

Committee Reports.

Committee Room,  
Austin, Texas, April 15, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on  
Criminal Jurisprudence, to whom  
was referred S. B. No. 498,

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

STONE, Chairman.

Committee Room,  
Austin, Texas, April 15, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Judi-  
cial Districts, to whom was referred  
S. B. No. 497, A bill to be entitled

"An Act to provide that the District  
Attorney of the 12th Judicial Dis-  
trict of Texas shall receive the same  
per diem for not to exceed fifty days  
in excess of the maximum number  
of days provided by the Acts of the  
Regular Session of the 43rd Legisla-  
ture as he receives now under provi-  
sions of said acts; providing that  
nothing herein shall change the law  
effective on this date with reference  
to the expenses of said District At-  
torney while in the performance of  
his official duties outside of the  
county of his residence; and declar-  
ing an emergency."

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

MARTIN, Chairman.

Committee Room,  
Austin, Texas, April 12, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on High-  
ways and Motor Traffic, to whom was  
referred

S. B. No. 107, A bill to be entitled  
"An Act making it unlawful after  
January 1, 1936, to operate on any  
public highway or street, a motor  
vehicle manufactured or assembled  
after said date, designed or used to  
carry passengers for hire, or as a  
public conveyance to transport school  
children or others, unless such vehi-  
cle be equipped with safety glass."

Have had the same under con-  
sideration, and I am instructed to  
report it back to the Senate with the

recommendation that it do pass, and  
be printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, April 15, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on High-  
ways and Motor Traffic, to whom was  
referred

H. B. No. 188, A bill to be entitled  
"An Act to declare the validity of  
certain indebtedness arising out of  
the construction of State Highway  
No. 2 in the County of Johnson; to  
place such indebtedness on a parity  
with bonds, warrants, and other evi-  
dence of indebtedness heretofore au-  
thorized to be paid out of the "Count-  
y and District Road Highway Fund,"  
etc., and declaring an emergency."

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

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, April 15, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on Min-  
ing, Irrigation and Drainage, to  
whom was referred

S. B. No. 502, A bill to be entitled  
"An Act to amend Article 8245 of  
the Revised Civil Statutes of Texas,  
1925, providing for the employment  
of persons necessary for the construc-  
tion, maintenance, operation, and de-  
velopment of Navigation Districts,  
their business and facilities, prescrib-  
ing their duties and compensation in  
counties having a navigation district  
in which there is a city of more than  
100,000 in population according to  
the last preceding Federal census,  
and in which navigation district an  
election has resulted favorably to the  
development of a port as provided  
in Subdivision 2 of Title 128, Re-  
vised Civil Statutes of Texas, 1925,  
and providing that in such naviga-  
tion districts having ports, the judges  
of the District Courts shall determine  
the compensation of the County Au-  
ditor acting as auditor for said dis-  
trict, and limiting such compensation,  
repealing Article 1672, Revised Civil  
Statutes, 1925, insofar as the same  
affects navigation districts which  
have adopted the provisions of Sub-  
division 2 of Title 128, and declar-  
ing an emergency."

Have had the same under con-



sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, April 10, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 491, A bill to be entitled "An Act changing the time of holding the District Court in the 49th Judicial District, and providing that all processes and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of District Court in counties composing said district, together with jurors heretofore selected, are valid and returnable to the first terms of such Court after this Act takes effect, and providing for the continuation of the existing District Courts in said counties in session when this Act takes effect, to the end of their terms; repealing all conflicting laws; fixing the effective date of this Act, 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, and that it be printed in bill form.

SMALL, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 491 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Subsection 49, Article 199, Title 8 of the Revised Civil Statutes of Texas, 1925, revision, be amended so as to hereafter read as follows:

"The 49th Judicial District of Texas shall be composed of the counties of Dimmitt, Zapata, Jim Hogg and Webb, and the District Courts shall be held therein each year as follows:

In Dimmitt County on the first Monday in February and September of each year, and may continue in session three weeks; and on the fourteenth Monday after the first Monday in February of each year and may continue in session two weeks.

In Zapata County on the third Monday after the first Monday in February and September of each

year, and may continue in session one week; and on the sixteenth Monday after the first Monday in February of each year, and may continue in session one week.

In Jim Hogg County on the fourth Monday after the first Monday in February and September of each year, and may continue in session two weeks; and on the seventeenth Monday after the first Monday in February of each year, and may continue in session two weeks.

In Webb County as follows:

One term beginning on the sixth Monday after the first Monday in February of each year, and may continue in session eight weeks.

One term beginning on the nineteenth Monday after the first Monday in February of each year, and may continue in session eight weeks.

One term beginning on the sixth Monday after the first Monday in September of each year, and may continue in session eight weeks.

One term beginning on the fourteenth Monday after the first Monday in September of each year, and may continue in session seven weeks.

Sec. 2. All processes, all writs and bonds, civil and criminal, issued or executed prior or subsequent to the taking effect of this Act and returnable to the terms of said Court as heretofore fixed by law in the several counties composing the 49th Judicial District, as well as all grand and petit jurors, are hereby made returnable to the terms of said Court as said terms are here now fixed by this Act and in conformity with the change herein made, and all bonds executed and recognizances entered into in said Court shall bind the parties for their appearances or to fulfill the obligations of such bonds and recognizances at the terms of said courts as they are fixed by this Act, and all process of every kind and character heretofore taken or hereafter entered into after this Act takes effect in any of said courts in said district shall be as valid and as binding as if no change had been made in the time of holding said courts.

It is further provided, that if any court in any county of said district shall be in session at the time this Act takes effect, such court or courts affected hereby shall continue in session until the term thereof shall expire under the provisions of existing laws, but thereafter the court in such county shall conform to the requirements of this Act.

Sec. 3. The and be in force August 15, 1935.

Sec. 4. All in conflict with Act be and the pressly repeal.

Sec. 5. The legislation an readjustment courts in the ing the 49th J an emergency lic necessity r of the constit bills to be r days, therefo rule is hereby this Act shall full force and August 15, 1 acted.

Committee

Amend the with the body

Austin, Te Hon. Walter F. the Senate.

Sir: We, yo cation, to who S. B. No. 39

"An Act to per State wherein ernment has a after acquire embracing on acres or more forestration, valuation of pr forty million d to adopt by ma voters of such system to the e Act; making p mation of a c trict therein; holding election on the questio the provisions provision for h each such co whether an eq exceed twenty-f one hundred d tion of propert collected anuall erty in the co distributed to of the county making provisio and collection tax, and prescri



Sec. 3. This Act shall take effect and be in force from and after August 15, 1935.

Sec. 4. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Sec. 5. The importance of this legislation and the necessity for the readjustment of the times of holding courts in the four counties composing the 49th Judicial District creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, therefore said constitutional rule is hereby suspended, and that this Act shall take effect and be in full force and effect from and after August 15, 1935, and it is so enacted.

NEAL.

Committee Amendment No. 2.

Amend the caption to conform with the body of the bill.

Committee Room,  
Austin, Texas, April 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

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

S. B. No. 392, A bill to be entitled "An Act to permit any county in this State wherein the United States Government has acquired or shall hereafter acquire large bodies of land embracing one thousand (1,000) acres or more, for purposes of reforestation, and whose assessed valuation of property is not less than forty million dollars (\$40,000,000), to adopt by majority vote of qualified voters of such county a county unit system to the extent provided in this Act; making provisions for the formation of a countywide school district therein; making provision for holding election in each such county on the question of the adoption of the provisions of this Act; making provision for holding an election in each such county to determine whether an equalization tax not to exceed twenty-five (25) cents on the one hundred dollars (\$100) valuation of property shall be levied and collected annually on all taxable property in the county, such tax to be distributed to the school districts of the county as herein provided; making provision for the assessment and collection of said equalization tax, and prescribing the duties of the

county tax assessor and collector and county superintendent; prescribing the duties of the county board of school trustees with respect to such tax and the funds derived therefrom; providing that all rights, duties and powers of the several common and independent school districts in any such county shall remain undisturbed and shall not be affected, except as expressly provided in this Act, providing a saving clause; repealing all laws in conflict 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 pass, as amended, and be not printed.

DUGGAN, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 392, Section 7, page 5, by striking out all of Section 7 and substitute therefor the following:

"The county board of school trustees shall distribute the money collected from any taxes levied by said district to the common and independent districts of the county on a per capita basis according to the number of scholastic pupils shown by the last preceding official scholastic census, and county line districts shall be eligible to receive such per capita apportionment based upon the number of scholastic pupils residing in the county of such equalization district, as shown by the latest official scholastic census of such district. The county board of school trustees shall issue warrants against such equalization fund to the school district trustees on a per capita basis of scholastic pupils in each district; provided that the county board may, from time to time, as the money is collected, issue warrants to the various school districts in proportion to the amount that each is entitled to receive on such per capita basis of scholastic pupils in the respective districts."

Committee Amendment No. 2.

Amend H. B. No. 392, Section 4, page 3, by adding the following at the end of said section:

"No election to revoke said tax shall be ordered until the expiration of three years from the date of the election at which said tax was adopted."



## Committee Amendment No. 3.

Amend H. B. No. 392, Section 4, page 4, by adding after the word "election" the following:

"The form of ballot is substantially as follows:

'For County Tax.  
'Against County Tax.'"

## Committee Amendment No. 4.

Amend H. B. No. 392, Section 2, page 3, by adding after the word "election" in line 2 the following:

"The form of ballot shall be substantially as follows:

'For equalization district.  
'Against Equalization District.'"

## Committee Amendment No. 5.

Amend H. B. No. 392, Section 1, line 3, after the word "more" by adding the following:

"Or wherein such lands have been approved by the United States Government for purchase."

## Committee Room,

Austin, Texas, April 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 265,

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.

RAWLINGS, Chairman.

## Committee Room,

Austin, Texas, April 12, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 101, A bill to be entitled "An Act providing the period of time when it shall be lawful to kill wild mourning doves, wild quail of all varieties, wild Chachalaca, wild White Winged doves in the North and South zones of this State as defined by Article 878, Penal Code, as amended by Chapter 222, Regular Session Fortieth Legislature; 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 not pass, but committee substitute together

with committee amendment hereto attached do pass and be printed in bill form.

SHIVERS, Chairman.

## Committee Amendment.

Amend C. S. H. B. No. 101, by striking out Section 6, and substituting the following:

"All laws or parts of laws except local game laws in conflict with this Act shall be and the same are hereby repealed."

## Committee Room,

Austin, Texas, April 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

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

S. B. No. 493, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended, so as to include in said Article the County of Kent; 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.

DeBERRY, Chairman.

## Committee Room,

Austin, Texas, April 15, 1935.

Hon. Frank H. Rawlings, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 39,

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.

PACE, Chairman.

## Committee Room,

Austin, Texas, April 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 500, A bill to be entitled "An Act to amend Section 4, S. B. No. 9, Chapter 5, Acts Second Called Session, Forty-third Legislature, and S. B. No. 118, Regular Session,

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Sir: We

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Forty-fourth Legislature. 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.

PACE, Chairman.

Committee Room,  
Austin Texas, April 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We your Committee on Civil Jurisprudence, to whom was referred S. B. No. 505, A bill to be entitled "An Act authorizing the Lower Colorado River Authority to issue bonds not to exceed Twenty Million (\$20,000,000.00) Dollars in aggregate principal amount, repealing that portion of the Colorado River Authority Act limiting the amount of bonds which may be issued by such district to Ten Million (\$10,000,000.00) Dollars, and all other laws in conflict 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 pass, and be not printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, April 15, 1935.

Hon. K. M. Regan, President Pro Tempore of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 589, A bill to be entitled "An Act to validate the purchase, pursuant to legislative enactment, of the property of any debtor or debtors at any sale under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, heretofore made by any county in this State whose population did not exceed fifteen thousand (15,000) according to the last United States census, and which had a claim or claims for money against any such person, partnership, corporation, joint stock or other association, amounting to a least fifty (50) per cent of all the claims against such debtor and where the commissioners' court of any such county has deemed it necessary or advisable to so purchase said property to protect the

interests of such county; to validate all conveyances, transfers and assignments to any such county of real and personal property so purchased; to validate the liquidation of such assets by the commissioners' court of any such county, heretofore done; to validate all sales, conveyances, transfers and assignments of real and personal property, oil, gas and mineral leases, and other transfers, conveyances and assignments made by any such county to any and all purchasers in connection therewith, whether such sales were made at public or private sale, 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

SMALL, Chairman

Committee Room,

Austin, Texas, April 15, 1935

Hon. Frank H. Rawlings, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 581, A bill to be entitled "An Act defining the terms or phrases 'commission' 'order of the commission,' 'oil,' 'crude oil,' 'gas,' 'product,' 'unlawful oil,' 'unlawful product,' 'unlawful gas,' 'tender,' 'manifest,' 'person'; prohibiting the transportation by truck or motor vehicle of unlawful oil and unlawful product; providing for the cancellation of tenders and manifests; empowering commission agents, any highway patrolman or peace officer on probable cause to stop and without warrants to arrest any driver violating provisions of this Act; etc., and declaring an emergency."

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

PACE, Chairman.

Committee Room,

Austin, Texas, April 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred H. B. No. 304,

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.

NEAL, Chairman.

Committee Room,  
Austin, Texas, April 12, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 61, A bill to be entitled "An Act declaring the Collard Peccary or Javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of any Peccary or part of such animal; providing suitable 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 not printed.

SHIVERS, Chairman.

Committee Room,  
Austin, Texas, April 12, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 405, A bill to be entitled "An Act providing for a closed season on the killing or possession of squirrels in the Counties of Brazos, Grimes, Leon, Limestone, Madison, Robertson, and Walker from the 1st day of January of each year through and including 15th day of May of each year, and during the months of August and September of each year; 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 amendment, and be not printed.

SHIVERS, Chairman.

Committee Amendment.

Amend H. B. No. 405 by striking out the word "Walker" throughout the bill, and amend the caption to conform thereto.

Committee Room,  
Austin, Texas, April 15, 1935.  
Hon. Walter F. Woodul, President of the Senate.

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

H. B. No. 699, A bill to be entitled "An Act to amend Article 928, of Chapter 1, of Title 12, of the Code of Criminal Procedure of the State of Texas, of 1925, 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.

STONE, Chairman.

#### Minutes of Committee Meetings.

Minutes of the Game, Fish and Oyster Committee, Held  
April 12, 1935.

Present: Shivers, Chairman; Holbrook, Cotten, Small, Oneal, Pace, Redditt, and Sulak.

H. B. No. 61, reported favorably by viva voce vote.

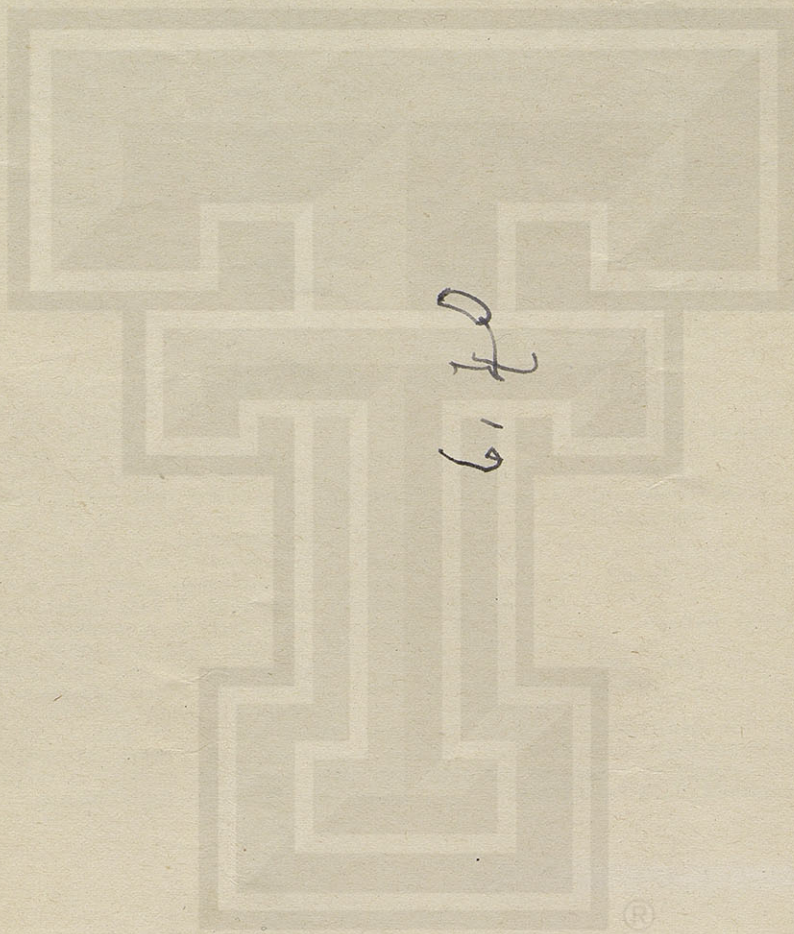
H. B. No. 405, with committee amendment, reported favorably by viva voce vote.

Committee Substitute for H. B. No. 101, with committee amendment, reported favorably by viva voce vote.

HAZEL AVERY, Secretary.



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# SENATE JOURNAL

*Forty-fourth Legislature—Regular Session.*

AUSTIN, TEXAS, TUESDAY, APRIL 16, 1935.

## PROCEEDINGS

### FIFTIETH DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,  
April 13, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Senator Rawlings.

### House Bill No. 327.

Pending business was H. B. No. 327 and pending amendments.

### Senate Bill No. 432.

Senator Beck moved to remove from the calendar S. B. No. 432. The motion prevailed by viva voce vote.

### Senate Bill No. 501.

#### Motion to Re-commit.

Senator Davis asked unanimous consent to have S. B. No. 501 re-committed to the Committee on Finance. Unanimous consent was granted.

### House Bill No. 188.

Senator Martin asked unanimous consent to have set for special order H. B. No. 188.

### Point of Order.

Senator DeBerry raised the Point of Order that the question before the Senate was the adoption of the amendment of Senator Moore to the amendment by Senator DeBerry to H. B. No. 327.

The Chair, Senator Rawlings, presiding, sustained the Point of Order.

### House Bill No. 327.

Pending business was the amendment by Senator Moore to H. B. No. 327.

### Motion to Lay on Table Subject to Call.

Senator DeBerry asked unanimous consent to lay on the table subject to call the pending amendment. Consent was granted.

### Motion to Lay on Table Subject to Call.

Senator Redditt asked unanimous consent to lay H. B. No. 327 with pending amendments on the table subject to call.

There was objection.

Senator Redditt moved to lay H. B. No. 327 on the table subject to call.

The motion prevailed by viva voce vote.

### House Bill No. 781.

Senator Redditt received unanimous consent to suspend the regular order of business and take up out of regular order H. B. No. 781.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Leonard:

H. B. No. 781, A bill to be entitled "An Act making appropriations to pay the salaries and wages of officers and employees of the eleemosynary institutions of the State and the Alabama and Coushatta Indians and for other expenses of maintaining and operating them for the two (2) fiscal years beginning September 1, 1935, and ending August 31, 1937, as follows, to wit: Abilene State Hospital; Alabama and Coushatta Indians; Austin State Hospital; Austin State School; Colored Orphans Home, Gilmer; Confederated Home; Confederate Woman's Home; Deaf, Dumb and Blind Institute for Colored Youths; Girls' Training School; Home of Dependent and Neglected Children;



State Hospital for Crippled and Deformed Children, at Galveston; State Juvenile Training School; State Orphans Home; Rusk State Hospital; San Antonio State Hospital; Galveston State Psychopathic Hospital; Terrell State Hospital; State Tuberculosis Sanatorium; Wichita Falls State Hospital; Texas School for the Blind at Austin; Texas School for

the Deaf at Austin, and declaring an emergency."

(With committee substitute.)

The committee substitute was adopted by viva voce vote.

Senator Collie sent up the following amendment:

Amend C. S. for House Bill No. 781, page 2, line 59, by adding a new Section, numbered 59, as follows:

	For Years Ending	
	Aug. 31, 1936	Aug. 31, 1937
59. Ward building and equipment.....		\$ 55,000.00
Ward building and equipment, to be used primarily for care and treatment of idiotic and imbecilic epileptics.....	\$ 55,000.00	
Additional salaries, for other new ward buildings, including additional physician	3,400.00	7,756.00
Additional support and maintenance for other new ward buildings.....	5,000.00	15,000.00
Totals, additional.....	\$ 63,400.00	\$ 77,756.00

COLLIE.

Read.

#### Motion to Table.

Senator Redditt moved to table the amendment by Senator Collie. The motion to table lost by the following vote:

Yeas—9.

Burns.	Redditt.
Davis.	Sanderford.
DeBerry.	Shivers.
Holbrook.	Van Zandt.
Poage.	

Nays—16.

Beck.	Martin.
Collie.	Moore.
Duggan.	Neal.
Hill.	Oneal.
Hornsby.	Pace.

Rawlings.  
Small.  
Stone.

Sulak.  
Westerfeld.  
Woodruff.

Present—Not Voting.

Cotten.

Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Regan.

The amendment was adopted by viva voce vote.

Senator Hornsby sent up the following amendment:

Amend committee substitute to House Bill No. 781, page 5, by adding new items known as 109, 110, and 111, to read as follows:

	For Years Ending	
	Aug. 31, 1936	Aug. 31, 1937
109. Ward Building and Equipment.....	\$110,000.00	
110. Additional Salaries for New Ward Building	3,240.00	\$ 6,480.00
111. Additional Support and Maintenance for New Ward Buildings.....	9,000.00	18,000.00

HORNSBY.

