FIFTEENTH DAY

(Continued)

(Tuesday, October 27, 1936.)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Stevenson.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Patterson offered the following resolution:

H. C. R. No. 27, To grant E. V. Martin and T. Q. Martin permission to sue the State.

Whereas, During the years of 1932 and 1933, E. V. Martin and T. Q. Martin, acting under the firm name of Martin Brothers, General Contractors, operating under contract with the Texas State Highway Department, constructed a portion of Highway Number 146, S. P. 955-A, in Liberty County, Texas; and

Whereas, After the final construction of said highway, or portion thereof contracted to be constructed by Martin Brothers, and acceptance thereof by the State Highway Department, there existed a difference in the estimates of the work performed by said Martin Brothers between the State Highway Department and said Martin Brothers, of Ten Thousand Five Hundred and Twenty-five Dollars and Ninety-four Cents ($10,525.94); and

Whereas, The State Highway Department refused and still refuses to pay said Martin Brothers the said sum of Ten Thousand Five Hundred and Twenty-five Dollars and Ninety-four cents ($10,525.94), and the said Martin Brothers claim that the State of Texas is due them said sum of Ten Thousand Five Hundred and Twenty-five Dollars and Ninety-four Cents ($10,525.94), notwithstanding the contention of the engineers of the State Highway Department and the State Highway Commission, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That permission be given to said Martin Brothers to sue the State of Texas in a Court of competent jurisdiction in Travis County, Texas, upon said claim above described.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

TO SUSPEND CERTAIN JOINT RULES

Mr. Keefe offered the following resolution:

H. C. R. No. No. 29, To suspend certain Joint Rules for the purpose of considering House Bill No. 88.

Whereas, There now exists an emergency in Anderson County of such great magnitude that the political destinies of many men in public office are now at stake; and

Whereas, This emergency is of such importance to the people of Frankston who give a Thanksgiving 'Possum Dinner that they humbly petition through their representative, the passage of a law that will permit the hunting of 'possum during the month of November; and

Whereas, In order to extend an invitation to Senators and Representatives and other men and women in high public office it is necessary to take legislative action; and, now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Joint Rules Numbers 11, 22, 23, 24 and 32 be suspended so far as they affect House Bill No. 88, so that at an opportune time during the day House Bill No. 88 may be considered and passed.

The resolution was read second time, and was adopted.

PROVIDING FOR CERTAIN PLAQUE OF MEMBERS OF THE FORTY-FOURTH LEGISLATURE

Mr. Fuchs offered the following resolution:

H. C. R. No. 28, Providing for certain plaque of Members of the Forty-fourth Legislature.

Whereas, The Forty-fourth Legisture of Texas, passed what is known as the Texas Centennial Bill making possible the exposition commemorating the One Hundredth Anniversary of Texas Independence, and thereby became known as the Centennial Legislature; and

Whereas, The Hall of State has been erected on the exposition grounds as a permanent monument to Texas Independence, but contains

no memorial to the Forty-fourth Legislature; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Board of Control be authorized and directed to place in said Hall of State a plaque plate with the names of the membership of the Senate and House of Representatives of the Forty-fourth Legislature engraved thereon, and to pay the cost thereof out of any funds that have heretofore been made available for defraying expenses of the Texas Centennial Exposition.

The resolution was read second time, and was adopted.

HOUSE CONCURRENT RESOLUTION NO. 24 WITH SENATE AMENDMENTS

Mr. McKinney called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 24, To authorize the use of certain appropriation heretofore made.

The Speaker laid the resolution before the House, with the Senate amendments.

On motion of Mr. McKinney, the House concurred in the Senate amendments.

TO PROVIDE FOR CERTAIN COMMITTEE TO STUDY STATE GOVERNMENT

Mr. Smith offered the following resolution:

Whereas, Systematic study and planning for the Departments of Government would result in the saving of thousands of dollars for the State of Texas and greatly increase the efficiency of its departments; and

Whereas, There are in the Legislature capable students of government patriotically motivated, who are willing to undertake a study of its problems to the end of making recommendations to the next Legislature toward increasing the efficiency of the government and its departments; and

Whereas, It is to the advantage of the State that a study of its Government Departments be made for the purpose of planning for the future; therefore, be it

Resolved, That the Speaker of the House be empowered to appoint a committee of three with the power to use all prudent and necessary process to study operation of state government for the purpose of making recommendations tending to increase the economy and efficiency thereof, said committee to be composed of members willing to serve at no cost whatsoever to the State, and to report their findings and recommendations to the next Legislature.

The resolution was read second time.

Mr. Fox raised a point of order, on further consideration of the resolution by Mr. Smith, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

GRANTING J. E. THOMSON PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, S. C. R. No. 10, Granting J. E. Thomson permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING E. V. MARTIN AND T. Q. MARTIN PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, H. C. R. No. 27, Granting E. V. Martin and T. Q. Martin permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, October 27, 1936.

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

Sir. I am directed by the Senate to inform the House that the President Pro Tempore of the Senate sus-

tained the point of order, that House Bill No. 65 did not come within the Governor's call.

Adopted S. C. R. No. 20, Instructing Enrolling Clerk of the House to make certain correction in House Bill No. 76.

Adopted Conference Committee Report on Senate Bill No. 3, by the following vote: Yeas 24, nays 3.

Respectfully,
BOB BARKER,
Secretary of the Senate.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 76

The Speaker laid before the House for consideration at this time, the following resolution:

S. C. R. No. 20, Authorizing certain correction in House Bill No. 76.

Whereas, House Bill No. 76 has passed the House and Senate; and

Whereas, Said bill contains a typographical error; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the House be instructed to make the following correction: At the beginning of line 4, Section 1, before the words, "Non compos mentis", insert the word, "persons".

The resolution was read second time, and was adopted.

BILLS ORDERED NOT PRINTED

On motion of Mr. Worley, House Bill No. 87 was ordered not printed.

On motion of Mr. Keefe, House Bill No. 88 was ordered not printed.

EXTENDING INVITATION TO MEMBERS OF THE HOUSE

Mr. Hartzog, having been recognized by the Speaker, extended an invitation to the Members of the House to attend the Centennial Celebration to be held in Victoria on Wednesday, October 28.

MESSAGE FROM THE SENATE

Austin, Texas, October 27, 1936.

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

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

H. C. R. No. 29, Suspending Joint Rules Nos. 11, 22, 23, 24 and 32 until the final passage of H. B. No. 88.

Respectfully,
BOB BARKER,
Secretary of the Senate.

TO SUSPEND CERTAIN JOINT RULES

Mr. Worley offered the following resolution:

H. C. R. No. 31, To suspend certain Joint Rules to consider House Bill No. 87.

Whereas, House Bill No. 87 is now on the Speaker's stand and ready for second reading; and

Whereas, House Bill No. 87 is very important to validate school districts; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Joint Rules 11, 22, 23 and 32 be, and the same are, suspended in so far as they affect House Bill No. 87, so that House Bill No. 87 may be considered until the final disposition thereof.

The resolution was read second time, and was adopted.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 20, "An Act validating all proceedings heretofore had by the governing bodies of all counties, cities and towns in connection with the issuance of bonds for any purpose, including election orders, notices of election, returns of election, orders canvassing election returns, and bonds issued pursuant thereto, including among others instances wherein there have been irregularities in the calling of elections and in the giving of notice of elections; providing that when approved by the Attorney General and registered in the office of the Comptroller of Public Accounts and delivered to the purchasers thereof said bonds shall constitute valid and binding obligations, validating tax levies made to support said bonds, providing that the provisions of this Act shall not apply in instances wherein the validity of such proceedings or obligations is being litigated at the time this Act becomes effective, and declaring an emergency."

H. B. No. 76, "An Act to diminish the civil and criminal jurisdiction of the County Court of Red River County, Texas, and conform the jurisdiction of the District Court of such County to such change; repealing all laws in conflict, and declaring an emergency."

HOUSE BILL NO. 88 ON SECOND READING

Mr. Keefe moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 88 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Adkins
Aikin
Alexander
Alsup
Ash
Atchison
Bradbury
Bridgers
Burton
Butler of Karnes
Cagle
Canon
Cowley
Craddock
Crossley
Daniel
Davis
Davison of Fisher
Dickison
Dunagan
Dunlap of Hays
Dwyer
England
Fain
Farmer
Fisher
Ford
Fox
Fuchs
Glass
Graves
Greathouse
Hankamer
Hanna
Hardin
Harris of Archer
Harris of Dallas
Hartzog
Herzik
Hill
Hodges
Hofheinz
Holland
Hoskins
Howard
Huddleston
Jackson
James
Jones of Atascosa
Jones of Falls
Jones of Shelby
Jones of Wise
Keefe
King
Lanning
Latham
Leath
Lotief
Lucas
Luker
Mauritz
McCalla
McConnell
McFarland
McKee
McKinney
Moffett
Moore
Morris
Newton
Nicholson
Olsen
Palmer
Patterson
Payne
Petsch
Pope
Quinn
Reader
Reed of Bowie
Reed of Dallas
Roach of Angelina
Roach of Hunt
Roane
Roark
Roberts
Rogers
Rutta
Settle
Smith
Stanfield
Stinson
Stovall
Tennyson
Thornton
Tillery
Venable
Waggoner
Walker
Westfall
Wood of Harrison
Wood of Montague
Worley
Young
Youngblood

Nays—2

Lindsey
Sessions

Absent

Adamson
Bergman
Bradford
Broadfoot
Butler of Brazos
Caldwell
Calvert
Celaya
Collins
Colquitt
Colson
Cooper
Davisson of Eastland
Dunlap of Kleberg
Duvall
Frazer
Gibson
Good
Gray
Harper
Head
Hunt
Hunter
Hyder
Jefferson
Knetsch
Lange
Lemens
Leonard
Morrison
Morse
Riddle
Russell
Scarborough
Spears
Steward
Tarwater
Wells

Absent-Excused

Bourne
Broyles
Padgett
Shofner

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 88, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in Anderson County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

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

HOUSE BILL NO. 88 ON THIRD READING

The Speaker then laid House Bill No. 88 before the House on its third reading and final passage.

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

Yeas—116

Adamson	Jones of Shelby
Adkins	Jones of Wise
Aikin	Keefe
Alexander	King
Alsup	Knetsch
Ash	Lanning
Atchison	Latham
Bradbury	Leath
Bridgers	Lemens
Burton	Lotief
Butler of Brazos	Lucas
Butler of Karnes	Luker
Cagle	Mauritz
Calvert	McCalla
Canon	McConnell
Colquitt	McFarland
Cowley	McKee
Craddock	McKinney
Crossley	Moffett
Daniel	Moore
Davis	Morrison
Davison of Fisher	Morse
Dickison	Newton
Dunagan	Nicholson
Dunlap of Hays	Olsen
Dunlap of Kleberg	Palmer
Dwyer	Patterson
England	Payne
Fain	Petsch
Farmer	Pope
Fisher	Quinn
Ford	Reader
Fox	Reed of Bowie
Fuchs	Reed of Dallas
Glass	Roach of Angelina
Graves	Roach of Hunt
Gray	Roane
Hankamer	Roark
Hanna	Roberts
Hardin	Rogers
Harris of Archer	Rutta
Harris of Dallas	Settle
Hartzog	Smith
Herzik	Stanfield
Hill	Steward
Hodges	Stinson
Hofheinz	Stovall
Holland	Tennyson
Hoskins	Thornton
Howard	Tillery
Huddleston	Venable
Hunt	Waggoner
Hunter	Westfall
Hyder	Wood of Harrison
Jackson	Wood of Montague
James	Worley
Jones of Atascosa	Young
Jones of Falls	Youngblood

Nays—2

Lindsey	Sessions

Present—Not Voting

Broadfoot

Absent

Bergman	Harper
Bradford	Head
Caldwell	Jefferson
Celaya	Lange
Collins	Leonard
Colson	Morris
Cooper	Riddle
Davisson of Eastland	Russell
	Scarborough
Duvall	Spears
Frazer	Tarwater
Gibson	Walker
Good	Wells
Greathouse	

Absent-Excused

Bourne	Padgett
Broyles	Shofner

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 3

Mr. Wood of Harrison submitted the following Conference Committee Report on Senate Bill No. 3:

Committee Room,
Austin, Texas, October 26, 1936.

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

Hon. Coke Stevenson, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on Senate Bill No. 3,

Have had the same under consideration, and beg to report back with the recommendation that it do pass in the form attached hereto.

Respectfully submitted,

HILL,
COTTEN,
ISBELL,
SHIVERS,
On the part of the Senate.

WOOD of Harrison,
HARPER,
GRAVES,
LEATH,
On the part of the House.

"S. B. No. 3

A BILL

To Be Entitled

An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State not in excess of the limit now provided by law, which are voidable and unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory Board of Equalization; and which are insufficient and voidable, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the Boards of Equalization acting for any such school districts, which are irregular or insufficient because the reports of such equalization were adopted and accepted orally, or by other informal action; and the acts of making such equalization were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective, or those filed within ninety (90) days after effective date hereof; and providing further that this Act shall not validate any valuation placed upon property by any Board of Equalization or any Tax Assessor where such property has been valued in excess of its reasonable cash market value, or apply to districts situated wholly or partly in counties having a population of one hundred fifty thousand (150,000) or more according to the last preceding Federal Census, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character, or at a greater percentage of its value than other property assessed for taxation, and declaring an emergency."

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

Section 1. That all levies and assessments of ad valorem taxes heretofore made by the governing body of any independent school district in this State, not in excess of the limit now provided by law, which are voidable or unenforceable because such levies were made and adopted by resolution, motion or other informal action, instead of having been made by order, as required by the Statutes of this State; and all assessments of taxes or assessments of property within the limits of any independent school district in this State, subject to taxation under the laws of this State, for taxation under such resolution, motion or other informal action, which are insufficient because of the failure of such governing body to appoint the proper and statutory Board of Equalization, as required by law, and which are insufficient, and voidable, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of the assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the Board of Equalization acting for any such independent school districts, which are irregular or insufficient (because the reports of such equalization were adopted and accepted) orally, or by other informal action; and the acts of making such equalization were made orally or informally or in incomplete form, are each and all hereby validated, ratified, approved, confirmed, and declared enforceable, the same as though such levies and assessments of taxes had been made and adopted originally by the proper order, motion or resolution, duly passed, entered of record and signed by the proper officials of such governing body, and the same as though such assessments of property within such independent school districts for taxation purposes had been made in due and complete form, and the same as though said equalizations and the reports of each of the Boards of Equalization acting for said independent school districts had been made in due and regular form, and adopted and accepted in due and regular form. Provided further, however, the terms of this Act shall not apply to such districts situated wholly or partly within counties having a population of one hundred thousand (100,000) or more according to the last preceding Federal Census. Pro-

vided further, however, that this Act shall not validate any valuation placed upon property by any Board of Equalization or any Tax Assessor where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character, or at a greater percentage of its value than other property assessed for taxation. Provided, however, that this Act shall not affect any suit now pending in any Court of this State, or that may be filed in ninety (90) days after the effective date hereof and shall not validate any levy, assessment or valuation made or placed on any property where any suit as aforementioned shall be or shall have been filed within the time aforementioned.

Section 2. The fact that some independent school districts in this State affected by this Act, have inadvertently and erroneously failed to comply strictly with the laws of this State, in assessing and levying ad valorem taxes for such districts for prior years, and are now unable to enforce the collection of the taxes for such years, create an imperative public necessity and an emergency, requiring the suspension of the Constitunal Rule requiring bills to be read on three several days in each House, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Wood of Harrison, the report was adopted by the following vote:

Yeas—100

Adamson	Crossley
Adkins	Daniel
Aikin	Davis
Alexander	Davison of Fisher
Alsup	Dickison
Ash	Dunagan
Atchison	Dunlap of Hays
Bradbury	Dwyer
Bridgers	Fain
Broadfoot	Fisher
Butler of Brazos	Ford
Butler of Karnes	Fuchs
Cagle	Glass
Canon	Graves
Colquitt	Gray
Colson	Greathouse
Cowley	Hanna
Craddock	Harris of Dallas
Hartzog	Morrison
Hill	Newton
Hodges	Olsen
Hofheinz	Palmer
Hoskins	Patterson
Howard	Payne
Huddleston	Quinn
Hunt	Reader
Hunter	Reed of Bowie
Hyder	Reed of Dallas
Jackson	Roach of Angelina
James	Roach of Hunt
Jones of Falls	Roane
Jones of Shelby	Roberts
Jones of Wise	Rutta
Keefe	Sessions
King	Settle
Knetsch	Smith
Lanning	Stanfield
Latham	Steward
Leath	Tennyson
Lemens	Thornton
Lotief	Tillery
Lucas	Venable
Luker	Waggoner
Mauritz	Wells
McCalla	Westfall
McFarland	Wood of Harrison
McKee	Wood of Montague
McKinney	Worley
Moffett	Young
Morris	Youngblood

Nays—8

Burton	Pope
Farmer	Rogers
Jones of Atascosa	Stinson
Lindsey	Stovall

Present—Not Voting

McConnell

Absent

Bergman	Harris of Archer
Bradford	Head
Caldwell	Herzik
Calvert	Holland
Celaya	Jefferson
Collins	Lange
Cooper	Leonard
Davisson of Eastland	Moore
	Morse
Dunlap of Kleberg	Nicholson
Duvall	Petsch
England	Riddle
Fox	Roark
Frazer	Russell
Gibson	Scarborough
Good	Spears
Hankamer	Tarwater
Hardin	Walker
Harper	

Absent-Excused

Bourne	Padgett
Broyles	Shofner

EXTENDING INVITATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Mr. Speaker, Members of the House of Representatives, and Friends,

We take this opportunity to invite each of you to visit the Brazos Valley Livestock and Agricultural Free Fair to be held in Waco, McLennan County, Texas, from October 29 to November 8, inclusive.

This Fair is being held at the Cotton Palace Fair Grounds, and there will be no gate admission.

There will be a wide variety of diversions, something interesting for all attending.

JONES of Falls,
CAGLE,
FORD.

Tribute to
Honorable Helen Moore

Mr. Hyder offered the following resolution:

Whereas, At the close of the Forty-fourth Legislature our distinguished fellow Member, Mrs. Helen Moore, is retiring from the public service; and

Whereas, This outstanding woman has served in the House of Representatives of the State of Texas with distinction and honor for six years, momentous in the history of our State; and

Whereas, Mrs. Moore was elected to the Forty-first Legislature, and by her re-election to the Forty-second Legislature, became the first woman to succeed herself as a Member of the Legislature of Texas, and was re-elected for a third term to the Forty-fourth Legislature; and

Whereas, Throughout her six years' of legislative service Mrs. Moore has performed her duties in a manner that has established her among her fellow Members, as well as in the minds of the citizenship of Texas, as an able, honest, honorable, Christian woman; and

Whereas, The Forty-fifth Legislature will not have among its membership a woman Representative; and

Whereas, By her retirement Mrs. Moore is closing a career, which has contributed invaluable service to the Eleemosynary Institutions of this State and to the underprivileged of our citizenship generally, which service has not only reflected credit on the Legislature of the State of Texas, but has established Mrs. Moore as a pioneer in the humanitarian history of our State; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the Members of this House express their deepest appreciation to this distinguished woman for her long career and unselfish service to our State; and, be it further

Resolved, That we express to her that we regret her retirement from the legislative service and wish for her always the good fortune and success deserved by this noble representative of the womanhood of the State of Texas; and, be it further

Resolved, That the Chief Clerk be instructed to forward a copy of this resolution to Mrs. Moore.

HYDER,
JONES of Wise,
THORNTON,
SETTLE.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Bergman, Bourne, Bradbury, Bradford, Bridgers, Broadfoot, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harper, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Jackson, James, Jefferson, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young and Youngblood.

On motion of Mr. Roark, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

MESSAGE FROM THE SENATE

Austin, Texas, October 27, 1936.

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

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

H. C. R. No. 28, Authorizing the Board of Control to place in the Hall of State a plaque with the names of the membership of the Forty-fourth Legislature.

(With amendment.)

H. C. R. No. 31, Suspending Joint Rules Nos. 11, 22, 23, and 32 until the final disposition of House Bill 87.

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 87 ON SECOND READING

Mr. Worley moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 87 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adamson	Dunlap of Kleberg
Adkins	Dwyer
Aikin	England
Alexander	Fain
Alsup	Farmer
Ash	Fisher
Atchison	Ford
Bergman	Frazer
Bradbury	Fuchs
Bradford	Glass
Bridgers	Good
Burton	Graves
Butler of Karnes	Gray
Cagle	Greathouse
Canon	Hanna
Celaya	Hardin
Collins	Harper
Cowley	Harris of Archer
Crossley	Harris of Dallas
Daniel	Hartzog
Davis	Hill
Davison of Fisher	Hodges
Davisson	Hoskins
of Eastland	Howard
Dickison	Hunt
Dunagan	Hunter
Dunlap of Hays	Hyder
Jackson	Payne
James	Quinn
Jones of Atascosa	Reed of Bowie
Jones of Falls	Reed of Dallas
Jones of Shelby	Riddle
Jones of Wise	Roach of Angelina
Keefe	Roach of Hunt
King	Roark
Knetsch	Roberts
Lanning	Rogers
Latham	Russell
Lemens	Rutta
Lindsey	Sessions
Lotief	Settle
Lucas	Smith
Luker	Stinson
Mauritz	Stovall
McCalla	Tarwater
McFarland	Thornton
McKee	Tillery
McKinney	Venable
Moffett	Waggoner
Moore	Wells
Morris	Westfall
Morrison	Wood of Harrison
Morse	Wood of Montague
Newton	Worley
Olsen	Young
Patterson	Youngblood

Absent

Broadfoot	Jefferson
Butler of Brazos	Lange
Caldwell	Leath
Calvert	Leonard
Colquitt	McConnell
Colson	Nicholson
Cooper	Palmer
Craddock	Petsch
Duvall	Pope
Fox	Reader
Gibson	Roane
Hankamer	Scarborough
Head	Spears
Herzik	Stanfield
Hofheinz	Steward
Holland	Tennyson
Huddleston	Walker

Absent-Excused

Bourne	Padgett
Broyles	Shofner

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 87, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including

county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by the County Boards of Trustees; providing no transfer of territory is validated by the Act unless authorized by an affirmative vote of voters in such districts; validating the Acts of said County Boards of Trustees and Boards of Trustees of such districts; validating all proceedings and Acts of said Boards of Trustees; validating all bonds voted, authorized and/or now outstanding of said Districts; validating all tax levies made in behalf of said Districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, assessed, and collected therein, and heretofore authorized or attempted to be authorized by any act, or acts of said Districts, or by any Act of the Legislature; making certain exemptions, and declaring an emergency."

The bill was read second time.

Mr. Alsup raised a point of order, on further consideration of House Bill No. 87, on the ground that the bill violates Section 37 of Article III of the Constitution.

The Speaker sustained the point of order.

TO SUSPEND CERTAIN JOINT RULES

Mr. Leonard offered the following resolution:

H. C. R. No. 33, To suspend certain Joint Rules to consider Senate Bill No. 29.

Whereas, Senate Bill No. 29, by Neal, passed the Senate with twenty-eight "yeas" and no "nays" and is now pending action on the floor of the House; and

Whereas, Senate Bill No. 29 empowers counties and other political subdivisions to hold agricultural and horticultural exhibits; now, therefore, be it

Resolved, That all applicable Joint Rules of the House and Senate be suspended in so far as they affect the passage of Senate Bill No. 29, so that Senate Bill No. 29 may be considered and passed on the floor of the House.

The resolution was read second time.

Mr. Westfall asked unanimous consent of the House that Senate Bill No. 27 be included in the resolution.

There was no objection offered and it was so ordered.

Question then recurring on the resolution, it was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, October 26, 1936.

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

Sir: I am directed by the Senate to inform the House that the Senate respectfully declines to grant the request of the House for further deliberations of the Conference Committee on House Bill No. 8 upon the terms set out in the request by the House.

Respectfully,
BOB BARKER,
Secretary of the Senate.

RECESS

On motion of Mr. Morrison, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 82, "An Act to amend Article 1813 of the Revised Civil Statutes of 1925 so as to provide for the appointment of a Special Commissioner to serve in the place of any member of a Court of Civil Appeals, who shall be disabled by illness, or otherwise, and whose disability shall be certified to the Governor by the Chief Justice, or any two members, of a Court of Civil Appeals; providing for the compensation of such Commissioner, and providing for an emergency."

H. B. No. 83, "An Act to amend Section 1, Chapter 12, Senate Bill No. 39, Forty-first Legislature, First

Called Session; providing for the exception of the Clear Fork of the Brazos River from the Act, describing the size of the mesh of seines and the length of fish that can be taken; providing for a penalty, and declaring an emergency."

H. B. No. 81, "An Act providing a sixty-day open season for the taking of wild coon, o'possum, and mink in Shelby County, Texas, which period shall be from December first of each year to February first of the following year; and providing open season during the month of December of each year for the taking of wild quail in Shelby County, Texas; providing that it shall be unlawful to use a trap, snare or deadfall for the taking or attempting to take such animals; providing a penalty; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 74, "An Act declaring open season on wild squirrel in Kinney County, Texas, and making it lawful to kill wild squirrel in Kinney County, Texas, at all times; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 68, "An Act making it unlawful for any person or persons to fish for, take, catch or attempt to catch any fish in the fresh waters of Dallas County by any net, seine, snag line, trap or any device other than ordinary pole and line, rod and reel, set line, throw line or trot line; providing that on any set line, throw line or trot line hooks shall not be less than three (3) feet apart; making it prima facie evidence of violation of this Act for any person to have in his possession any tackle not authorized herein within two hundred (200) yards of any stream, lake or other fresh waters in said County; providing that it shall be lawful to fish with artificial bait equipped with more than two (2) hooks with pole and line or rod and reel; providing that it shall be lawful to use a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait; prohibiting the taking of any fish other than minnows for bait by use of minnow seines, and providing for the return of all fish so taken immediately to the water; providing size limits and bag limits for fish taken in said County; providing for the immediate return to the waters of all fish not within the limits prescribed herein; providing a penalty for violation of this Act; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 75, "An Act declaring a closed season on wild Javelina, Bear, Badger, Raccoon and Rock Squirrel south of the Southern Pacific Railroad in Brewster County, Texas; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 80, "An Act prohibiting the running of deer with dogs in the counties of Jackson and Wharton; making same a misdemeanor and providing a penalty for the violation of said Act, and declaring an emergency."

H. C. R. No. 25, Granting Charles Berkley Normann permission to place his picture of the original signing of the Declaration of Independence temporarily in the State Capitol.

H. C. R. No. 26, Authorizing the State Highway Department to lend certain equipment to the City of Eastland.

MESSAGE FROM THE SENATE

Austin, Texas, October 27, 1936.

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

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

H. B. No. 61, A bill to be entitled "An Act to amend Section 3, of Chapter 89 of the Special Laws of the Regular Session of the Thirty-eighth Legislature, known as an Act to provide a more efficient road system for Colorado County so as to provide for the laying off of the said county into convenient road precincts, the numbering thereof, describing such precincts by boundaries, providing for the manner of discontinuance of roads and parts of roads, and providing for reversion of the rights of way of roads and/or parts of roads, under certain conditions, in certain cases, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE CONCURRENT RESOLUTION NO. 28 WITH SENATE AMENDMENTS

Mr. Thornton called up from the Speaker's table, with Senate amend-

ments, for consideration of the amendments,

H. C. R. No. 28, Providing for certain plaque of Members of the Forty-fourth Legislature.

The Speaker laid the resolution before the House, with the Senate amendments.

Mr. Thornton moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Mr. Greathouse moved that the Conference Committee be instructed to place the name of the Chief Clerk of the House on the plaque.

The motion prevailed.

