass on the occasion in question; and permission is here now given to the said W. E. Pendergrass and Arol Kerley to bring suit against the State of Texas and the Railroad Commission of Texas, to determine the negligence, if any, of the said R. R. Fowler, and the extent of and to collect the damages, if any, sustained by said Arol Kerley and W. E. Pendergrass on the occasion in question; provided, that the State of Texas and the Railroad Commission of Texas, are not hereby precluded from pleading any legal defenses to such claim, other than that arising from the sovereign nature of said State and Railroad Commission.

The fact that the parties above named are prevented from prosecuting a suit for damages until this resolution has been passed, and that such parties are laboring men, depending upon wages rather than investment for their income, and by reason of such automobile collision were and have been deprived of earning their livelihood, and have been forced to incur obligations and debts, all of which makes it necessary for them to have a speedy adjustment of their rights and collection of any damages that might be due them, creates an emergency, and imperative public necessity, requiring that the reading of concurrent resolution on three separate and several days be suspended, and this resolution shall be, and is in full force and effect from the date of its passage, and it is so enacted.

The resolution was read and was referred to the Committee on State Affairs.
Senate Bill 283 on Final Passage

The President laid before the Senate, as unfinished business, on its final passage (the bill having been read third time on May 6, 1941):

S. B. No. 283, A bill to be entitled "An Act amending S. B. No. 113, Chapter 309, Acts of the Regular Session of the Forty-fifth Legislature [relating to certain disbursements from available school fund]; declaring the Act to be severable; and declaring an emergency."

The bill was passed by the following vote:

Yeas—21

Brownlee  Metcalfe
Cotten    Moore
Formby    Ramsey
Graves    Shivers
Hazlewood Stone
Kelley    Sulak
Lanning   Van Zandt
Lemens    Vick
Lovelady  Weinert
Martin    Winfield
Mauritz

Nays—4

Aikin    Isbell
Hill     Moffett
Absen

Beck     Spears
Chadick  York
Fain

Absent—Excused

Smith

House Bill 73 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 73 at this time.

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

H. B. No. 73, A bill to be entitled "An Act amending Article 802 of the Penal Code of Texas, 1925, as amended by Chapter 60, H. B. No. 120, Acts of the Regular Session of the Fortieth Legislature, be amended so as to read hereafter as follows: "Article 802. Driving While Intoxicated.

"Section 1. First Offense. Any person, who has never previously been convicted in this State of driving while intoxicated or under the influence of intoxicating liquor to such an extent that his driving ability is affected, who drives or operates an automobile or any other motor vehicle upon any street or alley or any other place within the limits of any incorporated city, town, or village, or upon any public road or highway in this State, while such person is intoxicated or under the influence of intoxicating liquor to such an extent that his driving ability is affected, shall upon conviction be confined in the county jail for not less than five (5) days nor more than two (2) years, and fined not less than Ten ($10.00) Dollars, nor more than Five Hundred ($500.00) Dollars.

"Sec. 2. Second and Subsequent Offenses. Any person who has pre-
viously been convicted in this State of driving while intoxicated or under the influence of intoxicating liquor to such extent that his driving ability is affected, who drives or operates an automobile or any other motor vehicle upon any street or alley or any other place within the limits of any incorporated city, town or village, or upon any public road or highway in this State while such person is intoxicated or under the influence of intoxicating liquor to such an extent that his driving ability is affected, shall upon conviction be confined in the penitentiary for not less than one (1) year nor more than five (5) years, and fined not less than One Hundred ($100.00) Dollars nor more than One Thousand ($1,000.00) Dollars.

"Sec. 3. Suspension or Revocation of Operator's License or Chauffeur's License May Not Be Suspended. When any person is convicted of driving while intoxicated under the preceding Sections 2 and 3, and sentence is suspended by the jury, if the trial be before a jury, or by the court, if the trial be before the court without a jury, then the revocation or suspension of his operator's license and chauffeur's license shall not be affected by such suspension of sentence, and his operator's license and chauffeur's license shall stand revoked or suspended, just as if there had been no suspension of sentence, and the court shall enter an order so stating.

"Sec. 4. Articles 62 and 63, Penal Code, Not Repealed. Nothing in this Act shall be taken as repealing in any manner the provisions of Articles 62 and 63 of the Penal Code, 1925, relating to the second and third convictions of persons for the same felony offense, and should there be any conflict between this Act and said Articles 62 and 63 of the Penal Code, said Articles 62 and 63 shall prevail. All other laws and statutes in conflict and which may be construed to be in conflict with the provisions of this Act are expressly repealed insofar as they conflict with this Act."

Sec. 2. In the trial of any person charged with driving while intoxicated in this State, the court shall admit in evidence the result of any chemical test or analysis of the breath, urine, blood or other bodily substance of the defendant made at the time or within three (3) hours after the commission of the offense to show the amount of alcohol in the defendant's blood at the time of the commission of the alleged offense.