Read.

#### Motion to Table.

Senator Redditt moved to table the amendment by Senator Hornsby. The motion to table lost by the following vote:

Burns.
DeBerry.
Holbrook.
Pace.
Poage.

Yeas—10.

Redditt.
Sanderford.
Shivers.
Van Zandt.
Woodruff.

Beck.  
Collie.  
Cotten.  
Duggan.  
Hill.  
Hornsby.

Davis.  
Martin.

Absent

Blackert.  
Fellbaum.

The amendm  
viva voce vote.

Senator Burn  
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Amend comm  
No. 781, page 3  
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Austin, Texa  
To the Members  
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Acting Gov

Read.

Austin, Texas,  
To the Forty-Fou  
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## Nays—12.

Beck.	Moore.
Collie.	Oneal.
Cotten.	Rawlings.
Duggan.	Small.
Hill.	Stone.
Hornsby.	Westerfeld.

## Absent.

Davis.	Neal.
Martin.	Sulak.

## Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Regan.

The amendment was adopted by viva voce vote.

Senator Burns sent up the following amendment:

Amend committee substitute H. B. No. 781, page 3, line 23, by striking out the words and figures \$3,000.00 and substitute in lieu thereof \$5000.00.

## BURNS.

Read and pending.

## Messages From the Governor.

The Chair recognized the door-keeper, who introduced a messenger from the Governor with the following messages:

## Executive Office,

Austin, Texas, April 16, 1935.

To the Members of the Forty-Fourth Legislature:

At the request of the authorities of the Reconstruction Finance Corporation in Texas, I am submitting to you for your action bill herewith attached authorizing the RFC Mortgage Corporation, or any other corporation whose stock is entirely subscribed for and owned by the United States of America, to do business in the State of Texas without the payment of any filing fees, franchise taxes, or other taxes imposed by the State of Texas upon corporations.

I trust that some of the membership of the House and Senate respectively, will kindly sign and introduce the attached bills.

Respectfully submitted,

WALTER F. WOODUL,

Acting Governor of Texas.

Read.

## Executive Office,

Austin, Texas, April 16, 1935.

To the Forty-Fourth Legislature of Texas:

I feel it my duty to direct your attention to conditions existing in the western portion of our State. Three extremely dry years with continuous wind of high velocity have brought desolation to an extensive area which theretofore enjoyed enviable prosperity. This condition has been aggravated seriously by similar disasters in neighboring states and through the middle section of the United States. In a number of counties in this State the soil is being destroyed rapidly by wind erosion and throughout the entire state and particularly in the north-western portion the health of our people is being menaced seriously by unprecedented dust storms that have originated beyond the borders of Texas and swept across our state with accelerated fury. The soil is our most valuable natural resource; the public health is a matter of most vital concern.

It therefore behooves the Legislative branch of government to set up appropriate agencies to minimize the evil effects of this disaster. That one section of the county most susceptible to wind erosion and the generation of dust storms can contaminate other sections not susceptible under the same conditions of drouth and wind is a matter of common knowledge. Unquestionably, Texas soil has been depreciated by reason of erosion in other states. Vast areas of land not subject to erosion on their own accord are being destroyed by reason of erosion originating on other lands within and without the State. The problem is therefore an inter-state problem and I am glad to say that it is being seriously considered by the Federal Government. Texas must cooperate with the Federal Government and to do so we must have duly constituted agencies authorized by law to act.

Section 59a, Article XVI of the Constitution of Texas authorizes the creation of the necessary agencies for the conservation of natural resources. I think we are confronted with an emergency and I therefore respectfully suggest the enactment of appropriate legislation to set in motion activities that will minimize the disaster that is impending. By intelligent action we can prevent much damage and in my opinion this

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House Bill No.

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Aug. 31, 1937

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7,756.00

15,000.00

\$ 77,756.00

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Voting.

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follows:

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HORNSBY.

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oodruff.



session of the Legislature should not adjourn until such action is taken.

Respectfully submitted,  
WALTER F. WOODUL,  
Acting Governor.

Read.

#### Senate Bill No. 506.

Senator Small sent up the following bill:

By Senators Small and Duggan:  
S. B. No. 506, A bill to be entitled "An Act authorizing the RFC Mortgage Company, or any other corporation whose stock is entirely subscribed for and owned by the United States of America, and the principal business of which is that of making loans upon mortgages, deeds of trust, or other instruments conveying or constituting a lien upon real estate, or any interest therein, to do business in the State of Texas without the payment of any filing fee, franchise tax, or other fees imposed by the State of Texas upon corporations, and to authorize the Secretary of State of the State of Texas to issue a permit to do business without the payment of any fee upon the filing with such Secretary of State of the customary application for a permit to do business by a foreign corporation."

Read and referred to the Committee on Civil Jurisprudence.

#### House Bill No. 781.

Recurring business was H. B. No. 781 and, pending amendment by Senator Burns.

Senator Poage sent up the following amendment:

Amend Burns' amendment by striking out the words and figures \$5,000.00 wherever they occur and

insert in lieu thereof the words and figures \$6,000.00.

POAGE.

Read.

#### Motion to Table.

Senator Burns moved to table the amendment by Senator Poage.

The motion to table prevailed by the following vote:

#### Yeas—17.

Beck.	Oneal.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Martin.	Stone.
Moore.	Westerfeld.
Neal.	

#### Nays—9.

Collie.	Poage.
DeBerry.	Sulak.
Duggan.	Van Zandt.
Hill.	Woodruff.
Pace.	

#### Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Regan.

The amendment by Senator Burns was adopted by viva voce vote.

#### Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on adoption of the amendment by Senator Burns.

Senator Cotten sent up the following amendment:

Amend committee substitute for H. B. No. 781, page 22, by adding new lines known as 85a, 85b, and 85c, to read as follows:

	For Years Ending	
	Aug. 31, 1936	Aug. 31, 1937
85a. Psychopahtic Ward Building and equipment	\$ 118,000.00	
85b. Additional Salaries for new Psychopathic Ward Building	3,240.00	\$ 6,480.00
85c. Additional Support and Maintenance for new Psychopathic Ward Building	8,000.00	17,000.00

COTTEN.

Read.

Adopted by viva

Senator Hollbroc  
lowing amendment

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for H. B. No. 781,  
line 14, by strikin  
and figures Thir  
Eighty-eight Dolar  
substituting theref  
figures Forty-four  
Dollars (\$4,480.00

Read and adopt

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H. B. No. 781, pag  
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500.00 and \$32,0  
tuting therefor  
000.00 and \$37,5

Read and adopt

Amendme

Amend commit  
H. B. No. 781, pa  
striking out the  
and substituting t  
\$8,000.00.

Read and adop

Amendm

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for H. B. No. 781  
line 48, by striki  
\$3,000.00 and su  
the figures \$6,000

Read and adop

Amendm

Amend the co  
for H. B. No. 781  
a new item to b  
38" to read as fo  
"Item 38" Ho

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75b. Ward build  
75c. Ice plant a  
and equi  
ment fro  
75d. Enlargeme  
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filter for  
basin fo



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POAGE.

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Oneal.  
Rawlings.  
Redditt.  
Sanderford.  
Shivers.  
Small.  
Stone.  
Westerfeld.

ys—9.

Poage.  
Sulak.  
Van Zandt.  
Woodruff.

—Excused.

Hopkins.  
Regan.

nt by Senator Burns  
viva voce vote.

Recorded.

rry asked to be re-  
g "no" on adoption  
nt by Senator Burns.

en sent up the fol-  
ent:

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page 22, by adding  
n as 85a, 85b, and  
follows:

or Years Ending  
1936 Aug. 31, 1937

0.00

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0.00 17,000.00  
COTTEN.

Adopted by viva voce vote.

Senator Hollbrook sent up the fol-  
lowing amendments:

Amendment No. 1.

Amend the committee substitute  
for H. B. No. 781, page 11, Item 3,  
line 14, by striking out the words  
and figures Thirty-eight Hundred  
Eighty-eight Dollars (\$3,888.00) and  
substituting therefor the words and  
figures Forty-four Hundred Eighty  
Dollars (\$4,480.00) for each year.  
HOLBROOK.

Read and adopted.

Amendment No. 2.

Amend committee substitute for  
H. B. No. 781, page 11, item 24, line  
3, by striking out the figures \$30,-  
500.00 and \$32,000.00 and substi-  
tuting therefor the figures \$35,-  
000.00 and \$37,500.00.  
HOLBROOK.

Read and adopted.

Amendment No. 3.

Amend committee substitute for  
H. B. No. 781, page 11, Item 25, by  
striking out the figures \$7,000.00  
and substituting therefor the figures  
\$8,000.00.  
HOLBROOK.

Read and adopted.

Amendment No. 4.

Amend the committee substitute  
for H. B. No. 781, page 11, Item 31,  
line 48, by striking out the figures  
\$3,000.00 and substituting therefor  
the figures \$6,000.00.  
HOLBROOK.

Read and adopted.

Amendment No. 5.

Amend the committee substitute  
for H. B. No. 781, page 11, by adding  
a new item to be designated "Item  
38" to read as follows:  
"Item 38" Hospital Building ad-

dition: \$120,000 for the year be-

ginning September 1, 1935, and end-  
ing August 31, 1936.

HOLBROOK.

Read and adopted by the follow-  
ing vote:

Yeas—18.

Beck.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.

Nays—5.

Collie.	Poage.
DeBerry.	Woodruff.
Neal.	

Absent.

Duggan.	Small.
Oneal.	

Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Regan.

Amendment No. 6.

Amend the committee substitute  
for H. B. No. 781, page 11, by adding  
a new item to be designated "Item  
39" to read as follows:

"Item 39" Equipment for Hos-  
pital Building addition \$7,500.00 for  
the year beginning September 1,  
1935, and ending August 31, 1936.  
HOLBROOK.

Read and adopted.

Senator Davis sent up the follow-  
ing amendment:

Amend the committee substitute  
for H. B. No. 781, page 24, by adding  
new items known as 75a, 75b, 75c,  
75d, 75e, and 75f, to read as fol-  
lows:

For Years Ending

Aug. 31, 1936 Aug. 31, 1937

75a. Ward building and equipment.....	\$ 100,000.00	\$ 100,000.00
75b. Ward building and equipment.....		
75c. Ice plant and machine shop building and equipment, and moving equip- ment from old site.....	25,000.00	
75d. Enlargement of power plant, deep well pump, settling basin and sand- filter for filter plant and settling basin for sewage disposal plant....	11,000.00	



75e. Additional salaries for new buildings..	6,960.00	8,120.00
75f. Additional support and maintenance for new buildings.....	12,000.00	34,000.00
		DAVIS.

Read and pending.

Senator Oneal was recognized by a privileged motion.

#### Senate Bill No. 324.

Senator Oneal moved that the Senate do concur in House amendments to S. B. No. 324.

The motion prevailed by the following vote:

#### Yeas—26.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

#### Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Regan.

#### H. C. R. No. 81.

Senator Hornsby received unanimous consent to take up H. C. R. No. 81.

The Chair laid before the Senate H. C. R. No. 81 providing for a joint session of the House and Senate at 1:45 p. m., Wednesday, April 17, 1935, for the purpose of hearing Judge James E. Blaine, an authority on safety problems.

Senator Hornsby moved that the constitutional rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 81 be taken up and considered at this time.

H. C. R. No. 81 was adopted by viva voce vote.

#### S. C. R. No. 40.

Senator Martin sent up the following resolution:

Whereas, Prior to the enactment of Chapter 220, Section 4, of the Acts of the Regular Session of the Forty-third Legislature, the sheriffs

of the various counties of this State and their deputies were permitted, under the provisions of Article 3899, to deduct such reasonable expenses for the operation, maintenance and depreciation of automobiles personally owned and operated in the line of business of such sheriffs and their deputies as were approved by the commissioners' court of the various counties; and,

Whereas, By the enactment of Chapter 220, Section 4, of the Acts of the Regular Session of the Forty-third Legislature, Article 3899 was amended so that the pertinent portion of the same reads as follows: "The expense of the maintenance of operation of such automobile or automobiles as may be allowed, whether purchased by the county or owned by the sheriff or his deputies, personally, shall be paid for by the sheriff; provided, however, that the commissioners' court shall not allow in excess of the total sum of Fifty (\$50.00) Dollars per month expenses for the operation and depreciation on cars owned by the sheriff or his deputies"; and,

Whereas, Such language was first construed by the Attorney General of Texas to mean that such sheriffs should be allowed a maximum of Fifty (\$50.00) Dollars for expenses incurred for the maintenance, operation and depreciation of each automobile operated by the sheriff or his deputies in the period of one month; and,

Whereas, Under an opinion recently written by the Attorney General of Texas and/or one of his assistants, said language has been construed to mean that such sheriffs should be allowed a maximum of Fifty (\$50.00) Dollars per month for the expense and operation and depreciation of all cars so owned and operated by the sheriff and his deputies; and,

Whereas, It was the intention of the Legislature to limit the expenses for such automobiles to Fifty (\$50.00) Dollars per month for each car, and the proper construction of the language above quoted is doubtful, and any construction other than that herein expressed would be and is unreasonable and would work a

hardship on and against many of the various counties of the State; therefore, be it

Resolved by the Forty-fourth Legislature of Texas, the House and Senate concurring, That the intention of the Legislature be that the sheriffs of this State be charged as reasonable expenses for the operation of such automobiles a maximum sum of Fifty (\$50.00) Dollars per month; and it further resolved that the commissioners' court and other county authorities are hereby requested to so construe said language as to allow the sheriffs a maximum sum of Fifty (\$50.00) Dollars per car per month for operating expenses as are reasonably necessary for the proper discharge of the duties of the sheriffs of this State.

Read and referred to committee on State Affairs.

#### Senate Bill

Senator Shivers moved that the Senate do concur in House amendments to S. B. No. 324. The motion prevailed by the following vote:

#### Yeas—

Beck.	I
Burns.	I
Collie.	I
Cotten.	I
Davis.	I

- 83a. Psychopathic equipment
- 83b. Additional State pathic Wa
- 83c. Additional State for new P ing

Read and adopted.

Senator Davis moved that the Senate do concur in House amendments to S. B. No. 324. The amendment prevailed by viva voce vote.



0.00 8,120.00  
0.00 34,000.00  
DAVIS.

counties of this State were permitted, of Article 3899, reasonable expenses, maintenance and automobiles person-operated in the line of such sheriffs and their approved by the court of the various

the enactment of section 4, of the Acts of the Forty-fourth Legislature of the State, Article 3899 was amended to read as follows: "The maintenance of an automobile or automobile may be allowed by the county or sheriff or his deputies, to be paid for by the county, however, that the court shall not allow of the total sum of Fifty (\$50.00) Dollars per month for the operation and maintenance of each automobile owned by the sheriff or his deputies; and,

language was first used by the Attorney General in that such sheriffs were allowed a maximum of Fifty (\$50.00) Dollars for expenses of maintenance, operation of each automobile owned by the sheriff or his deputies for the period of one

year an opinion rendered by the Attorney General and/or one of his assistants has been consulted that such sheriffs were allowed a maximum of Fifty (\$50.00) Dollars per month for the operation and maintenance of all cars so owned by the sheriff and his

as the intention of the Legislature was to limit the expenses of automobiles to Fifty (\$50.00) Dollars per month for each automobile owned by the sheriff or his deputies. It is quoted is doubtless true that the Legislature would be and would work a

hardship on and a discrimination against many of the sheriffs of the various counties of this State; now, therefore, be it

Resolved by the Senate of the Forty-fourth Legislature of the State of Texas, the House of Representatives concurring, That it was the intention of the Legislature that the sheriffs of this State be permitted to charge as reasonable expenses for the operation of their automobiles a maximum sum of Fifty (\$50.00) Dollars per month per car, and be it further resolved that the commissioners' court and county auditors and other county and State officials are hereby requested and instructed to so construe said Statute and to allow the sheriffs of this State a maximum sum of Fifty (\$50.00) Dollars per car per month for the operating expenses of all such cars as are reasonably necessary to a proper discharge of the duties of the sheriffs of this State.

MARTIN.

Read and referred to the Committee on State Affairs.

#### Senate Bill No. 135.

Senator Shivers moved that the Senate do concur in House amendments to S. B. No. 135.

The motion prevailed by the following vote:

Yeas—26.

Beck.	DeBerry.
Burns.	Duggan.
Collie.	Hill.
Cotten.	Holbrook.
Davis.	Hornsby.

Martin.	Sanderford.
Moore.	Shivers.
Neal.	Small.
Oneal.	Stone.
Pace.	Sulak.
Poage.	Van Zandt.
Rawlings.	Westerfeld.
Redditt.	Woodruff.

Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Regan.

#### Recess.

Senator Hill at 12:05 o'clock p. m. moved that the Senate recess until 2:00 o'clock p. m.

The motion prevailed by viva voce vote.

#### After Recess.

The Senate met at 2:00 o'clock p. m. pursuant to recess and was called to order by Senator Rawlings.

#### House Bill No. 781.

Pending business was the adoption of the pending amendment by Senator Davis to H. B. No. 781.

#### Laid on Table Subject to Call.

The amendment was laid on the table subject to call, by unanimous consent.

Senator Beck sent up the following amendment:

Amend the committee substitute for H. B. No. 781, page 18, by adding new lines known as 83a, 83b and 83c to read as follows:

For Years Ending  
Aug. 31, 1936 Aug. 31, 1937

83a. Psychopathic Ward Building and equipment	\$ 118,000.00	
83b. Additional Salaries for new Psychopathic Ward building	3,240.00	\$ 6,480.00
83c. Additional Support and Maintenance for new Psychopathic Ward building	8,000.00	17,000.00
		BECK.

Read and adopted.

Senator Davis called from the table his pending amendment and moved the adoption.

The amendment was adopted by viva voce vote.

Senator Van Zandt sent up the following amendment:

Amend the committee substitute for H. B. No. 781, page 20, by adding new lines known as 80a, 80b and 80c to read as follows:



	For Years Ending	
	Aug. 31, 1936	Aug. 31, 1937
80a. Ward Building and equipment.....	\$ 110,000.00	
80b. Additional Salaries for new Ward Building .....	3,240.00	\$ 6,480.00
80c. Additional Support and Maintenance for new Ward Building.....	9,000.00	18,000.00
		FELLBAUM.

Read and adopted.

Senator Shivers sent up the following amendment:

Amend the committee substitute for H. B. 781, page 31, by adding Subdivision No. 16 to Section 3 as follows:

"Any superintendent of any of the foregoing institutions, named in this bill, for which an appropriation is made herein, or any other person charged with the duty of disbursing the funds appropriated, or any person charged with supervision of employees working in any of the foregoing institutions, who shall knowingly violate the nine-fifty-four (9-54) hour law governing hours of labor for female employees or knowingly violate any other statute regulating the working conditions of female employees, shall be deemed guilty of official misconduct and shall be and the same is hereby made a ground for the removal of such

person from the office or position which he or she holds and the Board of Control is hereby required to remove such person upon violation of this provision.

SHIVERS.

Read and adopted.

Senator Redditt sent up the following amendments:

#### Amendment No. 1.

Amend S. B. No. 37 by adding between lines 28 and 29, page 19, of the printed bill, the following: "General maintenance man, \$900.00 each year."

REDDITT.

Read and adopted.

#### Amendment No. 2.

Amend the committee substitute for H. B. No. 781 by inserting between lines 11 and 12 on page 14 a new item to read as follows:

	For Years Ending	
	Aug. 31, 1936	Aug. 31, 1937
4a. For remodeling and re-equipping hospital building .....	\$ 75,000.00	

Also amend line 11, page 14, by striking out \$15,000.00 in the second column and inserting in lieu thereof \$35,000.00, and changing totals accordingly.

REDDITT.

Read and adopted.

Senator Beck sent up the following amendment:

Amend the committee substitute for H. B. No. 781, page 28, by adding a new line known as 37, to read as follows:

	For Years Ending	
	Aug. 31, 1936	Aug. 31, 1937
37. Mechanical Building .....	\$ 65,000.00	

BECK.

Read and adopted.

The bill was read second time as substituted and amended and passed to third reading by viva voce vote.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 781 was put on its third reading and final passage by the following vote:

Beck.	Hopkins.
Burns.	Hornsby.
Collie.	Martin.
Cotten.	Moore.
Davis.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Hill.	Poage.
Holbrook.	Rawlings.

Yeas—26.

Redditt.  
Sanderford.  
Shivers.  
Small.  
Stone.

Absent—

Blackert.  
Fellbaum.

Senator Redditt consent to amend conform to the body. Unanimous consent. Read third time by the following vote:

Yeas—

Beck.  
Burns.  
Collie.  
Cotten.  
Davis.  
Duggan.  
Hill.  
Holbrook.  
Hopkins.  
Hornsby.  
Martin.  
Moore.

Nays—

DeBerry.

Absent—

Sulak.

Absent—E

Blackert.  
Fellbaum.

#### House Bill

Senator Hornsby table H. B. No. 521.