In accordance with the above action the Speaker announced the appointment of the following Conference Committee:

Mr. Greathouse, Mr. Fuchs, Mr. Petsch, Mr. Jones of Wise and Mr. Thornton.

TO SUSPEND CERTAIN JOINT RULES

Mr. Steward offered the following resolution:

H. C. R. No. 30, To suspend certain Joint Rules to consider H. B. No. 84.

Be It Resolved by the House of Representatives of the State of Texas, the Senate concurring, That all Joint Rules of the House and Senate be, and they are hereby, suspended for the purpose of considering House Bill No. 84 until same is finally disposed of.

STEWARD,
ENGLAND.

The resolution was read second time.

Mr. Graves raised a point of order, on further consideration of House Bill No. 84, on the ground that the subject matter contained in the bill has not been submitted by the Governor.

The Speaker sustained the point of order.

MESSAGE FROM THE SENATE

Austin, Texas, October 27, 1936.

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

Sir: I am directed by the Senate to inform the House that the Senate has adopted H. C. R. No. 33, Relating to the suspending of Joint Rules in order that the House can take up and consider Senate Bills Nos. 27 and 29.

I am directed by the Senate to inform the house that the Senate reconsidered the vote by which the Conference Committee Report on Senate Bill No. 3, was adopted, and adopted the report by the following vote:

Yeas 20, nays 2.

Adopted H. C. R. No. 18, Declaring the Legislative intent on Item 18, of County and District Road Indebtedness shown in General Appropriations Bill passed by the Forty-fourth Legislature, Regular Session.

Respectfully,
BOB BARKER,
Secretary of the Senate.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 8

Mr. Morse offered the following resolution:

Whereas, A majority of the members of the House at this time favor the adoption of a conference committee report substantially as submitted by the Conferees heretofore appointed on House Bill 8; and

Whereas, It is the desire of a majority of the Members of the House that said Conference Committee report be adopted without further waste of time; now, therefore, be it

Resolved by the House of Representatives, That the Senate be advised as follows:

In order that the House may accomplish its purpose with a simple majority rather than a two-thirds majority, the House requests that the following procedure be had by both Houses:

"1st. The Senate without jeopardizing its position in reference to the bill, agree to the Conferees resuming their work.

2nd. The Conferees agree that they cannot agree as to the provisions of the bill, and further agree to report back to their respective Houses.

3rd. Each House agree to the appointment of a new conference committee, uninstructed, with the understanding that the new Conference

Committee will report substantially the same bill as that returned by the first Conference Committee.

Be It Further Resolved, That the Chief Clerk of the House be instructed to advise the Senate immediately of the passage of this resolution.

MORSE,
HANNA.

The resolution was read second time.

Mr. Frazer raised a point of order, on further consideration of the resolution, on the ground that the resolution is in direct conflict with the motion by Mr. Bradbury, adopted by the House on yesterday, and is in effect a motion to suspend the rule, as the vote, by which the motion by Mr. Bradbury was adopted on yesterday, was reconsidered and tabled.

The Speaker overruled the point of order.

Mr. Bradbury raised a point of order on further consideration of the resolution, on the ground that the time for the consideration of resolutions has expired.

The Speaker overruled the point of order.

Mr. Keefe offered the following amendment to the resolution:

Amend the resolution, line 20, after the words "Houses," by inserting the following thereafter: "that they cannot agree and ask for the appointment of a new committee."

Mr. Roark moved to table the amendment.

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

The motion to table prevailed by the following vote:

Yeas—91

Adamson
Adkins
Aikin
Alexander
Alsup
Ash
Atchison
Bergman
Bridgers
Broadfoot
Burton
Butler of Brazos
Cagle
Collins
Colson
Cooper
Cowley
Crossley
Dunlap of Kleberg
Duvall
Dwyer
England
Fisher
Ford
Fox
Fuchs
Gibson
Graves
Gray
Greathouse
Hankamer
Hanna
Harper
Harris of Archer
Harris of Dallas
Hartzog
Hill
Hofheinz
Holland
Howard
Hunt
Hyder
Jackson
Jones of Atascosa
Jones of Falls
Jones of Wise
King
Knetsch
Lange
Latham
Leonard
Lindsey
Luker
Mauritz
McCalla
McFarland
McKee
McKinney
Moore
Morrison
Morse
Nicholson
Olsen
Patterson
Petsch
Quinn
Reed of Dallas
Riddle
Roach of Angelina
Roach of Hunt
Roane
Roark
Roberts
Russell
Rutta
Scarborough
Sessions
Settle
Smith
Stanfield
Steward
Stinson
Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Wood of Montague
Worley
Young

Nays—40

Bradbury
Bradford
Butler of Karnes
Caldwell
Canon
Davis
Davison of Fisher
Davisson of Eastland
Dickison
Dunlap of Hays
Fain
Farmer
Frazer
Glass
Hardin
Herzik
Hodges
Hoskins
Huddleston
Hunter
James
Jones of Shelby
Keefe
Lanning
Lemens
Lotief
Lucas
McConnell
Moffett
Morris
Newton
Padgett
Palmer
Payne
Reader
Reed of Bowie
Stovall
Tarwater
Venable
Westfall

Absent

Calvert
Celaya
Colquitt
Craddock
Daniel
Dunagan
Good
Head
Jefferson
Leath
Pope
Rogers
Spears
Wood of Harrison
Youngblood

Absent-Excused

Bourne
Broyles
Shofner

Mr. Keefe offered the following amendment to the resolution:

Amend the resolution by striking out paragraph seven, which starts to read as follows:

"3rd. Each House agree."

Mr. Morse moved to table the amendment.

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

The motion to table prevailed by the following vote:

Yeas—95

Adamson
Adkins
Aikin
Alexander
Alsup
Ash
Atchison
Bergman
Bridgers
Broadfoot
Burton
Butler of Brazos
Cagle
Canon
Celaya
Collins
Colson
Cooper
Cowley
Crossley
Dunlap of Kleberg
Duvall
Dwyer
England
Fisher
Ford
Fox
Gibson
Good
Graves
Gray
Hankamer
Hanna
Harris of Archer
Harris of Dallas
Hartzog
Head
Hill
Hodges
Hofheinz
Holland
Howard
Hunt
Hyder
Jackson
Jefferson
Jones of Atascosa
Jones of Falls
Jones of Wise
King
Lange
Latham
Leonard
Lindsey
Mauritz
McCalla
McFarland
McKee
McKinney
Moore
Morrison
Morse
Nicholson
Olsen
Patterson
Petsch
Quinn
Reed of Dallas
Riddle
Roach of Angelina
Roach of Hunt
Roane
Roark
Roberts
Russell
Rutta
Scarborough
Sessions
Settle
Smith
Spears
Stanfield
Steward
Stinson
Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Worley
Young

Nays—42

Bradbury
Bradford
Butler of Karnes
Caldwell
Craddock
Davison of Fisher
Davisson of Eastland
Dickison
Dunlap of Hays
Fain
Farmer
Frazer
Fuchs
Glass
Greathouse
Hardin
Herzik
Hoskins
Huddleston
Hunter
James
Jones of Shelby
Keefe
Knetsch
Lanning
Lemens
Lotief
Lucas
Luker
McConnell
Moffett
Morris
Newton
Padgett
Palmer
Payne
Reader
Reed of Bowie
Rogers
Stovall
Venable
Youngblood

Absent

Calvert
Colquitt
Daniel
Davis
Dunagan
Harper
Leath
Pope
Tarwater

Absent-Excused

Bourne
Broyles
Shofner

Mr. Alexander moved the previous question on the resolution, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—93

Adamson
Adkins
Alexander
Alsup
Ash
Atchison
Bergman
Bridgers
Broadfoot
Burton
Cagle
Collins
Colson
Cooper
Cowley
Crossley
Davison of Fisher
Dunlap of Hays
Dunlap of Kleberg
Duvall
Dwyer
England
Fisher
Ford

Fox
Fuchs
Gibson
Good
Gray
Hankamer
Hanna
Harris of Archer
Harris of Dallas
Hartzog
Head
Hill
Hofheinz
Holland
Howard
Hunt
Hunter
Jackson
Jefferson
Jones of Atascosa
Jones of Falls
King
Lange
Latham
Lemens
Leonard
Lindsey
Luker
Mauritz
McCalla
McFarland
McKee
McKinney
Moore
Morrison
Morse
Nicholson
Olsen
Padgett
Patterson
Payne
Petsch
Quinn
Reed of Dallas
Riddle
Roach of Angelina
Roach of Hunt
Roane
Roberts
Russell
Rutta
Scarborough
Sessions
Settle
Spears
Stanfield
Steward
Stinson
Tarwater
Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Montague
Worley
Young

Nays—42

Aikin
Bradbury
Bradford
Butler of Karnes
Caldwell
Canon
Craddock
Davisson of Eastland
Dickison
Fain
Farmer
Frazer
Glass
Graves
Greathouse
Hardin
Herzik
Hoskins
Huddleston
Hyder
James
Jones of Shelby
Jones of Wise
Keefe
Knetsch
Lanning
Lotief
Lucas
McConnell
Moffett
Morris
Newton
Palmer
Pope
Reader
Reed of Bowie
Roark
Rogers
Stovall
Venable
Wood of Harrison
Youngblood

Present—Not Voting

Hodges

Absent

Butler of Brazos
Calvert
Celaya
Colquitt
Daniel
Davis
Dunagan
Harper
Leath
Smith

Absent-Excused

Bourne
Broyles
Shofner

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—98

Adamson
Aikin
Alexander
Alsup
Ash
Atchison
Bergman
Bradford
Bridgers
Broadfoot
Burton
Butler of Brazos
Celaya
Collins
Colson
Cooper
Cowley
Crossley
Dunagan
Dunlap of Kleberg
Duvall
Dwyer
England
Fisher
Ford
Fox
Fuchs
Gibson
Good
Graves
Gray
Greathouse
Hankamer
Hanna
Harper
Harris of Archer
Harris of Dallas
Hartzog
Head
Hill
Hofheinz
Holland
Howard
Hunt
Hyder
Jackson
Jefferson
Jones of Atascosa
Jones of Falls
Jones of Wise
King
Knetsch
Lange
Latham
Leonard
Lindsey
Mauritz
McCalla
McFarland
McKee
McKinney
Moore
Morris
Morrison
Morse
Nicholson
Olsen
Patterson
Petsch
Quinn
Reed of Dallas
Riddle
Roach of Angelina
Roach of Hunt
Roane
Roark
Roberts
Russell
Rutta
Scarborough
Sessions
Settle
Smith
Spears
Stanfield
Steward
Stinson
Tennyson
Thornton
Tillery

Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Worley
Young

Nays—44

Adkins
Bradbury
Butler of Karnes
Cagle
Caldwell
Calvert
Canon
Craddock
Davison of Fisher
Davisson of Eastland
Dickison
Dunlap of Hays
Fain
Farmer
Frazer
Glass
Hardin
Herzik
Hodges
Hoskins
Huddleston
Hunter
James
Jones of Shelby
Keefe
Lanning
Lemens
Lotief
Lucas
Luker
McConnell
Moffett
Newton
Padgett
Palmer
Payne
Pope
Reader
Reed of Bowie
Rogers
Stovall
Tarwater
Venable
Youngblood

Absent

Colquitt
Daniel
Davis
Leath

Absent-Excused

Bourne
Broyles
Shofner

Mr. Morse moved that the House Rule, which relates to the making of motions to reconsider the vote by which a motion to table has prevailed, be suspended, at this time, for the purpose of reconsidering the vote by which the House, on yesterday, adopted the motion by Mr. Bradbury in regard to the Conference Committee Report on House Bill No. 8.

The motion prevailed by the following vote:

Yeas—105

Adamson
Aikin
Alexander
Alsup
Ash
Atchison
Bergman
Bradford
Bridgers
Broadfoot
Burton
Butler of Brazos
Canon
Celaya
Collins
Colson
Cooper
Cowley
Crossley
Daniel
Davis
Dunagan
Dunlap of Kleberg
Duvall
Dwyer
England
Fisher
Ford
Fox
Gibson
Good
Graves
Gray
Greathouse
Hankamer
Hanna
Harper
Harris of Archer
Harris of Dallas
Hartzog
Head
Hill
Hodges
Hofheinz
Holland
Howard
Hunt
Hyder
Jackson
Jefferson
Jones of Atascosa
Jones of Falls
Jones of Wise
King
Knetsch
Lange
Latham
Leonard
Lindsey
Luker
Mauritz
McCalla
McFarland
McKee
McKinney
Moore
Morris
Morrison
Morse
Nicholson
Olsen
Patterson
Petsch
Quinn
Reed of Dallas
Riddle
Roach of Angelina
Roach of Hunt
Roane
Roark
Roberts
Rogers
Russell
Rutta
Scarborough
Sessions
Settle
Smith
Spears
Stanfield
Steward
Stinson
Tarwater
Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Worley
Young
Youngblood

Nays—38

Adkins
Bradbury
Butler of Karnes
Caldwell
Calvert
Craddock
Davison of Fisher
Davisson of Eastland
Dickison
Dunlap of Hays
Fain
Farmer
Frazer
Fuchs
Glass
Hardin
Herzik
Hoskins
Huddleston
Hunter
James
Jones of Shelby
Keefe
Lanning
Lemens
Lotief
Lucas
McConnell
Moffett
Newton
Padgett
Palmer
Payne
Pope
Reader
Reed of Bowie
Stovall
Venable

Absent

Cagle
Colquitt
Leath

Absent-Excused

Bourne
Broyles
Shofner

Question—Shall the Conference Committee Report on House Bill No. 8 be adopted?

The Conference Committee Report on House Bill No. 8 was then adopted by the following vote:

Yeas—101

Adamson
Aikin
Alexander
Alsup
Ash
Atchison
Bergman
Bradford
Bridgers
Broadfoot
Burton
Butler of Brazos
Canon
Celaya
Collins
Colquitt
Cooper
Cowley
Crossley
Daniel
Davis
Dunagan
Dunlap of Kleberg
Duvall
Dwyer
England
Fisher
Ford
Fox
Gibson
Good
Graves
Gray
Greathouse
Hankamer
Hanna
Harper
Harris of Archer
Harris of Dallas
Hartzog
Head
Herzik
Hill
Hofheinz
Holland
Howard
Hunt
Hyder
Jackson
Jefferson
Jones of Falls
Jones of Wise
King
Knetsch
Lange
Latham
Leath
Leonard
Lindsey
Lotief
Mauritz
McCalla
McFarland
McKee
McKinney
Moore
Morris
Morrison
Morse
Nicholson
Patterson
Petsch
Quinn
Reed of Dallas
Riddle
Roach of Angelina
Roach of Hunt
Roane
Roark
Roberts
Russell
Rutta
Scarborough
Sessions
Settle
Smith
Stanfield
Steward
Stinson
Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Worley
Young
Youngblood

Nays—45

Adkins
Bradbury
Butler of Karnes
Cagle
Caldwell
Calvert
Colson
Craddock
Davison of Fisher
Davisson of Eastland
Dickison
Dunlap of Hays
Fain
Farmer
Frazer
Fuchs
Glass
Hardin
Hodges
Hoskins
Huddleston
Hunter
James
Jones of Atascosa
Jones of Shelby
Keefe
Lanning
Lemens
Lucas
Luker
McConnell
Moffett
Newton
Olsen
Padgett
Palmer
Payne
Pope
Reader
Reed of Bowie
Rogers
Spears
Stovall
Tarwater
Venable

Absent-Excused

Bourne
Broyles
Shofner

Mr. Roberts moved to reconsider the vote by which the Conference Committee Report on House Bill No. 8 was adopted, and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTE

We vote "yea" on the Morse resolution for the following reasons:

"We have been, and still are, opposed to deliberalization of the Old Age Assistance Law as contained in House Bill No. 26, passed at the Second Called Session of the Forty-fourth Legislature.

"We are further opposed to the method of legislation adopted in the passage of House Bill 8 for the reason that the Third Called Session of the Forty-fourth Legislature was by the Governor, in his proclamation, specifically limited to the question of raising further necessary revenue for the payment of pensions to old people entitled to receive the same under House Bill No. 26.

"No opportunity was given to the members of the House to have any word whatever in writing the changes

in House Bill No. 26, as contained in the so-called 'Small Amendment', which was tacked on House Bill No. 8 in the Senate, in violation of the Constitutional provision, which says 'that no bill shall be so amended in its passage through the Legislature in either House as to change its original purpose'. House Bill 8, as passed by the House, was purely a revenue raising bill. The so-called Small Amendment is further wholly without the Governor's call. However, we are now on the last day of the Third Called Session confronted with the stern reality that unless this bill is adopted by the House, no revenue whatever will be raised at this Session, and in as much as there is now no revenue available to pay Old Age Pensions, the failure to pass this bill would automatically stop the payment of all pensions until such time as revenue could be secured. This is the time of year when the aged, infirm and needy people of our State sorely need the help afforded them through Old Age Assistance.

"Believing that the needs of the aged needy of the State of Texas should come first in consideration at this time, and believing that their distressed condition at this time warrants laying aside of fixed and firm opinions as to the unsoundness of the method of passing this law, and the rules of procedure that have been violated in its passage, we have decided to cast our vote in the affirmative on this measure. This House Bill contains several provisions which are highly unfair, inequitable and unjust, one of them specifically being that Picture Shows, Theatres and Operas do not have to pay any tax on the admission price where that price does not exceed fifty-one cents (.51c) per admission, while dance halls, skating rinks, etc., have to pay ten per cent (10%) of the admission price regardless of the price charged; and in voting in the affirmative on this bill, we do so with the positive commitment to the proposition that in the Regular Session of the Forty-fifth Legislature, we will introduce such bills as, in our judgment, will be necessary to correct the injustices and wrongs perpetrated by the passage of this bill in the manner that it has been passed at this session."

KNETSCH,
McKEE,
SPEARS.

I have voted against adopting the Conference Report on H. B. No. 8 for many reasons.

The primary reason is that this was a tax bill originating in the House. By machinations unknown to the general public, there was placed on this bill, by the Senate, an amendment known as the Small Amendment. The Speaker ruled this Amendment out of order, as being in contravention of Section 30, of Article III, of the Texas Constitution.

The Conference Committee kept this Amendment in the bill and sought by that means to force the House to take it. I am bitterly opposed to legislation by conference committees.

The Small Amendment is designed to give to a few of the paupers of this State assistance in old age. A pauper, to me, is a man without a home and without income, and a charge upon the public treasury.

The Constitutional Amendment adopted by the people by a vote of more than 4 to 1 did not design such treatment of our old people.

There are thousands who still have a little home and a little income, yet do not have sufficient subsistence for their old age. These men and women were the pioneers of Texas in helping to build this great Empire of Civilization in the Southwest.

This Small Amendment would take, from this class of people, any assistance.

I also voted against it, for the reason that it seeks to place the administration of this in the hands of the Board of Control, which consists of three men who are already overworked, and have not the time to devote to this work, and yet it gives to them an increased salary of $1200.00 a year.

This amendment further proposes that the Board of Control shall review all applications that have heretofore been filed, including those allowed, which has been made at a cost of over $700,000.00.

It has taken eight months of time, and this large sum of money, to accomplish this result.

The Pension Law that we have now, is repealed by the Small Amendment. The House had no opportunity to consider this amendment. While one member of the House had this Small Amendment in bill form ready

to introduce more than two weeks ago, and yet he did not give it to the House, because the Governor would not submit the question as one of those items of legislation for consideration. This member is close to the Governor.

It was unfair for the Governor to join with the forces and attempt to force the House to take this Amendment in the manner it was proposed.

The House has done its duty in attempting to get revenue to pay the old people, within the limits of the law. The House has passed the Carbon Black Bill, the Oil Tax Bill, the Omnibus Tax Bill, and also provided a bill for the Issuance of Revenue-Bearing Warrants, to tide the old people over.

This bill will also overthrow the present set-up of the Old Age Assistance Board.

Remembering the administration by the Board of Control of the relief system in this State, and the unanimous findings of the Committee of the Tarrant County Investigation, that the relief system is unfit to administer the Old Age Pension Law, and knowing the discrimination and lack of justice to thousands of people, I am bitterly opposed to this work being done by the Board of Control.

I can assign many other reasons, but these are sufficient for all posterity to know why the member from Tarrant County, Clarence E. Farmer, bitterly opposed it and fought to the last against the adoption of this Amendment.

If it should be adopted, it will be a long time before we could get a liberal law to take care of our old people. While we are so rich in natural resources that are enjoyed by but a few, and remembering that these were given away by former Legislatures, I insist that the people, who have made Texas what it is, shall have the opportunity to obtain an American subsistence in their declining years. I am the friend of the old people and will be to my dying day.

"Ill fares the land, to hastening ills
a prey,
Where wealth accumulates and men decay."

With Holland, I must say, "God give us men . . . . . tall men, sun-crowned." You know the rest.

And with the Grecian Goddess, I shall have the sorry pleasure of saying, "I told you so."

FARMER.

I voted "yea" on the Conference Report on House Bill No. 8, as it appears that this bill will be killed this Session if rejected at this late date, therefore leaving the Texas Assistance Commission without revenue. I am opposed to deliberalization but I would rather some would receive assistance than not anyone, therefore, I am voting for this revenue bill that will clothe and feed something like 80,000 old people this winter.

DUNAGAN.

Although opposed to the Small Amendment, in order to give the bill one hundred "yeas" to put it into immediate effect, I vote "yea" on the adoption of the Conference Committee Report.

CANON.

I have consistently voted against the Small Amendment, which provides for deliberalization of the Old Age Pension, until the closing hours of this Session. In as much as the Senate has stubbornly refused to accede to the wishes of the House, I have no other recourse in order that the thousands of people who are receiving these pensions will continue to do so.

SMITH.

I voted to adopt the Conference Committee Report on House Bill No. 8 only as a last resort, when it became clearly apparent that unless it was adopted, the Legislature would adjourn without providing for payment of assistance to our aged needy citizens.

RUTTA.

I voted "yea" on adoption of House Bill No. 8 which was very much against my personal views in that I do not believe in the policy of assembling so many subjects in one bill. In that it creates so much controversy that it is impossible to get taxes on an equal basis it is so much easier to defeat a measure of this magnitude. Was bitterly opposed to deliberalizing pensions and voted consistently against same. Deliberalization being in revenue bill was put on in Senate by amendment, the House did not have an opportunity to consider, same was not deleted in Conference Committee. Could not reject it without

killing revenue bill. Another feature I do not approve of is that of the allocation of certain taxes to the Old Age Pension Fund, which is: "Liquor taxes, race track and all other gambling rackets" which are offenses against public policy and listed in our Statutes under that title. It seems that it reduces tributes of honor so often bestowed upon the aged to become offenses of public policy to become 65 years of age. Not to accept this report would mean no funds to pay pensions to any one. I have at all times supported and worked for a liberal Old Age Pension.

YOUNGBLOOD.

I voted against the Conference Committee Report on House Bill No. 8 for the following reasons:

"1. This was a combination tax bill and pension bill. Legislation concerning the administration of old age pensions was submitted after the House had passed the tax bill and the members of the House had no right to amend or have any voice in the kind of pension bill that was finally passed. Such a procedure in my opinion is not only impracticable, but is a violation of the democratic principles of Government.

"2. The part of this bill pertaining to pensions is in my opinion very undesirable as it will reduce probably half of the number of people now on the pension rolls. In fact it is a pauper's pension and in the long run may develop into the old relief set-up. In my opinion many deserving old people who are substantial citizens and who have contributed to the welfare of our country and who are now in distressful conditions may be denied a pension under this bill.

"3. The part of this bill pertaining to taxes is undesirable as it forces old age pensions to be paid from taxes derived from the sale of whiskey, cigarettes, race track gambling, dog races and marble machines. All taxes on the big interests and from natural resources go to other funds and none to the pension fund.

"I favor a reasonable, liberal old age pension law and taxation to pay same, but I do not think the pension should be paid from legalized crime."

BRADBURY.

I voted against the Free Conference Report on House Bill No. 8 all the way down the line, and my reasons for voting against it were because I felt the Legislature was called here for a purpose, and that purpose was to raise a sufficient amount of revenue to pay the old people of this State. But since the Senate has adopted the Small Amendment for deliberalization, I am of the opinion that this is the wrong time to deliberalize this bill, and furthermore, the House of Representatives did not have the opportunity to amend the bill or even to consider it. However, I voted "Aye" on final passage in order to give this Free Conference Report one-hundred votes.

LOTIEF.

I am exceedingly anxious to see sufficient revenue raised for old age assistance. But the Small Amendment, being Articles I and II, of the bill, is contrary to the promises made to the old people and is purely a relief measure and not what the people wanted and had been promised.

I am also opposed to the policy of legalizing crime to raise revenue.

I therefore voted against the bill.

McCONNELL.

I voted against the Conference Committee Report on House Bill No. 8, because the deliberalization (pauperization) feature in it will put the Old Age Assistance System in Texas on practically the same basis as the Federal direct relief dole system as carried on during the past few years. It provides that the Commission may give the assistance, or not give the assistance to practically anyone they may desire. No standards are set up in the law, as passed, to determine who shall be eligible. I believe the Legislature should outline in the law eligibility requirements.

I am proud that I was one of the minority members of the House of Representatives who fought against disqualifying 50% of our good aged citizens to receive assistance, but fought to raise sufficient revenue to make the payments under our present law.

LUCAS.

I voted consistently against the bill for the following reasons:

"1. It deliberalized the present Old Age Assistance Law to such an extent that, in my opinion, only paupers can qualify.

"2. It taxes fraternal insurance societies, which is wrong. There are

also many other reasons, which are too numerous to mention here.

"When I saw that the majority had more than enough votes for the Bill to pass (in fact, the vote stood 98 for the bill), and the Speaker asked for a few more votes, and also some of my colleagues asked me to change my vote, I changed my vote in order that there might be one-hundred votes so that the bill could go into effect at once."

I changed my vote so that the old people, who qualify, would not be cold and go hungry for three months.

HERZIK.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 8

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 17, Authorizing certain correction in House Bill No. 8.

Whereas, A typographical error was made in the Conference Report of House Bill No. 8, in Section 6 under Article IV of such House Bill No. 8, be it, therefore,

Resolved by the Senate of Texas, the House of Representatives concurring, That in order to correct such error and make proper reference to the proper statute, the Secretary of the Senate and the Chief Clerk of the House are authorized and directed to strike out the words, "House Bill No. 2, Chapter 74, Acts of the Fifth Called Session of the Forty-first Legislature", and substitute in lieu thereof "House Bill 251, Chapter 212, Acts of the Regular Session of the Forty-second Legislature".

The resolution was read second time, and was adopted.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolutions:

H. B. No. 61, "An Act to amend Section 3, of Chapter 89 of the Special Laws of the Regular Session of the Thirty-eighth Legislature, known as an Act to provide a more efficient road system for Colorado County, so as to provide for the laying off of the said county into convenient road precincts, the numbering thereof, describing such precincts by boundaries, providing for the manner of discontinuance of roads and parts of roads, and providing for reversion of the rights of way of roads and/or parts of roads, under certain conditions, in certain cases, and declaring an emergency."