Sec. 3. Any peace officer in this State, upon arresting a person for driving while intoxicated, may have a chemical test or analysis made of the breath, urine, blood or other bodily substance of such person within three (3) hours after said arrest, either with or without the consent, expressed or implied, of such person. Such tests or analyses may be made by any person licensed to practice medicine in the State of Texas, or by any laboratory technician working under said licensed practitioner.

Sec. 4. If the chemical test or analysis prescribed in the preceding Section should show that at the time of the alleged commission of the offense, the blood of the defendant had .05% or less by weight of alcohol, such evidence shall be prima facie evidence that defendant was not intoxicated or sufficiently under the influence of intoxicating liquor to affect his driving ability within the meaning of the statutory definitions of the offense. If the chemical test or analysis prescribed in the preceding Section should show that at the time of the alleged commission of the offense, the blood of the defendant had .15% or more by weight of alcohol, such evidence shall be prima facie evidence that the defendant was intoxicated or sufficiently under the influence of intoxicating liquor to affect his driving ability within the meaning of the statutory definitions of the offense. If the chemical test or analysis prescribed in the preceding Section should show that at the time of the alleged commission of the offense, the blood of the defendant had more than .05% and less than .15% by weight of alcohol, such evidence shall be relevant, but shall not be prima facie evidence that the defendant was intoxicated or sufficiently under the influence of intoxicating liquor to affect his driving ability within the meaning of the statutory definitions of the offense.

Sec. 5. If any part or parts of this Act be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provisions of this Act.

Sec. 6. The importance of this legislation creates an emergency and
an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and such rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend the bill by striking out all before the enacting clause and inserting the following:

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

The (committee) amendments were adopted severally.

Senator Moore offered the following amendment to the bill (as amended):

Amend H. B. No. 73 by striking out Section 3 and inserting a new Section 3 to read as follows:

"Section 3. Any peace officer in this State, upon arresting a person for driving while intoxicated, may have a chemical test or analysis made of the breath, urine or other bodily substance of such person within three hours after said alleged offense upon the consent in writing of such person after said person has been properly warned by said officer that he does not have to sign such agreement and that same may be used against him upon a trial for the offense with which he is charged. Such tests or analyses may be made by any person licensed to practice medicine in the State of Texas, or by any laboratory technician working under said licensed practitioner; provided further that where the test is of urine or breath, said peace officer may take the specimen."

Pending consideration of the amendment, Senator Lemens occupied the Chair temporarily.

(President in the Chair.)

Question—Shall the amendment by Senator Moore be adopted?

Message from the House

A Clerk from the House presented the following message:

Hall of the House of Representatives, Austin, Texas, May 12, 1941.

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

SIR: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 795 by a vote of 118 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 349 by a vote of 117 yeas, 0 noes.
The House has concurred in Senate amendments to H. B. No. 509 by a vote of 117 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 892 by a vote of 117 yeas, 0 noes.

The House has adopted the Conference Committee report on H. B. No. 369 by a vote of 118 yeas, 0 noes.

House grants request of Senate for return of H. B. No. 541. (Bill attached.)

The House has adopted:
S. C. R. No. 54, Providing for joint session on May 12, 11:30 for purpose of hearing General Camacho.
S. C. R. No. 53, Authorizing State Highway Department to lend discarded guard wire to the Tioga School of Tioga.
S. C. R. No. 49, Relative to the enforcement of Emigrant Agency Act, State Health Laws, etc.
S. C. R. No. 52, Requesting the Governor to return H. B. No. 903 for correction.

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

Signing of Bill and Resolution

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bill and resolution:
S. B. No. 204, A bill to be entitled "An Act making it unlawful to kill or take 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 16th, 1946; fixing the open season that shall apply thereafter; fixing an open season in Leon County beginning in 1941; repealing conflicting laws, and specifically Article 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."
S. C. R. No. 41, Authorizing the donation of certain materials of the State Highway Department.

Joint Session

At 11:30 o'clock a. m., the President announced the arrival of the hour for a joint session pursuant to S. C. R. No. 54 and requested the Senate to repair to the Hall of the House of Representatives.

The Senate was announced at the Hall of the House and was duly admitted.

The President of the Senate on invitation of the Speaker, occupied a seat at the Speaker's desk.

The two Houses assembled in joint session to hear an address by General Maximino Avila Camacho.

The presence of a quorum of each House was duly ascertained and announced by the President of the Senate and the Speaker of the House.

General Maximino Avila Camacho, of the Republic of Mexico, and United States Senator Dennis Chavez, of the State of New Mexico, and their party, accompanied by Governor W. Lee O'Daniel, were announced at the bar of the House and were escorted to the Speaker's rostrum by Senators Fain, Smith, Lovelady, Metcalfe, Kelley and Winfield on the part of the Senate and by Representatives Isaacks, Bridgers, Bean, Vale, Huffman, Leyendecker and Favors on the part of the House.