The Chair laid be

By Reed of Dallas H. B. No. 521, A b "An Act making bet the regulation of th ings in stocks, bond in this State, inclu stock, treasury stoc cate under a voting collateral trust certif ization certificate o scription or reorga cate, note, bond, de gage certificate or o indebtedness, any fo cial paper, certificate



For Years Ending  
1936 Aug. 31, 1937  
00.00

40.00 \$ 6,480.00  
00.00 18,000.00  
FELLBAUM.

the office or position  
holds and the Board  
thereby required to re-  
son upon violation of

SHIVERS.  
opted.

itt sent up the follow-  
s:

ment No. 1.

. No. 37 by adding  
8 and 29, page 19,  
bill, the following:  
aintenance man,  
ar."

REDDITT.

opted.

ment No. 2.  
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d as follows:

r Years Ending  
936 Aug. 31, 1937  
0.00

sent up the follow-

committee substitute  
, page 28, by adding  
n as 37, to read as

r Years Ending  
936 Aug. 31, 1937  
0.00

BECK.

s—26.

Hopkins.  
Hornsby.  
Martin.  
Moore.  
Neal.  
O Neal.  
Pace.  
Poage.  
Rawlings.

Redditt. Sulak.  
Sanderford. Van Zandt.  
Shivers. Westerfeld.  
Small. Woodruff.  
Stone.

Absent—Excused.

Blackert. Regan.  
Fellbaum.

Senator Redditt asked unanimous  
consent to amend the caption to  
conform to the body of the bill.

Unanimous consent was granted.  
Read third time and finally passed  
by the following vote:

Yeas—23.

Beck. Neal.  
Burns. Oneal.  
Collie. Pace.  
Cotten. Rawlings.  
Davis. Redditt.  
Duggan. Sanderford.  
Hill. Shivers.  
Holbrook. Small.  
Hopkins. Stone.  
Hornsby. Van Zandt.  
Martin. Woodruff.  
Moore.

Nays—2.

DeBerry. Poage.  
Sulak. Westerfeld.

Absent—Excused.

Blackert. Regan.  
Fellbaum.

#### House Bill No. 521.

Senator Hornsby called from the  
table H. B. No. 521.

The Chair laid before the Senate.

By Reed of Dallas:

H. B. No. 521, A bill to be entitled  
"An Act making better provision for  
the regulation of the sale and deal-  
ings in stocks, bonds, and securities  
in this State, including any share,  
stock, treasury stock, stock certifi-  
cate under a voting trust agreement,  
collateral trust certificate, pre-organ-  
ization certificate or receipt, sub-  
scription or reorganization certifi-  
cate, note, bond, debenture, mort-  
gage certificate or other evidence of  
indebtedness, any form of commer-  
cial paper, certificate in or under a

profit sharing or participation agree-  
ment, certificate of interest in or  
under an oil, gas, or mining lease or  
title, or any certificate or instrument  
representing or secured by an inter-  
est in any or all of the capital, prop-  
erty, assets, profits or earnings of  
any company, investment contracts,  
or any other instrument commonly  
known as a security, whether similar  
to those herein referred to or not,  
and providing for the registration of  
certain persons and companies deal-  
ing in securities, this act being a  
blue sky law superseding the present  
blue sky law of this State; etc., and  
declaring an emergency."

The pending amendment by Sena-  
tor Redditt was adopted by viva voce  
vote.

Senator Hornsby sent up the fol-  
lowing amendments:

#### Amendment No. 1.

Amend H. B. No. 521, page 2,  
Section 2, line 57, by striking out  
the first "a" in the said line and sub-  
stituting in lieu thereof the words  
"an intentional."

HORNSBY.

Read and adopted.

#### Amendment No. 2.

Amend H. B. No. 521, Section 5,  
page 5, line 7, by inserting after the  
word "dealer" the following:  
"Agent or salesman."

HORNSBY.

Read and adopted.

#### Amendment No. 3.

Amend H. B. No. 521 by striking  
out paragraph "O," Section 3, and  
substituting in lieu thereof the fol-  
lowing:

"The sale by the issuer, itself, of  
any securities that are issued by a  
State or National bank, by a trust  
company, or building and loan as-  
sociation organized and operating  
under the laws of the State of Texas  
and subject to the supervision of  
the Commissioner of Banking of the  
State of Texas, or Federal Loan and  
Savings Association, or a company  
subject to the supervision of the  
Banking Commissioner under S. B.  
No. 165, Forty-second Legislature.  
Provided, however, that all salesmen  
acting for any bank, trust company,  
or company subject to the super-  
vision of the Banking Commissioner  
under S. B. No. 165, Forty-second



Legislature, in the sale of such securities within this State, shall be licensed as provided in this Act."

HORNSBY.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time as amended and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 521 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert.	Regan.
Fellbaum.	

Senator Hornsby asked unanimous consent to amend the caption to conform to the body of the bill.

Unanimous consent was granted.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Blackert.	Regan.
Fellbaum.	Sulak.

#### House Bill No. 581.

Senator Pace asked unanimous consent to suspend the regular order of business and to take up out of regular order H. B. No. 581.

There was objection.

Senator Pace moved to suspend the regular order of business and to take up H. B. No. 581.

#### Points of Order.

Senator Collie raised the point of order that the time for the discussion of the motion had expired.

The Chair, Senator Rawling presiding, held that there were ten minutes remaining for discussion.

Senator Van Zandt raised the point of order that the time for discussion of the motion had expired.

The Chair sustained the point of order.

#### Substitute Motion to Re-commit.

Senator Poage moved as a substitute that H. B. No. 581 be re-committed to the Committee on State Affairs.

The motion prevailed by the following vote:

Yeas—12.

Burns.	Martin.
Collie.	Poage.
DeBerry.	Rawlings.
Duggan.	Sanderford.
Hill.	Sulak.
Holbrook.	Westerfeld.

Nays—10

Beck.	Pace.
Cotten.	Redditt.
Hornsby.	Stone.
Moore.	Van Zandt.
Neal.	Woodruff.

Absent.

Davis.	Shivers.
Hopkins.	Small.
Oneal.	

Absent—Excused.

Blackert.	Regan.
Fellbaum.	

#### House Bill No. 327.

Senator Duggan was recognized and called from the table H. B. No. 327. The question recurred on the adoption of the pending amendment by Senator Moore.

Senator Moore w  
ing amendment.

The question r  
Committee Amendm  
stituted by the DeB

Committee Amer  
substituted was ado  
vote.

Senator Moore se  
ing amendment:

Amend by addin  
to be Section 13A:

"Out of the \$4  
priated above the s  
is hereby appropriat  
aid and medical tre  
pled children. This  
addition to the sum  
propriated above for  
gram for Rehabilita  
Children."

Read and adopted

Committee Amen

Amend House Bil  
tion 14, page 13, by  
Section 14 beginning  
"Provided" in first  
page 13, and inse  
thereof:

"Provided further  
Superintendent of Pu  
shall appoint not to  
(16) inspectors and  
graphers under this A  
Read.

#### Motion to T

Senator Burns mc  
Committee Amendmen  
tor Burns withdrew  
Committee Amendmen  
ing.

#### Motion to Re

Senator Pace at 4:0  
moved that the Senat  
9:30 o'clock a. m. Wed  
Senator Pace withdr  
to recess.

Senator Van Zandt  
following amendment:  
Amend H. B. No. 32  
adding after the word  
line 24 thereof the foll  
"offering the larges  
recognized credits, subj  
proval of the parent on



## Bill No. 581.

asked unanimous  
and the regular order  
to take up out of  
B. No. 581.  
jection.  
moved to suspend  
er of business and  
No. 581.

## of Order.

raised the point of  
ne for the discussion  
d expired.

Senator Rawling pre-  
there were ten min-  
or discussion.

Zandt raised the  
at the time for dis-  
motion had expired.  
tained the point of

## ion to Re-commit.

e moved as a sub-  
B. No. 581 be re-  
he Committee on

reailed by the fol-

—12.

Martin.  
Poage.  
Rawlings.  
Sanderford.  
Sulak.  
Westerfeld.

s—10

Pace.  
Redditt.  
Stone.  
Van Zandt.  
Woodruff.

sent.

Shivers.  
Small.

Excused.

Regan.

## Bill No. 327.

n was recognized  
he table H. B. No.  
n recurred on the  
ending amendment

Senator Moore withdrew his pend-  
ing amendment.

The question recurred on the  
Committee Amendment No. 7 as sub-  
stituted by the DeBerry amendment.

Committee Amendment No. 7 as  
substituted was adopted by viva voce  
vote.

Senator Moore sent up the follow-  
ing amendment:

Amend by adding a new section  
to be Section 13A:

"Out of the \$4,000,000 appro-  
priated above the sum of \$100,000  
is hereby appropriated for the care,  
aid and medical treatment of crip-  
pled children. This sum shall be in  
addition to the sum of \$150,000 ap-  
propriated above for the State pro-  
gram for Rehabilitation of Crippled  
Children."

MOORE.

Read and adopted.

Committee Amendment No. 8.

Amend House Bill No. 327, Sec-  
tion 14, page 13, by eliminating said  
Section 14 beginning with the word  
"Provided" in first line at top of  
page 13, and inserting in lieu  
thereof:

"Provided further that the State  
Superintendent of Public Instruction  
shall appoint not to exceed sixteen  
(16) inspectors and two (2) steno-  
graphers under this Act."

Read.

## Motion to Table.

Senator Burns moved to table  
Committee Amendment No. 8. Sena-  
tor Burns withdrew his motion.  
Committee Amendment No. 8 pend-  
ing.

## Motion to Recess.

Senator Pace at 4:09 o'clock p. m.  
moved that the Senate recess until  
9:30 o'clock a. m. Wednesday.

Senator Pace withdrew his motion  
to recess.

Senator Van Zandt sent up the  
following amendment:

Amend H. B. No. 327, page 4, by  
adding after the word "school" in  
line 24 thereof the following:

"offering the largest number of  
recognized credits, subject to the ap-  
proval of the parent or guardian of

such child or children and subject to  
the approval of the Board of Trustees  
of such receiving district."

VAN ZANDT.

Read and adopted.

## Motion to Table.

Senator Burns moved to table  
Committee Amendment No. 8.

The motion to table lost by the  
following vote:

Yeas—12.

Burns.	Oneal.
Cotten.	Pace.
DeBerry.	Sanderford.
Hill.	Shivers.
Martin.	Stone.
Moore.	Sulak.

Nays—13.

Beck.	Rawlings.
Collie.	Redditt.
Duggan.	Small.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Neal.	Woodruff.
Poage.	

Absent.

Davis.

Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Regan.

Committee Amendment No. 8 was  
adopted by the following vote:

Yeas—16.

Beck.	Pace.
Collie.	Poage.
Davis.	Rawlings.
Duggan.	Redditt.
Holbrook.	Small.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Nays—9.

Burns.	Sanderford.
Cotten.	Shivers.
DeBerry.	Stone.
Hill.	Sulak.
Moore.	

Absent.

Oneal.

Absent—Excused.

Blackert.	Hopkins.
Fellbaum.	Regan.



**Motion to Recess.**

Senator Pace at 4:15 o'clock moved that the Senate recess until 9:30 a. m. Wednesday.

Senator Cotten moved that the Senate recess until 10 o'clock a. m. Wednesday. Motions to recess pending.

**Senators Excused.**

The following Senators were excused on account of important business:

Senator Regan on motion of Senator Davis.

Senator Blackert on motion of Senator Martin.

**Message From the House.**

The Chair recognized the doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives, Austin, Texas, April 16, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has received for further consideration under authority of S. C. R. No. 30. The House reconsidered the vote by which S. B. No. 324 passed finally—amended S. B. No. 324 and passed finally by a vote of 104 ayes and 3 noes.

S. B. No. 324, A bill to be entitled "An Act prohibiting any person from catching, retaining or having in his possession any channel catfish or blue catfish which are less than eleven inches in length or to catch or retain or have in his possession in any one day a total aggregate of more than twenty of such fish taken from any of the waters described in Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and providing a maximum number of hooks that may be used on any trot line and the minimum distance of said hooks from each other on said line; and providing the minimum distance from each other that any trot lines may be set and the number of trot lines that any party composed of any two or more persons may set or use at the same time in the waters described in said Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and defin-

ing what is meant by the word 'party' as used in this Act, and declaring an emergency."

(With amendments).

The House has received S. B. No. 135 under authority of S. C. R. No. 32, for further consideration. The House reconsidered the vote by which S. B. No. 135 passed finally—amended S. B. No. 135 and passed finally S. B. No. 135 by a vote of 108 ayes and 0 noes.

S. B. No. 135, A bill to be entitled "An Act amending Chapter 18, Acts of the Forty-third Legislature, Second Called Session, page 54, (Article 3886-B) providing for the maximum compensation of assistant county attorneys and other employees of the county attorney in all counties in the State having a population of One hundred thousand and one (100,001) inhabitants and not more than one hundred and fifty (150,000) inhabitants and containing two cities of fifty thousand (50,000) population or more each according to the last Federal census of 1930; providing for the compensation of assistant county attorneys and other employees of the county attorneys in such counties; repealing all laws and parts of laws in conflict herewith; providing that this Act shall become effective from and after its passage and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, April 16, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the Conference Committee report on H. B. No. 779 by a viva voce vote and has requested the same conferees to consider further the differences between the two Houses.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, April 16, 1935.

Hon. K. M. Regan, President Pro Tempore of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following

H. C. R. No. 81, a joint session of the Senate and House of Representatives at 1:45 p. m., April 17, 1935, for the purpose of considering Judge James E. Black's report on safety problems.

Respectfully

LOUISE SNOW

Chief Clerk, House of Representatives.

**Senate Bill**

Senator Neal was called to order and received unanimous approval out of regular order.

The Chair laid on its second reading the bill:

By Senator Neal, S. B. No. 476, A bill to be entitled "An Act conferring upon navigation the right of navigation tolls for the use of persons using their own or constructed States as a navigable waterway providing that such tolls shall be paid by its rights-of-way, other lands for oil, gas, and other development, providing that no such tolls shall interfere with the development of the project and providing the tolls for; providing for the surplus lands owned by the State in the district and providing for the procedure therefor; providing that the districts may be divided into basins, storage basins and other facilities and that this act shall be subject to other laws upon the subject of navigation; providing that this act is held up and will not affect the declaration of an emergency.

The bill was read and passed to engrossment by a vote.

On motion of Senator Neal, the constitutional rule was read on three times and suspended and the bill was put on its third reading and passed by the following yeas—

Yeas—

Beck.  
Burns.



meant by the word  
in this Act, and de-  
gency."

ments).  
as received S. B. No.  
rity of S. C. R. No.  
consideration. The  
dered the vote by  
135 passed finally—  
No. 135 and passed  
No. 135 by a vote of  
0 noes.

5, A bill to be entitled  
ding Chapter 18, Acts  
third Legislature, Sec-  
ssion, page 54, (Ar-  
providing for the max-  
asation of assistant  
eys and other em-  
county attorney in all  
e State having a pop-  
hundred thousand and  
inhabitants and not  
e hundred and fifty  
abitants and contain-  
of fifty thousand (50,-  
on or more each ac-  
last Federal census of  
ng for the compensa-  
ant county attorneys  
mployees of the county  
such counties; repeal-  
and parts of laws in  
with; providing that  
become effective from  
passage and declaring  
"

adments.)  
fully submitted,  
E SNOW PHINNEY,  
ouse of Representatives.

ouse of Representatives,  
exas, April 16, 1935.  
F. Woodul, President  
te.

directed by the House  
Senate that the House  
o adopt the Conference  
port on H. B. No. 779  
vote and has requested  
onferrees to consider  
ifferences between the

ttfully submitted,  
E SNOW PHINNEY,  
ouse of Representatives.

ouse of Representatives,  
exas, April 16, 1935.  
Regan, President Pro  
f the Senate.  
directed by the House

to inform the Senate that the House  
has passed the following resolution:

H. C. R. No. 81—Providing for a  
joint session of the House and Sen-  
ate at 1:45 p. m. Wednesday, April  
17, 1935, for the purpose of hearing  
Judge James E. Blaine, an authority  
on safety problems.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 476.

Senator Neal was recognized and  
received unanimous consent to take  
up out of regular order S. B. No. 476.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Senator Neal, by request:

S. B. No. 476, A bill to be entitled  
"An Act conferring additional pow-  
ers upon navigation districts, author-  
izing navigation districts to charge  
tolls for the use of its waterways by  
persons using them for commercial  
purposes, which waterways are not  
owned or constructed by the United  
States as a navigation project; pro-  
viding that such districts may lease  
its rights-of-way, spoil basins and  
other lands for oil, gas and mineral  
development, providing it does not  
interfere with the use or develop-  
ment of the project for navigation,  
and providing the procedure there-  
for; providing for the sale of any  
surplus lands owned by such naviga-  
tion district and prescribing the pro-  
cedure therefor; providing that such  
districts may construct turning  
basins, storage basins and yacht  
basins and other facilities; providing  
this act shall be cumulative of all  
other laws upon the subject of navi-  
gation; providing that if any part of  
this act is held unconstitutional, it  
will not affect the remainder and  
declaring an emergency."

The bill was read second time and  
passed to engrossment by viva voce  
vote.

On motion of Senator Neal the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and S. B. No. 476 was  
put on its third reading and final  
passage by the following vote:

Yeas—27.

Beck.	Collie.
Burns.	Cotten.

Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Absent—Excused.

Blackert.	Regan.
Fellbaum.	

Read third time and finally passed  
by the following vote:

Yeas—25.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert.	Regan.
Fellbaum.	Shivers.
Hopkins.	

Senator Hill was recognized for a  
privileged motion.

#### Senate Bill No. 361.

Conference Committee report.

Senator Hill sent up the Confer-  
ence Committee report on S. B. No.  
361.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President  
of the Senate.

Hon. Coke Stevenson, Speaker of  
the House of Representatives.

Sirs: We, your Free Conference  
Committee, appointed to adjust the  
differences between the two Houses  
on Senate Bill No. 361, recommend  
that said Bill be adopted in form and  
text as submitted herewith.

Respectfully submitted,  
REDDITT,  
BURNS,



HILL,  
COTTEN,  
PACE,

On the part of the Senate.

GLASS,  
ROACH of Angelina,  
TILLERY,  
ALSUP,  
JONES of Shelby,

On the part of the House.

By Redditt, Hill S. B. No. 361.  
Shivers, Pace,  
Burns, Hugh-  
ston, Cotton.

#### A BILL

#### To Be Entitled

An Act creating "Sabine-Neches Conservation District," a conservation and reclamation district with the powers provided in Section 59 of Article 16 of the Constitution, to conserve, control and utilize the waters of the Sabine and Neches Rivers and their tributaries, including their storm and flood waters, except said district shall have no power of taxation nor right to create any debt payable out of taxation; authorizing one or more districts created under Section 59 of Article 16 of the Constitution to coordinate their plans and to join plans for improvements; defining the boundaries thereof, providing for control through Board of Directors, their appointment, qualifications and tenure, their organization and powers; authorizing the Board of Directors to appoint a board of Managing Directors; authorizing the storing, controlling, conservation and distribution of storm and flood waters of the Sabine and Neches Rivers and their tributaries, within and/or without such district for irrigation, domestic, industrial and municipal uses, and also for hydroelectric power, with authority to make contracts with water users and to establish and collect maintenance and operation charges for water service, also authorizing all contracts, leases and agreements necessary or convenient with any person, corporation or government, including the United States Government and State of Texas, or their agencies; authorizing conveyance of the district's proper-

ties, improvements and facilities to the United States, or any agency thereof, and a lease thereof with the United States, or any agency thereof with the rentals payable out of the revenues of such district; subordinating such district to the control of the State Board of Water Engineers, or other State agency; providing for acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities necessary or proper within or without said district, including the right of eminent domain, and authorizing such district to borrow money from the Federal emergency Administration of Public Works, or other United States agency, and from other persons, and secure payment thereof by first and/or second mortgage and encumbrance on all of the district's properties, improvements and facilities, and/or the revenues and income to be derived therefrom; to provide work for the relief of unemployed people of Texas; providing for the issuance of interest bearing obligations therefor; requiring submission by said district preliminary to issuing any obligations under said Act, of a certified copy of such obligations under said Act, and of the proceedings authorizing the issuance of such obligations to the Attorney General of Texas for approval, and requiring such obligations, when so approved, to be registered by the Comptroller of the State of Texas; prescribing their terms, conditions of issuance and prohibiting their payment out of any taxation or involuntary assessment; authorizing the grant to the purchaser of such properties under foreclosure sale of a franchise and permit to operate such improvements and facilities; authorizing the refunding of any obligations issued hereunder; authorizing the holder of any such obligation to enforce by legal proceedings performance of duties required by this Act to be performed by such Board of Directors of said district, and in the event of any default on any such obli-

gations to have or receiver appointed and operate such order to obtain obligations; providing rights of existing prescribing all providing nothing contained shall requirements Agency provided such District; appropriation of F (\$5,000.00) D general fund o much thereof a pay expenses in trict, acting b Board of Manag viding if any p shall be invalid other provision be affected; emergency.