H. C. R. No. 18, Authorizing issuance of certain warrants.

H. C. R. No. 24, To authorize the use of certain appropriation heretofore made.

H. C. R. No. 31, To suspend certain Joint Rules to consider House Bill No. 87.

H. C. R. No. 29, Suspending certain Joint Rules to consider House Bill No. 88.

S. C. R. No. 10, Granting J. E. Thomson permission to sue the State.

S. C. R. No. 20, Authorizing certain correction in House Bill No. 76.

SENATE BILL NO. 29 ON SECOND READING

Mr. Leonard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 29 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

Adamson	Daniel
Adkins	Davis
Aikin	Davison of Fisher
Alexander	Davisson of Eastland
Alsup	Dickison
Ash	Dunlap of Hays
Atchison	Dunlap of Kleberg
Bradbury	Duvall
Bridgers	England
Broadfoot	Fain
Burton	Farmer
Butler of Karnes	Fisher
Cagle	Ford
Caldwell	Fox
Calvert	Frazer
Canon	Fuchs
Celaya	Gibson
Collins	Glass
Colquitt	Good
Colson	Graves
Cooper	Gray
Cowley	Greathouse
Craddock	Hankamer
Crossley	

Hanna
Hardin
Harper
Harris of Archer
Harris of Dallas
Hartzog
Herzik
Hill
Hodges
Hofheinz
Hoskins
Howard
Huddleston
Hunt
Hyder
Jackson
James
Jones of Atascosa
Jones of Falls
Jones of Shelby
Jones of Wise
Keefe
King
Knetsch
Lanning
Latham
Leath
Lemens
Leonard
Lindsey
Lucas
Lotief
Mauritz
McCalla
McConnell
McKee
McKinney
Moffett
Moore
Morris
Morrison
Morse
Newton
Olsen
Padgett
Palmer
Patterson
Payne
Petsch
Pope
Quinn
Reader
Reed of Bowie
Reed of Dallas
Riddle
Roach of Angelina
Roach of Hunt
Roark
Rogers
Russell
Rutta
Scarborough
Sessions
Settle
Smith
Spears
Steward
Stinson
Tarwater
Tennyson
Thornton
Tillery
Waggoner
Wells
Westfall
Wood of Harrison
Wood of Montague
Worley
Young
Youngblood

Nays—1

Stovall

Absent

Bergman
Bradford
Butler of Brazos
Dunagan
Dwyer
Head
Holland
Hunter
Jefferson
Lange
Luker
McFarland
Nicholson
Roane
Roberts
Stanfield
Venable
Walker

Absent-Excused

Bourne
Broyles
Shofner

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 29, A bill to be entitled "An Act to amend Chapter 20, Acts of the Fourth Called Session of the Forty-third Legislature, empowering counties through their commissioners' courts, to provide for annual exhibits of horticultural and agricultural products, live stock and minerals and other products of interest to such counties and in connection therewith to establish and maintain museums, including the erection of the necessary buildings and other improvements, in their own counties or in any other county or city in the United States where fairs or expositions are being held; etc., and declaring an emergency."

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

SENATE BILL NO. 29 ON THIRD READING

The Speaker then laid Senate Bill No. 29 before the House on its third reading and final passage.

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

Yeas—119

Adamson
Adkins
Aikin
Alexander
Alsup
Ash
Atchison
Bradbury
Bridgers
Burton
Butler of Brazos
Butler of Karnes
Cagle
Caldwell
Calvert
Canon
Celaya
Collins
Colquitt
Colson
Cooper
Cowley
Craddock
Daniel
Davis
Davison of Fisher
Davisson of Eastland
Dickison
Dunlap of Kleberg
Duvall
Dwyer
England
Fain
Farmer
Fisher
Ford
Fox
Frazer
Fuchs
Gibson
Glass
Good
Graves
Gray
Greathouse
Hanna
Hardin
Harris of Archer
Harris of Dallas
Hartzog
Head
Herzik
Hill
Hodges
Hofheinz
Holland
Hoskins
Howard
Huddleston
Hunt
Hyder
Jackson
James
Jefferson
Jones of Atascosa

Jones of Falls
Jones of Wise
Keefe
King
Knetsch
Lanning
Latham
Leonard
Lindsey
Lotief
Lucas
Mauritz
McCalla
McConnell
McKee
McKinney
Moffett
Moore
Morris
Morrison
Morse
Newton
Olsen
Palmer
Patterson
Payne
Petsch
Pope
Quinn
Reader
Reed of Bowie
Reed of Dallas
Riddle
Roach of Hunt
Roark
Russell
Rutta
Scarborough
Sessions
Settle
Smith
Spears
Steward
Stinson
Tarwater
Tennyson
Thornton
Tillery
Walker
Wells
Westfall
Wood of Montague
Worley
Youngblood

Absent

Bergman
Bradford
Broadfoot
Crossley
Dunagan
Dunlap of Hays
Hankamer
Harper
Hunter
Jones of Shelby
Lange
Leath
Lemens
Luker
McFarland
Nicholson
Padgett
Roach of Angelina
Roane
Roberts
Rogers
Stanfield
Stovall
Venable
Waggoner
Wood of Harrison
Young

Absent-Excused

Bourne
Broyles
Shofner

SENATE BILL NO. 27 ON SECOND READING

Mr. Westfall moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 27 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—120

Adamson
Adkins
Aikin
Alexander
Alsup
Ash
Atchison
Bradbury
Bradford
Bridgers
Broadfoot
Burton
Butler of Brazos
Butler of Karnes
Caldwell
Canon
Celaya
Collins
Colquitt
Colson
Cooper
Cowley
Craddock
Crossley
Daniel
Davisson of Eastland
Dickison
Dunlap of Hays
Dunlap of Kleberg
Duvall
Dwyer
England
Fain
Farmer
Fisher
Ford
Fox
Frazer
Fuchs
Gibson
Glass
Good
Gray
Greathouse
Hanna
Hardin
Harper
Harris of Archer
Harris of Dallas
Hartzog
Head
Hill
Hodges
Hofheinz
Holland
Hoskins
Hunt
Hyder
Jackson
Jefferson
Jones of Atascosa
Jones of Falls
Jones of Wise
Keefe
King
Knetsch
Lange
Lanning
Latham
Leath
Lemens
Leonard
Lindsey
Lotief
Lucas
Mauritz
McCalla
McConnell
McKee
McKinney
Moffett
Moore
Morris
Morrison
Morse
Newton
Olsen
Palmer
Patterson
Payne
Petsch
Pope
Quinn
Reader
Reed of Bowie
Reed of Dallas
Roach of Hunt
Roane
Roark
Rogers
Russell
Rutta
Scarborough
Sessions
Settle
Smith
Spears
Steward
Stinson
Tarwater
Tennyson
Thornton
Tillery
Walker
Wells
Westfall
Wood of Montague
Worley
Young
Youngblood

Absent

Bergman
Cagle
Calvert
Davis
Davison of Fisher
Dunagan

Graves
Hankamer
Herzik
Howard
Huddleston
Hunter
James
Jones of Shelby
Luker
McFarland
Nicholson
Padgett
Riddle
Roach of Angelina
Roberts
Stanfield
Stovall
Venable
Waggoner
Wood of Harrison

Absent-Excused

Bourne
Broyles
Shofner

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 27, A bill to be entitled "An Act validating the transfer of territory; affecting certain Consolidated and Independent School Districts, and declaring an emergency."

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

SENATE BILL NO. 27 ON THIRD READING

The Speaker then laid Senate Bill No. 27 before the House on its third reading and final passage.

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

Yeas—115

Adamson
Aikin
Alexander
Alsup
Ash
Atchison
Bergman
Bradbury
Bridgers
Burton
Butler of Brazos
Butler of Karnes
Caldwell
Canon
Celaya
Collins
Colquitt
Colson
Cooper
Craddock
Crossley
Daniel
Davis
Davison of Fisher
Davisson of Eastland
Dickison
Dunlap of Hays
Dunlap of Kleberg
Dwyer
England
Fain
Farmer
Fisher
Ford
Fox
Fuchs
Gibson
Glass
Good
Graves
Gray
Greathouse
Hanna
Harper
Harris of Dallas
Head
Hill
Hodges
Hofheinz
Holland
Hoskins
Hunt
Hyder
Jackson
James
Jefferson
Jones of Atascosa
Jones of Falls
Jones of Wise
King
Knetsch
Lange
Lanning
Latham
Leath
Lemens
Leonard
Lotief
Lucas
Mauritz
McCalla
McConnell
McKee
McKinney
Moffett
Moore
Morris
Morrison
Morse
Newton
Olsen
Patterson
Payne
Petsch
Pope
Quinn
Reader
Reed of Bowie
Reed of Dallas
Roach of Angelina
Roach of Hunt
Roane
Roark
Roberts
Rogers
Russell
Rutta
Scarborough
Sessions
Settle
Spears
Steward
Stinson
Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Worley
Young
Youngblood

Absent

Adkins
Bradford
Broadfoot
Cagle
Calvert
Cowley
Dunagan
Duvall
Frazer
Hankamer
Hardin
Harris of Archer
Hartzog
Herzik
Howard
Huddleston
Hunter
Jones of Shelby
Keefe
Lindsey
Luker
McFarland
Nicholson
Padgett
Palmer
Riddle
Smith
Stanfield
Stovall
Tarwater
Venable

Absent-Excused

Bourne
Broyles
Shofner

TO SUSPEND CERTAIN JOINT RULES

Mr. Scarborough offered the following resolution:

H. C. R. No. 34, To suspend certain Joint Rules to consider Senate Bill No. 13.

Be It Resolved by the House of Representatives of the State of

Texas, the Senate concurring, That all Joint Rules of the House and Senate be, and they are hereby suspended, for the purpose of considering Senate Bill No. 13, a local bill, until same is finally disposed of.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, October 27, 1936.

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

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Concurrent Resolution No. 28.

The following have been appointed on the part of the Senate:

Senators,

STONE,
HORNSBY,
SANDERFORD,
WEINERT,
RAWLINGS.

Respectfully,
BOB BARKER,
Secretary of the Senate.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Austin, Texas, October 27, 1936.

Hon. Coke Stevenson, Speaker, and Fellow Members of the House:

I desire to express my sincere appreciation of the tribute you paid me by adoption of a resolution this morning. This was truly "flowers to the living."

MRS. HELEN MOORE.

PRESENTATION TO HONORABLE AND MRS. J. H. LUCAS

Mr. Keefe offered the following resolution:

Whereas, Our esteemed and valuable fellow member, J. H. Lucas, has embarked upon the sea of matrimony, taking as his life companion the lovely Vineita Blakeney of Malakoff, Texas; and

Whereas, The Members of the House are very happy for their proud colleague and his wife; therefore, be it

Resolved by the House of Representatives, That congratulations be extended to Mr. and Mrs. Lucas, and the Members extend their best wishes for a happy married life; and, be it, further

Resolved, That they invite Mr. Lucas and his wife to appear at the Speaker's desk and receive the token of their esteem.

The resolution was read second time, and was adopted.

In accordance with the above action, Speaker Stevenson presented Hon. Edgar Keefe, who presented Mr. and Mrs. Lucas, on behalf of the Members of the House, with a chest of silver.

Mrs. Lucas then addressed the House, expressing appreciation for the gift.

RECESS

On motion of Mr. Reed of Dallas, the House at 5:15 o'clock p. m., took recess to 8:00 o'clock p. m., today.

NIGHT SESSION

The House met at 8:00 o'clock p. m., and was called to order by the Speaker.

MESSAGE FROM THE SENATE

Austin, Texas, October 27, 1936.

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

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 27, Granting E. V. Martin and T. Q. Martin permission to sue the State.

H. C. R. No. 34, Suspending certain Joint Rules for the purpose of considering Senate Bill No. 13, until same is finally disposed of.

Passed

H. B. No. 37, A bill to be entitled "An Act authorizing the issuance of interest-bearing warrants to pay old age assistance benefits, making an appropriation, and declaring an emergency."

(With amendments.)

Respectfully,
BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 13 ON SECOND READING

The Speaker laid before the House, (in accordance with H. C. R. No. 34) on its second reading and passage to third reading,

S. B. No. 13, A bill to be entitled "An Act to validate, ratify, approve, confirm and declare enforceable all levies and assessments of ad valorem taxes, etc., and declaring an emergency."

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

SENATE BILL NO. 13 ON THIRD READING

Mr. Scarborough moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100

Adamson
Adkins
Aikin
Ash
Atchison
Bergman
Bradbury
Bridgers
Butler of Karnes
Cagle
Calvert
Celaya
Colquitt
Colson
Cooper
Craddock
Crossley
Daniel
Davis
Davison of Fisher
Davisson of Eastland
Dickison
Dunlap of Hays
England
Fain
Farmer
Fisher
Fuchs
Glass
Graves
Gray
Hanna
Harper
Harris of Archer
Harris of Dallas
Head
Hodges
Hofheinz
Holland
Hoskins
Hunt
Hunter
Hyder
James
Jones of Falls
Jones of Shelby
Jones of Wise
Knetsch
King
Lange
Lanning
Latham
Leath
Lemens
Leonard
Lucas
Luker
Mauritz
McCalla
McConnell
McFarland
McKee
McKinney
Morris
Morrison
Morse
Newton
Nicholson
Olsen
Palmer
Patterson
Payne
Petsch
Pope
Quinn
Reed of Dallas
Riddle
Roach of Angelina
Roach of Hunt
Roane
Roark
Roberts
Rogers
Russell
Rutta
Scarborough
Sessions
Settle
Spears
Steward
Tennyson
Thornton
Tillery
Waggoner
Walker
Westfall
Wood of Harrison
Wood of Montague
Young
Youngblood

Nays—7

Burton
Caldwell
Lindsey
Lotief
Reed of Bowie
Stovall
Venable

Absent

Alexander
Alsup
Bradford
Broadfoot
Butler of Brazos
Canon
Collins
Cowley
Dunagan
Dunlap of Kleberg
Duvall
Dwyer
Ford
Fox
Frazer
Gibson
Good
Greathouse
Hankamer
Hardin
Hartzog
Herzik
Hill
Howard
Huddleston
Jackson
Jefferson
Jones of Atascosa
Keefe
Moffett
Moore
Padgett
Reader
Smith
Stanfield
Stinson
Tarwater
Wells
Worley

Absent—Excused

Bourne
Broyles
Shofner

The Speaker then laid Senate Bill No. 13 before the House on its third reading and final passage.

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

Yeas—105

Adamson
Adkins
Aikin
Ash
Atchison
Bergman
Bradbury
Bridgers
Broadfoot
Butler of Karnes
Cagle
Caldwell
Calvert
Celaya
Colquitt
Cooper

Cowley
Craddock
Crossley
Daniel
Davis
Davison of Fisher
Davisson of Eastland
Dickison
Dunlap of Hays
Dwyer
England
Fain
Farmer
Fisher
Fuchs
Gibson
Glass
Graves
Greathouse
Hanna
Hardin
Harper
Harris of Archer
Head
Hodges
Hofheinz
Holland
Hoskins
Hunt
Hunter
Hyder
Jackson
James
Jones of Falls
Jones of Shelby
Jones of Wise
King
Knetsch
Lanning
Latham
Leath
Lemens
Leonard
Lucas
Mauritz
McCalla
McConnell
McFarland
McKee
McKinney
Moore
Morris
Morrison
Morse
Newton
Nicholson
Olsen
Palmer
Patterson
Payne
Petsch
Pope
Quinn
Reed of Dallas
Riddle
Roach of Hunt
Roane
Roark
Roberts
Rogers
Russell
Rutta
Scarborough
Sessions
Settle
Spears
Steward
Stinson
Tarwater
Tennyson
Thornton
Tillery
Waggoner
Walker
Westfall
Wood of Harrison
Wood of Montague
Young
Youngblood

Nays—7

Burton
Lindsey
Lotief
Luker
Reed of Bowie
Stovall
Venable

Absent

Alexander
Alsup
Bradford
Butler of Brazos
Canon
Collins
Colson
Dunagan
Dunlap of Kleberg
Duvall
Ford
Fox
Frazer
Good
Gray
Hankamer
Harris of Dallas
Hartzog
Herzik
Hill
Howard
Huddleston
Jefferson
Jones of Atascosa
Keefe
Lange
Moffett
Padgett
Reader
Roach of Angelina
Smith
Stanfield
Wells
Worley

Absent-Excused

Bourne
Broyles
Shofner

MESSAGE FROM THE SENATE

Austin, Texas, October 27, 1936.

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

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on H. C. R. No. 28 by a viva voce vote.

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 37 WITH SENATE AMENDMENTS

Mr. Graves called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 37, A bill to be entitled "An Act authorizing the issuance of interest-bearing warrants to pay old age assistance benefits, making an appropriation, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Graves, the House concurred in the Senate amendments by the following vote:

Yeas—108

Adamson
Adkins
Aikin
Alexander
Ash
Bradbury
Bridgers
Broadfoot
Butler of Karnes
Butler of Brazos
Cagle
Calvert
Canon
Celaya
Collins
Colquitt
Cooper
Cowley
Craddock
Crossley
Daniel
Davison of Fisher
Dickison
Dunagan
Dunlap of Hays
Dwyer
England
Fain
Fisher
Frazer
Fuchs
Glass

Graves
Gray
Greathouse
Hanna
Hardin
Harper
Harris of Archer
Hartzog
Head
Herzik
Hodges
Hofheinz
Huddleston
Hunt
Hunter
Hyder
Jackson
James
Jones of Falls
Jones of Shelby
Jones of Wise
King
Knetsch
Lange
Lanning
Latham
Leath
Lemens
Lindsey
Lucas
Luker
Mauritz
McConnell
McFarland
McKee
McKinney
Moffett
Moore
Morris
Morrison
Morse
Newton
Nicholson
Olsen
Patterson
Payne
Petsch
Quinn
Reader
Reed of Bowie
Reed of Dallas
Riddle
Roach of Angelina
Roach of Hunt
Roark
Roberts
Russell
Rutta
Sessions
Settle
Smith
Spears
Stanfield
Steward
Stinson
Stovall
Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Montague
Worley
Youngblood

Nays—11

Burton
Caldwell
Farmer
Fox
Harris of Dallas
McCalla
Palmer
Pope
Tarwater
Venable
Wood of Harrison

Absent

Alsup
Atchison
Bergman
Bradford
Colson
Davis
Davisson of Eastland
Dunlap of Kleberg
Duvall
Ford
Gibson
Good
Hankamer
Hill
Holland
Hoskins
Howard
Jefferson
Jones of Atascosa
Keefe
Leonard
Lotief
Padgett
Roane
Rogers
Scarborough
Young

Absent—Excused

Bourne
Broyles
Shofner

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE CONCURRENT RESOLUTION NO. 28

Mr. Thornton submitted the following Conference Committee Report on House Concurrent Resolution No. 28:

Austin, Texas, October 27, 1936.

Hon. Walter Woodul, President of the Senate.

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

Sirs: We, your Conference Committee, appointed to adjust the difference between the Senate and the House on H. C. R. No. 28,

Have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said H. C. R. No. 28, be adopted in the form hereto attached.

THORNTON,
PETSCH,
JONES of Wise,
GREATHOUSE,
FUCHS,
On the part of the House.

STONE,
HORNSBY,
SANDERFORD,
RAWLINGS,
WEINERT,
On the part of the Senate.

"HOUSE CONCURRENT RESOLUTION NO. 28

Whereas, The Forty-fourth Legislature of Texas, passed what is known as the Texas Centennial Bill making possible the exposition commemorating the One Hundredth Anniversary of Texas Independence, and thereby became known as the Centennial Legislature; and

Whereas, the Hall of State has been erected on the exposition grounds as a permanent monument to Texas Independence, but contains no memorial to the Forty-fourth Legislature; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Board of Control be authorized and directed to place in said Hall

of State a plaque engraved with the names of the membership of the Senate and House of Representatives of the Forty-fourth Legislature, and specifically designating thereon the names of the presiding officers and the Secretary of the Senate and the Speaker and the Chief Clerk of the House of Representatives, and to pay the cost thereof out of any funds that have heretofore been made available for defraying expenses of the Texas Centennial Exposition."

On motion of Mr. Thornton, the report was adopted.

RELATIVE TO CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 8

The Speaker laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 16, Relative to the Conference Committee Report on House Bill No. 8.

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That it is the legislative intent of this Legislature in passing the Conference Report on H. B. No. 8, that Section 4 of Article II shall not be interpreted so as to consider the aid extended to applicants by friends and relatives in securing the necessities of life as income and resources of the applicant, and that in all cases "income" of applicants shall be construed as meaning "net" income.

The resolution was read second time.

Mr. Roane offered the following amendment to the resolution:

Amend S. C. R. No. 16 by striking out the last clause thereof.

On motion of Mr. Butler of Brazos, the amendment was tabled.

Question recurring on the resolution, it was adopted.

REQUESTING CERTAIN INVESTIGATING COMMITTEE TO REPORT

Mr. Head offered the following resolution:

Whereas, The Committee heretofore appointed by the House of Representatives for the investigation of the teaching of Communism, Atheism, and other subversive or un-American doctrines in our institutions of higher learning, has a mass of data and information which, because of the lack of time they have been unable to check upon or to verify; and

Whereas, The Committee will have to be given additional time in order to complete their investigation; and

Whereas, Information brought to the Committee now is of such importance as to require exhaustive investigation by the House of Representatives; therefore, be it

Resolved by the House of Representatives, That said Committee be and they are hereby authorized to continue their investigation as heretofore and to file a full and complete report of their findings with the Chief Clerk of the House of Representatives prior to the first day of January, A. D. 1937, in order that the Forty-fifth Legislature may have and receive the benefit of the findings of this Investigating Committee.

The resolution was read second time.

Mr. Worley offered the following amendment to the resolution:

Amend the resolution by striking out the resolving clause and substitute in lieu thereof the following:

"That said Committee report back to the House of Representatives not later than 10:00 o'clock p. m., Tuesday, October 27, 1936; and that said Committee be finally discharged."

WORLEY,
JONES of Wise,
FOX,
WELLS.

Mr. Cooper moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment by Mr. Worley, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—79

Adamson	Cowley
Adkins	Daniel
Aikin	Davis
Alexander	Davison of Fisher
Bergman	Davisson of Eastland
Bradbury	Dickison
Bridgers	Dunlap of Kleberg
Burton	Dwyer
Butler of Karnes	Fain
Cagle	Fisher
Calvert	Fox
Colquitt	Glass
Colson	

Graves
Greathouse
Harper
Harris of Archer
Herzik
Hill
Hodges
Hofheinz
Holland
Huddleston
Hunt
Hunter
Hyder
Jackson
Jones of Falls
Jones of Shelby
Jones of Wise
Keefe
Lanning
Lemens
Lucas
Mauritz
McCalla
McConnell
Moffett
Morris
Morrison
Newton
Palmer
Patterson
Payne
Reed of Bowie
Reed of Dallas
Riddle
Roach of Angelina
Roach of Hunt
Roark
Roberts
Rogers
Rutta
Sessions
Settle
Smith
Spears
Tarwater
Tennyson
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Worley

Nays—39

Broadfoot
Butler of Brazos
Caldwell
Collins
Cooper
Crossley
Dunagan
Dunlap of Hays
Farmer
Frazer
Fuchs
Gray
Hankamer
Hanna
Hardin
Hoskins
James
King
Latham
Leath
Lindsey
Luker
McFarland
McKinney
Morse
Nicholson
Olsen
Petsch
Pope
Quinn
Reader
Roane
Russell
Steward
Stinson
Stovall
Thornton
Venable
Youngblood

Absent

Alsup
Ash
Atchison
Bradford
Canon
Celaya
Craddock
Duvall
England
Ford
Gibson
Good
Harris of Dallas
Hartzog
Head
Howard
Jefferson
Jones of Atascosa
Knetsch
Lange
Leonard
Lotief
McKee
Moore
Padgett
Scarborough
Stanfield
Young

Absent—Excused

Bourne
Broyles
Shofner

Question recurring on the resolution, it was adopted.

Mr. Worley moved to reconsider the vote by which the above resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

AUTHORIZING CERTAIN CORRECTIONS IN HOUSE BILL NO. 8

Mr. Hankamer offered the following resolution:

H. C. R. No. 35, Authorizing certain corrections in House Bill No. 8.

Whereas, In drafting the Conference Committee Report on House Bill No. 8 certain errors were made in the language expressing the agreement on the part of the Conferees of both the Senate and House in several sections of the Conference Report, and in addition certain typographical errors were made in said Conference Report on House Bill No. 8, as hereinafter mentioned and referred to; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That in order to correct such errors and have said sections contain the provisions in the language and terms as agreed on, and make proper the agreement of the Senate and House Conferees, the Enrolling Clerk of the House of Representatives is authorized and directed to make the following changes in the Conference Committee Report on House Bill No. 8:

First: That the word "Act" in the second and fourth lines of Art. III, Sec. 4, subsection 13 of subsection f, page 40 of said Conference Report be stricken out and the word "Section" inserted in lieu thereof.

Second: That the words and figures "Ten ($10.00) Dollars" in the first line of subsection (b), Series "1" of subsection 1 of Section 4, Art. III, page 29 of said Conference Report be stricken out and the words and figures "Two Dollars and Fifty Cents ($2.50)" inserted in lieu thereof.

Third: By striking out the period after the word "exhibitions" at the end of subsection 3 of Section 6, Art. III, page 48 of said Conference Re-

port and adding after the word "exhibitions" the following: "where the admission charged is in excess of Fifty-one (51c) Cents".

Fourth: By striking out all of subsection (b) of Section 1, Art. IV, page 50 of said Conference Report and inserting in lieu thereof the following: "No city or other political subdivision of this State, by virtue of its taxing power, police power or otherwise shall impose an occupation tax or charge of any sort for the privilege of doing business upon any person, corporation or association required to pay an occupation tax under this Article, provided that nothing in this Article shall be construed to prohibit the collection of any tax now imposed by a franchise, and provided further that this Article shall not affect any contracts now in existence or hereafter made between a city and the holder of a franchise."

Fifth: By striking out the last paragraph of Section 2 of Article IV, page 51 of said Conference Report and inserting in lieu thereof the following: "No city or other political subdivision of this State, by virtue of its taxing power, police power or otherwise shall impose an occupation tax or charge of any sort for the privilege of doing business upon any person, corporation or association required to pay an occupation tax under this Article, provided that nothing in this Article shall be construed to prohibit the collection of any tax now imposed by a franchise, and provided further that this Article shall not affect any contracts now in existence or hereafter made between a city and the holder of a franchise."

Sixth: By striking out the last paragraph of Section 3, Art. IV, page 53 of said Conference Report and inserting in lieu thereof the following: "No city or other political subdivision of this State, by virtue of its taxing power, police power or otherwise shall impose an occupation tax or charge of any sort for the privilege of doing business upon any person, corporation or association required to pay an occupation tax under this Article, provided that nothing in this Article shall be construed to prohibit the collection of any tax now imposed by a franchise, and provided further that this Article shall not affect any contracts now in existence or hereafter made between a city and the holder of a franchise."

Seventh: By adding between the words "preferred" and "all" in the second line of Section 11, subsection (e), Article IV of said Conference Report, page 71 thereof, the words "lien on".

Eighth: Changing the word "public" in Article IV, Section 4, subsection 7, line 5, page 55, to read "available".

HANKAMER,
McKINNEY,
GOOD,
JAMES,
FRAZER.

The resolution was read second time.

Mr. Keefe raised a point of order, on further consideration of the resolution, on the ground that a Conference Committee Report cannot be amended by a concurrent resolution.

The Speaker overruled the point of order.

Question recurring on the resolution, it was adopted.

REPORT OF INVESTIGATING COMMITTEE IN REGARD TO ALLEGED IRREGULARITIES IN HOUSE BILL NO. 8

Mr. Petsch, Chairman, submitted the following report of the Committee heretofore appointed to investigate alleged irregularities in House Bill No. 8:

Austin, Texas, October 27, 1936.

Hon. Coke R. Stevenson, Speaker of the House of Representatives, Austin, Texas.

Sir: We, your Committee appointed to investigate alleged irregularities in connection with Section 10A of House Bill No. 8, beg leave to report as follows:

The evidence introduced at our hearing indicated clearly that Section 10A had been inserted in at least one copy of the bill after its introduction in the House. Mr. James testified that the Section was in both copies of the bill at the time the bill was introduced in the House.

Your Committee finds that both the Chief Clerk of the House and the Calendar Clerk of the House performed the duties of their respective offices, with respect to the handling of this bill, perfectly and that no blame attaches to either office.