At the request of the President of the Senate and the Speaker of the House, Senator Clem Fain presided at the joint session.

Senator Fain presented Lieutenant Governor Coke Stevenson, who welcomed the distinguished guests from Mexico and New Mexico to Texas on behalf of the Legislature of Texas.

Senator Fain presented Representative Augustine Celaya, who in turn presented in a group to the joint session the members of the Congress of Mexico accompanying General Camacho.

Senator Fain presented Speaker Leonard, who introduced United States Senator Dennis Chavez of New Mexico to the joint session.

United States Senator Chavez addressed the joint session briefly.

Senator Fain presented Governor W. Lee O'Daniel, who introduced General Maximino Avila Camacho to the joint session.

General Camacho addressed the joint session in his native language, the address being interpreted by United States Senator Chavez.

At the conclusion of the address, the Senate retired to the Senate Chamber.
In the Senate

The President called the Senate to order at 12:44 o'clock p.m.

Recess

On motion of Senator Mauritz, the Senate at 12:45 o'clock p.m. took recess to 2:45 o'clock p.m. today.

Afternoon Session

The Senate met at 2:45 o'clock p.m. and was called to order by the President.

Signing of Resolutions

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

S. C. R. No. 49, Relative to the enforcement of Emigrant Agency Act, State Health Laws, Etc.

S. C. R. No. 52, Recalling H. B. No. 903 from the Governor for correction.

S. C. R. No. 53, Authorizing the lending of guard wire by the State Highway Department.

S. C. R. No. 54, Inviting General Maximino Camacho to address a joint session of the Texas Legislature.

Report of Standing Committee

Senator Lemens, by unanimous consent, submitted at this time the following report:

Austin, Texas,
May 12, 1941.

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

SIR: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 796, A bill to be entitled "An Act further regulating the sale, transportation, storage, manufacturing, etc., of alcoholic beverages in this State under the Texas Liquor Control Act by amending portions of, repealing portions of, and adding new Sections to Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, and by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by S. B. No. 20, Acts of the First Called Session of the Forty-fifth Legislature, in the following particulars... 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 with committee amendments Nos. 1, 2, and 3 and be not printed.

LEMENS, Chairman.

House Bill 361 Returned to House

Senator Sulak moved that the request of the House for the return to the House of H. B. No. 361 be granted.

The motion prevailed.

House Bill 73 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 73, relating to offense of operating a motor vehicle while intoxicated, on its passage to third reading with amendment by Senator Moore pending.

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 73 by adding at the end of Section 2, the following:

"Provided such test is made as hereinafter provided."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 73, Article 802, Section 1, Sub-section 3, by adding the following Sub-section to read as follows:

"Sec. 3a. Upon the conviction of a person for driving a vehicle while under the influence of intoxicating liquor, the clerk of the court, or the judge of a court which has no clerk, shall, within two days after the entry of the judgment of conviction, whether there is an appeal or not, send to the Department of Public Safety a certified copy of the judgment."

The amendment was adopted.

Senator Ramsey offered the following amendment to the bill:

Amend H. B. No. 73, page 1, line 47, by striking the words "five (5)" and inserting in lieu thereof the following: "fifteen (15)."

The amendment was adopted.
On motion of Senator Moore, the caption (as amended) was ordered changed to conform with the body of the bill as amended.

Senator Chadick offered the following amendment to the bill:

Amend H. B. No. 73 by striking out the words “to such an extent that his driving ability is affected” where single phrase appears on page one, in lines 45 and 46.

Question—Shall the amendment be adopted?

Recess

On motion of Senator Martin, the Senate, at 3:00 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

SIXTY-SIXTH DAY

Continued

(Tuesday, May 13, 1941)

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

Reports of Standing Committee

Senator Ramsey, by unanimous consent, submitted at this time the following reports:

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

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 356, A bill to be entitled “An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties of road commissioner in addition to the duties of county commissioner; providing for the payment of the same; and declaring an emergency.”

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

RAMSEY, Chairman.

House Bill 199 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 199 at this time.

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

H. B. No. 199, A bill to be entitled “An Act to repeal Section 20 of Chapter 76 of Acts of 1931, Forty-fourth Legislature, Regular Session, as amended by Section 1, Chapter 15 of Acts 1937, Forty-fifth Legislature Regular Session, as amended by Section 1 of H. B. No. 831, page 500, of Acts 1939, Forty-sixth Legislature, Regular Session; and declaring an emergency.”

The bill was read second time.

Question—Shall the bill be passed to third reading?

Senate Bill 93 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 93 at this time.

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

S. B. No. 93, A bill to be entitled “An Act amending Section 1 of S. B.