Be it enacted by the State of Te

Section 1. TH and it is hereby vation and recla the name of "S conservation District created as a gov body politic and with all the auth the Constitution State; and which recognized to exer ers of such gov any body politic expressly authori ions of the Const of Article 16, f to conserve, store utilize and distri flood waters and rivers and stream such powers as m and implied by t provision of the C may be conferred well as by the p except nothing he authorize said d taxes or special create any debt p tion; and said di be recognized to rights and powers governmental ag and corporate, t tain and operate the Sabine and



ents and facilities  
States, or any  
of, and a lease  
the United States, or  
thereof with the  
out of the reve-  
district; subordinat-  
et to the control of  
d of Water Engi-  
State agency; pro-  
irring, constructing,  
d operating of all  
erties, lands, rights,  
sements, improve-  
irs, dams, canals,  
works and facili-  
or proper within or  
district, including the  
nt domain, and au-  
district to borrow  
the Federal emer-  
stration of Public  
er United States  
om other persons,  
yment thereof by  
ond mortgage and  
n all of the dis-  
ies, improvements  
nd/or the revenues  
be derived there-  
ide work for the  
mployed people of  
ng for the issuance  
earing obligations  
ring submission by  
reliminary to issu-  
ations under said  
ed copy of such ob-  
said Act, and of  
s authorizing the  
h obligations to the  
al of Texas for ap-  
quiring such obli-  
so approved, to be  
the Comptroller of  
Texas; prescribing  
ditions of issuance  
their payment out  
or involuntary as-  
orizing the grant  
r of such properties  
are sale of a fran-  
nit to operate such  
and facilities; au-  
refunding of any  
ed hereunder; au-  
holder of any such  
enforce by legal  
performance of duties  
his Act to be per-  
a Board of Directors  
t, and in the event  
on any such obli-

gations to have an administrator or receiver appointed to administer and operate such properties in order to obtain payment of such obligations; preserving the water rights of existing water users; prescribing all necessary details; providing nothing in this Section contained shall conflict with the requirements of any Federal Agency providing any funds for such District; making an appropriation of Five Thousand (\$5,000.00) Dollars out of the general fund of this State, or so much thereof as is necessary, to pay expenses incurred by said district, acting by and through its Board of Managing Directors; providing if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there shall be and it is hereby created a conservation and reclamation district by the name of "Sabine-Neches Conservation District," which district is created as a governmental agency, body politic and corporate, vested with all the authority as such under the Constitution and Laws of the State; and which shall have and be recognized to exercise all of the powers of such governmental agency any body politic and corporate as are expressly authorized in the provisions of the Constitution, Section 59 of Article 16, for district created to conserve, store, control, preserve, utilize and distribute the storm and flood waters and the waters of the rivers and streams of the State, and such powers as may be contemplated and implied by the purposes of this provision of the Constitution, and as may be conferred by General Law, as well as by the provisions of this Act, except nothing herein contained shall authorize said district to levy any taxes or special assessments, or to create any debt payable out of taxation; and said district shall have and be recognized to exercise all the rights and powers of an independent governmental agency, body politic and corporate, to construct, maintain and operate, in the valleys of the Sabine and Neches Rivers and

their tributaries, within or without the boundaries of such district, any and all works deemed essential to the operation of the district and for its administration in the control, storing, preservation and distribution to all useful purposes of the waters of the Sabine and Neches Rivers and their tributary streams, including the storm and flood waters thereof; and such district shall have and be recognized to exercise such authority and power of control and regulation over such waters of the Sabine and Neches Rivers and their tributaries as may be exercised by the State of Texas, subject to the provisions of the Constitution and the Acts of the Legislature.

Sec. 2. Any drainage, conservation, reclamation or other district heretofore created by the State of Texas with powers provided in Section 59 of Article 16 of the Constitution, shall have the authority, power and right to coordinate its plans with the district herein created and shall have full authority, power and right to enter into joint undertakings for the purposes for which the districts are created. Provided, however, that all such acts must be approved by a majority of the Boards of Directors of all districts involved.

Sec. 3. The territory which shall be embraced within the boundaries of said "Sabine-Neches Conservation District" shall be that part of the State of Texas defined as follows: Smith, Wood, Van Zandt, Camp, Upshur, Anderson, Henderson, Kaufman, Angelina, Nacogdoches, Cherokee, San Augustine, Sabine, Jasper, Newton, Gregg, Harrison, Panola, Rusk, Shelby, Hunt, Rains, Houston, Trinity, Polk, Orange, Bowie, Cass, Hopkins, Collin, Rockwall and Marion counties.

Sec. 4. The management and control of all the affairs of such district shall be vested in the Board of Directors consisting of thirty-two members, one member being chosen from each county, or portion of county, lying within the "Sabine-Neches Conservation District," as created by this Act, all of whom shall be freehold property taxpayers and legal voters of such district. Such Board of Directors shall be appointed by the Governor of Texas as soon as practicable after the passage of this Act, one-third of



the members to be appointed for a term of two (2) years, one-third of the members thereof to be appointed for a term of four (4) years and the remaining members thereof to be appointed for a term of six (6) years, and upon the expiration of the respective terms of said directors, the successors of each and all of them shall be appointed thereafter for a term of six (6) years. The directors shall hold office after their appointment and qualification until their successors shall be appointed and qualified. Should any vacancy occur in the Board of Directors, the same shall be filled in like manner by the Governor of Texas for the unexpired term. The directors appointed shall, within fifteen (15) days after their appointment, qualify by taking the official oath and filing a good and sufficient bond with the Secretary of State; the official bond of each director to be in the sum of One Thousand (\$1,000.00) Dollars, shall be payable to the district, shall be conditioned upon the faithful performance of their duties as such directors, and shall be subject to approval by the Secretary of State. The Board of Directors shall elect annually, for the term of one year, five members thereof, who shall be known as the "Board of Managing Directors," and when so elected they shall continue to perform the duties of directors, and shall receive no compensation other than as provided for directors herein.

Sec. 5. The directors of the district shall organize by electing one of their members President, one Vice-president and one Secretary. Seventeen directors shall constitute a quorum at any meeting and a concurrence of a majority of those present shall be sufficient in all matters pertaining to the business of the district, except the letting of construction contracts and the authorization of issuance of warrants paying therefor, which shall require the concurrence of twenty-two directors. Warrants for the payment of money may be drawn and signed by two officers or employees designated by standing order entered on the minutes of the directors when such accounts have been contracted and ordered paid by the Board of Directors.

Sec. 6. The directors of the district shall require all officers and employees who shall be charged with the collection or paying or handling of any funds of the district under their orders, to furnish good and sufficient bonds, with a duly authorized surety company as surety thereon, payable to the district, conditioned upon the faithful performance of their duties and accounting for all funds and property of the district coming into their hands, which bonds shall be insufficient sums to safeguard the district.

Sec. 7. The President shall preside at all meetings of the Board and shall be the chief executive officer of the District. The Vice-President shall act as President in the case of the absence or disability of the President. The Secretary shall act as a Secretary of the Board of Directors and shall be charged with the duty of seeing that all records and books of the district are properly kept. In case of the absence or inability of the Secretary to act, a Secretary pro tem shall be selected by the directors. The directors shall hold regular meetings at the office of the district on the first Monday in February, May, August and November of each year at 10:00 o'clock, a. m., and may hold other meetings at such other times as the business of the district may require.

Sec. 8. The directors shall receive as fees of office the sum of not to exceed Ten (\$10.00) Dollars per day for each day of service necessary to discharge their duties, provided such service is authorized by vote of the Board of Directors. They shall file with the Secretary a verified statement showing the actual number of days of service each month on the last day of the month, or as soon thereafter as possible and before a warrant shall be issued therefor.

Sec. 9. The directors shall keep a true and full account of all their meetings and proceedings and preserve their minutes, contracts, records, notices, accounts, receipts and records of all kinds in a fireproof vault or safe. The same shall be the property of the district and subject to public inspection. A regular office shall be established and maintained for conduct of the district business within the district.

Sec. 10. A complete book of accounts shall be kept. The account

books and records of the depository be audited by a comptant annually cable after the year, such auditing calendar thereon shall be first regular meeting of Directors the report shall be in copy being filed in the district, one with the district, one in Auditor and one Board of Water which shall be inspection.

Sec. 11. The employ a Managing district and may authority in the management of the district only to the of Directors). C paid such Managing employees shall Board of Directors may be removed by

Sec. 12. All bonds given by directors employees of the district by a surety to do business surety thereon; and be authorized to on such bonds.

Sec. 13. No director, engineer of shall be directed interested either as agents for any contract for the construction of any district, and if any directly or indirectly interested in any such be guilty of a misdemeanor conviction thereof by a fine in any sum One Thousand (\$1,000) or by confinement not less than six months than one year, or imprisonment.

Sec. 14. The district have and be recognized in addition to all mentioned powers, tion and beneficial waters, the power of employment of such barge and Neches tributaries, including flood waters thereon



books and records of the district and of the depository of the district shall be audited by a Certified Public Accountant annually as soon as practicable after the expiration of each year, such audit to cover the preceding calendar year, and report thereon shall be submitted to the first regular meeting of the Board of Directors thereafter. Said report shall be in quadruplicate, one copy being filed in the office of the district, one with the depository of the district, one in the office of the Auditor and one with the State Board of Water Engineers, all of which shall be open to public inspection.

Sec. 11. The directors may employ a Managing Director for the district and may give him full authority in the management and operation of the district affairs (subject only to the orders of the Board of Directors). Compensation to be paid such Managing Director and all employees shall be fixed by the Board of Directors and all employees may be removed by the Board.

Sec. 12. All bonds required to be given by directors, officers and employees of the district shall be executed by a surety company authorized to do business in the State, as surety thereon; and the district shall be authorized to pay the premiums on such bonds.

Sec. 13. No director of any such district, engineer or employee thereof shall be directly or indirectly, interested either for themselves or as agents for any one else in any contract for the purchase or construction of any work by said district, and if any such person shall, directly or indirectly, become interested in any such contract, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not to exceed One Thousand (\$1,000.00) Dollars, or by confinement in the county jail not less than six months nor more than one year, or by both fine and imprisonment.

Sec. 14. The said district shall have and be recognized to exercise, in addition to all the hereinbefore mentioned powers, for the conservation and beneficial utilization of said waters, the power of control and employment of such waters of the Sabine and Neches Rivers and their tributaries, including the storm and flood waters thereof, in the manner

and for the particular purposes hereinafter set forth:

(a) To provide through practical and legal means for the control and coordination of the regulation of the waters of the Sabine and Neches Rivers and their tributary streams.

(b) To provide by adequate organization and administration for the preservation of the equitable rights of the people of the different sections of the watershed area in the beneficial use of the waters of the Sabine and Neches Rivers and their tributary streams.

(c) For storing, controlling and conserving the waters of the Sabine and Neches Rivers and their tributaries within and/or without such district, and the prevention of the escape of any of such waters without the maximum of public service; for the prevention of devastation of lands from recurrent overflows, and the protection of life and property in such district from uncontrolled flood waters.

(d) For the conservation of the waters of the Sabine and Neches Rivers and their tributaries essential for the domestic uses of the people of the district, including all necessary water supplies for cities and towns.

(e) For the irrigation of all lands in said district and/or lands without said district but within said watershed area where irrigation is required for agricultural purposes, or may be deemed helpful to more profitable agricultural production; and for the equitable distribution of said waters to the regional potential requirements for all uses, domestic, manufacturing and irrigation. All plans and all works provided by said district, and as well, all works which may be provided under authority of said district, shall have primary regard to the necessary and potential needs for water, by or within the area in such district constituting the watershed of the Sabine and Neches Rivers and their tributary streams.

(f) For the better encouragement and development of drainage systems and provisions for drainage of lands in the valleys of the Sabine and Neches Rivers and their tributary streams needing drainage for profitable agricultural production; and drainage for other lands in the watershed area of the district requiring drainage for the most advantageous use.



(g) For the purpose of encouraging the conservation of all soils against destructive erosion and thereby preventing the increased flood menace incident thereto.

(h) To control and make available for employment said waters in the development of commercial and industrial enterprises in all sections of the watershed area of the district.

(i) For the control, storing and employment of said waters in the development and distribution of hydroelectric power, where such use may be economically coordinated with other and superior uses, and subordinated to the uses declared by law to be superior.

(j) And for each and every purpose for which flood and storm waters when controlled and conserved may be utilized in the performance of a useful service as contemplated and authorized by the provisions of the Constitution and the public policy therein declared.

(k) To purchase and/or construct all works necessary or convenient for the exercise of the powers and to accomplish the purposes specified in this Act and to purchase or otherwise acquire all lands and/or other property necessary or convenient for carrying out any such purposes.

(l) The right of eminent domain is expressly conferred upon such district to enable it to acquire the fee simple title to, and/or easement or right-of-way over and through, any and all lands, water or lands under water, private or public, within and without such district, necessary or convenient to carry out any of the purposes and powers conferred upon such district by this Act. All such condemnation proceedings shall be under the direction of the directors and in the name of the district, and the assessment of damages and all procedure with reference to condemnation, appeal and payment shall be in conformity with the statutes of this State as provided in the title of the Revised Statutes relating to "Eminent Domain."

(m) The Board of Directors of said district shall prescribe fees and charges to be collected for the use of water, water connections or other service, which fees and charges shall be reasonable and equitable and fully sufficient to produce revenues adequate to pay, and said Board of Directors shall cause to be paid therefrom:

(1) All expenses necessary to the

operation and maintenance of the improvements and facilities of said district. Such operating and maintenance expenses shall include the cost of the acquisition of properties and materials necessary to maintain said improvements and facilities in good condition and to operate them efficiently, necessary wages and salaries of the district, and such other expenses as may be reasonably necessary to the efficient operation of said improvements and facilities.

(2) The annual or semi-annual interest upon any obligation issued hereunder payable out of the revenues of said improvements and facilities.

(3) The amount required to be paid annually into the sinking fund for the payment of any obligations issued hereunder payable out of the revenues of said improvements and facilities.

No other charge shall be made upon the revenues derived from said improvements and facilities so long as any obligations issued hereunder shall remain outstanding and unpaid as to principal or interest; provided, however, that out of revenues which may be received in excess of those required for the purposes listed in the above sub-paragraphs (1), (2) and (3), the Board of Directors may pay the cost of improvements and replacements not covered by said sub-paragraph (1), and may establish a reasonable depreciation and emergency fund.

It is the intent of this Act that the fees and charges of such district shall not be in excess of what may be reasonably necessary to fulfill the obligations imposed upon said district by this Act.

(n) Such district through its Board of Directors, shall have the right to employ managers, engineers, attorneys, and all necessary employees to properly construct, operate and maintain said works and carry out the provisions of this Act and to pay reasonable compensation fixed by the Board of Directors for such services.

(o) Such district, in addition to the powers hereinabove set out, shall have general power and authority to make and to enter into all contracts, leases and agreements necessary or convenient to carry out any of the powers granted in this Act, which contracts, leases and agreements may be entered into with any person, real or artificial, any corporation,

municipal, or any government agency, including the Government of the United States, and may convey any of its lands, tenements, improvements, rights, plants, laterals, to the United States, or any agency thereof, into a lease with the Government, relative thereto to pay rental come and revenue without the provision, however, herein contained assumption by the obligation required taxes. Any leases and agreements authorized shall be subject to the approval of the Board of Directors of such district, and by the President of the United States, Secretary thereof.

(p) Such district shall have the right to sue and

(q) Before the establishment of a district, the canals, pumps, works herein provided for, shall be presented to the engineers of the State, and such other agencies as may be necessary for the functions now performed by the Board of Water and specification and approval.

Sec. 15. The duties herein devolved upon the district shall be continuing rights of the State which shall be exercised through the State Engineers, and the expenses, by the State Engineer, each shall be charged to the district and duty to approve, the adoption of plans for flood conservation improvements by the district, and the plan intended in the creation of which plans, improvements supervised by the State authorities, and the provisions of the General Statutes of the State.

Sec. 16. Said district may exercise its powers, authority, and may permit the



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municipal, public or private, and/or any government or governmental agency, including the United States Government and the State of Texas, and may convey or cause to be conveyed any of its properties, rights, lands, tenements, easements, improvements, reservoirs, dams, canals, plants, laterals, works and facilities to the United States Government or any agency thereof, and may enter into a lease with the United States Government, or any agency thereof relative thereto, and obligate itself to pay rental therefor out of the income and revenues thereof, with or without the privilege of purchase, provided, however, that nothing herein contained shall authorize the assumption by such district of any obligation requiring payment out of taxes. Any and all such contracts, leases and agreements herein authorized shall be approved by resolution of the Board of Directors of such district, and shall be executed by the President and attested by the Secretary thereof.

(p) Such district shall have the right to sue and to be sued.

(q) Before such district shall establish a diversion point, construct the canals, pumping plants and other works herein provided for, it shall present to the Board of Water Engineers of the State of Texas, or such other agency performing the functions now performed by the Board of Water Engineers, plans and specifications of the same and obtain approval of such Board.

Sec. 15. The powers and duties herein devolved upon the said district shall be subject to the continuing rights of supervision by the State which shall be exercised through the State Board of Water Engineers, and in appropriate instances, by the State Reclamation Engineer, each of which agencies shall be charged with the authority and duty to approve, or to refuse to approve, the adequacy of any plan or plans for flood control or conservation improvement purposes devised by the district for the achievement of the plans and purposes intended in the creation of the district, and which plans contemplate improvements supervised by the respective State authorities under the provisions of the General Law.

Sec. 16. Said district shall have and may exercise such functions, powers, authority, rights and duties as may permit the accomplishment

of the purposes for which it is created, including investigating and planning, acquiring, constructing, maintaining and operating of all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities which it may deem necessary or proper for the accomplishment of said purposes, including the acquisition within and/or without said district of lands, rights-of-way, water rights and all other properties, tenements, easements and all other rights incident, helpful to or in aid of carrying out the purposes of said district as herein defined; and this Act in all of its terms and provisions shall be liberally construed to effectuate each and all of the purposes thereof.

Sec. 17. Said district may receive grants and borrow money from the Federal Emergency Administration of Public Works of the United States, or from any other department or agency of the United States, or from any other source, and in evidence thereof may issue the notes, warrants, certificates of indebtedness or other form of obligations of such district, payable solely out of the revenues to be derived from said improvements and facilities and the operations and devices thereof.

Sec. 18. Each issue of obligations authorized hereunder shall constitute a separate series and shall be appropriately designated. Such obligations shall not constitute an indebtedness or pledge of the credit of such district, shall never be paid in whole or in part out of any funds raised or to be raised by taxation, and shall contain a recital to that effect. All obligations issued hereunder shall be in registered or coupon form and if in coupon form may be registerable as to principal only, or as to both principal and interest, shall bear interest at a rate not to exceed six per cent per annum, payable annually or semi-annually, and shall be in such denominations and shall mature serially or at one time not more than fifty years from their date in such manner as may be provided by the Board of Directors. Principal of and interest on such obligations shall be made payable at any place or places within or without the State of Texas and in the discretion of the Board of Directors; such obligations may be made redeemable at the option of said Board prior to maturity at such premium



or premiums as the Board shall determine. Such obligations shall be signed by the President and Secretary of the Board of Directors, and the interest coupons attached thereto may be executed with the facsimile signatures of such officers. Such obligations shall be sold in such manner at such time as the Board of Directors shall determine to be expedient and necessary to the interest of the district, provided, that in no event shall such obligations be sold for a price which will result in an interest yield therefrom of more than six per cent computed to maturity according to standard bond tables in general use by banks and insurance companies. In the event any of the officers whose signatures are on such obligations or coupons shall cease to be such officers before the delivery of such obligations to the purchaser, such signature or signatures, nevertheless shall be valid and sufficient for all purposes. All obligations issued hereunder shall constitute negotiable instruments within the meaning of the Negotiable Instruments Law.

Sec. 19. Any obligations issued hereunder may be issued payable from and secured by the pledge of all the revenues derived from the operation of the improvements and facilities of the district, exclusive of any revenues derived from taxation of assessments, or may be payable from and secured by the pledge of only such revenues as may be derived from the operation of the improvements and facilities acquired with the proceeds of the sale of such obligations, or may be payable from and secured by the pledge of a specific part of the revenues derived from the operation of the improvements and facilities of the district, all as may be provided in the proceedings authorizing the issuance of such obligations. If more than one series of obligations shall be issued under the provisions of this Act payable from and secured by identical revenues, priority of lien against such revenues shall depend on the time of delivery of such obligations, each series enjoying a lien against such revenues prior and superior to that enjoyed by any other series of obligations subsequently delivered, provided, however, that as to any issue or series of obligations which may be authorized as a unit but delivered from time to time in blocks, the Board of Directors may in pro-

ceedings authorizing the issuance of such obligations provided that all of the obligations of such series or issue shall be co-equal as to lien regardless of the time of delivery.

Sec. 20. Any resolution or order authorizing the issuance of obligations under the provisions hereof shall provide for the creation of a sinking fund into which shall be paid from the revenues pledged to the payment of such obligations from month to month as said revenues are collected, sums fully sufficient to pay principal of and interest on such obligations. The money in such sinking fund shall be applied solely to the payment of interest on the obligations for the payment of which such fund is created and for the retirement of said obligations at or prior to maturity in the manner herein provided. The Board of Directors may at the time obligations are authorized hereunder provide that all money in such sinking fund in excess of the amount required for the payment of interest on and principal of such outstanding obligations for such period as it may determine shall be expended once each year pursuant to its order in the purchase of obligations for the account of which such sinking fund has been accumulated, if any such obligations can be purchased at a price which shall seem reasonable to the Board, and may provide that in the event such obligations contain an option permitting retirement prior to maturity then such excess sums shall be paid out as aforesaid for the purchase of such obligations, but that if the Board shall be unable to so purchase sufficient obligations of said issue to absorb all such surplus it shall call for redemption of a sufficient amount of such obligations to absorb so far as practicable the entire surplus remaining in said sinking fund. It may be provided that any excess in the sinking fund which cannot be applied to the purchase or redemption of obligations shall remain in said sinking fund to be used for payment of principal or interest when due, or for the subsequent call of obligations for purchase or redemption in the manner above provided.