Inasmuch as a question of fact has been raised as to the insertion of

Section 10A in one copy of the bill, your Committee has filed the sworn testimony of the hearing with the Speaker of the House, and takes this means of calling the attention of the members of the House to the fact that it is unlawful and a serious violation of the Rules of the House to alter bills or other papers which have become the property of the House in any manner other than as provided by the Constitution and the Laws of the State of Texas, the Joint Rules of the two Houses and the Rules of the House of Representatives. Further, your Committee recommends that the Rules of the House be amended, if possible, in such manner as to prevent a recurrence.

PETSCH, Chairman,
CALVERT,
LEONARD,
WALKER,
MORSE.

On motion of Mr. Petsch, the report was adopted.

REPORT OF COMMITTEE APPOINTED TO INVESTIGATE CERTAIN WAGE SCALES

Mr. Roberts submitted the following report of the Committee heretofore appointed to investigate wage scales in the State Highway Department:

Hon. Coke R. Stevenson, Speaker of the House of Representatives, Austin, Texas

Sir: We, your Committee appointed by authority of House Simple Resolution No. 25 at the Second Called Session of the Forty-fourth Legislature beg leave to make the following report:

Your Committee conducted its hearings and heard witnesses testify regarding wage scales paid by contractors under the State Highway Department. It is the opinion of your Committee that the spirit and purpose of the present prevailing wage scale law has probably not been carried out in some instances by some contractors who have obtained contracts from the State Highway Department. It is the further opinion of your Committee that a revision of the present prevailing wage law would be the proper procedure on the part of the Legislature of Texas to cure the present criticism on the part of labor.

Your Committee did not obtain any material fact to indicate that there were any irregularities in the awarding of contracts.

Respectfully submitted,
ROBERTS,
McKEE,
YOUNGBLOOD,
LANNING,
MAURITZ.

On motion of Mr. Roberts, the report was adopted.

REPORT OF COMMITTEE IN REGARD TO OIL INDUSTRY OF TEXAS

The following report of the Committee heretofore appointed in regard to the oil industry of Texas was submitted:

Austin, Texas, October 22, 1936.

To the Honorable Coke R. Stevenson, Speaker, and Members of the Forty-fourth Legislature, Third Called Session,

Sirs: We, your committee heretofore appointed under and by virtue of the provisions of House Simple Resolution No. 126, adopted by the House of Representatives at the Regular Session of the Forty-fourth Legislature and continuing under the provisions of House Simple Resolution No. 35, adopted by the House of Representatives at the First Called Session of the Forty-fourth Legislature, for the purpose of investigating conditions in the oil industry in Texas and the administrative control thereof, together with the enforcement of the oil and gas conservation statutes of Texas, submit herewith the following final report of the work of said Committee.

This report is made in addition to the preliminary report filed by this Committee with the Chief Clerk of the House of Representatives at the First Called Session of the Forty-fourth Legislature, under date of September 26, 1935. There is filed herewith a transcript of testimony taken by said Committee at its hearings held subsequent to the time of filing of said preliminary report through March 31, 1936, upon which date the Committee ceased its labors under the terms of House Simple Resolution No. 35, above mentioned. The transcript of testimony taken prior to the preliminary report was filed with such report at the First Called Session of the Forty-fourth Legislature.

The Committee hereby adopts its preliminary report as a part of this,

its final report, and reference is here made to its content as to all matters contained therein, as found by the Committee from the beginning of its work to the date of the filing thereof.

The Committee has devoted considerable time to the investigation of alleged payment of taxes on excess oil to the Comptroller's Department under fictitious names, or in the name of so-called "phantom companies," and found such to be a rather common practice. The purpose of this practice is very obvious, being to render it more difficult, if not to preclude completely the Railroad Commission's ascertaining information from the tax records of the Comptroller's Department of the production of excess oil. It further appears that taxes have been paid more or less freely on excess oil, through a greater fear on the part of such producers and operators of violating the tax statutes than was held for violation of the conservation statutes. The general practice has been for operators producing excess oil to pay the gross production tax on so much as was allowable oil in the name of the operator or company under which tenders were issued by the Railroad Commission, and by which the company or operator transacted other business and was generally known. The tax on excess oil would be paid under the name of some fictitious company which was not known to the Railroad Commission and which in fact did not exist. In many instances no return address was shown on the remittance to the Comptroller's Department, and its agents as well as the agents of the Railroad Commission were thereby deterred in tracing the source of the payment. In some instances, even, agents of the Comptroller's Department testified that Cashier's checks were slipped under the door of the Tyler office, outside of office hours, by parties to them unknown. In casual compliance with the provisions of the gross production laws these remittances were accompanied at times by the Comptroller's prescribed form No. 100, which usually were only partially or evasively filled out, seldom sworn to, oftentimes unsigned or "signed" in typewriting, all of which was in violation of the statute.

With such information as was reflected on these incomplete reports, namely, the amount of the tax so paid and the date of its payment, the Committee traced a number of such payments from the Comptroller's Department through the Treasury Department when same were deposited therein. From the records of the Treasury Department the dates, serial numbers and banks upon which they were drawn was ascertained as to Cashier's checks and the signatures obtained as to personal checks. These items in turn were traced through the records of the individual banks upon which same were drawn and the bank accounts against which they were charged thereby ascertained. Examination of the signature cards of the various banks then revealed the owners of the accounts against which such items were drawn and those authorized to make withdrawals from such accounts. Invariably these payments were made by those transacting business with reference to their allowable oil under a name well known to the Railroad Commission, but such tax payments as above described being made under some name entirely unknown to the Railroad Commission. After many evasive answers it was finally admitted by agents of the Comptroller's Department charged with the responsibility of collecting gross production taxes, that there was something of an understanding between the collectors of that department and the operators of such fictitious companies that no information with reference to such excess oil transactions would be by them revealed to the Railroad Commission. In fairness to the Comptroller's Department and the Railroad Commission your attention is here directed to the fact that under our statutes the Comptroller's Department has no obligation or responsibility with reference to the enforcement of proration or conservation laws, and the Commission of course, has no responsibility as to the collection of gross production or other taxes. The records of the two departments, however, are calculated to be of great value, one to the other, with reference to their respective duties; but by virtue of the practice above described any material assistance to be gained by one department from the other was virtually rendered a nullity.

The viewpoint of the Comptroller's Department with reference to such matters seems to be that their duties, as mentioned above, was solely to col-

lect taxes and that tax payments were more readily made and with less coercion on the part of its collectors, when the producers and handlers of excess oil realized that their remittances under fictitious names, which constituted virtual admission of violations of the conservation laws, would not be betrayed to the Railroad Commission. The practices were thereby permitted by the Comptroller's Department as a matter of expediency in making its collection.

The existence of such conditions naturally gives rise to two possible viewpoints as to the efficacy of the method used by the Comptroller's Department. The view followed by the department, obviously as well as admittedly, was to collect as much money as possible in the easiest possible manner, the letter of the law as to the method of collecting, to the contrary notwithstanding. The opposing viewpoint would require as strict adherence as possible to the gross production tax statutes as to correctness of reports accompanying remittance, showing the name of the operator, the source of the oil, itemized as to leases from which produced and all other information required by the Comptroller's Form No. 100, as well as the affidavit of the producer as to the correctness of such report; and the amount of collections to be governed by that which could be collected according to the method required by law, a request for changes in the legal method of collection to be made in the event experience showed the prescribed manner to be inadequate or impractical.

In view of the fact that instances were revealed in which an agent of the Comptroller's Department cooperated in such practices to the extent of filling out and signing such reports in the name of fictitious companies, on occasions when he knew that the oil on which the report was made was produced in violation of the law, a serious question is raised in the minds of the Committee members as to the propriety of State employees enjoying such a degree of confidence and understanding with those wilfully and knowingly violating the law.

Regardless of the comparative merits of the two viewpoints above set forth, upon presentation to the Comptroller's Department of the above facts the practice of accepting such reports was immediately discontinued and proper reports have since been required.

The records of the Comptroller's Department now constitute a very valuable aid to the Railroad Commission in securing information useful and necessary in this enforcement of the conservation laws and presents, what to our minds, is a much improved condition over that as related in our preliminary report, wherein a complete lack of coordination and cooperation was found to exist between the two departments. Reference is made to pages 1 to 76 of Volume 5A; 130 to 180 and 207 to 284 of Volume 8A of the transcript filed herewith of the testimony pertinent to the above matters.

In the matter of gasoline tax payments a situation was found to exist which gave rise to fraudulent operations that for a time were a little short of notorious. This was occasioned primarily by the inadequacy of the motor fuel tax law, rather than any dereliction on the part of any State officials or employees. Under the provisions of the motor fuel tax law any processor of crude oil is required to post a bond with the Comptroller in an amount not to exceed $25,000.00 and obtain a motor fuel distributor's permit. The tax becomes due and payable on the 20th day of the month succeeding the processing of the motor fuel, making a period of fifty days during which a refinery can operate under its bond, without remitting taxes to the State. Under these provisions of the law it is possible to begin operations of a refinery on or near the first of any month and continue operations for a period of fifty days, the refiner collecting the 4c per gallon gasoline tax from each first purchaser and failing to remit same to the State. At the end of the fifty day period the aggregate tax so collected from purchasers on plants of even moderate capacity will far exceed the amount of the bond, assuming that the maximum bond has been required by the Comptroller's Department. It then becomes a profitable transaction on the part of the unscrupulous refiner to forfeit his bond as well as the lease on his plant, which is usually only a leased plant, the difference between the amount of his bond and the taxes collected from his patronage constituting additional profits, and expressing only his regrets to the State at his inability to

pay his taxes because of his complete insolvency. In the case of a refinery having a capacity of 2500 barrels per day and a gasoline recovery of 60%, the tax accruing to the State in fifty days operation amounts to $126,000.00, leaving additional profits at the expense of the State of $101,000.00, after deducting the amount of the maximum bond required to be posted under the law. In one instance this practice was effectively followed to the extent of a fraud upon the State amounting to approximately $77,000.00.

Another feature of operations closely related to the above described practice, which served only to increase its evils, is the failure of the present law to prevent more than one refinery from operating under the same bond and permit. When more than one refinery uses the same bond and permit for such purposes of evasion, the loss to the State may be increased in direct proportion to the number of refineries so operating under one bond.

Under this same general subject matter, the Committee likewise found a practice for handling and marketing gasoline manufactured from excess oil which closely resembled in technique the practice first above outlined, of paying gross production taxes under fictitious names. This method consists of the obtaining of two permits by the same refinery, one being used for the disposal of gasoline processed from legal oil and the other for the disposal of the products of excess oil. In numerous instances the permit for the disposal of excess products would describe the location and physical properties of a refinery long since abandoned and not in operation, while in fact both the legal and excess gasoline were processed in the same refinery and being the one described in the permit under which legal products only were handled. In such cases all products so handled and tax payments made under the dummy permit were handled under the trade name appearing in such permit which name appeared nowhere in the tender records of the Railroad Commission. In recent months both the Railroad Commission and the Comptroller's Department have devoted much effort toward eradicating such illegal operations, the Railroad Commission now keeping a full time employee for the purpose of checking motor fuel permits granted by the Comptroller's Department and ascertaining that such plants are actually in operation and securing legal tenders for the movement of their products. The Comptroller's Department in turn is following more stringent regulations with reference to the granting of permits and requiring a showing of a higher degree of good faith on the part of the applicant than in the past.

Your attention is directed to pages 22 and 58 to 60 of volume 4A of the transcript filed herewith for more elaborate facts with reference to the above. In this connection the Committee feels that such matters are of the utmost importance to the State of Texas, both from the standpoint of the efficient collection of taxes and the enforcement of the conservation laws, and thereby warrant the early attention of the Legislature enacting corrective statutes. The Committee feels that the present law with reference to gross production taxes is perhaps sufficient with reference to the enforcement machinery therein prescribed, and that the more stringent administration now being applied will serve to correct the abuses outlined above. Consideration might be given, however, to the enactment of more stringent penal statutes for the failure to make returns or the making of false or incomplete returns. The matter of corrective legislation with reference to the abuses under the motor fuel tax law presents a more complicated situation. The simple requirement of increasing the maximum bond to more than $25,000 would not eradicate the evil in that in many instances it would place an undue burden, if not be prohibitive to the small but legitimate refiner. Likewise, a provision rendering the taxes payable at an earlier date than the 20th day of succeeding month in many instances would burden both the tax payer and the Comptroller's Department in not allowing sufficient time to make up proper returns and to make collections. Since, under the elastic provision of the present law, the Comptroller can make agreements for the payment of gasoline taxes at more frequent intervals when less than the maximum bond is posted, it occurs to the Committee that a statutory provision setting up certain limitations on a proportionate basis between the interval of payment and the amount of bond might be the solution. In effect, such a provision would require

the payment of taxes at intervals of time no greater than that during which the tax due on the amount of gasoline processed, or that can be processed, in any given refinery equals the amount of the bond. In other words, under such a plan the bond would at all times exceed, or at least be equal to, the indebtedness to the State.

The evil here under discussion, has been materially lessened by a more or less recent court decision by the Court of Civil Appeals, holding that the physical properties of the refinery were liable for gasoline taxes even though the properties were operated under lease. This case was not carried to the Supreme Court, however, and therefore consideration at this time by the Legislature of fixing statutory liability on the physical properties for taxes would no doubt be a reasonable safeguard in behalf of the State in anticipation of future litigation of this type.

The Committee devoted much time and consideration to the present laws, rules and regulations with reference to Railroad Commission manifests required for the transportation of oil and/or products by truck, and tax manifests required on gasoline shipments by truck by the Comptroller's Department. Much of this work was done in joint conferences of the Committee with the Railroad Commission, the Attorney General's Department and the Comptroller's Department, of which conferences no transcript of testimony was made. It was at first believed that much duplication of work could be eliminated, as well as a higher degree of enforcement efficiency achieved, by the adoption of a single manifest to be used jointly by the Railroad Commission and the Comptroller's Department for both conservation and tax purposes, and an agreement to this effect was reached by the two departments at the instance of the Committee. Upon close examination of all the present statutes relating to the subject matter, namely, House Bill No. 581, of the Regular Session of the Forty-fourth Legislature, and House Bill No. 247 of the Regular Session of the Forty-third Legislature, as amended, in an effort to effectuate such agreement it was found that such a single manifest could not be adopted under the present law. In lieu of such single manifest the Commission has subsequently amended its form of manifest, and its order promulgated with reference thereto, so as to render the manifest much more difficult of duplication or counterfeiting. The Committee is not advised as to whether or not the Railroad Commission and the Comptroller's Department still deem the single manifest advisable, but if such is the case we would recommend the necessary reconciliation between the above mentioned statutes so as to make this possible.

In connection with the adoption of the new manifest form by the Railroad Commission, which was not completed until after this Committee ceased its hearings on March 31, 1936, an incident has come to the attention of the Committee members which we deem of sufficient consequence to warrant a place in this report, as well as the attention of the Legislature. After the adoption of the form by the Commission and the promulgation of its order with reference to its use, the Commission was notified by a private printing firm, who incidentally had been unsuccessful in obtaining the contract for the printing of such form, that they through their attorneys had the form copyrighted, and instructing the Commission to desist from its future use. Such boldness on the part of private concerns immediately suggests the possibility, with the accompanying tumult and confusion that might result, if some more ambitious firm should undertake to copyright all official State forms of all State Departments in an effort to coerce the various departments into awarding lucrative printing contracts. The Legislature might well consider some form of protection for the various forms used by the State even to the extent of penal provisions for interferences with their use and making such attorneys co-conspirators in the offense.

Because of various charges being made to the Committee with reference to certain abuses existing under the confiscation law, particularly in the matter of the appointment of receivers to handle oil in confiscation proceeding, the Committee took lengthy testimony from various parties who had served and were serving as such receivers in an effort to determine the exact status of such charges. General matters with reference to the administration of the

confiscation law were also discussed in our preliminary report previously filed. From all the testimony taken, and other information obtained with reference to confiscation proceedings, the Committee is of the opinion that little necessity exists for the appointment of a receiver in such matters, but that same should be handled by Railroad Commission agents who are in better position to make accurate gauges and perform the other functions necessary to the proper handling of such matters. Your attention is directed to pages 1 to 123 and 189 to 207 of Volume 8A and pages 1 to 20 of Volume 9A of the transcript on this subject matter. Much progress has been made in recent months by the Railroad Commission, particularly in its method of gauging actually the amount of oil contained in earthern pits, without the necessity of removing the oil into steel storage. This has done much toward correcting the heretofore flagrant abuse of the so-called supplemental sales which were had in practically all confiscation proceedings and developed into a racket of the first rank. The subject of confiscation and its practical administration, however, still constitutes a threat of sizeable proportion to the stability of enforcement of the conservation law, and in our judgment is a matter deserving the most careful and judicious consideration, as well as skillful administration on the part of both the Railroad Commission and the Attorney General's Department.

Realizing the enormity of the undertaking, the Committee nevertheless made diligent efforts to obtain and trace to finalty any and all leads that might show the production and/or handling of excess oil by major companies. In considering this subject matter, it is well to bear in mind that there are only four possible outlets for oil from any given field, including of course the East Texas field, towit: tank car, pipe line, truck and that refined within the area of the field itself. Unquestionably, prior to April of 1933, which was the date of the first valid proration order promulgated by the Railroad Commission, excess oil was handled through major company pipe lines as the amount of excess oil produced could not have been disposed of by refineries in the field. Since that time, when the subsequent proration orders of the Railroad Commission have been held valid, the task of proving the production or handling of excess oil by major companies is considerably more difficult, if it exists, because of the adequacy of their facilities. In an effort to obtain the best information available, the Committee arranged through the Department of the Interior at Washington, D. C., to have access to the private files of the Federal Petroleum Agency, it being the investigating agency of the Federal Tender Board, the Committee having been advised that this agency had made far more extensive investigations of this phase of oil operations than the facilities of this Committee would permit. In a lengthy conference with the head of this agency, the Committee found that the Federal Government had conducted an extensive investigation covering a period of twelve months using as many as fifteen trained investigators, and covering every state in which a certain major pipe line transacted business and expending an enormous sum in defraying the expenses of such investigation. The total result of this investigation reveals an excess of 5000 barrels in a period of twelve months, which compared to the quantity of oil handled by this line was far less than the 1% pipe line overage which is allowed.

Considerable difficulty was encountered by the Committee in some of its hearings due to the refusal of witnesses to testify through fear of incriminating themselves; and in perhaps equally as many instances witnesses were prone to dodge the service of process; this same difficulty is often encountered by the Railroad Commission and the Attorney General's Department in the obtaining of evidence and preparation of penalty suits. As an example of the extent to which witnesses and interested parties will undertake to conceal evidence and preclude witnesses from testifying, your attention is directed to pages 1 to 16 of Vol. 2A and 44 to 71 of Vol. 9A of the transcript. The court records of numerous cases that have been brought to trial concerning oil matters indicate that such practices are, and have been very common. Many leads which were presented to the Committee from various sources were impossible of pursuit to final conclusion because of the disappearance of witnesses, or absences outside the State or through the claiming by

witnesses of their constitutional privilege above mentioned. Among such instances was the sudden and total absence of one who furnished very valuable information while employed in a high position with the Railroad Commission; and which the Committee was not again able to locate after the termination of his employment with the Commission.

While apparently an insignificant matter upon its face, yet when considered in the large proportion in which it has been indulged in the East Texas field, the matter of irregular notary acknowledgments becomes one of considerable concern. The Committee found the common practice of Notaries signing in blank in large numbers for future use of his employer, the acknowledgments required on various forms to be filed with the Railroad Commission and the Comptroller's Department. On being questioned by the Committee it was found in numerous cases that the Notary was not in any wise acquainted with the affiant who subsequently signed the report and, therefore, was unable to identify such signatures. At the hazard of its being considered a tendency toward top-heavy regulation incapable of enforcement, the Committee nevertheless feels that there is considerable merit in proposing that additional restrictions be placed upon the methods of practice of Notaries in this State, to the end that the sanctity of instruments executed and acknowledged for public records might be better maintained. In connection with the above your attention is directed to pages 1 to 31 of Vol. 7A of the transcript.

From the outset it was the policy of this Committee to obtain as much information as possible with reference to deficiencies and short comings in the administration and enforcement of the conservation statutes and evasion of oil and gasoline taxes. The activities of the Committee, from the time of its inception in May, 1935, up to the time of its preliminary report of September 26, 1935, were directed entirely in that direction and to some extent thereafter. The Committee then concerned itself with extending its efforts toward correcting as many of such abuses as possible on a constructive basis, with the cooperation of the various State Departments charged with such responsibilities under the law. As has been mentioned above much progress was made along this line, and by the concluding date of its sessions the Committee observed, and assisted in bringing about a much higher degree of cooperation among the three State Departments primarily concerned with these matters. The Committee has continued to observe, as individuals in an unofficial capacity, conditions existing with reference to the subject matter of its investigation since it was required to cease its labors under the terms of the Resolution authorizing its existence. From all of the testimony taken, and all of the conferences held with various State officials and all observations made, the Committee has been primarily impressed with the advisability, if not the necessity, of centralizing all responsibility, for the administrative control and enforcement of the conservation statutes together with the collection of taxes derived from natural resources, including the gasoline tax, under one head. The accompanying information required to be filed with remittances is so closely interwoven with, and furnishes such valuable enlightenment upon the activities of any given person, firm or corporation with reference to their operations under the conservation laws as to render the two inseparable. To summarize rather than criticize, and recognizing throughout the human equation that enters in, the Committee found invariably the Railroad Commission claiming that matters of record in the Comptroller's Department were not available; as consistently the Comptroller's Department counters that no request therefor had been made; concurrently the Attorney General's Department complained that sufficient information could not be had for the intelligent filing and diligent prosecution of penalty suits, which information was supposed to be furnished them by the Railroad Commission; and all the while the Railroad Commission complains of the delays of the Attorney General's Department in the dispatch of its duties. Regardless of the merits or demerits of any such claims or counterclaims, the Committee has given consideratble thought to the centralization of all of such responsibility to the end that progress might be more rapid and the ultimate result more beneficial to the State.

It has not been the purpose of this Committee to conduct a campaign of sensationalism, nor to embarrass or debauch the reputation of any person in their official capacity or otherwise, but to confine our efforts toward ascertaining the facts of conditions as such existed and predicated upon such facts, to do a constructive work. In this connection we think it only fair to state that we investigated to the full extent of our ability, means and facilities, numerous charges with reference to the integrity of certain State officials and were unable in any manner to hang a cloak of dishonesty either in intent or actuality upon any State official.

In conclusion your attention is particularly directed to that portion of the transcript appearing at pages 20 to 22 and 54 to 58, Volume 4A, wherein the chief enforcement officer of the Railroad Commission in the East Texas field and others testified with reference to improvements in conditions and the accompanying increase in collection of taxes accruing to the State occasioned by the work of the Committee. This testimony likewise shows the value to the State in actual increased financial returns brought about by strictly enforced conservation statutes. Conservative calculations as to the actual financial return to the State occasioned by this Committee's work as testified to by well informed and certainly impartial witnesses to the Committee, from the one source of gross production taxes alone amounts to $38,000.00 per month from the East Texas field alone and has so continued for approximately the past twelve months with no threatening indications of decrease.

The references to pages of the transcript made in this report are not meant to be exclusive as to all the testimony hearing on the particular subject matter, but are merely indicative of what may also appear in other portions of the record.

With the filing of this report the Committee respectfully requests that same be accepted and that the Committee be finally discharged.

Respectfully submitted,

CELAYA, Chairman,
STEWARD,
LATHAM,
GRAVES,
JONES of Atascosa.

On motion of Mr. Alexander, the report was received and the Committee was discharged.

TO PROVIDE FOR COMMITTEE TO STUDY STATE GOVERNMENT

Mr. Howard offered the following resolution:

(Mr. Knetsch in the Chair.)

Whereas, A number of Members of the House of Representatives have indicated a desire to make a study of the State Government and its various departments; and

Whereas, These Members have expressed a willingness to make such study at their own expense and without any cost to the State; and

Whereas, Their labors will be facilitated by authorization for such study by the House of Representatives; now, therefore, be it

Resolved, That the Speaker of the House be empowered to name three of said members to study the operation of State Government and its departments and make recommendations to the Regular Session of the Forty-fifth Legislature, toward increasing efficiency in government; and, be it further

Resolved, That the head of the various departments of government be invited to consult with this committee and offer such suggestions as they believe might result in constructive legislation.

The resolution was read second time.

Mr. Fox raised a point of order, on further consideration of the resolution, on the ground that the time allotted for the consideration of resolutions has expired.

The Chair sustained the point of order.

PROVIDING FOR PURCHASE OF RAY'S SESSION LAWS

Mr. Reed of Dallas offered the following resolution:

Whereas, A number of important measures, including the Unemployment Insurance Act, in which the people are vitally interested, have been and will be passed at this Session, and the full text of such laws should be in the hands of each Member of the House as early as possible, showing the vote and the action of the Governor thereon and when each becomes effective; therefore, be it

Resolved, That the House purchase 150 copies of Ray's Advance Session Laws, containing such laws, to be delivered to each Member of this House as soon as available, at 75c per copy, to be paid for out of the Contingent Fund of the House, as has been the custom heretofore.

The resolution was read second time, and was adopted.

PROVIDING FOR POST-SESSION WORK

Mr. Leonard offered the following resolution:

Whereas, It is necessary that certain officers and employees perform duties in order to complete the work of their departments; now, therefore, be it

Resolved, That the following officers and employees be retained after the adjournment of this Session, not to exceed the number of days herein specified, exclusive of Sundays:

The Parliamentarian, for two (2) days.

The Chief Clerk, ten (10) days, for the purpose of collecting all records, reports, and papers in the hands of various clerks, and arranging all bills, resolutions, petitions and delivering the same, after proper classification, to the Secretary of State, and to complete the various other duties imposed upon her by resolution and by the Rules of the House; and three (3) assistants, for eight (8) days each.

The Calendar Clerk, four (4) days, and one assistant, two (2) days, for the purpose of completing their records and delivering all records, bills and resolutions in their possession to the Chief Clerk.

The Engrossing and Enrolling Clerks, two (2) days each, for the purpose of filing with the Chief Clerk all bills and resolutions in their departments.

The Clerk of the Contingent Expense Committee, fifteen (15) days; the bookkeeper and stock clerk to the Contingent Expense Committee, five (5) days each, for the purpose of invoicing, checking and posting up accounts, mailing out vouchers and closing up the affairs of the Committee on Contingent Expenses and the expenses of the Chairman of the Committee on Contingent Expenses shall be allowed for fifteen (15) days, and the Chairman of the Committee on Contingent Expenses shall be allowed traveling expenses and other necessary expenses, when the duties of his office require his presence in the City of Austin, in the interim between the Third Called Session of the Forty-fourth Legislature and the next Called or Regular Session of the Legislature.

The Mailing Clerk, five (5) days, for the purpose of mailing out House Journals not received from the printer until after sine die adjournment and one page for five (5) days.

The Special Postal Clerk, two (2) days in which to deliver and/or forward mail of members of the House.

The Voting Machine Operator, ten (10) days, for the purpose of cleaning the voting machine.

The Sergeant-at-Arms, shall receive six (6) days; a secretary to the Sergeant-at-Arms, three (3) days; two pages, shall receive one (1) day each, and six (6) porters shall receive five (5) days each, to assist in the proper cleaning and closing of the Hall of the House of Representatives.

The Chief of Stenographers and one page shall receive one (1) day each.

The Clerk of the Appropriations Committee shall receive two (2) days at Four ($4.00) Dollars per day.

That two hundred and fifty copies of the House Journal of the Third Called Session of the Forty-fourth Legislature, when completed, shall be printed and shall be bound in buckram, and that one volume, when thus bound, shall be forwarded by the Secretary of State to each Member of the House of Representatives, to each elective officer of the House, and to each Senator, and the remaining shall be retained by the Secretary of State.

The printing of such House Journals in permanent form shall be done in accordance with pre-existing laws and with the provisions of this resolution, under the supervision of the Journal Clerk of the House.

It is further provided that it shall be the duty of the Journal Clerk of the House of Representatives not to receive or receipt for said House Journals until correctly published as required herein and by pre-existing law; provided, that the Journal Clerk shall be empowered to leave out of the Permanent Journal all bills which have been printed in the daily Journal.

When said Journals have been published, and the account approved by the Board of Control, the same shall

be paid out of the Contingent Expense Fund of the Third Called Session of the Forty-fourth Legislature that is available; providing, that the Chairman of the Committee on Contingent Expenses shall not issue voucher for said amount until the Journal Clerk has certified to him that the Journals have been published and delivered in accordance with the provisions of this resolution.

The Journal Clerk and her assistant shall be retained for not more than twenty-five (25) days each, exclusive of Sundays, after sine die adjournment, for the purpose of correcting, and indexing, and the supervision of the publication of Journals of the House of Representatives of the Third Called Session of the Forty-fourth Legislature and shall receive the same salary as received during the Session, payable out of the Contingent Expense Fund, on bills in duplicate, with the usual affidavit attached.

The Speaker of the House is hereby empowered to employ such additional help and to provide such additional services as he deems necessary in the interim between November 27, 1936, and the beginning of the next Called or Regular Session of the Legislature, and the expense of such employment or services shall be paid out of the Contingent Expense Fund of the Third Called Session of the Forty-fourth Legislature in the same manner as is herein provided for the payment of other expenses incurred under this resolution.

That each employee so retained by this resolution, or by the Speaker, shall receive the same amount of salary as received for like work during this Session, to be paid out of any sum appropriated for mileage and per diem of the Members and officers and employees of the Third Called Session of the Forty-fourth Legislature, the amount to be paid by warrants to be signed by the Speaker of the House and the Chief Clerk of the House; provided, however, that no employee hereunder, shall be eligible to receive pay under this resolution, unless he or she is actually engaged for the entire time herein allotted, in the performance of the respective duties set forth in this resolution.

The resolution was read second time.

Mr. Lotief offered the following amendment to the resolution:

Amend resolution to read as follows:

"Chief Clerk five days, and Chairman of Contingent Expenses, one round trip only."

On motion of Mr. Spears, the amendment was tabled.

Question recurring on the resolution, it was adopted.

PROVIDING FOR CUSTODIAN OF THE HOUSE

Mr. Leonard offered the following resolution:

Whereas, The Hall of the House of Representatives should be kept open from 8 o'clock a. m., until 5 o'clock p. m., each week day, and from 10 o'clock a. m., to 5 o'clock p. m., each Sunday, in order that visitors may have the opportunity of visiting the Hall when in the City of Austin; and

Whereas, The furniture and property of the Hall of the House of Representatives and the various committee rooms, should be under protection during these hours, and kept clean and in order; and

Whereas, No such employees are provided as part of the regular force of the employees of the capitol; therefore, be it

Resolved by the House of Representatives, That the Speaker of the House be authorized to select a responsible custodian to look after the Hall of the House of Representatives between the adjournment of the Third Called Session of the Forty-fourth Legislature and the convening of the next Session, which custodian shall be under the supervision of the Board of Control, and shall receive for his services One Hundred and Five ($105.00) Dollars per month, to be paid out of the Contingent Expense Fund of the Third Called Session of the Forty-fourth Legislature, a warrant to be issued upon the approval of the Board of Control, and to be paid the first day of each month; and, be it further

Resolved, That the Speaker of the House be authorized to designate a porter to take care of the Hall of the House of Representatives and adjoining rooms used by the House of Representatives and the Speaker of the House, and said porter shall work under the direction of the custodian of the House, and shall receive as compensation the sum of Three

($3.00) Dollars per day, to be paid out of the Contingent Expense Fund of the Third Called Session of the Forty-fourth Legislature, a warrant to be issued upon approval of the Chairman of the Board of Control, and to be paid the first day of each month.

The resolution was read second time.

Mr. Lotief offered the following amendment to the resolution:

Amend said resolution to read as follows:

"The Hall shall be closed on Sunday during church services."

On motion of Mr. Roach of Hunt, the amendment was tabled.

Question recurring on the resolution, it was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, October 27, 1936.

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

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

H. C. R. No. 35, Authorizing the Enrolling Clerk of the House to make certain corrections in Conference Committee Report on House Bill No. 8.

Respectfully,
BOB BARKER,
Secretary of the Senate.

(Speaker in the Chair.)

COMMENDING UNIVERSITY OF TEXAS

Mr. Roark offered the following resolution:

Whereas, The Committee to investigate the teaching of Communism, Atheism, and other isms in the University of Texas, has held long and continued hearings on the subject; and

Whereas, Nothing has been brought to light that would in any way show that such teaching is a part of the work in the University; and

Whereas, On the other hand from the investigation conducted and the reports of same in the Daily Newspapers it has been shown that the teachers in the University teach only the fundamentals of Democracy and good government; and

Whereas, Carl Bergman, a very able member of the Committee has filed a statement confirming the above; and

Whereas, He is the only member of the Investigating Committee to make any report to the House at all; now, therefore, be it

Resolved, That the House of Representatives express its confidence in the University of Texas and faculty thereof, and that the faculty be commended for their patience in the conduct of this hearing and for their fine work, sincerity and earnestness of purpose in the instruction of the students in the University.

ROARK,
McCALLA,
SPEARS,
RUTTA.

The resolution was read second time.

(Mr. Knetsch in the Chair.)

Mr. Collins moved to table the resolution.

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

The motion to table was lost by the following vote:

Yeas—35

Alexander	Hill
Atchison	Hoskins
Butler of Brazos	Hunter
Caldwell	James
Celaya	King
Collins	Latham
Colquitt	Lindsey
Colson	Luker
Cooper	McFarland
Craddock	Nicholson
Dunlap of Hays	Pope
Farmer	Roach of Angelina
Frazer	Russell
Gibson	Steward
Good	Stovall
Hanna	Venable
Hardin	Wood of Harrison
Harris of Dallas	

Nays—79

Adamson	Crossley
Adkins	Daniel
Aikin	Davis
Ash	Davison of Fisher
Bergman	Dickison
Bradbury	Dwyer
Bridgers	England
Burton	Fain
Butler of Karnes	Fox
Cagle	Glass
Calvert	Graves
Canon	Gray
Cowley	Harper

Harris of Archer
Herzik
Hodges
Hofheinz
Holland
Howard
Huddleston
Hunt
Hyder
Jones of Falls
Jones of Shelby
Jones of Wise
Keefe
Lange
Lanning
Leath
Lemens
Lotief
Lucas
Mauritz
McConnell
McKinney
Moffett
Moore
Morris
Morrison
Newton
Olsen
Palmer
Patterson
Quinn
Reader
Reed of Bowie
Reed of Dallas
Riddle
Roach of Hunt
Roark
Rogers
Rutta
Scarborough
Sessions
Smith
Spears
Stinson
Tarwater
Tennyson
Thornton
Walker
Wells
Westfall
Wood of Montague
Worley
Youngblood

Present—Not Voting

Greathouse
Head

Absent

Alsup
Bradford
Broadfoot
Davisson of Eastland
Dunagan
Dunlap of Kleberg
Duvall
Fisher
Ford
Fuchs
Hankamer
Hartzog
Jackson
Jefferson
Jones of Atascosa
Knetsch
Leonard
McCalla
McKee
Morse
Padgett
Payne
Petsch
Roane
Roberts
Settle
Stanfield
Tillery
Waggoner
Young

Absent—Excused

Bourne
Broyles
Shofner

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—66

Adamson
Adkins
Aikin
Bergman
Bradbury
Bridgers
Burton
Butler of Karnes
Cagle
Calvert
Canon
Colson
Cowley
Daniel
Davis
Davison of Fisher
Dickison
Dwyer
Fain
Fox
Glass
Graves
Harris of Archer
Hodges
Hofheinz
Howard
Huddleston
Hunt
Jones of Falls
Jones of Shelby
Jones of Wise
Keefe
Lange
Lanning
Lemens
Lotief
Lucas
Mauritz
McCalla
Moffett
Moore
Morris
Morrison
Newton
Palmer
Patterson
Reader
Reed of Bowie
Roach of Hunt
Roark
Roberts
Rogers
Rutta
Sessions
Spears
Steward
Stinson
Tarwater
Tennyson
Thornton
Tillery
Walker
Wells
Westfall
Wood of Montague
Worley

Nays—39

Alexander
Butler of Brazos
Caldwell
Collins
Colquitt
Cooper
Crossley
Dunlap of Hays
Farmer
Fisher
Frazer
Fuchs
Gibson
Hanna
Hardin
Harris of Dallas
Holland
Hoskins
Hunter
Hyder
James
King
Latham
Leath
Lindsey
Luker
McConnell
McFarland
Nicholson
Olsen
Pope
Reed of Dallas
Roach of Angelina
Roane
Russell
Stovall
Venable
Wood of Harrison
Youngblood

Present—Not Voting

England
Greathouse
Head
Herzik

Absent

Alsup
Ash
Atchison
Bradford
Broadfoot
Celaya
Craddock
Davisson of Eastland
Dunagan
Dunlap of Kleberg
Duvall

Ford	McKinney
Good	Morse
Gray	Padgett
Hankamer	Payne
Harper	Petsch
Hartzog	Quinn
Hill	Riddle
Jackson	Scarborough
Jefferson	Settle
Jones of Atascosa	Smith
Knetsch	Stanfield
Leonard	Waggoner
McKee	Young

Absent—Excused

Bourne	Shofner
Broyles	

Mr. McCalla moved to reconsider the vote by which the above resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I voted against the above resolution's adoption due to the fact that I, as one of the Committee, was not able to file a report as to my findings as a member selected by the House for this job.

Having no opportunity to exonerate or condemn the University of Texas, I am forced to this vote.

HARRIS of Dallas.

CONCERNING REPORT OF CERTAIN COMMITTEE

Hon. Carl Bergman, a member of the Committee heretofore appointed in regard to investigation of alleged teaching of un-American doctrines in State Institutions of Higher Learning, submitted the following:

"I voted no on the report of this Committee because of the following reasons:

"In a university of the size of the University of Texas and other State-supported Institutions, of necessity there is taught the meaning of Communism and Atheism, as well as many other isms, only as a matter of knowledge; and such knowledge is there for the pupil to learn should he desire to do so, in the same way as other matters of knowledge are available to the student desiring to ascertain such.

"However, I find that such matters are taught merely as knowledge only, with no attempt on the part of any instructor to influence the beliefs of any pupil in any such matters, and I see no reason for criticism upon my part to the instructor, who merely offers knowledge to an earnest seeker thereof."

In the event the Committee on Investigation of the teaching of Communism, etc., at the State University does not file any report, I desire to file the foregoing.

BERGMAN.

PRESENTATION TO MRS. COKE R. STEVENSON

Mr. Latham having been recognized by the Chair, presented Mrs. Coke R. Stevenson, on behalf of the pages of the House, with a gift.

Mrs. Stevenson then addressed the House, expressing appreciation for the gift.

(Speaker in the Chair.)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 3, "An Act validating all levies and assessments of ad valorem taxes heretofore made by independent school districts, etc."

S. B. No. 13, "An Act to validate ratify, approve, confirm and declare enforceable all levies and assessments of ad valorem taxes, etc., and declaring an emergency."

S. B. No. 27, "An Act validating the transfer of territory; affecting certain Consolidated and Independent School Districts, and declaring an emergency."

S. B. No. 29, "An Act to amend Chapter 20, Acts of the Fourth Called Session of the Forty-third Legislature, empowering counties through their commissioners' courts, to provide for annual exhibits or horticultural and agricultural products, live stock and minerals and other products of interest to such counties and in connection therewith to establish and maintain museums, including the erection of the necessary buildings and other improvements, in their own counties or in any other county or city in the United States where fairs

or expositions are being held; etc., and declaring an emergency."

H. B. No. 8, "An Act declaring the purpose of this enactment; providing for the payment of old age assistance benefits, and designating the State Board of Control as the Commission for this purpose; repealing House Bill No. 26, Acts of the Second Called Session of the Forty-fourth Legislature; amending Section 3, Chapter 241, Acts Forty-fourth Legislature; amending Chapter 241, Acts Forty-fourth Legislature; amending Section 21, of Article 1, Chapter 467, Acts Second Called Session of the Forty-fourth Legislature; amending House Bill 77, Second Called Session of the Forty-fourth Legislature; amending Section 46, Article 1, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature; amending subsection 5, of Section 1, Chapter 10, Acts of the First Called Session of the Forty-third Legislature; amending Articles 7070, 7059, 4769, 7064, Revised Statutes of 1925; amending Article 7060, Revised Statutes of 1925, as amended by Chapter 34, Acts of the Fifth Called Session of the Forty-first Legislature; amending Section 2, Chapter 162, Acts of the Forty-third Legislature, as amended by Section 1, Chapter 12, First Called Session of the Forty-third Legislature; amending Articles 4858, and 7047, Revised Civil Statutes of 1925; amending Section 40A, of Article 7047, Revised Statutes of 1925, as amended by Chapter 212, Section 1, Acts of the Forty-second Legislature; amending Section 3, Chapter 73, Acts of the Forty-second Legislature; levying a tax upon carbon black, and providing for its collection; levying a tax upon coin-operated machines, exempting certain classes of machines, providing for the collection of such tax, including penalties; levying a stamp tax upon certain promissory notes, and providing for the collection thereof; levying a tax upon persons, firms, and corporations giving prizes and awards in connection with the operation of certain businesses, and providing for the collection of such tax, with penalties for violation; imposing a tax upon the producers of ore, marble, cinnabar ore, and providing for the collection thereof; levying a tax upon individuals, societies, fraternal benefit societies, associations, or corporations domiciled in Texas transacting the business of life, accident, life and accident, health and accident insurance; partially repealing Section 17, Chapter 40, Acts of the Forty-first Legislature, First Called Session; providing penalties for failure to make reports showing the amount of business done by certain individuals, firms and corporations, and prescribing penalties, and prescribing means of collecting same, authorizing the Attorney General to institute injunction proceedings in certain cases and making it a penal offense for certain individuals to fail to make reports; allocating certain funds to the payment of old age assistance creating an Old Age Assistance Fund; allocating certain funds to General Revenue and to the Available School Fund; prescribing the time when portions of the Act shall become effective; declaring the Act to be severable; repealing all laws in conflict; making appropriation from General Revenue, and providing for the return thereof; making appropriation to pay Old Age Assistance; providing for the issuance of permits to solicitors for the sale of cigarettes, and prescribing fees and penalties in connection therewith; and declaring an emergency."

H. B. No. 37, "An Act authorizing the issuance of interest-bearing warrants to pay old age assistance benefits, making an appropriation, etc., and declaring an emergency."

S. C. R. No. 16, Relative to Conference Committee Report on House Bill No. 8.

S. C. R. No. 17, Authorizing certain correction in House Bill No. 8.

H. C. R. No. 33, Suspending certain Joint Rules for the purpose of considering Senate Bills Nos. 27 and 29.

H. C. R. No. 34, Suspending certain Joint Rules to consider Senate Bill No. 13.

H. C. R. No. 27, Granting E. V. Martin and T. Q. Martin permission to sue the State.

H. C. R. No. 28, Providing for certain plaque of the Members of the Forty-fourth Legislature.

H. C. R. No. 35, Authorizing certain corrections in House Bill No. 8.

Expressing Appreciation for Service of

Hon. J. W. Adamson

Mr. Harris of Archer offered the following resolution:

Whereas, The Honorable J. W. Adamson, of Denison, Texas, Grayson County, is retiring at the conclusion of this year from the House of Representatives of Texas; and

Whereas, The Honorable J. W. Adamson has rendered to the people he represents and to the State of Texas a long and continued service which has been an outstanding credit to his district, and to the people of the entire State; and

Whereas, Mr. Adamson has upon all occasions shown mature judgment and was always courteous and helpful to all Members of the House; and

Whereas, The Legislature of Texas will miss the wise counsel of Mr. Adamson; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the membership express to the Honorable J. W. Adamson its deepest appreciation for his past services and to extend best wishes in his future undertakings and trust that he will find time on many occasions to visit the Legislature when in session; be it further

Resolved, That the House of Representatives express to Mrs. J. W. Adamson our appreciation for her association and extend to her along with Mr. Adamson an invitation to visit us during future sessions of the Legislature.

HARRIS of Archer,
TENNYSON,
LEMENS,
ALEXANDER.

The resolution was read second time.

Signed—Stevenson, Speaker; Adkins, Aikin, Alsup, Ash, Atchison, Bergman, Bourne, Bradbury, Bradford, Bridgers, Broadfoot, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harper, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young and Youngblood.

On motion of Mr. Lotief, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

Expressing Appreciation for Service of

Hon. E. D. Dunlap

Mr. Morse offered the following resolution:

Whereas, Our esteemed colleague, the Honorable E. D. Dunlap, senior Member of the House in point of continuous service, has now completed his fourteenth year as a Member of the House of Representatives and is about to retire to private life; and

Whereas, He has served the State of Texas and his District with honor and distinction as a Member of the House during this long period, both as Chairman and member of many important committees of the House; and

Whereas, He has during the Forty-fourth Legislature served the House as Chairman of the Committee of Contingent Expenses and in such position has, with the cooperation of his Vice-Chairman and Committee members, been instrumental in saving the State many thousands of dollars; and

Whereas, His entire career as a public official has shown a marked devotion to duty; now, therefore, be it

Resolved by the House of Representatives, That he be thanked for his valuable service as Chairman of this Committee and as a Member of the House, and that he be advised that it is the wish of the House that he enjoy all of the good things of life for all time to come.

MORSE,
CELAYA,
BUTLER of Karnes,
LEONARD,
ALEXANDER,
READER.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alsup, Ash, Atchison, Bergman, Bourne, Bradbury, Bradford, Bridgers, Broadfoot, Broyles, Burton, Butler of Brazos, Cagle, Caldwell, Calvert, Canon, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harper, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young and Youngblood.

On motion of Mr. Lotief, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

PROVIDING FOR COMMITTEES TO NOTIFY GOVERNOR AND SENATE

Mr. Aikin offered the following resolution:

Whereas, The House of Representatives of the Third Called Session of the Forty-fourth Legislature has completed its work and is ready to adjourn sine die; now, therefore, be it

Resolved, That the Speaker of the House appoint two committees of five Members each, one to notify the Governor, and the other to notify the Senate, that the House has completed its labors and is ready to adjourn sine die.

AIKIN.
CANON,
WOOD of Harrison.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following Committee to notify the Governor:

Mr. Canon, Mr. Wood of Harrison, Mr. Hodges, Mr. Stovall and Mr. Sessions.

The Speaker announced the appointment of the following Committee to notify the Senate:

Mr. Aikin, Mr. Roberts, Mr. Lemens, Mr. Head and Mr. Spears.

HOUSE NOTIFIED

A Committee from the Senate appeared at the bar of the House, and being duly announced, stated that the Senate has completed its labors and is now ready to adjourn sine die.

SENATE NOTIFIED

The Committee appointed to notify the Senate that the House has completed its labors, and is now ready to adjourn sine die, appeared at the bar of the House, and being duly announced, stated that they had performed the duty assigned them.

GOVERNOR NOTIFIED

The Committee appointed to notify the Governor that the House has completed its labors, and is now ready to adjourn sine die, appeared at the bar of the House, and being duly announced, stated that they had performed the duty assigned them.

ADJOURNMENT SINE DIE

Mr. Spears moved that the House of Representatives of the Third Called Session of the Forty-fourth Legislature do now adjourn sine die.

Rev. George W. Coltrin, Chaplain, upon invitation of the Speaker, offered the following benediction:

"Almighty God, wherein we have erred we pray for Thy forgiveness; and wherein the fruits of our labors have been good, we pray that Thou wouldst magnify that good. And may grace, mercy, and peace from God the Father and our Lord Jesus Christ be with you all. Amen."

Question then recurring on the motion of Mr. Spears, it prevailed.

Speaker Stevenson, accordingly, at 12:00 o'clock midnight, pronounced the House of Representatives of the Third Called Session of the Forty-fourth Legislature adjourned sine die.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions as follows:

Education: House Bill No. 87.

Games and Fisheries: House Bill No. 88.

Judiciary: Senate Bill No. 13.

State Affairs: House Concurrent Resolution No. 27.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 88, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in Anderson County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 24, Authorizing the State Comptroller and the State Treasurer to make available certain appropriation.

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 29, Suspending Joint Rules Nos. 11, 22, 23, 24 and 32 so that House Bill No. 88 may be considered.

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 31, Suspending Joint Rules Nos. 11, 22, 23 and 32 so that House Bill No. 87 may be considered.

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 76, "An Act to diminish the civil and criminal jurisdiction of the County Court of Red River County, Texas, and conform the jurisdiction of the District Court of such County to such change; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 18, Authorizing the State Comptroller to issue warrants for the payment of bond premiums.

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 61, "An Act to amend Section 3, of Chapter 89 of the Special Laws of the Regular Session of the Thirty-eighth Legislature, known as an Act to provide a more efficient road system for Colorado County, so as to provide for the laying off of the said County into convenient road precincts, the numbering thereof, describing such precincts by boundaries, providing for the manner of discontinuance of roads and parts of roads, and providing for reversion of the rights of way of roads and/or parts of roads, under certain conditions, in certain cases, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 8, "An Act declaring the purpose of this enactment; providing for the payment of old age assistance benefits, and designating the State Board of Control as the Commission for this purpose; repealing House Bill No. 26, Acts of the Second Called Session of the Forty-fourth Legislature; amending Section 3, Chapter 241, Acts Forty-fourth Legislature; amending Chapter 241, Acts Forty-fourth Legislature; amending Section 21, of Article I, Chapter 467, Acts Second Called Session of the Forty-fourth Legislature; amending House

Bill No. 77, Second Called Session of the Forty-fourth Legislature; amending Section 46, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature; amending Subsection 5, of Section 1, Chapter 10, Acts of the First Called Session of the Forty-third Legislature; amending Articles 7070, 7059, 4769, 7064, Revised Statutes of 1925; amending Article 7060, Revised Statutes of 1925, as amended by Chapter 34, Acts of the Fifth Called Session of the Forty-first Legislature; amending Section 2, Chapter 162, Acts of the Forty-third Legislature, as amended by Section 1, Chapter 12, First Called Session of the Forty-third Legislature; amending Articles 4858, and 7047, Revised Civil Statutes of 1925; amending Section 40A, of Article 7047, Revised Statutes of 1925, as amended by Chapter 212, Section 1, Acts of the Forty-second Legislature; amending Section 3, Chapter 73, Acts of the Forty-second Legislature; levying a tax upon carbon black, and providing for its collection; levying a tax upon coin-operated machines, exempting certain classes of machines, providing for the collection of such tax, including penalties; levying a stamp tax upon certain promissory notes, and providing for the collection thereof; levying a tax upon persons, firms, and corporations giving prizes and awards in connection with the operation of certain businesses, and providing for the collection of such tax, with penalties for violation; imposing a tax upon the producers of ore, marble, cinnabar ore, and providing for the collection thereof; levying a tax upon individuals, societies, fraternal benefit societies, associations, or corporations domiciled in Texas transacting the business of life, accident, life and accident, health and accident insurance; partially repealing Section 17, Chapter 40, Acts of the Forty-first Legislature, First Called Session; providing penalties for failure to make reports showing the amount of business done by certain individuals, firms and corporations, and prescribing penalties, and prescribing means of collecting same, authorizing the Attorney General to institute injunction proceedings in certain cases, and making it a penal offense for certain individuals to fail to make reports; allocating certain funds to the payment of old age assistance, creating an Old Age Assistance Fund; allocating certain funds to General Revenue and to the Available School Fund; prescribing the time when portions of the Act shall become effective; declaring the Act to be severable; repealing all laws in conflict; making appropriation from General Revenue, and providing for the return thereof; making appropriation to pay old age assistance; providing for the issuance of permits to solicitors for the sale of cigarettes, and prescribing fees and penalties in connection therewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 27, Granting Martin Brothers permission to sue the State of Texas.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 33, Suspending Joint Rules of the House and Senate in so far as they affect the passage of Senate Bills Nos. 29 and 27.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 34, Suspending certain Joint Rules of the House and Senate in order to consider Senate Bill No. 13.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 37, "An Act authorizing the Old Age Assistance Commission to pay interest on warrants issued against the Texas Old Age Assistance Fund; making an appropriation therefor; restricting the total amount to be paid on account of any warrant issued for a given month; prescribing the powers and duties of certain State officials in reference thereto; prescribing the maximum rate of interest to be paid; providing that the authority conferred in this Act shall not be limited by the provisions of Section 6 of Chapter 472, Acts of the Second Called Session of the Forty-fourth Legislature; making available appropriation made in Chapter 472 of the Acts of the Second Called Session of the Forty-fourth Legislature for the purposes of this Act until the appropriation made in House Bill No. 8 of this Third Called Session of the Forty-fourth Legislature becomes available, and re-appropriating any unexpended balances of said appropriation for the fiscal year ending August 31, 1938, and limiting the amount of warrants to be issued hereunder to not more than Three Million ($3,000,000) Dollars and further providing that no such warrants on which interest is to be paid shall be issued after March 1, 1937; making this Act cumulative of other laws but providing that it shall take precedence over any law in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 28, Authorizing the Board of Control to place a plaque engraved with the names of the membership of the Senate and House of Representatives of the Forty-fourth Legislature in the Hall of State.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, October 27, 1936.

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

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 35, Authorizing the Enrolling Clerk of the House to make certain corrections in the Conference Committee Report on House Bill No. 8.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

In Memory of

Hon. O. P. Carswell

Mr. Alsup offered the following resolution:

Whereas, On the 20th day of June, 1936, the Supreme Ruler of the Universe called from the walks of life the Honorable O. P. Carswell of Carthage, Texas; and

Whereas, The Honorable O. P. Carswell rendered outstanding service to the Southern States as a soldier in the Confederate Army; and

Whereas, The Honorable O. P. Carswell was an outstanding promoter of education, having taught in the public schools of Texas for thirty-five years; and

Whereas, The Honorable O. P. Carswell rendered valuable service to Texas by having served in the Twenty-fifth (25th) and Twenty-ninth (29th) Legislatures; now, therefore, be it

Resolved by the House of Representatives, That the Chief Clerk of the House send a copy of this resolution to members of the family of the Honorable O. P. Carswell and be it further resolved, that this resolution be printed in the House Journal and when the House adjourns, it do so in memory of the deceased.

ALSUP

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Ash, Atchison, Bergman, Bourne, Bradbury, Bradford, Bridgers, Broadfoot, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harper, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young and Youngblood.

On motion of Mr. Farmer, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of

Hon. Charlie C. Hines

Mr. Harper offered the following resolution:

Whereas, Death is no respector of persons, and as the years pass and age creeps up with unwavering certainty, the once vigorous body becomes inactive and the edict ever issued is accepted; and

Whereas, It has pleased Almighty God to call from our midst the soul of our esteemed friend and brother, Honorable Charlie C. Hines of Linden, Texas; and

Whereas, Upon the memorial pages of the House Journal, because of the excellent service he has rendered to the State of Texas as a valuable Member of the House of Representatives of the Forty-first and Forty-second Legislatures, and in prominence in his own community; and

Whereas, During such service he was found to be always diligent, shrewd and painstaking, ready and willing to respond to the smallest as well as the more general appeal; ever present unless barred by illness. He was born in Mississippi and reared in Cass County, having lived in Linden and Jefferson the major part of his life. He died at his home in Linden, October 22, 1936; now, therefore, be it

Resolved, That the members of the Forty-fourth Legislature express their deepest regrets at the passing of this outstanding statesman and worthy citizen; and, be it further

Resolved, That a copy of this resolution be spread on the Journal of today in memory of the deceased; and, be it further

Resolved, That the Chief Clerk of the House be instructed to send the family of the deceased copies of this resolution under the seal of the Chief Clerk of the House of Representatives.