Sec. 21. Any resolution or order authorizing the issuance of obligations hereunder may contain such covenants with the holders of the obligations as to the management and operation of said improvements

and facilities charges for the creation of such obligations of such series or issue shall be co-equal as to lien regardless of the time of delivery.

Sec. 22. Any resolution or order authorizing the issuance of obligations under the provisions hereof shall provide for the creation of a sinking fund into which shall be paid from the revenues pledged to the payment of such obligations from month to month as said revenues are collected, sums fully sufficient to pay principal of and interest on such obligations. The money in such sinking fund shall be applied solely to the payment of interest on the obligations for the payment of which such fund is created and for the retirement of said obligations at or prior to maturity in the manner herein provided. The Board of Directors may at the time obligations are authorized hereunder provide that all money in such sinking fund in excess of the amount required for the payment of interest on and principal of such outstanding obligations for such period as it may determine shall be expended once each year pursuant to its order in the purchase of obligations for the account of which such sinking fund has been accumulated, if any such obligations can be purchased at a price which shall seem reasonable to the Board, and may provide that in the event such obligations contain an option permitting retirement prior to maturity then such excess sums shall be paid out as aforesaid for the purchase of such obligations, but that if the Board shall be unable to so purchase sufficient obligations of said issue to absorb all such surplus it shall call for redemption of a sufficient amount of such obligations to absorb so far as practicable the entire surplus remaining in said sinking fund. It may be provided that any excess in the sinking fund which cannot be applied to the purchase or redemption of obligations shall remain in said sinking fund to be used for payment of principal or interest when due, or for the subsequent call of obligations for purchase or redemption in the manner above provided.

Sec. 23. Any resolution or order authorizing the issuance of obligations hereunder may contain such covenants with the holders of the obligations as to the management and operation of said improvements



and facilities, collection of fees and charges for the use thereof, disposition of such fees and charges, issuance of future obligations and creation of future liens, mortgages and encumbrances against said improvements and facilities, and the revenues thereof and other pertinent matters, as may be deemed necessary to insure the marketability of said obligations, provided such covenants are not inconsistent with the provisions of this Act.

Sec. 22. Any resolution or order authorizing the issuance of obligations hereunder shall provide that the revenues from which such obligations are to be paid and which are pledged to the payment of such obligations shall from month to month as the same shall accrue and be received, be set apart and placed in the sinking fund and disbursed in the manner hereinabove provided. In fixing and determining the amount of revenues which shall be so set aside, the Board of Directors shall provide that the amount to be set aside and paid into said fund in any year or years shall be not less than a fixed sum, which sum shall be at least sufficient to provide for the payment of the interest on and principal of all obligations maturing and becoming payable in each such year, together with a surplus or margin of ten per cent in excess thereof.

Sec. 23. Any holder of obligations issued hereunder or of coupons originally attached thereto, may either at law or in equity, by suit, action, mandamus, or other proceeding, enforce and compel performance of all duties required by this Act to be performed by the Board of Directors, including the making and collecting of reasonable and sufficient fees or charges for the use of the improvements and facilities of the district, the segregation of the income and revenues of such improvements and facilities, and the application of such income and revenues pursuant to the provisions of this Act. If there be any default in the payment of the principal of or interest on any of such obligations, any holder thereof shall be entitled to have an administrator or receiver appointed by any court having jurisdiction to administer and operate the improvements and facilities, the revenues of which are pledged to the payment of such obligations, in behalf of the district and the holders of such ob-

ligations, with power to fix and collect fees and charges sufficient to provide for the payment of operation and maintenance expenses as hereinabove defined, and to pay any obligations or interest coupons outstanding payable from the revenues of such improvements, and facilities, and to apply the income and revenues thereof in conformity with the provisions of this Act and the proceedings authorizing the issuance of said obligations.

Sec. 24. As additional security for the payment of any obligations issued hereunder, the Board of Directors may in its discretion have executed in favor of the holders of such obligations an indenture mortgaging and encumbering the improvements, facilities and properties acquired with the proceeds of the sale of such obligations, and/or all of the improvements, facilities and properties of the district, and may provide in such encumbrance for a grant to any purchaser or purchasers at foreclosure sale thereunder of a franchise to operate such improvements, facilities and properties for a term of not over fifty years from the date of such purchase, subject to all laws regulating same then in force. Any such indenture may contain such terms and provisions as the Board of Directors shall deem proper and shall be enforceable in the manner provided by the laws of Texas for the enforcement of other mortgages and encumbrances. Under any sale ordered pursuant to the provisions of such mortgage or encumbrance, the purchaser or purchasers at such sale, and his or their successors or assigns, shall be and hereby are vested with a permit and franchise to maintain and operate the improvements, facilities and properties purchased at such sale with like powers and privileges as may theretofore have been enjoyed by the district in the operation of said improvements, facilities and properties. The purchaser or purchasers of such improvements, facilities and properties at any such sale, and his or their successors and assigns, may operate said improvements, facilities and properties as provided in the last above sentence or may at their option remove all or part of said improvements, facilities and properties for diversion to other purposes. Any Statutes of the State of Texas pertaining to the granting of franchises shall not be applicable to the authorization or execution of



any mortgage or encumbrance entered into pursuant to the provisions of this Act, nor to the granting of any franchise hereunder.

Sec. 25. The proceeds of the sale of any obligations issued hereunder may be deposited in such bank or banks as may be agreed upon between the purchaser at such sale and the Board of Directors, and may be deposited and paid out pursuant to such terms and conditions as may be so agreed upon, it being expressly provided that the Statutes of Texas pertaining to the deposit of the district funds in the depository of such district shall not be applicable to the deposit of the proceeds of such sale. Any part of the proceeds of the sale of obligations issued hereunder which may remain unexpended after the project for which the obligations were authorized has been completed may be paid into the sinking fund for the payment of said obligations and be used only for the payment of principal of such obligations, or for the purposes of acquiring such outstanding obligations by purchase in the manner hereinabove provided.

Sec. 26. The Board of Directors is authorized to enter into an agreement or agreements with the purchaser or purchasers of any obligations issued hereunder under the terms of which such Board shall agree to keep all of the improvements and facilities, the revenues of which are pledged to the payment of such obligations, insured with insurers of good standing against loss or damage by fire, water or flood, and also from any other hazards customarily insured against by private companies operating similar properties, and to carry with insurers of good standing such insurance covering the use and occupancy of such property as is customarily carried by such private companies. The cost of such insurance shall be budgeted as maintenance and operation expense and such insurance shall be carried for the benefit of the holders of such obligations.

Sec. 27. Any obligations issued pursuant to the provisions of this Act shall be exempt from taxation by the State of Texas or by any municipal corporation, county, or other political subdivision or taxing district of the State.

Sec. 28. Such district issuing obligations under the provisions hereof may thereafter authorize and issue its refunding obligations on such terms as its Board of Directors may deem advisable for the purpose of providing for the retirement of any such outstanding obligations, either due or to become due, which refunding obligations may be either exchanged for like par amounts of such outstanding obligations or may be sold and the proceeds of sale so applied. Any refunding obligations authorized and issued pursuant hereto shall be subject to the provisions of this Act pertaining to the issuance of other obligations and shall be secured in all respect to the same extent and be payable from the same revenues as were the obligations refunded thereby.

Sec. 29. Before any such obligation shall be issued, such district shall submit a certified copy thereof and of the proceedings for their issuance, together with any additional information which may be required, to the Attorney General of Texas for approval, and when so approved, such obligations shall be issued after registration with the Comptroller of the State of Texas.

Sec. 30. This Act, without reference to other Statutes of the State of Texas, shall constitute full authority for the authorization and issuance of obligations hereunder and for the accomplishment of all things herein authorized to be done, and no proceedings relating to the authorization or issuance of such obligation or the doing of such things shall be necessary except such as are herein required, and neither the Bond and Warrant Law of 1931 or any other provisions of the laws of the State of Texas pertinent to the authorization or issuance of obligations, the operation and maintenance of such improvements and facilities, the granting of franchises or permits, the right to elections or referendum petitions, or in anywise impeding or restricting the carrying out of the acts authorized to be done hereunder, shall be construed as applying to any proceedings had hereunder or acts done pursuant hereto.

Sec. 31. This district or any Conservation and Reclamation District, heretofore or hereafter created by either general or special law shall

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have the authority, and it is hereby authorized to issue its revenue bonds, secured only by pledge of the revenues of the district, as authorized by the law under which any such district is created or organized, in any such amount as may be authorized by the directors of such district; and any provision of any law or act, general or special, which limits the amount of such bonds which may be issued by any such district is hereby repealed.

Sec. 32. Nothing in this Act shall be construed as effecting any existing rights or existing priorities in the rights to water from the source of supply and neither the formation of the district hereunder nor a contract for the purchase of water with such district shall ever be held to be an abandonment or waiver of said rights or priorities, or an abandonment of the original point of diversion from the source of supply, but all such rights existing at the time of the formation of such district shall be preserved.

Sec. 33. That said district or the contractor who employs the labor for the construction of any improvements for said district shall be required to give preference to persons who are on relief rolls or otherwise unemployed, including those required for office or clerical work, but excepting the key workers of such district or such contractor, provided such persons on relief or unemployed are capable of efficiently rendering the proper service in the various classifications of labor under which they are employed, and in the event there are not sufficient persons with the proper qualifications as aforesaid, then the district or the contractor shall give preference to employment of qualified workers who reside in the locality where such improvements are to be constructed; and every contract expressly entered into by the district hereunder shall impose upon the contractor the obligation to give preference in employment to such needy persons upon relief rolls or otherwise as provided herein and shall expressly impose upon such contractor the obligations provided for in this Section; provided nothing in this Section contained shall conflict with the requirements of any Fed-

eral Agency providing any funds for such District.

Sec. 34. There is hereby appropriated and there shall be paid to said District out of the General Fund not otherwise appropriated the sum of Five Thousand Dollars (\$5,000.00), which said sum shall be used for defraying the expenses of making engineering surveys, plans and specifications, for the compilation of other necessary data, for abstracts of title, and for the payment of necessary and proper expenses incidental to the application and negotiations for and securing the aid and assistance of the Federal Emergency Administration of Public Works, or other Governmental bodies of the United States, and in connection with the organization of the District, and any and all expenses necessary to the management of the affairs of the District. Provided, however, that none of the amount appropriated herein shall be used to pay any expenses or costs incurred prior to the effective date of this Bill. Provided that none of the funds herein appropriated shall be used to pay for options on lands in said District.

Sec. 35. If any paragraph, clause or provision of this Act shall be held unconstitutional, the validity of the other provisions of this Act shall not be affected thereby, but shall remain in full force and effect.

Sec. 36. The importance of this Legislation to the section of the State affected thereby creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended, and that this Act shall take effect and be in force from and after the passage thereof, and it is so enacted.

The Conference Committee report on S. B. No. 361 was adopted by the following vote:

Yeas—21.

Beck.	Neal.
Burns.	Oneal.
Cotten.	Pace.
Davis.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hornsby.	Shivers.
Moore.	Small.



Stone. Woodruff.  
Westerfeld.  
Nays—4.  
Collie. Martin.  
DeBerry. Sulak.  
Present—Not Voting.  
Van Zandt.

Absent—Excused.

Blackert. Hopkins.  
Fellbaum. Regan.

#### Recess.

The motion to recess until 10:00 o'clock a. m. Wednesday prevailed by viva voce vote at 4:30 o'clock p. m.

#### APPENDIX.

##### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, April 11, 1935.  
Hon. K. M. Regan, President Pro Tem of the Senate.  
Sir: We, your Committee on Enrolled Bills, have had S. B. No. 46 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

Committee Room,  
Austin, Texas, April 11, 1935.  
Hon. K. M. Regan, President Pro Tem of the Senate.  
Sir: We, your Committee on Enrolled Bills, have had S. B. No. 457 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

Committee Room,  
Austin, Texas, April 12, 1935.  
Hon. K. M. Regan, President Pro Tem of the Senate.  
Sir: We, your Committee on Enrolled Bills, have had S. B. No. 366 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

Committee Room,  
Austin, Texas, April 15, 1935.  
Hon. K. M. Regan, President Pro Tem of the Senate.  
Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 35 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

Committee Room,  
Austin, Texas, April 15, 1935.  
Hon. K. M. Regan, President Pro Tem of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 37 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

##### Committee Reports.

Committee Room,  
Austin, Texas, April 16, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 399, A bill to be entitled "An Act amending Section 29 of Chapter 274, Page 563, of the Acts of the Forty-first Legislature, Regular Session, 1929; repealing all laws in conflict therewith; 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.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, April 16, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 312, A bill to be entitled "An Act to amend Article 4758 of the Revised Civil Statutes of Texas, of 1925, provided for the deposit of securities, or the payment of taxes, fines, penalties, certificates of authority, valuation of policies, licenses, fees or any other special burden by an insurance corporation, fraternal beneficiary society or reciprocal exchange organized in a State, the laws of which require similar deposits in said State by similar companies organized under the laws of the State of Texas and transacting business in said State, etc."

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

COLLIE, Chairman.

Committee Room,  
Austin, Texas, April 16, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on

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Game and Fish, to whom was referred

H. B. No. 776, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot or kill any deer and/or wild turkey for a period of three (3) years in Taylor, Jones, Shackelford, and Panola Counties, Texas; fixing penalties, 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.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, April 15, 1935.

Hon. K. M. Regan, President Pro Tem of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 504, A bill to be entitled "An Act providing for a rural school supervisor, prescribing qualifications and duties of said rural school supervisor, providing for the payment of the salary of said rural school supervisor, in counties having a population of 21,830 to 22,080, according to the Federal census of 1930, etc., and declaring an emergency."

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

PACE, Chairman.

Committee Room,

Austin, Texas, April 15, 1935.

Hon. K. M. Regan, President Pro Tem of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 499, A bill to be entitled "An Act granting permission to the International Great Northern Railroad Company, Chicago, Burlington and Quincy Railroad Company and other railroad company or carrier interested in a shipment of a carload of steel wheels, with and

without rubber tires and also extra weight steel and iron shipped by the Highway Department of the State of Texas which is also the State Highway Commission of the State of Texas, over said railroads to Davenport, State of Iowa, consigned to French & Hecht, on or about March 22nd, 1932, etc., and declaring an emergency."

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

PACE, Chairman.

### Minutes of Committee Meetings.

Minutes of Committee on Insurance  
Held April 16, 1935.

#### Regular Meeting.

Present: Collie, Cotten, DeBerry, Holbrook, Pace, Poage, Shivers, Sulak, Westerfeld and Woodruff.

Absent: Moore and Rawlings.

Senator Pace moved that S. B. No. 415, as amended, be reported favorably with recommendation that it do pass and be printed.

Senator Holbrook moved as substitute that S. B. No. 415, as amended, be reported unfavorably with recommendation that it do not pass.

Substitute motion lost by the following vote: yeas, Holbrook; nays, Cotten, DeBerry, Pace, Sulak, Westerfeld and Woodruff.

S. B. No. 415, as amended, reported favorably by viva voce vote.

On motion of Senator DeBerry, H. B. No. 176 was set for special order at next regular meeting, Thursday, April 18th at 4:00 o'clock p. m.

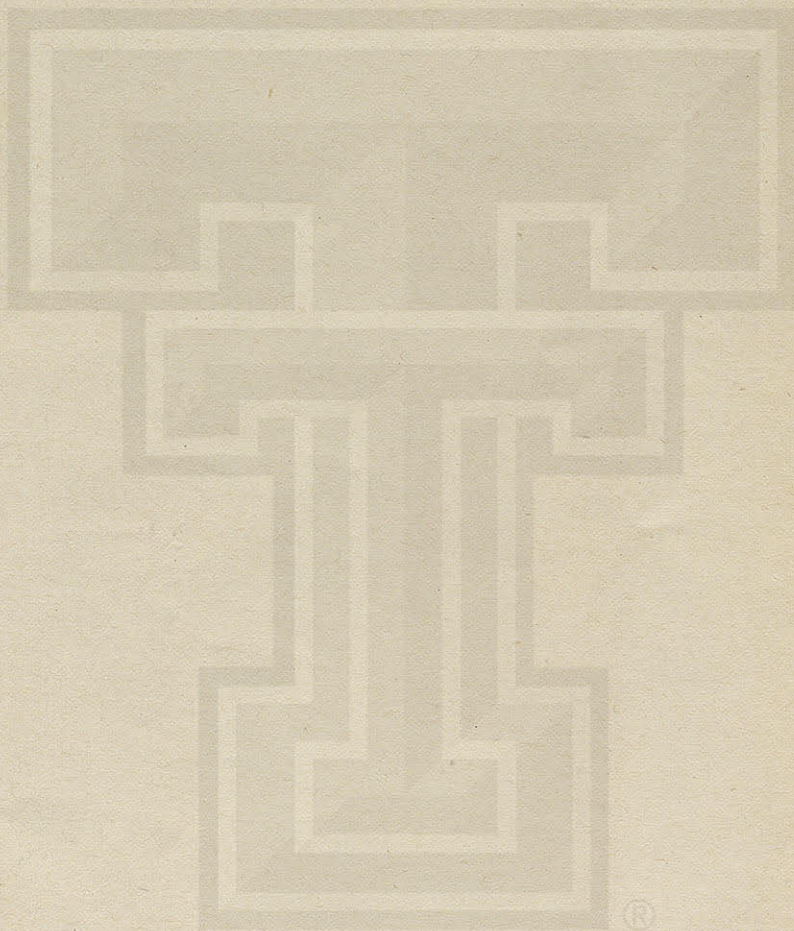
H. B. No. 312 reported favorably by viva voce vote.

S. B. No. 399 reported favorably by viva voce vote.

ANNA MAY CULLEN,

Secretary.





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# SENATE JOURNAL

*Forty-fourth Legislature—Regular Session.*

AUSTIN, TEXAS, WEDNESDAY, APRIL 17, 1935.

## PROCEEDINGS

### FIFTIETH DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,  
April 17, 1935.

The Senate met at 10 o'clock a. m. pursuant to recess and was called to order by President Pro Tem K. M. Regan.

### House Bill No. 327.

Pending business was H. B. No. 327, Committee Amendment No. 9.

### Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor, with the following message:

Executive Office,  
Austin, Texas, April 17, 1935.  
To the Members of the Forty-fourth Legislature:

My attention has been directed to the present situation of Senate Bills 114 and 189, and House Bills 89, 736, 743, 749, 755 and 785. These bills, if enacted into law, I am informed by those best able to form an estimate, will bring in additional revenue of Seventeen Million, Five Hundred Thousand Dollars (\$17,500,000.00) a year. With the exception of House Bill 785, which imposes tax on liquor sales permitted by existing prohibition laws, none of them levy additional taxes. The purpose of all of them is to stop the tax leaks existing in present tax laws.

It is unfair to leave these loopholes and have law-abiding citizens pay these taxes and the guilty escape.

Only the near approach of the close of this session and the desire of all of us to balance the budget impels me to suggest and request of the House and Senate that if in your good judgment this should be done, that a concurrent resolution be

passed, suspending the rules of the House and Senate so as to permit the respective Houses to take up and pass these bills Wednesday and Thursday, thereby insuring the final enactment of these measures into laws.

I am reliably informed that they are non-controversial measures to a large extent, and in view of the large revenue they should bring to the State, I feel both of your honorable bodies will give special attention to them and take no chance on failing to get this additional revenue. Your cooperation will be greatly appreciated.

Respectfully submitted,  
WALTER F. WOODUL,  
Acting Governor of Texas.

Read.

### S. C. R. No. 41.

Senator Poage sent up the following resolution:

Whereas, One J. M. Walker of Falls County, Texas, was required by the State of Texas to pay to the State of Texas the sum of \$2,915.45, principal interest and costs of court, as surety upon a bail bond for one, Will Mitchell, under indictment in District Court of Falls County, Texas, for a felony, and, whereas, at the time said forfeiture was taken by the State and at the time of the collection of the money by the State from said J. M. Walker, the said principal, Will Mitchell was dead and incapable of making his appearance before said court as called for in said bond; and,

Whereas, Said fact of such death was at said time unknown to both the State and J. M. Walker, and was not ascertained for several years thereafter; and,

Whereas, Said J. M. Walker has presented his claim against the State of Texas for said sum of money so paid to the State by said Walker, with interest thereon at the legal



rate, and, whereas, a question has arisen as to the liability of the State upon said claim, and, whereas, it is the sense of this Legislature that no citizen of this State who claims to have a valid and just claim against the State of Texas shall be deprived of the opportunity to establish or enforce such claim through the courts of this State where it can be promptly tried and determined; therefore, be it

Resolved, by the Senate and the House of Representatives concurring, That said J. M. Walwer, his heirs or assigns be and they are hereby granted permission to file suit against the State of Texas upon said claim in the District Court of Travis County, and that service of such suit may be had upon the Attorney General of this State, or waived by him, the State to be represented in such trial by the Attorney General or by the county attorney of Falls County acting under the direction of the Attorney General of this State.