CROSSLEY,
HARPER,
DUNLAP of Kleberg,
MORSE.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Bergman, Bourne, Bradbury, Bradford, Bridgers, Broadfoot, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Hunt, Roach of Angelina, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young and Youngblood.

On motion of Mr. Alsup, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

COMMITTEE HEARING ON OLD AGE ASSISTANCE

September 30, 1936.

The following Testimony taken in the Committee of the Whole House was ordered printed in the Journal:

The House of Representatives sitting as a Committee of the Whole with Mr. Latham, presiding.

Mr. Latham: The members will again be in order. The Chair has been requested by the Chairman of the Board of Managers to announce to the membership that if you have any particular witnesses that you would like to have summoned any time during this hearing to submit their names and addresses to the Board of Managers and process will be issued for them.

Mr. McKinney: We would like to have Mr. Carpenter of the Old Age Assistance Board sworn in.

Mr. Latham: Judge McKinney, I don't believe this record makes any mention of administering oaths to the witnesses. Is it the idea of the Board of Managers that the witnesses should be sworn in?

Mr. McKinney: Yes, sir. The rules give the Board of Managers authority to make all rules governing the procedure and we would like to have the witness sworn in.

Mr. Latham: Is it the desire that the Chair administer the oath?

Mr. McKinney: Yes, sir.

Mr. Carpenter sworn in.

Mr. McKinney questioning witness:

Q. Will you please state your name and initials?

A. Orville S. Carpenter.

Q. What is your official position Mr. Carpenter?

A. Executive Director of Old Age Assistance Commission.

Q. How long have you been in such official position?

A. Since the 14th of February this year.

Q. By whom are you appointed?

A. By the members of the commission.

Q. What salary is paid to you as Executive Director?

A. $5,000.00 per year.

Q. By whom is that salary paid?

A. By the State.

Q. By the Legislature or by the Board?

A. By the Legislature provided in the Act.

Q. Mr. Carpenter, of how many members does this Texas Old Age Assistance Board consist?

A. Three.

Q. Can you give us the names of those men?

A. A. W. Curry, Chairman, W. O. Davis, and H. T. Kimbrough.

Q. Those three men compose the Texas Old Age Assistance Commission?

A. Yes, sir.

Q. How do they obtain their position—by appointment or election?

A. By appointment.

Q. Who makes the appointment?

A. The Governor.

Q. For how long are they appointed?

A. Terms of 2, 4, and 6 years.

Q. Mr. Carpenter, state to the committee briefly, if you can, I mean as fully as you can but still briefly, the duties of the members of that Commission.

A. They follow the law here as has been set out in the Act.

Q. Mr. Carpenter, the thing that we mainly want to bring out at this point—do the members of the Texas Old Age Assistance Commission have any express duties to perform or are their duties merely the formation of the policies and general direction of the work?

A. (1) The statute here provides—the selection and appointment of an Executive Director and Chief Auditor.

(2) The holding of hearings in all appeals by applicants for aid or assistance where such aid or assistance has been denied by the local administrative agency to which the application was made.

(3) The providing of such methods of administration (other than those relating to selection, tenure of office and compensation of personnel) as are found by the United States Social Security Board to be necessary for the efficient operation of the plan of the Old Age Assistance herein established.

(4) The making of such reports in such form and containing such information as the Social Security Board may from time to time require, complying with such provisions as such Social Security Board may from time to time find necessary to assure the correctness and verification of such reports. Those are the duties

of the commission as set out here in the bill.

Q. You have described yourself as Executive Director—what briefly are your duties in connection with this work?

A. General administration of the law.

Q. Do you have any assistants? If so, how many and who are they and what are their duties?

A. I have three assistant directors. Mr. A. W. Little, who is in charge of investigations, C. E. Dorsey, who is in charge of special investigations and works with the commission on appeals, and Mr. Odie Minitra who handles personnel work.

Q. You have in addition to these what you call District Directors?

A. No, he is a District Supervisor.

Q. How many of those do you have in the State of Texas?

A. Twenty.

Q. What are their duties in connection with the work?

A. Their duties are the receiving of applications, the conducting of investigations and the reporting on those investigations to this office from the district in which they are located.

Q. Do I understand that the District Supervisor—Is it their duties to merely supervise the duties of the county supervisor or county inspector?

A. I don't have any county inspectors—they are all district employees.

Q. Are they given a limited territory to work in?

A. They work anywhere in the district.

Q. How are these districts made up?

A. We adopted the WPA districts. They had been in use for sometime—I mean the WPA, PWA and Texas Relief Commission — those districts were more or less generally known and the people knew which counties were in certain districts and we adopted those districts for our purposes.

Q. Then the districts in which your district supervisors work coincide with the WPA districts of Texas and you have generally the same location as to office?

A. Generally, but not always.

Q. Mr. Carpenter, you spoke a moment ago about county supervisors being all district employees—do they work directly under your district supervisor?

A. Yes, sir.

Q. And to whom do they make their report?

A. To the district supervisors.

Q. In turn who does the district supervisor make his report to?

A. To the Austin office.

Q. You are directly in charge of the Austin office?

A. Yes, sir.

Q. Are your district supervisors—do they make direct contact with the applicants?

A. Yes, sir, but investigators is the term used for them.

Q. And do the inspection work of the applicants? What authority do they have—what are their duties?

A. It is their duty to take the application for Old Age Assistance, contact the references they are given, or other references, check the property holdings of the applicant, his income, make personal calls on the applicant, looking after his living conditions and making report back to his district supervisor of the facts that he finds in connection with that application.

Q. Now, Mr. Carpenter, when the applicant files his application where does that application go first?

A. The application is filed in two copies—one immediately sent to the State Office in Austin and the other retained in the District Office.

Q. When and by what route does that application reach your local supervisor for inspection?

A. By mail usually—quite a number are carried in to the office by the applicant.

Q. Are they checked in your office and sent back to the district office?

A. They are checked in the district office. We use the copy that is sent to us for the purpose of setting up our record here in Austin.

Q. Is it necessary that those applications pass through your office before they could be inspected?

A. Not necessarily so, no.

Q. Mr. Carpenter, we have had complaints made to us, the members of the Legislature, on various and sundry occasions by applicants who claim that they have made their application—one illustration for instance, where the applicant made his application as early as March and had not been inspected yet, upon making complaint to your district office he said

that the district office said that the application had been forwarded to Austin but had not been returned to them and they did not have any reason why it had not been returned but that was the reason that he had not been inspected—I believe you stated that it was not necessary for those applications to come to your office before inspection was made, then that was not true that they have to come to your office?

A. The duplicate never comes to our office until after the inspection is made. With the inspector's report sent to our office is the affidavit and any other data obtained on the application.

Q. Then, if your district supervisor informs the complainant that the thing was being held up in your office and gave that as his reason for not having the inspection made sooner, then that information was not correct, was it?

A. If he gave that as the reason why the inspection was not made then I would say the reason was not correct.

Q. I will ask you, Mr. Carpenter, whether or not you have had complaints made to you and your office and that very thing having been told you that the district office said—that your office was the cause of the delay in getting those applications back to the local inspector?

A. That has been said with reference to payments—after the case had been inspected and forwarded to our office—that reason has been assigned many times by the district agency as to why the applicant had not received his check.

Q. Can you give this Committee any reason why that a person made application in March and has not been inspected up to this time?

A. Yes, sir.

Q. Tell the committee why?

A. Haven't had time—had too many applications.

Q. Can you tell the Committee why out of a number of applications made in March that some of those were inspected, others made in June have been inspected and some as late as July have been inspected, yet others who made application in March have not been inspected?

A. One reason for that would be that we have tried all the way through to investigate the needy cases. Any application that is filed where it appears that the applicant is in distress we make that investigation as soon as it is called to our attention. This has been true in all distress cases regardless of when the application was filed.

Q. By what manner or method do you determine which are distress cases?

A. Some of you folks usually write or come to see me.

Q. Mr. Carpenter—

A. I would like to say in that connection we have worked with each county judge in the State—when the Relief Commission ceased payments in June the counties were faced with the task of taking care of people who were on relief, they furnished us the names of those who had been on relief and who were sixty-five years old and eligible for old age assistance. In addition we asked each county judge to give us a list daily or weekly or any way he wanted to of people who came to his office and send that to us—that has probably been the best means of getting in touch with the distress cases.

Q. Have your inspectors had any instructions to make preliminary inspection of those cases and see which ones were distress cases?

A. No, sir, not any preliminary inspections.

Q. Complaints have been made to the members here that people who were decidedly not distress cases were receiving attention and many distress cases were being permitted to go uninspected. Have you an explanation of that statement? The complaint is not that there has been any conscious attempt to discriminate between them but that there has been no organized effort on the part of your inspectors to examine the distress cases first and take care of those. They have taken them largely as they come through the mill. In answer to complaints your inspectors continue to say that they are forced by the regional office or district office to inspect those applications that are sent to them.

A. That is partly true and partly not. Whenever there are no distress cases in the district office the district supervisor assigns any case he has there to an investigator—there is no way of telling from the face of an application whether or not that person is in actual distress or whether he just wants his application consid-

ered, except it is stated that the applicant has been on relief. It is difficult to tell from the examination of the application what the present circumstances the applicant may be in, therefore the supervisor in assigning an application from the district office does not have accurate means of knowing just what cases are most needy.

Q. Is it not true that the investigators are not permitted to solicit any particular case?

A. They have definite written instructions to be on the look out at all times for any distress cases whether application has been made or not. If they are called to the attention of the district supervisor they have immediate attention.

Q. Mr. Carpenter, you would say that the assignments are made on a sort of first come first serve basis?

A. Yes, sir—the district supervisor —it is left up to him.

Q. If your local supervisors are doing that and are not taking care of the distress cases in making request for their applications for the purpose of giving them relief will you say to this Committee that you will give those people the instructions to request the application of those who are in need and distress first? And give them the first relief?

A. That has been done but I will do it again.

Q. Is it the purpose of the Commission and its employees to solicit application or only to take care of those who have made application?

A. It is our purpose to take care of the ones who have made application and it is also our duty to see that a person who is eligible or may be eligible or is in distress does make application. We do not have to go out and solicit applications but our investigators have nevertheless been instructed to assist in making application if they find one who should make application and has not done so.

Q. Mr. Carpenter, I understand that the law does not make it your duty to simply follow the policy of going out and asking them to make application.

A. No, sir.

Q. And if that has been done it has been done without your authority and without your giving the authority for the investigation?

A. To this extent as I said just now the investigators have been instructed to assist any people who may be eligible or in distress—that applies to that class of people particularly from the relief rolls who for some reason or other have not made application. To that extent that has been done with my authority, and under my express direction.

Q. Mr. Carpenter, I have been asked to ask you this question: Under what authority does the Commission have to deny aged applicants where these applicants live with their children who are able to support them? Do you have that authority?

A. Under Section 8 of the Act which specifies that aid may be paid if in need—If such a person would not be in need under the circumstances (under certain circumstances) his application would therefore be denied.

Q. Would you deny the old age assistance, on the ground that he had children who were able to take care of him?

A. No, sir, and that denial would not be made until after the children had been contacted and have indicated their willingness to continue that support.

Q. Is there any requirement in the law or any case which you know of where old age assistant applicants, are denied assistance because they have relatives who are able to take care of them?

A. No denials have been made for the reason that applicants had relatives to take care of them.

Q. Do you, when you deny the applicant's plea for assistance, do you write that applicant a letter and give them a reason for that?

A. That is a printed form in which the reason is inserted.

Q. Is that a general form?

A. Yes.

Q. There have been general complaints that it has been denied without giving any reason at all.

A. No case has been denied without reason being assigned, as far as I know.

Q. Do you have charge of that?

A. It is done in this office.

Q. Mr. Carpenter, if that is true, will you tell the Committee that you will see that it is corrected and that each and every one denied Old Age Assistance will have a communication of some sort stating that reason why assistance is denied them?

A. I will, and if the Committee knows of any instance where that

happened I would like to know about it. I do not know of any such case.

Q. Mr. Carpenter, getting back to the inspectors, (the local inspectors) are they appointed by the Old Age Assistance Board?

A. No, sir, by me.

Q. You usually act on the advice and assistance of the district supervisor?

A. No, sir, I require a formal application to be filed here with me containing certain information we require as to previous record as to education and experience.

Q. Is it true that the Governor must approve the applicant before he can be appointed?

A. No.

Q. How many applicants can one investigator investigate in any one day?

A. That depends very largely on the place where he is working, the country that he has to travel, whether in the city or out in the country, how many miles he has to go; the average is around 35 and sometimes as high as 50 a week in the city and 20 to 35 in the country.

Q. That depends too, on the energy and ability of the district supervisor himself?

A. That is right.

Q. Is it not true that the investigators have orders to investigate not more than 3 to 5 applicants per day?

A. No, sir, that is not true.

Q. Do you have any limit at all?

A. No, sir.

Q. Is it true that you insist that they get as many as they can?

A. We insist that they get as many as they can and that they make a thorough investigation and we keep a record of calls that he makes, cases completed, miles traveled and expenses incurred; that varies from week to week and from man to man.

Q. Mr. Carpenter, what are your requirements—speaking of the State now, what are your requirements as to qualifications for the investigators?

A. At the time the Texas Old Age Assistance was submitted we were required to incorporate a statement of the qualifications of employees. We were given an idea of what qualifications would be acceptable and we submitted as a part of the Texas plan those qualifications.

Q. I would like for you to read them.

A. Graduation from a recognized college or university, plus one year of successful experience in employment on salary in a recognized social agency.

Graduation from a recognized normal school or its equivalent, plus one year of successful experience in employment on salary in a recognized social agency.

Graduation from a standard high school, plus three years of successful experience in employment on salary in a recognized social agency; demonstrated ability in administrative aspects of the work and in the field of community relationships; experience in teaching, nursing or law desirable; familiarity with modern social work concepts.

Q. Are those state requirements?

A. Yes.

Q. Were they promulgated by the Texas Old Age Assistance?

A. Yes.

Q. How far are those things controlled and regulated? How much of that do you have? How much of that is suggested to you by the Federal Regulation?

A. All of it. That was adopted by the Texas Old Age Assistance Commission, at the suggestion of the Federal Government in order to secure approval of the Texas plan. The Federal Government controls those conditions. I mean by that the Social Security Board.

Q. Who composes the Social Security Board?

A. I can't give you the names.

Q. Does Harry Hopkins have anything to do with that?

A. I don't know. I am under the impression they are appointed by the President, but I am not certain.

Q. Do you know by whom that Board is appointed?

A. It is composed of three members appointed by the President, by and with the consent of the Senate.

Q. Mr. Carpenter, I have before me what is called a "Social Intelligence Test." Who prepared that?

A. That particular printed part of it—F. A. Moss and T. Hunt.

Q. Who are those men?

A. Mr. Moss is connected with the Washington University.

Q. This has been adopted by the Texas Old Age Assistance Commission?

A. Yes. It will be changed probably the next time they give examinations.

Q. Now I notice a long list of questions here mimeographed different from your others. By whom were they prepared?

A. Mr. Hodges.

Q. Who is Mr. Hodges?

A. He is in charge of research work for the Old Age Assistance Commission.

Q. I have been requested to ask you if these questions were not prepared by a Professor of Sociology of the University of Texas.

A. Mr. Hodges was assisted in that by Dr. Burdine of the State University.

Q. It was done at the request of the Old Age Assistance Commission?

A. Yes, at my request.

Q. Was any revision of this made before adopted, or accepted just as it came?

A. The printed part as it came.

Q. Formerly you did not have any such regulations; you appointed your investigators from over the state and they were not required to be college graduates?

A. That is right.

Q. Just tell the Committee why the Commission saw fit to make that change when they did?

A. In order to get the plan approved by the Social Security Board.

Q. Why were the recent merit examinations given?

A. In conformity with the agreement made with the Social Security Board; that is why we adopted the merit rating.

Q. Mr. Carpenter, what do you mean?

A. Under that system each employee is given a rating which is his efficiency rating.

Q. You had regulations at one time requiring that no one except with college degree could serve as a local inspector. Is that rule still in existence?

A. Yes.

Q. A person making inspections in the counties must have a college degree?

A. That applies to all future appointments.

Q. Does that apply to present employees—A person who was in the service from the beginning but had not obtained a college degree and was giving good service and did it efficiently and of whom you could have no complaint—are they being discharged at this time because they do not have a college degree?

A. Not at this time but if I do not win my argument at Washington they will be.

Q. Are those requirements of the Federal Government?

A. Yes, sir.

Q. Would you care to give us an opinion or the attitude of the Texas Old Age Assistance Commission in regard to this matter—whether or not they approved this requirement of the Federal Government?

A. I am sure they do. They do not have much choice in it.

Q. Do they as individuals approve it—In order to get this money they have to swallow what is sent down here to them and surrender all their rights regardless of what the people of Texas think about it; we understand that thoroughly but does it have the personal approval of the Texas Old Age Commission?

A. I don't know. I think they can speak for themselves on that.

Q. Does it have your approval?

A. No, sir.

Q. In one instance, in one county, one of your district investigators found that he should be discharged for incompetence—that is all right, we have no complaint on that——but in making the appointment he selected *** the only qualification required was that this man's successor should have a college degree. There are applicants who had two years in the State University, one applicant who had as much as three years in other Universities, men who were capable and qualified and had every other qualification except the college degree and what the Committee would like to know is if the college degree requirement is going to be an absolute requirement all the way along?

A. Right now it is, under the present status of our agreement.

Q. As far as you know it will be in the future?

A. Yes, sir.

Q. Is it your opinion, if you care to give it, that such a requirement as that in many instances causes you to have incompetent employees?

A. I don't believe it would cause me to have, but I think it works a hardship on people who have not***

Q. You pay these men from $140 to $160 per month and require that they pay all expenses?

A. Yes, sir.

Q. Do you think you can get anybody in the college degree class to do that character of work for that amount of money?

A. I don't know. We have not had enough experience to know yet.

Q. Is it your opinion that it would take at least $40 to $60 per month to provide automobile, traveling, and other expenses they may have, and don't you think that making that an absolute requirement is likely to slow up the work and make it less efficient than it would if they were able to get men without college degrees but who had all the other requirements?

A. That is probably true, on the other hand, I fixed that scale of salaries myself and it might be possible to pay competent men higher salaries than we are paying now. We have to keep expenses as low as possible.

Q. Don't you think you have your requirements beyond your salary— We would like for you to make your rules a little less stringent and get a little more efficiency into it.

A. Yes, sir.

Q. Why was the recent merit examination given?

A. In order to establish a merit rating.

Q. Was it not a fact that the personnel selected by you were doing the work fairly efficient and well?

A. Yes.

Q. And as efficiently as they are doing it now—And is it not a fact just a little more efficiently, Mr. Carpenter?

A. I think so. Of course we had some loafers in there who were not doing efficient work but with those eliminations made I think the members of the staff retained, rate much higher than they did before.

I have here reports of those examinations that were given in the merit rating made by Mr. Hodges. If you care to have a copy to put in your record I have one here. (Copy handed to Mr. McKinney.)

Q. To what class of personnel were these examinations given?

A. To all investigators.

Q. To any one else?

A. No, sir.

Q. Present investigators?

A. Yes.

Q. How about applicants who were not working—outsiders, I mean?

A. They were not admitted to examination.

Q. Why?

A. At that time we were not looking for replacements and did not want to go to the trouble and expense.

Q. What per cent of them passed examinations?

A. Roughly, two-thirds.

Q. Did that cut down your personnel?

A. Yes, sir.

Q. How were the vacancies filled?

A. Ten or a dozen filled on temporary basis. I appointed persons who had submitted applications showing that they had met educational and other qualifications and in the letter of appointment I told them that at some future time they would be required to enter another public competitive examination for that place.

Q. Who worked out the procedure with regard to arriving at a final rating of those given the examination?

A. Mr. Hodges, Dr. Pemberton, and Mr. Beasley of the Social Security Board.

Q. The net results have been that the original investigators were supplanted largely with Federal Relief workers in a great many cases.

A. Yes, sir.

Q. The class of people who can meet those requirements are largely from the Relief Commission and other social work agencies in this State. As a matter of fact, very few people can meet those requirements?

A. I would say about half and half.

Q. You have read these questions, haven't you?

A. No, not all of them.

Q. What per cent of this Legislature would qualify as inspectors?

A. I could not answer that.

Q. Do you have a college degree?

A. No, sir.

Q. You could not be an inspector then, could you?

A. No, sir.

Q. Getting back to the proposition of requirements made by the Federal Social Security Board the net result of the whole thing is that in order to get this money the Texas Old Age

Assistance Commission must surrender its right to employ anyone in Texas except a certain selected class, and that the Federal Social Security Board dictates to the Texas Old Age Assistance Commission whom they shall employ and the qualifications for the person employed, and they are not concerned with individuals?

A. I understand they are not concerned with individuals. They don't have any direct contact with anyone.

Q. But they do say to the Commission that you will either hire a college graduate with red hair or we will withhold the money from you. Isn't that right?

A. As long as the requirements come within those interpretations of the Social Security Act they require them to certify that the Texas plan does call for efficient and economic administration. They assume to tell us what to do.

Q. There is nothing outside of that limited field left to your discretion?

A. That is right.

Q. If you wanted to hire a man with three years college education, whom you knew to be efficient, you would be restricted from doing that, wouldn't you?

A. Unless he had some teaching experience or some work in an allied field that would make up for that educational efficiency.

Q. Do you know whether the members of the Old Age Assistance Commission themselves have a college degree?

A. I don't know.

Q. How about your district supervisor—do you require him to have a college degree?

A. No, sir.

Q. Then you have the uneducated man directing the educated man?

A. Seems to be that way.

Q. Does this sort of set-up have your approval?

A. I think it has been carried too far.

Q. Do you know whether it has the approval of the Texas Old Age Assistance Commission?

A. I don't know.

Q. Was it absolutely necessary that these regulations be adopted in order to get this money?

A. It was necessary that they be adopted in order to get the Texas plan approved.

Q. Did you or any other member of the Old Age Assistance Commission, or the Governor, make any protest against the regulations at any time?

A. I have protested them continuously. The Governor went to Washington with me and we protested very vigorously.

Q. Do you have any correspondence where you have written them making protest?

A. Those protests were made by me in Washington and here to representatives.

Q. What was the attitude of the Board when you made those protests?

A. Their attitude is that this investigation work is a highly specialized field and requires that the work be done by people who are trained and they cannot certify to the Texas plan unless the work is administered by people who are capable and trained.

Q. Do you think it is rather peculiar that the Board can be made up of men who are not college graduates and the district officers can be men without those qualifications, yet the man who is in the field must have those qualifications. Don't you think that is a rather foolish requirement?

A. Their answer to that is that the members of the Commission and the Director are Executive Officers and have more to do with the administration of the policies rather than the actual execution of orders and that other persons might be equally capable of laying down sound policies without carrying on the detail. Those Federal regulations and requirements are transmitted to the Texas Old Age Assistance Commission in writing.

Q. Do you have copies of those?

A. I took that plan to Washington without those requirements in there but before the Board would approve the plan I had to attach to the plan letters containing those requirements.

Q. Can you furnish us copies of those?

A. Yes, I have them with me. (Copies handed to Mr. Thornton.)

Q. At the time you were discussing this matter of qualifications of presenting the system to the Social Security Board at Washington did you advise them at that time that the Texas Legislature had flatly refused to establish a merit system in its Old Age Assistance Act?

A. I did not. I did not know the Legislature had refused it.

Q. They had a representative here at the time the Old Age Assistance Act was written and that the lady was present?

A. I am not familiar with what transpired at those hearings.

Q. You know from general knowledge that she sat in with the Committee that wrote the bill?

A. Yes.

Q. What does the law say about the residence requirements of all employees—The employes must have resided in the county or district four years—You construe that to mean four years within the district?

A. Yes.

Q. They are subject to being moved to other counties but only in that district?

A. Yes, sir.

Q. Do you have any employees who have not resided in the State a required time?

A. None that I know of. I had one or two that did get on but I let them go after I found that out.

Q. Complaints have been made to me by applicants whose applications should show them to be in actual need and who had no property but did have insurance policies either paid up or having a cash value of $500.00 and have been denied assistance on the ground that they had securities in excess of the amount allowed under the law. I would like to be advised under what section of the Act such denials are made. I would also like to know under what authority are applicants required to cash in insurance policies and use up proceeds for living expenses. Would you consider a cashable insurance policy cash or negotiable security?

A. Yes. We consider cash to the extent of cash reserve. Such an application would be denied. We would not be concerned whether they cashed in their policy or not.

Q. I have in mind at this time a woman who sold land for $1600.00 in vendor lien notes bearing 6 per cent interest and was denied Old Age Assistance because she had more than $500.00 in negotiable securities. Do you class those things as negotiable securities?

A. Where there is any evidence at all that they are negotiable.

Q. Complaints have been made in Hunt County where your men were given only five or six applications to examine in one week. Has it been the policy of the Commission to tell your men to slow up in order to make their jobs continue or last longer?

A. No, sir.

Q. Have you ever had any evidence that your employees are doing that?

A. We have had some loafers, yes.

Q. Say you have four hundred applications in Walker County and after they are all inspected by your investigator then is that investigator's job discontinued?

A. Of course we have never reached that point. The law contemplates a re-investigation of the circumstances of these people as they change daily and it is customary in most cities that a periodical re-examination be made. Most of the State laws provide the length of the period after which re-examination must be made. That period runs from a month to a year. Six months seems to be the customary practice.

Q. Have orders already been made to do that?

A. Yes.

Q. How do you go about getting a reply to a letter addressed to you with regard to applications?

A. A great many letters have come in with applications that are not answered. They are answered by getting some action on the case which is what most of them want. I don't personally read all the letters that come in. We try to answer all that needs specific answers.

Q. In case you make a mistake in a person's name for assistance. You get it mixed up as to white or colored; the question is based on the name "Louis," and is on the record in the Old Age Assistance Commission as "Lewis" and his first check was issued in "Lewis" and marked colored when the person was a white man. That was returned to your office for correction with request that it be corrected and forwarded to this man. It stayed in your office at least two weeks without a reply and so far nothing has been done about it up to this time, about three weeks. Why is it that your office does not give more prompt service in matters of that kind?

A. I don't know about that case. Of course, there is no excuse for that. We try to give better service on cases than that. We have had considerable trouble on the first checks that went out where white people and col-

ored people had exactly the same name and lived in the same town; where the towns were not large enough to have street addresses there was some confusion in a few of the checks reaching the wrong parties. I think that they have been corrected. Now the checks have "colored" put after the name in case of all negroes.

Q. If a person is blind and without property or any income, the said person being above 65 years of age should that not be an incentive for as early payment as possible. If so, why the long delay in the payment of any of those claims?

A. We have not got to them.

Q. Are you making any effort to select out that class of people who are in need and give them every and as early attention that you can?

A. We are making every effort. Yes, sir.

Q. Has there been any re-examination of any approved applications to determine the need at the date of the re-examination?

A. In a few cases.

Q. How long does it usually require for a person to become a competent investigator?

A. Anywhere from a week to a month—much depends upon the individual's ability to absorb the training.

Q. Who gives them the training?

A. That depends upon where the person is located. Quite a bit of it is done here, otherwise in the district office under the direction of the Supervisor of Investigation.

Q. Why is not the correspondence into the department by applicants and interested parties attended to? We have complaints that your office ignores the correspondence and that persons writing and asking questions, and who think they are entitled to an answer—why is it that you have not up to date taken some means of speeding that up?