POAGE.

Read.

Senator Poage moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 41 be taken up and considered at this time.

The motion prevailed.

S. C. R. No. 41 was adopted by viva voce vote.

#### Motion to Reconsider.

Senator Moore moved to reconsider the vote by which the Conference Committee report on S. B. No. 361 was adopted.

Motion pending.

#### House Bill No. 392.

Senator Burns was recognized and asked unanimous consent to take up out of regular order H. B. No. 392.

Unanimous consent was granted.

The Chair laid before the Senate on second reading:

H. B. No. 392, A bill to be entitled "An Act to permit any county in this State wherein the United States Government has acquired or shall hereafter acquire large bodies of land embracing 1,000 acres or more, for purposes of reforestation, and whose assessed valuation of property is not less than \$40,000,000, to adopt, by majority vote of qualified voters of such county, a county unit system to

the extent provided in this Act, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments were adopted.

Senator Burns asked unanimous consent to amend the caption to conform to the body of the bill.

Consent was granted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Burns the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 392 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Van Zandt.
Sanderford.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum.	Van Zandt.
Sanderford.	

Senat

The question to reconsider the Conference Committee report on S. B. No. 361. The motion for a lowering vote:

Coilie.  
Cotten.  
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Blackert.  
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Motion

Senator W. moved to reconsider the vote by which the Conference Committee report on S. B. No. 361 was adopted. The motion for a lowering vote.

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Amend H.  
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**Senate Bill No. 361.**

The question recurred on the motion to reconsider the vote by which the Conference Committee report on S. B. No. 361 was adopted.

The motion prevailed by the following vote:

**Yeas—10.**

Collie.	Oneal.
Cotten.	Rawlings.
DeBerry.	Sulak.
Holbrook.	Westerfeld.
Moore.	Woodruff.

**Nays—8.**

Beck.	Hornsby.
Burns.	Neal.
Duggan.	Regan.
Hopkins.	Stone.

**Present—Not Voting.**

Blackert.	Redditt.
Hill.	Small.
Poage.	

**Absent.**

Davis.	Pace.
Martin.	Shivers.

**Absent—Excused.**

Fellbaum.	Van Zandt.
Sanderford.	

**Motion to Recommit.**

Senator Woodruff moved to recommit the conference report on S. B. No. 361 to the Conference Committee for further consideration.

The motion prevailed by viva voce vote.

**House Bill No. 327.**

Pending business was H. B. No. 327.

**Committee Amendment No. 9.**

Amend H. B. No. 327, Section 21, by omitting entirely the paragraph beginning with the words "The State Board of Education—" at the bottom of page 17.

Read and adopted.

**Committee Amendment No. 10.**

Amend H. B. No. 327, Section 7, page 6, by eliminating the words "seventy-five (75) cents" and inserting in lieu thereof the words "One (\$1.00) Dollars."

Read and adopted.

Senator Duggan sent up the following amendment:

Amend H. B. No. 327, page 7, by eliminating entirely Section 22a.

DUGGAN.

Read and adopted.

Committee Amendment No. 11 was withdrawn by unanimous consent.

Senator Poage sent up the following amendment:

Amend H. B. No. 327, Section 10, page 4, line 19, by adding at the end of said section the following:

"It is further provided that high school tuition aid, as above set out, shall be granted for pupils transferred to outside high schools from the State Home for Dependent and Neglected Children at Waco and from the Alabama and Coushatta Indian Reservation near Livingston, provided the aid so granted shall not exceed the per capita tuition charged other schools' transferred high school pupils by the high schools affected hereby."

BURNS.  
POAGE.

Read and adopted.

**Committee Amendment No. 4.**

The question recurred on Committee Amendment No. 4 and the pending substitute by Senator Poage on which Senator DeBerry had raised the following point of order:

**Point of Order.**

Mr. President, I raise the following point of order against the substitute by Senator Poage and the committee amendment No. 4 to H. B. No. 327, which violates Section 36 of Article 3 of the Constitution in that it attempts to amend numerous statutes by reference. This amendment would amend the cigarette tax statute and many others because it would attempt to reduce the amount of revenue now allocated to the available school fund under those statutes.

Section 36 of Article 3 reads as follows:

"Section 36. No law shall be revived or amended by reference to its title; but in such case the Act revived, or the section or sections amended, shall be re-enacted and published at length."

Court of Civil Appeals in the case of State Bank of Barksdale versus Cloudt 258 S. W. 248, says as follows:



"There is no constitutional inhibition of the repeal of the law by reference to its title." This section requiring an act to be revived or amended to be published at length, but applicable only to revival or the amendment of a statute and not to its repeal.

The Chair, Senator Rawlings presiding, stated in ruling on the point of order:

"It is clear that amendment No. 4, sent up by Senator Poage has the effect of amending and changing some of the tax statutes which direct the dispositions of revenue and under Section 36, Article 3, of the Constitution I do not think we can amend the statutes by reference and therefore the point of order is sustained."

Senator Poage then sent up the following:

Amend Section 1 of H. B. No. 327, page 3, line 8, by striking out the words "General Revenue Fund" and by inserting in lieu thereof the following:

"Educational Equalization Fund," and by adding at the end of said Section 1, the following:

"It is hereby declared to be the intent of the Legislature to provide funds for the support of the public schools of this State sufficient to pay a per capita apportionment of \$16.50 and an equalization payment of five million dollars per year.

"It is further declared to be the intent of the Legislature to provide that the General Revenue funds of this State shall make up any deficit arising in either the State Available School Fund or Educational Equalization Fund by reason of a lack of revenue with which to pay a per capita apportionment of \$16.50 per year and payments to schools out of the Educational Equalization Fund of five million dollars per year, therefore:

"The Comptroller of Public Accounts and the Treasurer of the State of Texas are hereby authorized and it shall be their duty to set up a fund to be known as the Educational Equalization Fund. All funds derived from taxes, licenses and fees which under the present statutes are now being placed to the credit of the State Available School Fund, and which are not expressly required to be placed in said fund by the Consti-

tution of this State shall on and after September 1st, 1935, be placed in the Educational Equalization Fund.

"It shall be the duty of the Comptroller of Public Accounts and the Treasurer of the State of Texas to transfer on September 1st, 1936, and on September 1st, 1937, from the Educational Equalization Fund hereby established an amount of money sufficient, when added to the funds paid into the State Available School Fund by reason of the constitutional requirement to provide a per capita apportionment of \$16.50 per scholastic for the preceding fiscal year, and if on either of such dates there should not be in said Educational Equalization Fund sufficient money to provide such per capita, then any balance necessary to bring such per capita to the sum of \$16.50 shall be transferred out of the General Revenue Fund of this State and the Comptroller of Public Accounts, and the Treasurer are hereby authorized and instructed to transfer such sum, and it shall be the duty of the State Superintendent of Public Instruction to certify to the Comptroller of Public Accounts on or before 1st day of August, 1936, and on or before the 1st day of August, 1937, the number of such scholastics for said fiscal year, and the apportionment above mentioned shall be based upon such number of scholastics.

"It shall be the further duty of the Comptroller of Public Accounts and the Treasurer of the State of Texas to transfer on the last day of each calendar month during the biennium beginning September 1st, 1935, from the General Revenue Fund of this State such sums of money as may on each of such dates be necessary when added to the funds paid into the Educational Equalization Fund during the preceding portion of each fiscal year to make a sum sufficient in such Educational Equalization Fund to pay all outstanding warrants against said fund not exceeding five million dollars for each fiscal year ending on the 31st day of August 1936 and 1937, respectively."

Amend Poage amendment by adding the following:

Amend Section 1, Chapter 12, Acts of the Forty-third Legislature, First Called Session, by repealing all of

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sub-sections 7 thereof, and amend Section 2, Chapter 74, of the Acts of the Forty-first Legislature Fifth Called Session, by repealing all of said Section 2, and amend Acts of the Forty-second Legislature, Chapter 73, Section 13, as amended by the Acts of the Forty-third Legislature, First Called Session, Chapter 90, so as to hereafter read as follows:

"Sec. 13. It shall be the duty of the State Treasurer to have engraved or printed the stamps of the proper denomination necessary to comply with this Act and to sell the same to all manufacturers or dealers upon demand and payment therefor, and the State Treasurer shall be responsible for the custody and sale of such stamps and for the proceeds of such sales under his official bond. Such stamps shall be of such design as the State Treasurer shall from time to time prescribe, and shall state the amount of tax, the payment of which is evidenced thereby and shall contain the words: 'Texas State Tax Paid.'"

And amend Chapter 211, Section 1, Acts of the Forty-second Legislature as amended so as to hereafter read as follows:

"40A. Sulphur producers.—Each person who owns, controls, manages, leases, or operates, any sulphur mine, or mines, wells or shafts, or who produces sulphur by any method, system, or manner within this State shall make quarterly on the first day of January, April, July and October of each year a report to the Comptroller sworn to by such person before an officer authorized to administer oaths in this State, or if such person be other than an individual, sworn to by its president, secretary, or other duly authorized officer, on such forms as the Comptroller shall prescribe showing the total amount of sulphur produced within this State by said person during the quarter next preceding; and at the time of making said report shall pay to the Treasurer of this State as occupation tax for the quarter ending on said date an amount equal to seventy-five cents (75c) per long ton, or fraction thereof, of all sulphur produced by said person within the State of Texas during said quarter. Should any person subject to the occupation tax herein levied begin business after the be-

ginning of a quarter, the amount of tax which such person or concern shall pay for the first quarter immediately succeeding the quarter in which the business was begun shall be ascertained by taking the total number of tons produced within the last quarter, dividing the same by the number of days such person or concern was engaged in the business during said preceding quarter and multiply the quotient by ninety, and multiplying the product by Seventy-five cents (75c). Said tax shall be in lieu of the tax imposed by H. B. No. 2, Chapter 74, Acts of the Fifth Called Session of the Forty-first Legislature, but said tax shall be paid in the same manner, subject to the same penalties, and under the same conditions as provided in said Act."

Amend by repealing all of Section 8, Chapter 116, Acts of the Forty-third Legislature.

And amend Acts of the Forty-third Legislature, First Called Session, Chapter 90, Section 4, by repealing the last sub-section thereof.

POAGE.

Read and pending.

#### Motion to Recess.

Senator Davis at 12 o'clock m. moved that the Senate recess until 2 o'clock p. m.

Motion pending.

Senator Shivers was recognized and asked unanimous consent to suspend the regular order of business and take up a local bill. There was objection.

#### Recess.

The motion to recess prevailed by viva voce vote.

#### After Recess.

The Senate met at 2 o'clock p. m. pursuant to recess and was called to order by President Pro Tem K. M. Regan.

#### At Ease.

On motion of Senator Hornsby, the Senate, stood at ease for 10 minutes to allow the Committee on Agriculture to finish their hearing of important bills.



**Called to Order.**

The Chair, Senator Rawlings presiding, called the Senate to order at 2:10 o'clock p. m.

**House Bill No. 327.**

Pending business was H. B. No. 327, and the pending amendment by Senator Poage.

Senator Woodruff sent up the following substitute:

Amend H. B. No. 327 by substituting for the pending amendment by the Senator from McLennan County, the following:

The State Board of Education is hereby directed, and its duty shall be, to set apart annually for the years 1935-1936 and 1936-1937 out of the available school fund a sufficient amount of money to provide free text books for the use of school children attending the public free schools of this State, and to apportion for each of said years the sum of Sixteen Dollars and Fifty Cents (\$16.50) per scholastic capita according to the census enumeration for each of said years, respectively.

The sums hereinabove appropriated for the purpose of equalizing educational opportunity, for vocational education, and for vocational rehabilitation, shall be payable out of any revenues accruing to the fund for the benefit of the public free schools of this State.

In the event that there are insufficient revenues accruing to the credit of the available school fund and to the fund for the benefit of the public free schools of this State from the various sources as now provided by law, then and in that event there is hereby appropriated from the general fund out of any moneys not otherwise appropriated a sum sufficient when added to the available school fund and to the fund for the benefit of the public free schools of this State, to equal the amount which the State Board shall find to be necessary to make the foregoing allocations.

WOODRUFF.

Read and pending.

**Point of Order.**

Senator DeBerry raised the point of order.

Mr. President, I raise the following point of order against the sub-

stitute by Senator Woodruff to H. B. No. 327, which violates Section 36 of Article 3 of the Constitution in that it attempts to amend numerous statutes by reference. This amendment would amend the cigarette tax statute and many others because it would attempt to reduce the amount of revenue now allocated to the available school fund under those statutes.

Section 36 of Article 3 reads as follows:

Section 36. No law shall be revised or amended by reference to its title; but in such case the act revised, or the section or sections amended, shall be re-enacted and published at length.

Court of Civil Appeals in the case of State Bank of Barksdale versus Cloudt 258 S. W. 248, says as follows:

"There is no constitutional inhibition of the repeal of the law by reference to its title." This section requiring an act to be revived or amended to be published at length, but applicable only to revival or the amendment of a statute and not to its repeal.

The Chair, President Pro Tem K. M. Regan sustained the point of order.

**H. C. R. No. 83.**

Senator Redditt asked unanimous consent to suspend the regular order of business, to take up H. C. R. No. 83. There was objection.

Senator DeBerry withdrew his objection.

The Chair laid before the Senate H. C. R. No. 83, "Suspending Joint Rules 23, 24 and 32 to allow the consideration and final disposition of House Bills Nos. 89, 736, 743, 749, 755, and 785."

Senator Redditt moved that the Senate rule requiring resolutions to be referred to a Committee be suspended, and that H. C. R. No. 83, be taken up and considered at this time.

H. C. R. No. 83 was adopted by viva voce vote.

**Motion to Table.**

Senator Burns moved to table the pending amendment by Senator Poage. The motion prevailed by the following vote:

Blackert.  
Burns.  
Cotten.  
DeBerry.  
Duggan.  
Hill.  
Holbrook.  
Moore.  
Neal.

Beck.  
Collie.  
Hornsby.  
Martin.

Davis.

Fellbaum.  
Hopkins.

Senator Woodruff  
lowing:

Amend H. B. No. 327 by substituting the following:

There is hereby appropriated from the available school fund for each of the years 1936 and 1936-1937 out of the available school fund a sufficient amount of money to provide free text books for the use of school children attending the public free schools of this State, and to apportion for each of said years the sum of Sixteen Dollars and Fifty Cents (\$16.50) per pupil scholastic census according to the census enumeration for each of said years, respectively.

The sums hereinabove appropriated for the purpose of equalizing educational opportunity, for vocational education, and for vocational rehabilitation, shall be payable out of any revenues accruing to the fund for the benefit of the public free schools of this State.

Read.

Point

Senator Burns moved to table the pending amendment by Senator Poage. The motion prevailed by the following vote:



Woodruff to H. violates Section the Constitution to amend numer-reference. This amend the cig-and many others attempt to reduce ue now allocated hool fund under

Article 3 reads as

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stitutional inhibi-the law by ref- This section re-be revived or ished at length, to revival or the tute and not to

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To. 83.

asked unanimous ne regular order up H. C. R. No. tion.

Withdrew his ob-

fore the Senate uspensing Joint o allow the con-disposition of 736, 743, 749,

oved that the ing resolutions Committee be H. C. R. No. l considered at

was adopted by

Table.

ed to table the by Senator prevailed by the

## Yeas—17.

Blackert.	Oneal.
Burns.	Pace.
Cotten.	Rawlings.
DeBerry.	Regan.
Duggan.	Shivers.
Hill.	Sulak.
Holbrook.	Westerfeld.
Moore.	Woodruff.
Neal.	

## Nays—8.

Beck.	Poage.
Collie.	Redditt.
Hornsby.	Small.
Martin.	Stone.

## Absent.

Davis.

## Absent—Excused.

Fellbaum.	Sanderford.
Hopkins.	Van Zandt.

Senator Woodruff sent up the following:

Amend H. B. No. 327 by inserting the following:

There is hereby apportioned for each of the scholastic years 1935-1936 and 1936-1937 the sum of \$16.50 per pupil enumerated by the scholastic census in accordance with law, same to be paid out of the available school fund.

The sums hereinabove provided for shall be appropriable, and payable out of the available school fund; provided, that if there shall be insufficient amounts in said Available School Fund to pay either or both of the foregoing amounts, then there is hereby appropriated out of the General Fund not otherwise appropriated to be credited by the Comptroller and treasurer to the Available School Fund an amount sufficient when added thereto shall make such Available School Fund equal the sum hereinabove appropriated.

WOODRUFF.

Read.

## Point of Order.

Senator Burns raised the point of order that the amendment was the same in substance as the amendment sent up by Senator Woodruff previously and which had been ruled out of order.

The Chair, President Pro Tem K. M. Reagan, sustained the point of order.

Senator Sulak sent up the following:

Amend Section 6 of H. B. No. 327 by striking out all after the word "tax" in line 29, and the words "Fund for bonds" in line 30, and all after the word "district" in line 31, all of line 32, and the words "for bonds" in line 33.

SULAK.

Read.

## Motion to Table.

Senator Duggan moved to table the amendment.

The motion to table lost by the following vote:

## Yeas—6.

Davis.	Poage.
DeBerry.	Redditt.
Duggan.	Woodruff.

## Nays—17.

Blackert.	Neal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	

## Absent.

Beck.	Small.
Hopkins.	Stone.
Oneal.	

## Absent—Excused.

Fellbaum.	Van Zandt.
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The amendment was adopted by viva voce vote.

Senator Poage sent up the following amendment:

Amend H. B. No. 327, Section 2 as amended so as to hereafter read as follows:

Sec. 2. (Scholastic population of district) aid under the provisions of this act shall be distributed on a basis of need subject to the qualifications hereinafter set forth and may be distributed for the purpose of assisting any needy school district of



not fewer than twenty (20) scholars.

POAGE.

Read and pending.

#### Senate Bill No. 146.

Senator Beck was recognized on a privileged motion—and moved that the Senate do not concur in House amendments to S. B. No. 146, and that a conference committee be appointed to adjust the differences between the two Houses.

The motion prevailed by viva voce vote:

#### Conference Committee Appointed.

The Chair, President Pro Tem K. M. Regan, appointed the following conferees on the part of the Senate to S. B. No. 146: Senators Beck, Collie, Poage, Rawlings and Martin.

#### House Bill No. 437.

The question recurred on the pending amendment by Senator Poage.

#### Point of Order.

Senator DeBerry raised the point of order that the amendment was identical to Committee Amendment No. 1 which was tabled by the Senate on Monday.

The Chair, President Pro Tem K. M. Regan sustained the point of order.

#### Motion to Reconsider.

Senator Collie moved to reconsider the vote by which Committee Amendment No. 1 was tabled.

#### Points of Order.

Senator DeBerry raised the point of order that the motion to table is final.

The Chair sustained the point of order.

Senator DeBerry raised the point of order that the Senator from McClennan was arguing on a point of order that has already been decided.

The Chair sustained the point of order.

Senator Moore sent up the following amendment:

Amend H. B. No. 327 by adding a new section, to be known as Section 1a, reading as follows:

"Sec. 1a. Out of said \$5,000,000.00, there shall be paid the sum of \$35,000 into the equalization fund of any county having such a fund."

MOORE.

Read and adopted.

Senator Shivers sent up the following amendment:

Amend H. B. No. 327, page 3, line 59, Section 8, by adding:

"Provided that in setting such schedule of teachers' salaries the State Superintendent of Public Instruction and the State Board of Education shall take into consideration the economic conditions surrounding each school."

SHIVERS.

Read and adopted.

Senator Shivers sent up the following amendment:

Amend H. B. No. 327, Section 10, page 4, line 14, by adding after the word "month" the following:

"Provided that all schools transporting high school students to affiliated high schools by order of the County Board of Education shall not be denied the aid should their salary scale not conform to the salary scale as set up by the Board of Education."

SHIVERS.

Read and adopted.

#### Motion to Table.

Senator Duggan moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—14.

Beck.	Hornsby.
Collie.	Neal.
Davis.	Pace.
DeBerry.	Poage.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Woodruff.

Nays—11.

Blackert.	Redditt.
Burns.	Shivers.
Cotten.	Stone.
Martin.	Sulak.
Moore.	Westerfeld.
Rawlings.	

Absent.

Hopkins.	Small.
Oneal.	

Absent—Excused.

Fellbaum.	Van Zandt.
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Senator Poage sent up the following:

Amend Section 1, so as to hereafter

"Sec. 2. (School District.) Aid on a basis of this Act shall be distributed on a basis of such a way as to school districts on nineteen (19) sch

Read.

#### Motion

Senator DeBerry moved the amendment.

The motion to table prevailed by the following vote:

Yeas—

Beck.  
Burns.  
Davis.  
DeBerry.

Nays—

Blackert.  
Collie.  
Cotten.  
Duggan.  
Hopkins.  
Hornsby.  
Martin.  
Moore.

Holbrook.  
Oneal.

Absent—

Fellbaum.

The amendment was adopted by viva voce vote.

Senator Duggan moved to amend the bill to conform to the body of the bill.

Unanimous consent.  
The bill was passed to third reading.

On motion of Senator Duggan, the bill be read on third reading and suspended and put on its third reading and passage by the yeas and nays.

Beck.



of said \$5,000,000.00,  
paid the sum of \$35,-  
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ing such a fund.”  
MOORE.

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No. 327, page 3, line  
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SHIVERS.

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SHIVERS.