A. I have taken every means that I could take. We have about 20 stenographers, answering all the letters that contain any specific questions. In a particular case where the applicants or some interested party writes in we try to hurry that case up and don't answer that letter in order to save time and money.

Q. Please explain why those whose applications were forwarded to the office in June and July and some of them have received their checks and others have not heard from their applications?

A. Have not gotten to all of them yet.

Q. Where an applicant made application as early as February and was on relief at the time which was discontinued in June, what was the reason for the delay in such case?

A. Same as above, just have not gotten to it.

Q. Complaint has been made that the applicant's application was approved by the supervisor in thirty days and applicant did not get his or her check—if that is so, how long does it take before the applicant got his check after his application was approved by the supervisor?

A. That time varies.

Q. According to your records you have had 7,928 applications for Tarrant County; so far you have investigated 2209; that leaves 5,719 not investigated at the time of your report—if it takes seven months to investigate the 2209, then according to this it will yet take 18 months to get through the applications from Tarrant county, will it not?

A. If those figures are correct, yes.

Q. Did you get the names of the 40,000 on relief rolls from the relief rolls in Austin and investigate them first?

A. We got the names and referred same to each district office with instructions to investigate them first.

Q. Why has Section 8 of the Statute been disregarded in that the local administration has not promptly issued an order on the application of an old person? And why have they not sent a copy of the order to the applicant?

A. That section has not been disregarded. We required that first all the investigators' reports be sent to this office for final checking before the order is issued—that was done to insure uniform administration throughout the State. The practice now is that the orders will be issued by the local district office and the case will be finally closed in the district office which was not done before because we started out with inexperienced people and that check provided to insure uniformity throughout the State. The staffs are now experienced and qualified and they can enter those final orders in the district offices.

Q. Why is not a list made of each county?

A. There are three big volumes on that table, arranged alphabetically and all cities over 5000 have separate lists and there is an index in Vol. 1.

Q. How many investigators have you for Tarrant County?

A. I don't know.

Q. How many for the State?

A. Two hundred forty six.

Q Are the investigators equally divided among the 20 districts?

A. They are based on the number of applicants we have in the district.

Q. Who sets the amount the applicant is to receive?

A. The investigator makes a recommendation to the district supervisor and the district supervisor finally approves it.

Q. Explain to the Committee how you arrive at that basis—what standard you use in arriving at the conclusion that one person should have Sixteen Dollars and another Twenty, and so on?

A. Under the law the grant must be based on the needs of the individuals—we use a budget system and can determine what amount is necessary to take care of those needs—that budget system includes items of clothing, food, rent, medical care and all those items. The investigator in his report makes his recommendation as to the amount of money that is required for each of those particular items and the sum total of those budget items is the grant that is recommended—a reasonable variation is that the needs of individuals vary.

Q. What means have you of knowing that a pensioner has an income to take care of him?

A. We don't have any definite means of knowing it. The best means we have now is that some of the neighbors write in and tell us about it. Some of them will write us themselves, but that does not happen very often.

Q. Do you intend to have, in the future, a periodic check-up on the persons receiving Old Age Assistance in order to determine whether or not their financial status has changed?

A. Yes, sir.

Q. Are there any requirements or restrictions on the amount of money that you pay to each of these persons by the Social Security Board?

A. No, sir, that amount must be based on the need of the applicant.

Q. Who determines that need?

A. The investigation procedure by which the amount is determined is also filed in Washington as a part of the Texas Plan and that procedure has been approved by the Social Security Board and having approved the procedure they do not question individual cases.

Q. Before an application can be examined is it necessary that an order issue from the Austin office?

A. No, sir.

Q. Why are the applications not checked or applicants inspected according to a particular geographical locality—why are not all of the applicants finished in a particular locality before going on to another locality? You have a locality where your inspectors work for a day or two and then go on to another locality and then come back to that locality—why is it that you do not finish one and then go to the other?

A. In order to keep the work progressing as uniformly as possible.

Q. Then there are times that you have no inspectors in some counties?

A. There is an inspector in each county all the time and sometime there are two.

Q. Where any individual fails to pass this examination can the individual members of the Legislature see those examination papers and the individual grades?

A. That request has never been made. I see nothing wrong with it. However, Mr. Hodges is in charge of those papers and I am sure he will be glad to go over them with anyone.

Q. (Mr. Thornton takes over the questioning of witness.) How many of the employees of the Commission were given temporary leave of absence any time within the 60 days preceding the primary?

A. One or two, I believe.

Q. Were these employees on the State payroll during the time of temporary leave?

A. No, sir. I sent them all a letter—it is very short and I will read it to you. . . . It is dated June 4, 1936. . . .

"To all employees of the Texas Old Age Assistance Commission:

Your attention is directed to a copy of a law passed by the 44th Legislature that was furnished you at the time you were employed by this Commission.

This law expressly prohibits any State employee from engaging in or taking any part in any political campaign.

I am cautioning each of you at this time that this prohibition applies not only to campaigns for State office but also to campaigns for any local, county or district office.

I am taking this opportunity to advise each of you to refrain from taking any part in anybody's campaign or from taking any personal interest in such campaign by handing out cards, distributing circulars, making speeches, or doing anything else to further or discredit the interest of any candidate for public office.

Not only will your violation of this law and this rule subject you to the statutory penalty provided therefor in the law, but it will result in your immediate dismissal when information of such violation reaches me.

Very truly yours,
ORVILLE S. CARPENTER,
Executive Director."

Q. Did any of your employees take any part in the last election?

A. I don't know.

Q. If it comes to your attention now that one of the employees of the Old Age Assistance Commission took an active part in a political campaign this summer, will you discharge that employee?

A. Yes, sir.

Q. Do you consider collecting funds to be used in financing a campaign such activity as would warrant discharge of the employee?

A. Yes, sir.

Q. Would you discharge an employee soliciting funds for a political campaign, or collecting such funds, regardless of which campaign fund it was he was collecting funds for?

A. Yes, sir. That letter I sent out was sent out in plenty of time.

Q. How many white people have made application for assistance?

A. I could not give you the information with reference to that now.

Q. Could you get it up for us by tomorrow?

A. Yes, I think so.

Q. You don't have any information on that?

A. We do not have any statistical information on a case until after it is disposed of. The only information we have is as the payments are made on each case.

Q. Can you give us any statistical information as to how many payments were made to whites and colored?

A. On 75,269 cases that were paid on September 1st, 63,358 were white, 11,903 blacks and 8 were classed as others, those 8 are Indians. There is no distinction between whites and Mexicans in this classification. Mexicans are classed by nationality.

Q. Can you give us that classification—how many Mexicans there were?

A. In the total of 63,358 whites there are included 748 Mexicans.

Q. Mr. Carpenter, what is the maximum assistance granted to anyone?

A. Thirty Dollars.

Q. And the minimum grant allowed?

A. Five Dollars.

Q. Is there any distinction made between whites and blacks?

A. Not as such.

Q. What, or is there any difference in the payments?

A. The average payment to white people was $16.48 per month—the average payment to blacks was $11.84 per month—the average payment to the eight others who are Indians was $14.35 per month and the average payment to Mexicans was $12.19 per month.

Q. Can you give us the ratio upon the applications granted to negroes?

A. 63,000 to 12,000—about one out of seven.

Q. What is the maximum assistance granted to negroes?

A. Four cases in the State are receiving from $25 to $30—sixty-five cases in the State are receiving from $20 to $25 and the balance of 11,900 less than $20. The minimum amount paid is $5.00. Compared to that 224 people receive $30—1367 receive between $25 and $30—that is broken in there by $5.00 brackets.

Q. Who primarily decides whether an applicant should receive assistance or not?

A. The investigator.

Q. How many such representatives have been sent to territories since its organization?

A. The number now is 246.

Q. What was the maximum?

A. Last month there were 320—In July 324—In June 308—In May 325—In April 324—In March 324.

Q. The 325 is your highest number?

A. I believe so.

Q. What is the average monthly salary of such representatives?

A. One Hundred and Fifty Dollars.

Q. Are their traveling and hotel expenses paid in addition to such salary?

A. No, sir.

Q. They are required to pay their own expenses?

A. Yes, sir.

Q. Are the automobiles owned by the representatives or the Board?

A. Their personal automobiles. In that connection you might be interested in knowing that these representatives have traveled 1,761,166 miles in making their investigations at their own expense.

Q. Have any of these representatives been negroes?

A. No, sir, except janitors.

Q. Any Mexicans? How many?

A. Yes, sir. I would say about half a dozen.

Q. Don't you have two in San Antonio?

A. No. We have four or five in the Valley district. One in El Paso.

Q. How about Galveston?

A. No, sir, don't think we have any Mexicans there.

Q. Is it not a fact that the only representative down there is a Mrs. Rozales and she is a Mexican?

A. She is the only representative I have there but I did not know that she was a Mexican, but I can check up on that.

Q. Will you do that?

A. Yes, sir.

Q. What is the total amount from your last available figures that you have paid applicants of Old Age Assistance?

A. I don't have the September 1st payments—the August payments were $2,330,233—I think the September payments were Two or Three Million Dollars.

Motion was made that the Committee as a Whole rise and report progress and ask leave to again sit tomorrow at 2 o'clock and the motion carried.

Begin here taking the testimony of Mr. Orville S. Carpenter as continued on October 1st, 1936 at 4:30 P. M.

Mr. Thornton and Mr. McKinney doing the questioning of witness:

Q. Was Mr. Claude Wild paid for his services?

A. Not by me or the Old Age Assistance Commission.

Q. Out of what fund was he paid—if he was paid?

A. I don't know—I heard that he was paid out of the Law Enforcement fund—but this I personally do not know.

Q. Did you see a copy of the report made by Mr. Wild—if a report was made?

A. No, sir.

Q. If you do not have a copy of this report do you know where one is?

A. I don't know.

Q. What particular qualifications does Mr. Wild possess that you know to cause the Governor to select him to investigate your Board?

A. I don't know—He has confidence in him or he would not have assigned him to that task.

Q. To whom did Mr. Wild make his report?

A. I don't know of any report that Mr. Wild made.

Q. What recommendation, if any, did Mr. Wild make or the Governor make as a result of the investigation he made?

A. I don't know.

Q. Were their recommendations, if any, carried out?

A. I don't know.

Q. If they were carried out, how were they carried out?

A. I don't know.

Q. Is the investigator for the Sabine and San Augustine counties related to Mr. Clark, the Governor's secretary?

A. Not that I know of.

Q. Did you ever talk to Mr. Wild about his investigation?

A. Many times.

Q. Did Mr. Wild ever appear before the Old Age Assistance Commission and give them the benefit of the investigation that he made?

A. Not that I know of.

Q. What recommendations, if any, were made to you by the Governor as a result of the investigation made by Mr. Wild?

A. Not any.

Q. Did you see a copy of Mr. Wild's expense account?

A. No, sir.

Q. If you do not know the purpose of the investigation, Mr. Carpenter, if you do not know anything about the investigation state the purpose of the investigation if you can.

A. To check up for me the fitness of applicants for jobs with me with people all over the State with those

that knew them—with the people in their own localities and pick the most qualified ones for the jobs.

Q. In making this investigation do you know of your own knowledge whether or not Mr. Wild left the city of Austin?

A. I don't know.

Q. Was the Old Age Assistance Commission advised that such an investigation was to be made?

A. They were not advised by me.

Q. If you have answered that they were so advised, then advised by whom?

A. I do not know about any information to them—what Mr. Wild did was done for me and not for the Commission.

Q. What explanation, if any, was made to the Old Age Assistance Commisison or to yourself as to the necessity for such an investigation?

A. I don't think any explanation was required.

Q. If a district administrator fails and refuses or ignores to inspect an applicant is there any remedy?

A. There is no remedy provided in the law but I think I could find one.

Q. What remedy would you suggest?

A. Get a new administrator.

Q. About what percentage of recommendations made by the local investigators do you change and raise?

A. That varies from time to time as I explained yesterday. None of them are changed, raised or lowered in this Austin office—many have been sent back to the district office, at first I would say about ninety per cent were returned to the district office—lately very few have been returned.

Q. Then if all but two of the recommendations of any given investigator were changed, raised or lowered then that would have been done in the district office?

A. Yes and after they have been consulted with him about the case.

Q. Sec. 51B of the Joint Resolution proposing the amendment to the Constitution providing for Old Age Assistance reads as follows: "The Legislature shall have the power by general law to provide any such limitations, restrictions and regulations as may be deemed by the Legislature expedient for Old Age Assistance and for the payment of same not to exceed Fifteen Dollars per month, each to actual bona fide citizens of Texas who are over the age of sixty-five years"—now the Federal Social Security Act, I believe it is, which applies to Old Age benefits reads under Section 3 under the title of "Payments to States" like this: "From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing July 1, 1935, an amount, which shall be used exclusively as old-age assistance, equal to one-half of the total of the sums expended during such quarter as old age assistance under the State plan with respect to each individual who at the time of such expenditure is sixty-five years of age or older . . . " Now if the State of Texas has paid or had paid the sum of Two Hundred Thousand Dollars during that quarter then you would expect from the Federal Government Two Hundred Thousand Dollars or one-half of the sum expended?

A. One-half of the sum expended.

Q. Then you would receive only One Hundred Thousand Dollars?

A. Yes, sir.

Q. If the State of Texas expended Fifteen Million Dollars for Old Age Assistance then you would expect from the Federal Government only Seven and One-half Million Dollars, would you not?

A. Yes, sir.

Q. Then the Governor's or rather your estimate on the Thirty Million basis on the Federal Government giving you—matching you dollar for dollar is incorrect and you would only receive Twenty-two and One-half Million Dollars instead of Thirty Million Dollars under that statute, would you not?

A. I don't follow you—If we expended Thirty Million we would expect Fifteen Million from the Federal Government.

Q. How are you going to spend Thirty Million Dollars under this law when the Legislature is only asked to raise Fifteen Million?

A. Because with that Fifteen Million the Federal Government will give you another Fifteen Million, making that match whatever money we have down here.

Q. Let us get your construction and our construction of the law for the benefit of the Legislature—The law says that they will give you one-half of the money expended—now then

if we raise Fifteen Million and expend Fifteen Million would we expect them to give us an additional Fifteen Million or would they follow the wording of this statute and give us only one-half of that amount?

A. They would give us Fifteen Million—in this way—they give you the money in advance—for instance if we spent One Million for October they send that Million down here and out of that Million plus the Million of State funds, I expend Two Million.

Q. You have estimated and the Governor's message based on your estimate of Thirty Million—you estimate that we will expend Thirty Million?

A. That is correct.

Q. Then the Federal Government proposes to give you one-half of the amount that you estimate in advance you will spend over a given period, and they construe that to mean half of the money to be expended on your program?

A. That is right—my estimates are made up and furnished them in advance.

Q. By using that method—if you first waited to spend the money and spent over Fifteen Million and that was all that we could raise in that event if that was paid at the end of the quarter they would pay you only one-half of the amount?

A. Yes, sir.

Q. They permit you to have an estimated expenditure of Thirty Million and then pay you one-half of that in advance.

A. Yes, sir.

Q. The Constitution limits the amount to be paid each month—the payment of same is not to exceed Fifteen Dollars per month each to actual bona fide citizens of Texas who are over sixty-five years of age and under the Federal Social Security Act that money is to be paid into the Treasury and placed in your hands and paid out by you—it is paid by State Warrants?

A. Yes, sir.

Q. Just as any other State funds?

A. Yes, sir.

Q. If the Constitution limits the per capita to Fifteen Dollars how do you pay some pensioners more than Fifteen Dollars per capita—under what rule or construction of the Constitution do you pay that?

A. That same Constitutional amendment also provides for additional amounts as the Federal Government may appropriate for the State of Texas—the bill also contains that provision.

Q. Under Section 2 it says: "The foregoing—etc.—The Legislature shall have the right to accept from the Government of the United States such financial aid for Old Age Assistance as the Government may offer not inconsistent with the restrictions herein provided and the restrictions apparently on the face of it is Fifteen Dollars and the Federal Social Security Act says that it must come into the State Treasury and you do accept that and pay the State Warrants as if it were State money?

A. Yes, sir.

Q. You have construed, or your legal advisor has so construed, that to mean then that where the Constitutional amendment says the Legislature shall have the right to accept from the Government of the United States such financial aid for Old Age Assistance as the Government may offer—then that would be additional to the Fifteen Dollar restriction and would not be limited to the Fifteen Dollar restriction?

A. That is based on the opinion of the Attorney General of Texas and the counsel for the Social Security Board.

Q. That statement that they are matching dollar for dollar is not true, is it?

A. Yes, sir.

Q. Mr. Carpenter, have you actually received from the Federal Government all of the money that you have paid out of State funds?

A. One-half of it.

Q. Then when do you expect to receive the one-half?

A. I mean by that one-half of all the money has been their funds.

Q. Then you have expended approximately Six Million?

A. Approximately Four Million.

Q. You have paid that on State Warrants—Two Million of that is State money and Two Million is Federal money?

A. That is correct.

Q. Then you have received from the Federal Government a dollar for every dollar you have expended of State funds?

A. Yes, sir.

Q. You have received then one-half of the entire amount expended and that entire amount expended is made

one-half of Federal and one-half of State money?

A. That is correct.

Q. Now in connection with that letter that you sent out to all your employees before the primary—you gave them careful and explicit instructions not to engage in political activities?

A. Yes, sir—and that letter was sent out far enough in advance that there should be no excuse for it.

Q. Will you tell this Committee that if such information is furnished you to show to you, beyond a reasonable doubt, that one of your employees did do such a thing that you would discharge him?

A. Yes, sir.

Q. I believe you had been asked before for the data on how many pensions were paid in July and August and you did not have it—will you have it for us tomorrow?

A. Yes, sir, I will.

Q. There was an old man who has a job with the PWA who filed his application for Old Age Assistance and was immediately discharged from the PWA job but up till now never has received anything at all.

A. All WPA applications that showed the applicant was on WPA rolls were put in our suspense files and we spent some time working those out with the WPA people in San Antonio as to exactly how to handle those cases and arranging for information regarding those cases so there would be no duplication of payments.

Q. Do you know why individual applicants might have been discharged from the WPA?

A. No, sir—I know that the PWA authorities at San Antonio contemplated some time ago discharging all employees due to receive the Old Age Assistance from us and in line with that we furnished them and do now upon their request with a list of those WPA applicants—I do not know of any being discharged because they made application—they came to see us, from the WPA from San Antonio, with the view of keeping them on the pay rolls until we could take care of them.

Q. Has it been your policy or policy of your organization or do you know whether it was the policy of the WPA board to discharge members immediately upon their making application for Old Age Assistance?

A. I don't know, but from their representatives I did not understand that was their policy.

Q. If there was such a policy would it have the approval of your organization?

A. It would not have our approval but I don't know that there is anything we could do about it.

Q. If anyone was discharged from the WPA he was discharged for some other reason than that because he filed his application?

A. That would be my opinion of it.

Mr. McKinney: That concludes the examination of the witness.

Mr. J. D. Moore, Jr., of Houston is sworn in.

Q. State your name and initials.

A. J. D. Moore, Jr.

Q. Mr. Moore, what, if any, official position do you hold with the Old Age Assistance Commission?

A. District Supervisor of District No. 6.

Q. Where are your headquarters?

A. In Houston.

Q. District No. 6 is composed of what counties?

A. Grimes, Walker, Montgomery, Washington, Waller, Austin, Harris, Colorado, Fort Bend, Wharton, Galveston, Brazoria and Matagorda—thirteen in all.

Q. How long, Mr. Moore, have you been acting in the capacity of District Supervisor?

A. Since August 15th.

Q. Whom did you succeed in that office?

A. C. J. Parchman.

Q. Where is Mr. Parchman now?

A. I really don't know—I have heard rumors that he is in Houston and that he is working in a bank in North Texas, but I really don't know.

Q. Do you know whether or not his home is in Houston?

A. I understand, only from rumors, that he lived there at the time he was appointed—I understand that he came from Brazoria County.

Q. Where were you working prior to August 15th, 1936?

A. I was Assistant District Supervisor under Mr. Parchman.

Q. How long did you hold that position?

A. Since February 14th.

Q. Since the establishment of that organization?

A. Yes, sir.

Q. You worked continuously in that one office?

A. Yes, sir.
Q. What work did you do prior to February 14th?
A. Manager of Binz Building.
Q. Have you had any experience in social service work?
A. No, sir.
Q. Do you have a college degree?
A. I qualify in everything except for the two years of social service work and I now have seven months of that gone now.
Q. Could you qualify as an investigator?
A. I don't have all of the two years of social service work.
Q. You could then qualify as far as the education—the college degree is concerned?
A. Yes, sir.
Q. Do you know whether or not any of your superiors have college degrees?
A. No, sir—I don't know.
Q. Do you know whether Mr. Carpenter has a college degree?
A. I don't know.
Q. Mr. Moore, state briefly the main duties of your office.
A. The main duties have been prior to September 1st—the assigning of investigators in their various territories on investigation of cases and checking of their reports of investigations after they have been completed and recommended by the investigator; answering of correspondence from the applicants and those who were interested in the applicants and general duties concerning the operation of the office.
Q. Do you have direct charge of the field investigators who make contact with the applicants?
A. I did have prior to September 7th.
Q. Since that time you don't have those men under your direct charge?
A. They are directly under me but I have a Supervisor of Investigations who was placed there.
Q. What do you mean?
A. I mean the new ruling that we are operating under at this time.
Q. Who handed down that ruling? Was that in writing?
A. I don't know—it was not in writing to me—I just went to work.
Q. I understand that they sent a man there who told you he could take charge of that?
A. I had a letter on that.
Q. Do you have it available?
A. No, sir—I have nothing except the records.
Q. What was the reason—why was that done—that man sent down there who had that authority taken from you?
A. I don't know.
Q. That happened on the 7th?
A. Yes, sir.
A. Since that time have you employed any of the supervisors?
A. I have not directly—I have made recommendations—three recommendations.
Q. Were they employed?
A. Yes, sir.
Q. Now, I believe you are required to have two years of social service work in addition to the college degree, is that right?
A. That is my understanding.
Q. Do they recognize school teaching?
A. They accept school teaching as equivalent to social work.
Q. Then, Mr. Moore, a person who has taught school for two years and had a degree he could qualify—school teaching is classed as social service work?
A. I don't know—they give school teaching certain credit.
Q. Did you have any communication from the Federal Social Service Board?
A. I have not.
Q. All of your communication has come through the Texas Old Age Assistance Board or through Mr. Carpenter? or through other officials?
A. Yes, sir, Mr. Carpenter and various officials of the Commission.
Q. How many investigators do you have?
A. Twenty-six.
Q. You have cut that down recently—they were cut down?
A. Yes, sir.
Q. Why?
A. They failed to pass in the efficiency test that was given.
Q. Have they been replaced?
A. No, sir.
Q. Are they going to be?
A. I don't know.
Q. How many have you in Harris County?
A. Twelve.
Q. Mr. Moore, the complaint is made—say that A filed his application in the month of February and was inspected on the 15th of June and was advised by the investigator that he was eligible and that he had

recommended him and was sure that he would receive his check—there are any number of those cases over the State that have come to light—and up to this date this applicant has never received a check—can you tell the Committee why those applicants that were inspected in June have not been followed up and given attention?

A. Do you mean by that the final report of the investigation? No, sir, I could not tell you.

Q. Who makes that final report?

A. I make that report—That report is sent to me by the investigator and I sign it and send it to the State office—I make a record of it on the transmittal sheet first—I don't hear any more from that application until some disposition is made either by denial or acceptance.

Q. Mr. Moore, then taking that same application—if that application is in correct form, no typographical errors or otherwise, that the proof of age is sufficient, what does that investigator do with that application when he gets it into his hands first?

A. Makes an investigation of the applicant.

Q. Do I understand you to say that immediately upon a person making an application that that application goes to the investigator?

A. No, not immediately.

Q. Take me, for instance if I filed my application . . .

A. If you filed your application in February your application was first checked in the office—in the district office—if your application was found in regular order, all questions answered properly and filled out, it is put on record in my office and filed according to date on which it was filed by the applicant; then we transmit the original of it to the State office in order that they may make a record of it here and we keep the duplicate in the district office for the purpose of investigation when it arrives.

Q. When can you tell when it arrives?

A. I can only by conclusion prior to August 15th—I did in Harris County, when we started out in the regular order we did not know of any cases of need at that particular time —we started the latter part of March investigating—I had direct charge of Harris County—along about the latter part of April or first part of May it came to our attention that the relief was going to be discontinued and we went to work on the relief cases where they had filed their applications, and then when the relief cases were disposed of we took the county pension rolls and got them out of the way. Since August 15th I have been devoting my time in the regular routine to the investigation of needy cases that have been called to my attention by relief organizations and county officials.

Q. Mr. Moore, you say that prior to the time of receiving information that relief was going to be discontinued you took those cases in the order in which they were filed—sort of first come first serve?

A. I did in Harris County.

Q. Was that done in other counties?

A. I don't know prior to August 15th.

Q. Since August 15th you have been taking them as you have been able to find out on the basis of their need—the person who is in the greatest need gets the first attention?

A. Yes, sir—that is what I attempt to do—I have quite a few requests and I do give them attention.

Q. Then when it comes to your attention that there is need you try to give it first attention?

A. I do give it first attention.

Q. Who determines whether or not there is need?

A. The investigator.

Q. I believe you said you have twelve of those?

A. Yes, sir.

Q. How many in the entire district?

A. Twenty-six.

Q. What percentage of that twenty-six have had social service work prior to going to work for you or under you?

A. Off hand, about fifty per cent.

Q. You just have one investigator for the other counties?

A. I have one regularly assigned investigator—since I took it over I move my investigators from one county to another in order to speed along the investigation of needy cases. I don't have a regular investigator that can say that he has a regular assignment now.

Q. Then there are some of the counties in which there is no investigator at all?

A. No, sir.

Q. There is one in each county all the time?

A. Sometimes two in each county.

Q. How many do you consider is the average number of applicants that an investigator ought to be able to investigate in a week's time?

A. That is very hard to determine in cold figures—it would be based a great deal on the need, the references they were made to contact—the average would be about forty a week.

Q. Don't you think that by this time—all the time you have been connected with this work—that you have had sufficient time to arrive at some conclusion as to what an investigator working in those counties in your district ought to do in a week's time?

A. I can say for Harris County—about forty would average for the week—I can't say for the rural counties because sometime they give a reference that lives in one end of the county and another that lives in the other end of the county and that takes more time.

Q. Do you ever discharge any of these investigators for failing to make enough investigations?

A. No, sir.

Q. Are all the investigators making as many investigations as you think they can get to?

A. Yes, I think they are.

Q. Mr. Moore, you said that about fifty per cent of your investigators have social service experience—do all of them have college degrees?

A. No, sir.

Q. Why not if that is a requirement?

A. I don't know.

Q. Do you understand from your instructions that it is an absolute requirement that your investigators have a college degree before they can be investigators?

A. I understand that is true.

Q. Why were not all of your twenty-six men relieved and college degree men put in their places?

A. I understand that those that passed the efficiency tests would be retained.

Q. That is your understanding?

A. That is my understanding.

Q. What percentage of those twenty-six that you have had to take the examination?

A. Two of them have not taken it but they will be given the test later.

Q. A person who has a college degree and two years social service experience—do they have to take the efficiency test?

A. It is my understanding.

Q. Do you understand that to be a State or Federal requirement?

A. I understand it is a Federal requirement.

Q. You are only replacing such of those who are at present on your pay rolls as can't stand the examination?

A. I have not replaced any of them—I have asked Mr. Carpenter to add three which he has done.

Q. In effect they have taken the place of those who failed to pass, did they not?

A. In effect, they have.

Q. You don't have anything in writing stating that is a Federal requirement?

A. No, sir.

Q. Mr. Moore, would you know if an investigator made a report of an application without ever having interviewed the applicant?