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as—14.

Hornsby.  
Neal.  
Pace.  
Poage.  
Regan.  
Sanderford.  
Woodruff.

ays—11.

Redditt.  
Shivers.  
Stone.  
Sulak.  
Westerfeld.

Absent.

Small.

t—Excused.

Van Zandt.

Senator Poage sent up the follow-  
ing:

Amend Section 2 of H. B. No. 327  
so as to hereafter read as follows:  
“Sec. 2. (Scholastic Population  
of District.) Aid under the provi-  
sions of this Act shall be distrib-  
uted on a basis of need to school  
districts and shall be distributed in  
such a way as to provide aid to all  
school districts of not fewer than  
nineteen (19) scholastics.”

POAGE.

Read.

Motion to Table.

Senator DeBerry moved to table  
the amendment.

The motion to table lost by the  
following vote:

Yeas—8.

Beck.	Hill.
Burns.	Pace.
Davis.	Westerfeld.
DeBerry.	Woodruff.

Nays—16.

Blackert.	Neal.
Collie.	Poage.
Cotten.	Rawlings.
Duggan.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Shivers.
Moore.	Sulak.

Absent.

Holbrook.	Small.
Oneal.	Stone.

Absent—Excused.

Fellbaum. Van Zandt.

The amendment was adopted by  
viva voce vote.

Senator Duggan asked unanimous  
consent to amend the caption to con-  
form to the body of the bill.

Unanimous consent was granted.  
The bill was read second time and  
passed to third reading by viva voce  
vote.

On motion of Senator Duggan, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 327 was  
put on its third reading and final  
passage by the following vote:

Yeas—28.

Beck.	Blackert.
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Burns.  
Collie.  
Cotten.  
Davis.  
DeBerry.  
Duggan.  
Hill.  
Holbrook.  
Hopkins.  
Hornsby.  
Martin.  
Moore.  
Neal.

Oneal.  
Pace.  
Poage.  
Rawlings.  
Redditt.  
Regan.  
Sanderford.  
Shivers.  
Small.  
Stone.  
Sulak.  
Westerfeld.  
Woodruff.

Absent—Excused.

Fellbaum.

Van Zandt.

Read third time and finally passed  
by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Van Zandt.

House Bill No. 11.

Senator Westerfeld sent up the  
following Conference Committee re-  
port on H. B. No. 11:

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

and  
Hon. Coke Setverson, Speaker of the  
House of Representatives.

Gentlemen: We, your Conference  
Committee appointed to adjust the  
differences between the House and  
the Senate on H. B. No. 11, the Cen-  
tennial Bill, report that we have  
considered the same and recommend  
that it do pass in the form hereto  
attached.

WESTERFELD,  
RAWLINGS,  
ONEAL.

On part of the Senate.



On part of the House.

A BILL

An Act making appropriation of funds to be expended for the purpose of creating and conducting celebrations commemorating the historic period of Texas history, celebrating a century of independence and progress, and other purposes incident thereto; said celebrations to be held during the period beginning May 1, 1935, and ending December 31, 1936; providing that this Act shall supplement the Act passed by the Second Called Session of the Forty-third Legislature creating the Texas Centennial Commission, and that this Act repeals such parts of such former Act as are in conflict with it; providing that the Texas Centennial Central Exposition, a corporation, shall by written contract with the Commission of Control assume the payment of the One Hundred Thousand (100,000) Dollars advanced to the Centennial Commission under said former Act out of ten per cent (10%) of the first gross receipts received by said Texas Centennial Central Exposition; providing for the creation of the Commission of Control of Texas Centennial celebrations, and providing for the manner of appointment of the members thereof; and providing for the powers and duties of such Commission; delegating to such Commission the authority to determine where Centennial celebrations may be held, and giving such Commission supervisory authority over such celebrations; defining "celebrations"; and providing that local communities where such celebrations are to be conducted may be required to contribute funds; creating the Advisory Board of Texas Historians, and prescribing the powers and duties thereof; creating an Advisory Board for Advertising, and prescribing the powers and duties thereof; providing that all expenditures of funds shall be under the control and supervision of the Board of Control of the State of Texas; providing that the Attor-

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Texas Centennial  
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Section 1. That t Million Dollars (\$3, the same is hereby of the general reve State of Texas not priated, to be expen pose of creating and brations commemora period of early Tex celebrating a centu pendence and progr a Republic and Sta other purposes inci herein provided. S are to be held durin ginning May 1, 19 December 31, 1936. appropriated are al lows:



ral shall approve the title acquired by lease or purchase; providing that all funds expended under the terms of this Act be drawn from the State Treasury by warrants signed by the Comptroller of Public Accounts and the Treasurer of the State of Texas; providing that no money shall be expended under this Act shall be expended as far as practicable under the provisions of Chapter 45, Acts of the Regular Session of the 44th Legislature, and that no action work, the Board shall require as far as the use of Texas labor is concerned; that all permanent structures erected in the City of Dallas on the site of the Centennial shall be constructed in accordance with plans and specifications approved by the Texas Centennial Exposition, a corporation; providing for the use, occupancy and occupancy of such structures; the lease thereof to the City of Dallas, and the rental therefor; requiring such structures to be protected by fire insurance; providing that funds appropriated by the Act shall not be expended by the Commission of Centennial celebration, but shall be expended with the Comptroller of Public Accounts, approving plans for the Centennial Celebration at Dallas, and providing for the switching of funds from one allocation to another; prohibiting the expenditure of such funds for salaries and expenses for envoys out of the State of Texas; providing for Five Thousand Dollars per year; making no provision for any member of the Centennial Commission of Control for the Centennial Celebrations, but providing for any advisory committee, or claim, or indirectly, fees, commissions, or brokerage and or funds appropriated by the Act; precluding any person from having any interest in lands, materials, or contracts sold to the Centennial Commission of Control, or any individual or corporation represented by any individual or corporation, or for an audit of

expenditures of the One Hundred Thousand (100,000) Dollars heretofore appropriated to the Centennial Commission, and the allocation of the unexpended balance thereof to the Board of Control to be used in paying administrative expenses; authorizing the Commission of Control to employ such technical advisors, secretaries, and other employees necessary to carry out the provisions of this Act; providing for the filling of vacancies on the Commission of Control, the Advisory Board of Texas Historians, and the Advisory Board for Advertising; requiring seventy-five (75) per cent of the net receipts of the Texas Centennial Central Exposition at Dallas to be paid into the Treasury of the State of Texas for the benefit of the General Fund, such receipts not to exceed Three Million (3,000,000) Dollars; defining "net receipts"; giving the Board of Control authority to make independent audits of all of the operations and affairs of the Texas Centennial Central Exposition, a corporation; providing for joint meetings of the Texas Centennial Commission and the Commission of Control; authorizing and directing the Commission of Control for Texas Centennial Celebrations to make immediate application to the Federal Government for additional appropriations or allocation of Federal funds to be expended for the purposes enumerated in the Act; providing for a saving clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of Three Million Dollars (\$3,000,000) be and the same is hereby appropriated out of the general revenue fund of the State of Texas not otherwise appropriated, to be expended for the purpose of creating and conducting celebrations commemorating the heroic period of early Texas history, and celebrating a century of the independence and progress of Texas as a Republic and State, and for the other purposes incident thereto as herein provided. Said celebrations are to be held during the period beginning May 1, 1935, and ending December 31, 1936. The funds thus appropriated are allocated as follows:

#### Item Number One.

(1) The sum of One Million Dollars (\$1,000,000), or so much thereof as may be necessary, shall be used for the purpose of erecting exposition buildings upon the site of the Centennial Central Exposition in the City of Dallas.

#### Item Number Two.

(1) The sum of Two Hundred Thousand Dollars (\$200,000), or so much thereof as may be necessary, shall be used to equip and furnish such buildings.

#### Item Number Three.

(1) The sum of Two Hundred Twenty-five Thousand Dollars (\$225,000), or so much thereof as may be necessary, is hereby appropriated and allocated to be used in gathering and preparing materials for exhibits of natural and civic history, such as constitute usual exhibits in museums of natural history and history; and for furnishing and equipping the Texas Memorial Museum building. Such exhibits are to be displayed in the Texas Memorial Museum, funds for the construction of which are to be secured by donations from individuals, public and private agencies, gifts and subscriptions. The raising of said funds with which to construct said museum building is to be sponsored by the Texas Centennial Committee of the American Legion of the State of Texas, which building is to cost approximately Seven Hundred Fifty Thousand (750,000) Dollars when completed, and is to be located on the campus of the University of Texas in the City of Austin. And the Board of Regents of the University of Texas is hereby constituted the Board of Directors of the Museum and as such shall have complete authority over the same, including the expenditure of the sum herein appropriated and allocated for the purposes above mentioned; provided, however, that not more than ten (10) per cent of the sum herein appropriated shall be expended for promotional and administrative expenses; provided further, however, the expenditure of the money herein appropriated shall be on vouchers properly approved by the Chairman of the Board of Regents and attested by the Secretary of said Board, and such approval shall be



sufficient authority for the Comptroller of Public Accounts to draw a warrant in payment of any claim properly approved by the Board of Regents of the University of Texas against this appropriation, and shall be in accordance with the general provisions of law covering the issuance and payment of vouchers by the Comptroller and Treasurer, respectively, of the State of Texas. Said museum is to be a part of the Texas Centennial celebrations and expositions provided for in this Act.

#### Item Number Four.

(1) The sum of Five Hundred Thousand Dollars (\$500,000), or so much thereof as may be necessary, shall be used to conduct a State and National publicity and advertising campaign in behalf of all Texas relative to said Centennial during the period beginning May 1, 1935, and ending December 31, 1936.

#### Item Number Five.

(1) The sum of One Million and Seventy-five Dollars (\$1,075,000), (and such other sums as may be re-allocated to this fund under the terms and provisions of Section 14 of this Act), or so much thereof as may be necessary, shall be used to defray the expenses, or the portion thereof above the amount of local funds contributed, or facilities furnished, of Centennial celebrations and expositions, as that term is hereinafter broadly defined, outside of the County of Dallas and within the State of Texas.

(2) The Commission of Control may expend an appropriate amount of the sum herein allocated in Item Five for the purpose of erecting at some suitable place in Texas to be selected by the said Commission, a memorial to the pioneer womanhood of this State.

Sec. 2. This Act shall be supplemental to the Act passed by the Second Called Session of the Forty-third Legislature, creating a Texas Centennial Commission and cumulative thereof, except that such parts of said creating Act as are in direct conflict with the provisions of this Act are hereby specifically repealed and superseded; provided this Act does not repeal the requirement in the Act of the Second Called Session, Forty-third Legislature, requiring the Texas Centennial Commission to repay to the State of Texas the One

Hundred Thousand Dollars (\$100,000) appropriated in said Act creating said Commission; provided, however, that the Texas Centennial Central Exposition, a corporation, shall legally assume and agree to repay to the State of Texas all of said sum of One Hundred Thousand Dollars (\$100,000), hereinbefore referred to, out of ten per cent of the first gross receipts reported to and received by the said Texas Centennial Central Exposition, a corporation, and for the purpose of said assumption shall enter into a written contract by and between said Texas Central Exposition Corporation and the Commission of Control and the Board of Control of the State of Texas; and the funds appropriated herein for said Central Exposition shall not be available unless and until such contract or legal assumption shall have been made and executed no the part of said corporation, as hereinbefore provided.

Sec. 3. There is hereby created a Commission of Control for Texas Centennial celebrations to be composed of eight members, of which the Lieutenant Governor of the State of Texas shall be a member and chairman; and the Speaker of the House of Representatives shall be a member and vice-chairman; of the remaining six (6) members, the Governor shall appoint two (2), the Lieutenant Governor two (2) and the Speaker of the House of Representatives two (2), (such appointees) shall be confirmed by a two-thirds (2/3) vote of the Senate of Texas present. The duties of the Commission of Control for Texas Centennial celebrations shall be to approved in writing plans for Centennial celebrations herein provided and to approve in writing the allocation of such sums of money as are necessary for the carrying out of their recommendations. Said Commission of Control is authorized to perform all other duties necessary to carry out the provisions and purposes of this Act.

Sec. 4. Centennial celebrations shall be held at such places as said Commission of Control for Texas Centennial celebrations shall determine. The authority to make such determination is hereby delegated to said Commission. Said Commission, in passing upon the application of any locality for a celebration, shall take into consideration whether such

locality has such chance as will justify such celebration, such celebration, locality's accessibility and financial resources and local funds. "celebration" as with reference to the City of Dallas following: the places, markers, memorials, places where historical events occurred; the restoration of old houses, for and other old structures with the history of the embracing within the the placing of monuments to the patriots of Texas; suitable tracts of land for a park or sary for an appropriate and the staging of appropriate places; recognition of the and their historical the progress and provided that in the brations as herein said Commission may accept a contribution from the community, which shall be proportional and proportion allowed by the provided further that contributions in the brations the said take into consideration already expended by the community in preserving spots and facilities for exhibitions and expositions; and ever, that the Commission shall not have the right to compel contributions from the community for the place the construction of buildings, the erection of monuments, or other improvements, but may accept such contributions for such purposes as the community applying for. The Commission may require the contribution of funds for pageants and similar activities.

Sec. 5. (1) The Commission of Control shall be composed of three (3) members, of which the Governor shall be a member and chairman; and the Speaker of the House of Representatives shall be a member and vice-chairman; of the remaining six (6) members, the Governor shall appoint two (2), the Lieutenant Governor two (2) and the Speaker of the House of Representatives two (2), (such appointees) shall be confirmed by a two-thirds (2/3) vote of the Senate of Texas present. The duties of the Commission of Control for Texas Centennial celebrations shall be to approved in writing plans for Centennial celebrations herein provided and to approve in writing the allocation of such sums of money as are necessary for the carrying out of their recommendations. Said Commission of Control is authorized to perform all other duties necessary to carry out the provisions and purposes of this Act.



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Said Commission,  
e application of  
celebration, shall  
on whether such

locality has such historical signifi-  
cance as will justify the holding of  
such celebration, and also such lo-  
cality's accessibility and local facili-  
ties and financial ability to contrib-  
ute local funds. Within the term  
"celebration" as used in this Act  
with reference to all places except  
the City of Dallas, is included the  
following: the placing of suitable  
markers, memorials or buildings at  
places where historic events oc-  
curred; the restoring of all or parts  
of old houses, forts, Indian villages,  
and other old structures connected  
with the history of the territory now  
embraced within the State of Texas;  
the placing of monuments to early  
patriots of Texas; the purchasing of  
suitable tracts of land where neces-  
sary for an approved celebration;  
and the staging of pageants at ap-  
propriate places; expositions in the  
recognition of the basic industries  
and their historical significance in  
the progress and growth of Texas;  
provided that in the matter of cele-  
brations as herein defined above the  
said Commission may require or ac-  
cept a contribution by each local  
community, which may be substan-  
tial and proportionate to the amount  
allowed by the Commission; pro-  
vided further that in requiring such  
contributions in the matter of cele-  
brations the said Commission may  
take into consideration the amounts  
already expended by each local com-  
munity in preserving its historical  
spots and facilities for such celebra-  
tions and expositions; provided, how-  
ever, that the Commission of Con-  
trol shall not have authority to com-  
pel contributions or matching of  
funds for the placing of markers,  
the construction of memorials or  
buildings, the erection of monu-  
ments, or other permanent improve-  
ments, but may accept contributions  
for such purposes from the commu-  
nity applying for such celebration.  
The Commission may within its dis-  
cretion require the matching or con-  
tribution of funds to pay the cost  
of pageants and similar celebrations.

Sec. 5. (1) There is hereby cre-  
ated an Advisory Board of Texas  
Historians to be selected by the Com-  
mission of Control, consisting of  
three (3) members, whose duty it  
shall be to investigate and report  
upon and make recommendations to  
the said Commission of Control as to  
to the authenticity of the claims for  
Centennial celebrations and exposi-  
tions, as that term is hereinbefore

defined, of the various places which  
shall apply to said Commission there-  
for, and as to the relative merits of  
such claims, and as to the kind and  
character of celebration or exposi-  
tion, as that term is hereinbefore  
defined, if any, to which each such  
place so applying should be entitled,  
and as to the advisability of all the  
various expenditures proposed by  
said applicant or contemplated by  
said Commission of Control. In all  
cases the Commission of Control  
shall have final decision and juris-  
diction in the matter of the above  
celebrations and observances and the  
expenditures relative thereto. The  
Advisory Board of Historians shall  
receive and consider every applica-  
tion made for a celebration and must  
seek the advice and cooperation of  
the local Centennial Advisory Board  
of the county from which applica-  
tion is made. It shall be the duty  
of the Advisory Board of Texas His-  
torians after investigation to make a  
written report and recommendation  
upon each application to the Com-  
mission of Control for Centennial  
Celebrations. Duplicate copies of  
these reports shall be filed in the of-  
fice of the Secretary of State and  
shall be open during office hours  
for public inspection. The Advis-  
ory Board of Texas Historians shall  
receive no compensation. The Cen-  
tennial Commission of Control shall  
have authority to remove any mem-  
ber of such Board. The headquar-  
ters of the Advisory Board of Texas  
Historians shall be in Austin, Texas.  
The reasonably necessary expenses  
incurred in the performance of the  
duties of such advisory board shall  
be authorized by the Commission of  
Control, and paid out of the funds  
hereinafter allocated to the Board  
of Control for administrative ex-  
penses.

(2) There is hereby created an  
Advisory Board for Advertising,  
which shall consist of three (3)  
members to be appointed by the  
Commission of Control. The mem-  
bers of said advertising board shall  
be men of experience and training  
in various fields of State and Na-  
tional publicity and advertising. The  
Commission of Control shall have the  
authority to remove any member of  
such board. It shall be the duty of  
said advertising board to formulate  
a program of State and National pub-  
licity and advertising and recom-  
mend in writing the same to the  
Commission of Control, but such







land the title to which the State of Texas. The Centennial Central Exposition has the right to, possession of, use and occupancy of buildings for the duration of the Exposition; provided, that the aforesaid buildings and on which they will be hereby leased by the City of Dallas for a term of twenty (20) years, at the termination of the Exposition, at a rental of (100) Dollars per building, payable annually. During the term of the lease, the said buildings shall be used for the purposes, including Expositions, and shall be maintained or operated for private profit; there shall be no charge imposed upon any person for use of said buildings for and there shall be no charge for entrance into or out of State funds. An adequate amount of insurance covering the said buildings and the reasonable maintenance of said buildings shall be paid by the Texas Centennial Central Exposition, a corporation created by the termination of the Exposition. From and to the cost of such insurance and maintenance shall be paid by the aforesaid lessee, be- Dallas.

In no event shall the money provided be available to the Commission of Centennial Celebrations or the Comptroller of the Public Accounts, a resolution approved by the Texas Centennial Exposition for the centennial at Dallas, and certified at said Central Exposition, and intention to carry out said

amount of money provided by the community by the control for a celebration is herein defined, the expenses incident to the project, and no money or funds for the purpose shall be allocated in addition to the made.

part of any one of

the allocations of said funds as provided in this Act shall at any time be used for the purposes of any other one or more of said funds; provided, however, that any unexpended balance remaining out of any collection made, after the Board of Control has complied with the recommendations of the Commission of Control or any specific expenditure shall be re-allocated to Item Number Five, of Section 1, of this Act, and shall be available for expenditure for the purposes therein named.

Sec. 15. No part of the funds herein appropriated shall be expended for salary or expenses, directly or otherwise, for envoys outside of continental North America; provided no part of the funds under Items Nos. 3 and 5 shall be used for envoys anywhere.

Sec. 16. No person shall receive as salary, commission, or compensation out of said State funds herein appropriated more than Five Thousand (\$5,000) Dollars per year.

Sec. 17. It shall be unlawful for any member of the Texas Centennial Commission, the Commission of Control for Texas Centennial Celebrations, or any member of any advisory board provided for herein to charge, receive, or obtain, directly or indirectly, any fee, commission, retainer, or brokerage, out of any fund or funds hereby appropriated, or by reason of any expenditure of such fund or funds; and no member of the Centennial Commission, the Commission of Control, or any advisory board provided for herein, shall have any interest in any land, materials, concessions, or contracts sold to or made with either the Centennial Commission, the Commission of Control, or the Centennial Commission advisory boards, or any individual or committee represented by any member of said Centennial Commission, Commission of Control, or Advisory Boards. Violation of any of the provisions of this Section shall be a misdemeanor, and, upon conviction, punishment shall be by removal from such Commission, Commission of Control, or advisory board, and by fine of not less than One Hundred (100) Dollars nor more than One Thousand (1,000) Dollars, or by confinement in the county jail for any time not to exceed six (6) months, or by both such fine and imprisonment.

Sec. 18. To provide funds for the administration of this Act, the Board of Control of the State of Texas immediately upon the taking effect of this Act shall cause to be made an audit of the expenditures of the Texas Centennial Commission out of the One Hundred Thousand (100,000) Dollars heretofore appropriated to the Centennial Commission. The unexpended portion of said funds are hereby appropriated to the said Board of Control as an expense fund for the administration of the duties imposed on said Board of Control by this Act; and such funds are hereby made available for the said Board of Control for such purposes. One Hundred (100) Dollars a month is authorized to be paid to each member of the Board of Control from the first day of the calendar month after the effective date of this Act until August 31, 1936, as compensation for the additional duties imposed under this Act. This compensation is to be paid by warrants drawn by the Comptroller of the State of Texas at the end of each month. This limitation as to the date for which this compensation is to be paid shall not be construed as a limitation of the time during which the Board of Control shall perform the duties prescribed under this Act.

Sec. 19. The Commission of Control is hereby authorized to employ such technical advisers, secretaries, and other employees as in their judgment may be found necessary, subject to the provisions of this Act and the other laws of Texas. Funds for the payment of such employees shall be made available by the Board of Control out of the fund for administrative expense above provided for on written request of the Commission of Control. The reasonably necessary expenses of the members of the Commission of Control in performing their duties under this Act are hereby authorized and shall be paid on proper requisition to the Board of Control; provided, however, that in no event shall the Commission of Control request the expenditure of more than Twenty-five Thousand (25,000) Dollars for such purposes.

Section 20. Vacancies arising in the Commission of Control shall be filled by the authority first making the appointment under this Act.



Vacancies on the Advisory Board of Texas Historians and on the Advisory Board for Advertising shall be filled by the Commission of Control.

Sec. 21. Seventy-five (75) per cent of the net receipts received from all sources by the Texas Centennial Central Exposition at Dallas, after paying all debts of said exposition, including the corporation bond issue which shall never exceed Two Million Five Hundred Thousand (2,500,000) Dollars, as is now provided in the corporation's trust indenture, shall be paid into the Treasury of the State of Texas for the benefit of the General Fund; provided, however, out of such net receipts the Texas Centennial Central Exposition shall not be required to pay into the State Treasury more than Three Million (3,000,000) Dollars; said payment into the State Treasury shall be made within six (6) months after the official closing of the Central Exposition at Dallas. By net receipts is meant all profits arising from admissions, concessions, privileges, rentals, leases, and any and all other sources from which any funds may be derived. The said Central Exposition corporation shall keep an accurate record of all receipts received as a result of said Centennial celebration and of all expenditures, and within six (6) months from the official closing of said exposition said corporation shall cause to be furnished and filed with the Treasurer of the State of Texas a certified public audit showing the complete condition of the affairs of said corporation; and said report shall be accompanied by a certified check for an amount equal to seventy-five per cent of the net receipts limited, however, to a total of Three Million (3,000,000) Dollars; and the Board of Control of the State of Texas shall have the authority to have a complete independent audit made of all of the operations and affairs of the Central Exposition corporation.

Sec. 22. The Commission of Control is hereby directed immediately upon the passage of this Act to request the President of the Texas Centennial Commission to call a meeting of the Texas Centennial Commission at such time and place as he may designate. The Commis-

sion of Control is authorized and directed to attend said meeting for the purpose of discussing a program for the Centennial celebrations, and to receive information and records now available from the Centennial Commission. The Commission of Control is further authorized, when in their judgment a meeting with the Texas Centennial Commission would be to the best interest of Centennial celebrations in Texas, to request the President of the Texas Centennial Commission to call such meeting; provided, however, that there shall be at least one such meeting during each four months period until the expiration of this Act. The reasonably necessary expenses of the members of the Texas Centennial Commission in attending these meetings called by the President shall be paid out of the funds provided in Section 2 hereof, and in the manner herein above provided.

Sec. 23. The Commission of Control for Texas Centennial celebrations is hereby authorized and directed immediately after the passage of this Act to make formal application for the participation of the Federal Government in the Texas Centennial celebrations through proper channels and for adequate appropriation or allocation of Federal funds for that purpose. Any funds so received, unless otherwise directed by the Federal Government, shall be under the direction and control of the said Commission of Control to be expended under the provisions of this Act controlling the expenditures of the moneys herein appropriated; provided, however, that at least thirty-five (35) per cent of any such funds shall be added to the fund for local celebrations as set forth in Item Number Five, of Section 1, and expended by the Commission for such purposes. The Board of Regents of the University of Texas is hereby given authority to apply to the Federal Government, or any agency thereof, and to receive from the Government or such agencies, funds to be expended in erecting and completing the Texas Memorial Museum and/or securing material for exhibits to be displayed therein.

Sec. 24. It is understood and expressly provided that should any section, clause, or provision of this Act be hereafter held invalid for

any reason, in any way affecting the validity of this Act.

Sec. 25. The time now remaining for the holding of a celebration on with the gl State, the p and the prog creates an em tive public n tutional Ru read on thre House, and requiring bill into force n ment of the and said rule and this Act in force from and it is so

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Senator Sa on account of motion of Sen Zandt was e important b Senator Sulak

Bills and

The Chair, M. Regan, g and did sign, Senate, after read, the foll tions:

H. B. No. S. B. No. S. B. No. H. B. No. S. B. No.

Messages

The Chair keeper, who in from the Hou messages:

Hall of the Ho Austin, Tex Hon. Ken. M. the Senate. Sir: I am c to inform the has adopted th port on S. B. 105 ayes and 1 The House ference Commi



is authorized and did said meeting for discussing a program of celebrations, and information and records from the Centennial Commission of the Commission of the Centennial Commission authorized, when a meeting with the Centennial Commission the best interest of the State, to the Commission of the Texas Commission to call such a meeting, however, that at least one such meeting within four months period of this Act. The expenses of the Texas Centennial Commission these meetings shall be provided in the manner provided.

Commission of Centennial celebration authorized and did after the passage of the formal application of the Texas Commission through for adequate appropriation of Federal money. Any funds otherwise directed to the Commission, shall be under the control of the Commission of the provisions of the expenditures appropriated; that at least one percent of any such funds be set forth in Item 1, and the Commission for such of Regents of Texas is hereby directed to the Federal any agency receive from the agencies, funds and the Centennial Museum material for exhibition therein.

stood and explained should any provision of this Act be invalid for

any reason, such invalidity shall not in any way affect any other provision of this Act.

Sec. 25. The fact that a very brief time now remains to prepare for the holding of a Texas Centennial celebration on a scale commensurate with the glorious history of our State, the patriotism of our people, and the progress of the past century, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, and the Constitutional Rule requiring bills to take effect and go into force ninety days after adjournment of the session, be suspended, and said rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Senators Excused.

Senator Sanderford was excused on account of important business, on motion of Senator Pace, Senator Van Zandt was excused on account of important business, on motion of Senator Sulak.

#### Bills and Resolutions Signed.

The Chair, President Pro Tem K. M. Regan, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 388.	S. B. No. 324.
S. B. No. 457.	S. B. No. 26.
S. B. No. 366.	S. B. No. 135.
H. B. No. 444.	S. C. R. No. 35.
S. B. No. 46.	S. C. R. No. 37.

#### Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives, Austin, Texas, April 17, 1935.  
Hon. Ken M. Regan, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Report on S. B. No. 361, by a vote of 105 ayes and 11 noes.

The House has adopted the Conference Committee Report on House

Bill No. 424, by a vote of 114 ayes, 3 noes.

The House has passed the following bills:

S. B. No. 26, A bill to be entitled "An Act to amend Articles 1847 and 1848, Chapter 3, Title 39 of the Revised Statutes of 1925, as amended by Chapter 64, page 98, of the Acts of the Regular Session of the Forty-second Legislature, so as to provide for the filing of records in the order received in the Court of Civil Appeals, and for setting of cases for submission in said court and for notice thereof to the parties of the receipt of the record and instruments by the clerk and the date set for submission, and so as to provide for time for filing briefs in the Court of Civil Appeals, and authorizing the granting of further time for filing briefs in said Court, and for extension of time for submission of cases in said Court, and repealing Article 2283 of the Revised Statutes of 1925, and repealing all laws in conflict with this Act; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, April 17, 1935.

Hon. Ken M. Regan, President Pro tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution: H. C. R. No. 83, suspending Joint Rules 23, 24 and 32 to allow the consideration and final disposition of House Bills Nos. 89, 736, 743, 749, 755, and 785.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, April 17, 1935.

Hon. Ken M. Regan, President Pro tempore 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. 19, A bill to be entitled "An Act requiring the filing of all leases, assignment of leases or releases of oil or gas under any school or asylum land in which the State has a reservation of minerals in the General Land Office of Texas within







a body or tract of land for cemetery purposes or for any of the purposes expressed in said Title 26, and had, prior to said March 15, 1934, entered into written obligations or contracts to use said land for such purpose contemplated by said Title 26 for cemetery purposes or having executed and/or sold, prior to said date, stock subscriptions or other instruments in writing evidencing such intention to use said land or lands for cemetery purposes, etc., and declaring an emergency."

H. B. No. 828, A bill to be entitled "An act amending Article 7257 of the Revised Civil Statutes of 1925, providing additional duties of the tax assessor and collector, requiring an entry upon the tax rolls when payment of taxes have been made; providing for a seal for this office, and prescribing that such entry shall be taken as evidence of the payment of said tax; and declaring an emergency."

H. B. No. 847, A bill to be entitled "An Act prohibiting the transportation by any one person at any one time of more than one hundred twenty-five (125) minnows taken from the waters of Falls County, Texas, beyond the borders of such county; providing a penalty; and declaring an emergency."

H. B. No. 862, A bill to be entitled "An Act making it an offense for any person to forge the name of any agent, officer or employee of the Railroad Commission of Texas to a permit or tender of the Railroad Commission of Texas relating to crude petroleum oil or natural gas or any product or by-product of either; making it an offense for any person to forge the name of any other person to such a tender or permit; making it an offense for any person to knowingly use such a forged instrument to induce another to handle or transport any crude petroleum oil or natural gas or any product or by-product of either; etc., and declaring an emergency."

H. B. No. 866, A bill to be entitled "An Act to amend Article 1302, Revised Civil Statutes of Texas, 1925, by adding a new section, to be known as 95-b, to provide for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of cleaning, pressing and dyeing cloth-

ing and other materials, and declaring an emergency."

H. B. No. 867, A bill to be entitled "An Act creating a conservation and reclamation district, to be known as 'Lower Rio Grande Flood Control District,' pursuant to and for the purposes set forth in Section 59, of Article XVI of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage its property, or levy taxes or assessments, or to pledge the credit of the State; etc., and declaring an emergency."

H. B. No. 883, A bill to be entitled "An Act amending Article 965, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 912, A bill to be entitled "An Act prohibiting taking, killing, or possessing wild foxes for the purpose of barter or sale, providing a penalty for the violation thereof, in certain counties, and declaring an emergency."

H. B. No. 915, A bill to be entitled "An Act to prohibit the use of a seine or net for taking fish in Montgomery County except a seine or net of not less than three-inch square mesh during certain months; excepting a minnow seine from provisions of this Act; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 928, A Bill to be entitled "An Act to exempt banking institutions from furnishing security for any deposits to the extent such deposits are insured under Section 12-b of the Federal Reserve Act, as amended, and declaring an emergency."

H. B. No. 936, A bill to be entitled "An Act making it unlawful to take squirrels in Washington County at any time other than during the months of May, June, July, October, November, and December, or to take more than ten squirrels in one day or to possess more than twenty squirrels at one time; providing a penalty; repealing all laws in conflict with this Act, and declaring an emergency."

The House has concurred in Senate Amendments to H. B. No. 521, by a vote of 122 yeas and 1 nay.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.



Hall of the House of Representatives,  
Austin, Texas, April 17, 1935.

Hon. K. M. Regan, President Pro  
Tem of the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bill:

S. B. No. 146, A bill to be entitled  
"An Act to create the Department of  
Public Safety of the State of Texas;  
and the Public Safety Commission;  
providing for the appointment of  
members of the Public Safety Com-  
mission, and for the organization of  
the Commission and of the Depart-  
ment; providing for the transfer of  
the Texas Ranger Force from the  
Adjutant General's Department to  
the Department of Public Safety;  
providing for the transfer of the  
State Highway Motor Patrol of Texas  
from the State Highway Department  
to the Department of Public Safety;  
creating divisions and bureaus with-  
in the said Department; defining the  
powers, duties and functions of the  
Commission and the Department,  
and its various divisions and bu-  
reaus and coordinating them; pro-  
viding for the cooperation of the  
State-owned education institutions,  
and all State officers and depart-  
ments, and all county and munici-  
pal law enforcement officers and  
agencies with the department; pro-  
viding personnel, buildings, equip-  
ment, and appropriations for the de-  
partment; fixing the terms of office,  
methods of appointment, promotion,  
reduction, suspension and discharge  
of the officers and employees of the  
department; providing for the trans-  
fer of pending business; providing  
for the Governor of the State of  
Texas to command the department in  
times of public emergency; providing  
for the issuance of commissions to  
all law enforcement members of the  
department; repealing all laws and  
parts of laws in conflict herewith,  
and appropriating moneys to put this  
Act into force and effect; declaring  
the rule that the remainder of the  
Act shall not be affected by the un-  
constitutionality or invalidity of any  
part thereof; and for other purposes;  
and declaring an emergency."  
(With amendments.)

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills and Resolutions Referred.

H. B. No. 19 was referred to the  
Committee on Public Lands and

Land Office.

H. B. No. 68 was referred to the  
Committee on Towns and City Cor-  
porations.

H. B. No. 70 was referred to the  
Committee on State Affairs.

H. B. No. 158 was referred to the  
Committee on Educational Affairs.

H. B. No. 377 was referred to the  
Committee on Game and Fish.

H. B. No. 580 was referred to the  
Committee on Educational Affairs.

H. B. No. 600 was referred to the  
Committee on Game and Fish.

H. B. No. 603 was referred to the  
Committee on Public Lands and  
Land Office.

H. B. No. 807 was referred to the  
Committee on Educational Affairs.

H. B. No. 820 was referred to the  
Committee on State Affairs.

H. B. No. 828 was referred to the  
Committee on State Affairs.

H. B. No. 847 was referred to the  
Committee on Game and Fish.

H. B. No. 862 was referred to the  
Committee on State Affairs.

H. B. No. 866 was referred to the  
Committee on State Affairs.

H. B. No. 867 was referred to the  
Committee on Mining, Irrigation and  
Drainage.

H. B. No. 883 was referred to the  
Committee on Towns and City Cor-  
porations.

H. B. No. 912 was referred to the  
Committee on Game and Fish.

H. B. No. 915 was referred to the  
Committee on Game and Fish.

H. B. No. 928 was referred to the  
Committee on Banking.

H. B. No. 936 was referred to the  
Committee on Game and Fish.

Austin, Texas, April 17, 1935.  
To the Senate:

Whereas, It now appears that I,  
K. M. Regan, as President Pro Tem-  
pore of the Senate, may have the  
high honor and distinction of serv-  
ing briefly as Acting Governor dur-  
ing the temporary absence from the  
State of both the Governor and Lieu-  
tenant Governor and shall necessari-  
ly be absent from the Senate during  
that short period; and,

Whereas, It becomes my duty to  
designate a member of this Senate  
to perform the duties of the Presi-  
dent Pro Tempore of the Senate dur-  
ing my absence; now,

Therefore, And in view of the fact  
that the Honorable Frank H. Rawl-  
ings has been occupying the Chair  
during the greater part of the past  
two days, I hereby nominate and ap-  
point the Honorable Frank H. Rawl-

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By Senat  
S. B. No.  
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ings to act in my place and stead as President Pro Tempore of the Senate during the brief period of absence from the State of the Lieutenant Governor.

Respectfully,

K. M. REGAN,

President Pro Tempore of the Senate.

#### House Bill No. 779.

Senator Shivers moved that the Senate grant the request of the House that H. B. No. 779 be recommitted to the same Conference Committee for further consideration.

The motion prevailed by viva voce vote.

#### Motion to Suspend Rule.

Senator Neal received unanimous consent to suspend the regular order and moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

#### Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

#### Nays—3.

Collie.	Poage.
Holbrook.	

#### Absent—Excused.

Fellbaum.	Van Zandt.
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#### Senate Bill No. 507.

By Senator Neal (by request):

S. B. No. 507, A bill to be entitled "An Act to provide for the creation of the

Judicial District of Texas, and the office of judge and court reporter thereof, to be composed of the counties of Cameron and Willacy and to be called the General District Court of Cameron and Willacy Counties; defining its jurisdiction, giving it all original and appellate jurisdiction conferred upon district

courts of general jurisdiction in this State, original concurrent jurisdiction with the justice courts and county courts of said counties and with the County court of Cameron County at Law, and appellate jurisdiction with the county courts of said two counties and with the County Court of Cameron County at Law, etc., and declaring an emergency."

Read and referred to the Committee on Judicial Districts.

#### House Bill No. 685.

Senator Regan asked unanimous consent to suspend the regular order and take up H. B. No. 685.

The Chair laid before the Senate on second reading:

H. B. No. 685, A bill to be entitled "An Act providing for the extension of the 'Rio Grande Compact,' and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 685 was put on its third reading and final passage by the following vote:

#### Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

#### Absent—Excused.

Fellbaum.	Van Zandt.
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Read third time and finally passed by the following vote:

#### Yeas—26.

Beck.	Davis.
Blackert.	Duggan.
Burns.	Hill.
Collie.	Hopkins.
Cotten.	Hornsby.



Martin.	Regan.
Moore.	Sanderford.
Neal.	Shivers.
Oneal.	Small.
Pace.	Stone.
Poage.	Sulak.
Rawlings.	Westerfeld.
Redditt.	Woodruff.

Nays—2.

DeBerry. Holbrook.

Absent—Excused.

Fellbaum. Van Zandt.

**House Bill No. 304.**

Senator Holbrook received unanimous consent to suspend the regular order of business and take up H. B. No. 304.

The Chair laid before the Senate on second reading:

By Mr. Roane:

H. B. No. 304, A bill to be entitled "An Act relating to marks and brands of livestock in Fort Bend County only, requiring that each owner of any livestock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of 1925, shall, within six months after this Act takes effect, have his mark and brand for such stock recorded at the office of the county clerk of said county, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 304 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Van Zandt.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Van Zandt.

**House Bill No. 697.**

Senator Shivers received unanimous consent to suspend the regular order and take up H. B. No. 697.

The Chair laid before the Senate:

H. B. No. 697, A bill to be entitled "An Act authorizing B. H. Willis of Jefferson County, Texas, to institute and maintain a suit against the State of Texas, in the District Court of Liberty County, Texas, and in said suit to recover the value of lands owned by him and appropriated by the State of Texas as a right-of-way for State Highway No. 3, etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Shivers, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 697 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Holbrook.
Blackert.	Hopkins.
Burns.	Hornsby.
Collie.	Martin.
Cotten.	Moore.
Davis.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Hill.	Poage.

Rawlings.  
Redditt.  
Regan.  
Sanderford.  
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Rawlings.	Small.
Redditt.	Stone.
Regan.	Sulak.
Sanderford.	Westerfeld.
Shivers.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Nays—2.

DeBerry.	Poage.
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Absent—Excused.

Fellbaum.	Van Zandt.
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**H. C. R. No. 77.**

Senator Redditt received unanimous consent to suspend the regular order of business and take up:

H. C. R. No. 77, Authorizing the Live Stock Sanitary Commission to use any moneys remaining in the appropriation made by S. B. No. 10, Chapter 35, Acts of the Second Called Session of the Forty-first Legislature, for the purpose of tick eradication.

H. C. R. No. 77 was adopted by viva voce vote.

**H. C. R. No. 51.**

Senator Moore received unanimous consent to suspend the regular order of business and take up:

H. C. R. No. 51, A concurrent resolution "Granting H. B. McElmurray and Mrs. H. B. McElmurray permission to sue the State of Texas."

H. C. R. No. 51 was adopted by viva voce vote.

**House Bill No. 831.**

Senator Pace received unanimous consent to take up out of regular order H. B. No. 831.

The Chair laid before the Senate on second reading:

By Mr. Cooper:

H. B. No. 831, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain municipal school districts pursuant to an election to be held for that purpose; defining the term 'municipal school district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 831 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Martin.
Davis.	Moore.
DeBerry.	Neal.
Duggan.	Oneal.



Pace.	Shivers.
Poage.	Small.
Rawlings.	Stone.
Redditt.	Sulak.
Regan.	Westerfeld.
Sanderford.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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#### Motion to Suspend Rule.

Senator DeBerry received unanimous consent to suspend the regular order of business and moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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#### Senate Bill No. 508.

By Senator DeBerry.

S. B. No. 508, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes relating to the sales of real estate under deeds of trust; requiring notice of such sales to be sent by registered mail to all persons having liens of record against the land to be foreclosed and providing that an affidavit made by the party sending a notice by mail shall be subject to registration and when recorded shall be prima facie evidence that the notice was sent, and declaring an emergency."

Read and referred to the Committee on State Affairs.

#### House Bill No. 589.

Senator Oneal received unanimous consent to suspend the regular or-

der of business and take up H. B. No. 589.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Harris:

H. B. No. 589, A bill to be entitled "An Act to validate the purchase, pursuant to legislative enactment, of the property of any debtor or debtors at any sale under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, heretofore made by any county in this State whose population did not exceed 15,000, according to the last United States census, and which had a claim or claims for money against any such person, partnership, corporation, joint stock, or other association, amounting to at least fifty per cent of all the claims against such debtor and where the commissioners court of any such county has deemed it necessary or advisable to so purchase said property to protect the interests of such county, etc., and declaring an emergency."

On motion of Senator Oneal, the rule requiring bills to be printed and lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 589 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.	Van Zandt.
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Read third time and finally passed by the following vote:

Beck.  
Blackert.  
Burns.  
Collie.  
Cotten.  
Davis.  
DeBerry.  
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