A. I presume not but it would eventually show up.

Q. Do you know of any of your investigators doing that?

A. I would say it has been done.

Q. How many do you have remaining to inspect in Harris County?

A. Approximately 2400.

Q. Have you started re-inspection?

A. Yes. Only have where the applicant is dissatisfied with his grant or denial.

Q. How many applications sent to Austin that have not been heard from?

A. I don't have that information.

Q. How many cases have you sent up on appeal?

A. Two cases.

Q. You have sent a great many cases to Austin that never have been heard from, have you not?

A. Yes, sir.

Q. Some of them have been here a good long time—several months—haven't they?

A. Yes, sir.

Q. Have you been instructed to consider the gross income rather than the real income?

A. Yes, sir.

Q. Have you been instructed to deny assistance to those who have relatives able to support them? Do you do that?

A. I do where the investigators find that they have relatives in fi-

nancial condition able to take care of them and if they are not able to provide for them then I take care of them.

Q. Is there any law in Texas where relatives should support their parents?

A. No, sir.

Q. Have you read the Social Security Act and Texas Old Age Act?

A. I have never seen the Social Security Act.

Q. Then anyone who is sixty-five years of age and comes within the income and property limitations and within the limitations of residence and other limitations set out in the Statute then regardless of whether or not they have been supported heretofore or have relatives able to support them, you are required to grant their application for Old Age Assistance?

A. That is true.

Q. And you do that?

A. I do.

Q. Then the determination both as to whether the person should be placed on the Old Age pension rolls and the amount that person shall receive is ultimately decided in the district office, is it not?

A. Yes, in the district office and the investigator passes it on to me.

Q. Are the applications now sent in to you from Walker County would you have to send them first to the Austin office for checking?

A. No, sir.

Q. Then it would remain in your office?

A. We send the original to that office immediately and keep the duplicate in our office for investigation.

Q. Then you take that duplicate and if you find a person is ineligible you so notify him?

A. Only in a few instances where they are under age.

Q. If you find him ineligible you would so notify him?

A. Yes, with a letter of explanation.

Q. If a person had $2000 in negotiable securities would you turn him down?

A. I would not know it until I investigated it—it might say so on his application but I would have to investigate it.

Q. Would you send a copy of the application or a letter to the Austin office when you approved it?

A. When we have finally approved it we would write the Austin office.

Q. If you discovered in an application that the applicant might be too young would you write him a letter and state the reason?

A. I certainly would.

Q. It has been your policy in the past not to give a reason, is that true?

A. Not in my office—We would write them a letter and tell them when they could file an application.

Q. Will you promise this Committee, Mr. Moore, that you will not reject any application in which you do not give a full statement for the reason?

A. I always do that.

Q. What is the average in your district for pensioners?

A. The average grant in the last report was $16.48.

Q. Do you pay any as much as $30.00?

A. May have one or two—have so few I don't recall—maybe two or three.

Q. Why are some Thirty Dollars?

A. Based on the need of the applicant.

Q. What is that determined by?

A. On the investigation of applicant's financial condition and what he needs.

Q. Do you have different standards of living for white people?

A. Yes, of course, you run into very many different standards of living in the course of investigations.

Q. You determine his personal needs by building up some sort of a budget? The investigators asked them certain questions about what his expenses are for food and clothing and necessities of life?

A. Yes, sir, that is true.

Q. And that is put down in the investigator's report?

A. Yes, sir.

Q. If you had an application say where he did not spend anything for necessities because he did not have anything to spend—could you determine his needs by that budget system?

A. Yes, determine the amount that he would need to spend and build up a need for that applicant.

Q. If he states that he has no money at all and the neighbors were supporting him, would you build that need up?

A. Yes, sir.

Q. Then the man who has a $300 income and 100 acres of land and a home would his budget be greater than that of the person who has been living on charity?

A. It would be less.

Q. Would you make it less?

A. Yes, sir.

Q. Would you take into consideration what he had?

A. Yes, sir.

Q. When an investigator finds the amount that an applicant shall have as old age assistance—is that never changed?

A. Sometimes we find where the budget allottment does not justify, we try to get him to justify it—it is never changed in my office.

Q. Mr. Moore is there any uniformity in the rules and procedure in determining this budget—do all of your investigators have a set standard to go by?

A. They have a suggested maximum but they don't have to go by it.

Q. What is your suggested maximum now?

A. Do you mean one individual living alone?

Q. Do you not have instructions to make your maximum total $24.00?

A. I have never had any such instructions.

Q. Did you not at one time ask them to reduce it to $22.00?

A. No, sir.

Q. Mr. Moore, in determining the income of an applicant what procedure do you use?

A. First of course you have to take the applicant's word, second, you get it from your records—we check the property records in the County Clerk's office to determine if they have any property or sold any. I have one man who does nothing but check property records. Now if there is any doubt as to any money I sign a form which he takes to the bank to see if this applicant has on deposit any money, but more or less that kind of investigation is based on the honesty of the applicant.

Q. You figure gross or net income?

A. Gross income.

Q. By instructions from Austin?

A. Yes, sir.

Q. If a man had some money and that is expended in due time then he still fails to receive aid?

A. Gross income is all I can consider.

Q. Do you have written instructions from Austin to handle it that way?

A. Yes, sir.

Q. Mr. Moore, were the merit examinations conducted in Harris County? And you were in charge of District No. 6?

A. Yes—not at the time of the examination. Mr. Parchman was in charge, I was his assistant.

Q. You were there at the time?

A. Yes, I took over the district supervisor's job before the investigators who failed to pass that test were eliminated.

Q. How many investigators took that examination in your district?

A. I will have to guess—about forty.

Q. How many passed?

A. Twenty-six passed and fourteen failed.

Q. How much notice was given before the examination was given to them?

A. A couple of weeks, I am not positive about that.

Q. I wish you would check up. Was it several days?

A. I know it was several days because it was discussed in the office and some of them talked about how scared they were.

Q. At the time of the examination were you in the room?

A. I was in there about twenty-five or thirty minutes.

Q. Do you know whether all forty of the applicants answered the questions in full of your knowledge?

A. I don't know.

Q. If an investigator has the right to set the pension amount, does he have the same right to reduce it?

A. Yes, he would have the right to do that.

Q. If an investigator made a recommendation of Fifteen Dollars before the district office approved the recommendation of Fifteen Dollars and then sent in a recommendation that the allocation be reduced to Ten Dollars without stating why, would you do it?

A. I would not do it as he had already justified the Fifteen Dollars.

Q. I will ask you a hypothetical question: A is married, owns a small farm; borrows Seven Hundred Dollars to make a crop; at end of season his gross income is Seven Hundred and Fifty Dollars; he pays the Seven

Hundred Dollar debt; is he entitled to Old Age Assistance?

A. Not if he had the Seven Hundred Fifty Dollars on hand at the time of the investigation because he would—that would be considered gross income.

Q. At the time the investigation was made?

A. Unless that case had been previously investigated and some neighbor notified us that he had money in the bank and we made a re-investigation and found that money we would make a recommendation to reduce the budget or make a denial.

Q. Do you post a list of those people on the pension rolls so the public can help you check them?

A. I do not.

Q. If a man has $750 in cash and desires to buy a home for $600 leaving a balance of $150 in cash—would he be entitled to assistance?

A. Yes, sir.

Witness excused.

Questions By Mr. McKinney:

Q. Mr. Powell, what, if any, is your official position?

A. I am the regional director for the Social Security Board.

Q. Mr. Powell, we will say you are regional director, what is the territory in which you operate?

A. Texas, Louisiana, and New Mexico.

Q. For whom do you work? Rather, by whom are you employed?

A. By the U. S. Government.

Q. Do you work under the Federal Social Security Board?

A. I do.

Q. How long have you been in that capacity?

A. Just about the first of April of this year.

Q. Pardon me just a minute Mr. Chairman, we want to ask if Mr. Carpenter is in the hall. If he is we want him immediately after Mr. Powell's testimony.—You stated that you are the Regional Director for the Social Security Board of the U. S. Government and that you have Texas, Louisiana, and New Mexico?

A. That is correct.

Q. As your territory?

A. Yes.

Q. Now, briefly, Mr. Powell, as you can, what are your duties?

A. The regional director is the representative of the Social Security Board in the region to which he is assigned. The function of the regional offices are to assist the states in the administration of the public assistance phases of the Act, public assistance phases being aid to blind, dependent children, and old age assistance. Also to assist the states in the administration of these offices in accordance with the states laws, and administration of the unemployment compensation and co-ordinate the activities of the several offices of the board administering the Federal Old Age Benefit portion of the Act. Our duties consist also of reporting to the Federal Board as to the administrative procedures adopted on the plans, and results being obtained by the state agencies in their administrative plan which has been submitted to them and approved by the Board.

Q. Mr. Powell, are your duties entirely executive?

A. Yes, executive and judicial coordination.

Q. Do you have anything to do with the formation of any of the policies of the Federal Social Security Board?

A. I do not.

Q. In your territory?

A. I do not.

Q. Then the policies are formed by the Social Security Board and transmitted to you how? In writing?

A. That is correct, yes.

Q. Then if—

A. In writing or through staff conferences in Washington.

Q. Then if you may deem it necessary, you in turn communicate those policies to the state organizations?

A. Yes. I don't know, Judge, that there has been any instance to the present time where the transmission of such policies has been necessary. However if the occasion should arise, I presume that that would be the procedure.

Q. You have, in frequent discussions with Mr. Carpenter and the Texas Old Age Assistance Board, in discussing—, and you discussed with them matters of policy formulated by the Federal Social Security Board, did you not?

A. Yes.

Q. And do you assist them in carrying out the provisions of the Texas law so far as those provisions relate to the Federal law?

A. The Board has made advisable to the State of Texas on the request and after consultation with the Governor and the director of the Texas Old

Age Assistance Commission, services of a representative of the Bureau of Public Assistance, who has advised with the executives of the Old Age Assistance Commission and has given them the benefit of the experiences of the Board, acquired in dealing with some thirty-six states of the union which have similar plans.

Q. Now, so far as you know, Mr. Powell, if the Board formulated a policy with regard to anything that they might make, I understand they are not making them in the form of demands,—but they are making them in the form of requests, but that is just—I'll say request instead of demand—if they formulate any policy in which they require the Texas Old Age Assistance Board to meet certain requirements before they can obtain Federal Assistance, would it be your duty to see that these requirements were met before they obtain this half, and report to the Board?

A. Yes.

Q. Now, if they had a requirement with reference to qualifications of the investigator, that is the person who investigates the pension applicants in Texas, would it be your duty then to see that those requirements were met?

A. It would be my duty to report the facts to the Board.

Q. Mr. Powell, now if you should have transmitted to you certain regulations, certain matters of policy the Board wanted carried out in your region, particularly in the State of Texas because of the peculiarity of our law, it became necessary for you to communicate those matters of policy and our regulations to the Texas Old Age Assistance Commission, would you communicate those things personally or would you do it in writing?

A. Are you speaking of the future or the past?

Q. Both. What is their policy in connection with that? Do they communicate what they want to transmit through you to the Old Age Assistance Board in writing or verbally? What is their policy in connection with that, do they have you communicate what they want to transmit through you to the Old Age Assistance Board here?

A. No.

Q. In writing or—

A. The way the thing has been handled up to the present time, a representative of the Bureau of Public Assistance was sent to Texas to discuss with the Commission matters of administration procedures and to give to the Commission the benefit of the experience which the Board has acquired in dealing with other state administrations. I don't know that I have written to the Texas Old Age Assistance Commission or communicated with them any matter of policy which the Board has decided upon. I don't think the occasion has arisen, I have met here with the Texas Old Age Assistance Commission Director on several occasions, most of which have been in company with the representative of the Bureau of Public Assistance.

Q. Do you know that Bureau of Public Assistance, what is its relation to the Social Service Board, or just state briefly what its aim—

A. The work of the Board has been departmentally listed. All of the Public Assistance phases of the Act are under the jurisdiction of this Bureau of Public Assistance. They have to do with State plans for Old Age Assistance, State plans for aid to the blind, and dependent children. Other phases of the Board's work come under the Bureau of Unemployment Compensation, and others under the Bureau of Old Age Assistance. Functions of the Bureau of Public Assistance are to review all plans intensively which are submitted to the Board, to determine whether these plans contain the requirements enumerated in the Federal Acts. After that review or survey has been made the Bureau will certify to the Board compliance or non-compliance with the particular state law or plan. After that certification has been made, at such time as the state makes an application for a grant the Bureau of Public Assistance reviews the grant and reviews the procedure that has been in operation in the state under the states plan to see that the plan is still in conformity with the minimum requirements of the Federal Law, and that the state administrative procedure has also been in accordance with the Federal Act. You will find in Article 2 of the Federal Acts enumerations of minimum requirements that all employees are required to meet before state's plans can be approved. In the next to the last article of Title One of the Act you will find a requirement that the Board demands before grants are made that the state plan is still in conformity with those requirements.

Those are the functions largely of the Board of the Bureau of Public Assistance. There are one or two services which the Bureau makes available to the states, one an educational program and another makes the Bureau make available to the states the advise of its representative with regard to its administrative procedure.

Q. Are you familiar with the Texas Old Age Assistance Manual?

A. In a way I am, yes. I have read it. I wouldn't like to be called on to quote any provisions of it, but I have read the manual, yes.

Q. But what I wanted to bring out, first that it is submitted by the Board to the Social Security Board and is approved by them before an allotment of money is made, isn't it?

A. The manual and all of the rules and regulations of your Old Age Assistance Commission was submitted to the Board as part of the Texas plan.

Q. Now on those rules and regulations, as set forth in the manual, are they required to conform to both the State and the Federal Law?

A. Yes, I think so.

Q. As far as you know, Mr. Powell, who interprets the law for the Social Security Board, do they have some representative of the U. S. Attorney General's Department, who interprets these things for them?

A. You mean the Federal Law?

Q. Yes.

A. No, sir, they have a legal department, its under the head of an office called the General Counsel of the Social Security Board.

Q. Now, Mr. Powell, we have a series of questions which we have been asked to propound. We would like for you to answer them as carefully as possible. First, the policy of the Social Security Board to making payments to Old Age recipients by the State of Texas is on a dollar for dollar basis, is it not?

A. I think, Judge, that that matter is controlled by the Federal law which requires the Social Security Board to pay to any state having an approved plan one half of such amounts as is expended by the state for purposes of Old Age Assistance and in addition to that payment make grants of 5 percent of that amount for administrative purposes.

Q. The statutes in regard to that reads: An amount which shall be used exclusively that is, after saying that it may be from the sums appropriated the Secretary of the Treasury shall make the allotment and an amount which shall be used exclusively for old age assistance equal to one half the total sum expended during administration of Old Age Assistance under the state plan with respect to it. The requirement that the applicant must be sixty-five years of age or over, etc., and having some other restrictions, is there. Now do you know what their policy is toward this clause: "equal to one half the total sum expended"?

A. I do not know, sir.

Q. What I have in mind is that do they treat the money sent here, well for instance if there was a 15 million dollar tax bill and if they send us $15,000,000 for our Board to establish spending, counting the $15,000,000 will they give us one half of the amount to be expended or wait till we expend our $15,000,000 and reimburse us with one half of it?

A. You will notice in section 3 A. of the Federal Social Security Act, part of which you have just read, here is their language: From the sum appropriated therefor by Secretary of the Treasury shall pay to each State which has an approved plan for old age assistance for each quarter beginning with the quarter commencing July 1, 1936, an amount which will be used exclusively as Old Age Assistance equal to one-half of the total of sums expended during each quarter as Old Age Assistance under the state plan with respect to each individual who at the time of such is 65 years of age or over, etc. Now those grants are not made on a blanket basis for the whole year but rather on a quarterly basis.

Q. And right here, Mr. Powell. Do you know how many states have Old Age Assistance laws?

A. The last figures that I have seen, and I think there has not been a meeting of the Board since, the last figures were released so far as approval of states plan was concerned showed that 38 States had plans in operation or have had their plans submitted to the Board for approval. Three other states have passed laws and have submitted their plans to the Board but they have not yet been acted on.

Q. Now, Mr. Powell, how much money has Congress appropriated if you know, for Old Age Assistance, do you know? 82 million isn't it?

A. My recollection is that it is 85 million dollars for the current fiscal year.

Q. Now what do you mean by the current fiscal year?

A. From July 1, 1936 to June 30, 1937.

Q. They have appropriated that much money for the period of time? Now if they should appropriate $15,000,000, we can reasonably expect Congress to make that in view of the fact that 38 other states have Old Age Assistance and in view of the fact that they have only $85,000,000 from which to draw?

A. Your question as framed, whether you expect Congress to make it, do you mean the Social Security Board?

Q. Out of the funds that will be appropriated and alloted to them for distribution among the States.

A. Judge, that is an extremely difficult question to answer and I will tell you why I say that. Not all of the plans which are now in operation have been operative since February when that law went into effect or when the funds were officially made available.

Q. Right there on that point you have just mentioned. As a matter of fact, Mr. Powell, very few of the states have finally determined the approximate number, of course, we understand they can't determine it exactly because they will have some deaths and some reaching the age of 65 or—but very few of the states up to date have determined how many Old Age Pensioners are going to make demand on that money. It is literally impossible to contemplate, it is impossible to calculate how many persons in the U. S. will be eligible under the several state plans because of local interpretation for one thing, and the possible chance of claim changes, and possible change in the requirements for individual payment, the number of states that will ultimately pass the plans—the liberality of those plans, there are so many indeterminate factors that it would be a pretty hazardous sort of guess at how much money will be required by the states' approved plan before the year is over. Do you know whether it is or not a policy of the Board, I specify the Social Security Board, to determine or attempt to determine the amount of money that will be required by each of these states and set aside a reserve or a part of that $85,000,000, as a reserve to take care of those anticipated needs?

A. I'd answer your question, no. I don't know what their policy is with regard to that but I think that there has been no such effort made.

Q. Now in regard to Texas, would you say no such attempt has been made on the part of the Social Security Board to determine the ultimate goal, and ultimate maximum, the average maximum number of pensioners we will have on the rolls—would you say they had done that, and set aside funds to take care of that particular obligation when it was created?

A. That is two different questions, and if I may give them—

Q. That is all right, just answer them in your own way, Mr. Powell.

A. We have attempted, of course as best we could, to estimate what the ultimate number of pensions would be under the Texas plan.

Q. Now right there, do you consider, Mr. Carpenter's estimate, that is from what you know of the Texas situation as Regional Director, would you consider Mr. Carpenter's estimate of 147,000 as a reasonable estimate? Of course, we know it can't be exact. We know it is largely speculative.

A. Well, as you say, it is speculative. We have estimated there will be probably some where between 125,000 and 130,000 persons eligible under the Texas plan as it is now being administered.

Q. That is based on your past experience and the rapidity with which the applications have been coming in, and the rapidity of those applicants which have been able to quality, is it not?

A. The factor of rapidity with which the examinations have been made will probably not bear on the ultimate number. When I speak of the ultimate number of compensables under the plan I don't mean any definite period of time. I refer to those persons who under the Texas law will meet the qualifications set out in the law and the requirements adopted under the administrative orders of the Commission and I think the rate of speed with which the examinations are conducted probably won't affect the ultimate number except insofar as deaths from time to time may deplete the rolls. Now insofar as the Social Security Board basing or setting aside

any specific amount of money out of this appropriation for the ultimate of Texas, as I said, I don't know whether that has or has not been done.

Q. Supposing it has not been done, then it would be the policy of the Board to take the money appropriated, that is, you would have the right to infer that, that is the policy of the Board from past acts; that money that is appropriated and paid to the various states in the Union for their current needs so far as that money lasts. Then if the money should be exhausted before the end of the current year, before Congress makes other appropriations, then those states would have to carry their pension loads until such time as Congress could meet and make new appropriations for the Social Security Board, would it not?

A. Yes, I think that would necessarily follow.

Q. Mr. Powell, as this—I want to make this little digression right here so you will have a complete understanding of what we are driving at. The Texas Legislature is being asked to raise revenue by taxes to support the Old Age Assistance law and to carry out the terms of it, and to pay those applicants that come within the provisions of our law and entitled to it, and we are attempting at this time if possible to find out what we may expect from the Federal Government if it is possible to find out both as to the amount of money and as to the future policy with regards to the Texas set-up. Now there are two possibilities, of course. We see in the newspapers that Texas is going to be restricted to —that is, Texas is going to be so restricted by the Social Security Board that they will only allot to us about Five Million Dollars making the Texas program about three million, and on the other hand we have been informed that would be matched dollar for dollar by the Federal Government. Now the gist of the whole inquiry is this; That is so far as you Federal men are concerned, may we in the future expect the Fifteen Million Dollars to be matched? Now of course you may not know what the policy of the Board is but just as nearly as possible and as far as you would be justified in expressing an opinion on that matter, and I realize that it might put you in a delicate position to express any opinion at all on it. If you had rather not, if it would put you in an embarrassing position, simply say so and we will ask someone else about it, but if it would not embarrass you we would like to have the benefit of your opinion in regard to the future policy of that Board towards the set-up that we have in Texas? Now then, in answering that question I want you to take this into consideration: We have been informed that we are going to have to use the term "deliberalize"—they are going to require us to cut down, or rather to increase the restrictions, and we are going to have to reduce the amount. Next the amount of property that a person may own and various other provisions and qualifications under the law which are limitations that are put on. After taking that into consideration, would you say that it is the policy of the Social Security Board, or will be their policy in the future, to match any sum of money that we may raise by taxation in Texas, whether it be Ten, Twelve or Fifteen Million Dollars?

A. As to the future policies I won't hazard a guess. In the first place I do not make the policies, and the Board, as you know, has had at least one member to go off in the very recent past. Governor Winant resigned just a few days ago. What the future policy might be I shouldn't say if I could, and I can't because I don't know. The policy at the present time as I understand it is to match such state funds as are used or to reimburse the state to the extent of one-half of all funds which they raise and use for the payment of Assistance to the needy aged in the State.

Q. Now that basis, you stated that that is their present policy to reimburse the State; that, of course, is because of the changing personnel of the Board, and some other things that might come in the changes of law that you would not like to hazard a guess as to the future?

A. If there is no change of conditions to the contrary so that it is advisable to change the policies if they can under the law, I am rather inclined to think the Board has little discretion under the law.

Q. And then they construed that reimbursement of half of the amount expended—in fact it would be this way: The Texas Old Age Assistance Commission for the quarter, or given period, would make up an estimate of

what the need would be for that time. Instead of the Federal Government waiting until all the money is spent, they deposit the money in advance—that is, put it in the State Treasury and pay it out along with the State funds?

A. Yes, and then after the expiration of the quarter, if there has been over or under payments in the balance, the next quarterly allotment is adjusted with the figures as shown in their report.

Q. As to the future policy don't you think it likely that that future policy would be largely controlled by the amounts of money available to the Social Security Board?

A. Yes, if you are asking for my personal, and not my official view on it, I would say that that must necessarily follow because you have just so many dollars to expend for that specific purpose, and certainly there would not be more spent than is provided by Congress.

Q. It is their policy to give all of the 38 states like treatment, is it not?

A. I feel sure of that.

Q. Then 85 million appropriation, with Texas getting 15 million dollars of it, if we get it, and we have already gotten some three or four millions of dollars—I have forgotten the figures, will put it three million, that would be a total of 18 million dollars. The total of $1,998,000.00—that would make approximately speaking in round figures 17 million dollars. If we get the 15 million that we are advised that we will get, don't you think that 17 million dollars, being a total of 20% of the whole, and there are thirty-eight states, don't you think it is unreasonable for Texas to expect the Government to allot?

A. You are again asking me for the determination of the policy of the Board.

Q. In view of the fact that thirty-eight states are drawing on 85 million too, we reasonably expect Texas to draw 20% of it of course?

A. Well, may I answer that by giving a few facts rather than my own conclusions.

Q. Answer any way you like, Mr. Powell.

A. It is the truth of course that the population of Texas is approximately 5 per cent of that of the country as a whole. Texas in round figures has 6 millions of persons. The United States approximately 120 million. It is the truth, however, that during the current year, many of the states have not passed or submitted to the Board plans for old age assistance. Many of those which were submitted were not submitted until recently. The liberality of the law in some of the states is greater than in others. I have made no attempt to segregate by months the amounts that have been paid to the various states for the Old Age Assistance. The figures are available if you like. We don't know what the ultimate case loads in all of the states will be because of the fact just as we have spoken of a few minutes ago. We don't know what the administrative policies of the several state agencies administering the laws might be. In the future they might restrict administrative provisions given by the liberality of their laws, or they might extend same, so at best it is rather speculative as to what the needs, ultimate needs of all of the states is going to be even during the current fiscal year, and I don't know just, frankly I don't have enough data available and don't know whether it could be gotten as the basis for any conclusion that would be useful in a speculation of that sort.

Q. Now, Mr. Powell, after you make an allotment in a state, that money is sent to the Old Age Assistance, put in the State Treasury and paid by the State warrants issued by the State Comptroller?

A. Yes, sir.

Q. Did you consider those funds after they are so allotted to the State? Did you consider those funds as Federal Funds, keep track of how they are paid out, except of course generally as they comply with the Texas set-up. You keep check on those funds after going into the State Treasury?

A. As they are paid out, you mean?

Q. Of course they make reports to you as to how much they have paid out?

A. Reports are made to the Board monthly.

Q. What I am getting at is this: Would you consider those ought to be paid out of State funds or Federal funds?

A. I would say that the funds are under the control of the State.

Q. Under the control of the State and are State funds. Now since these funds are being paid out by the State on the state warrant issued by the Comptroller and ultimately paid by the

State Treasury of the State of Texas, they would then be paid out wholly under the state law and not under the Federal law, are they not?

A. Well now, that is calling for a conclusion of law, Judge. I would like to answer that factually if I may.

Q. All right sir, just go ahead.

A. The definition of need is figured by the state. The determination of need is made by your state authority. The Federal Government, as I understand it has no part in defining these within a state. It has no part in defining these within a state; it has no part in the determining the need of any. It has no part in paying any part of these funds which are placed in the State Treasury; that is all within the province of the state. The state passes the law in accordance with its circumstances and formulates plans as it sees fit. It has the administration of it in so far as the funds themselves are concerned. The Federal Government has no part in controlling the distribution of those funds for Old Age Assistance. The only provision of the Social Security Board with relation to the Public Assistance phases of the Act, their administration in the states is to satisfy itself from time to time that those funds are expended for the purpose for which they are appropriated. The individual, or the individual grant, or the dependent's needs, is not under the provisions of the Federal authorities at all.

Q. Now then, the only thing that you are concerned with then, after you have given the money to the state and turned it over to them and it becomes a part of the state funds and you treated it as such by reason of the fact that you have given it to them in advance of one-half of their anticipated needs and you make the payments, and then the expenditure of the state funds is made and you reimburse them for one-half of that amount. Now, Mr. Powell, you are not concerned with what is paid to each applicant or each pensioner or what you might choose to call them, and you are not so long as the state complies with certain rules and regulations formulated by the Social Security Board. The money has passed out of your hands and you do not seek to control it further than to see that the State Old Age Assistance Board has complied with the rules that they have formulated under their approved manual rules?

A. Yes, sir, so long as the funds are paid out in accordance with the state plan.

Q. Then they are state funds?

A. Yes, sir, I think so, whether there is any technical or legal strings on the funds which are in it, I would hate to express an opinion because I don't know, but I do know that the funds are under the control of the state itself and are to be paid out by the state administration in accordance with the state law.

Q. Then under our State Constitution the amount of these funds to each of the Old Age applicants, is the maximum sum of $15.00 per month, don't you think we could restrict it by that provision of the constitution to $15.00 per month?

A. That is a matter of law, if I knew the answer to it I would hesitate to say, because I think that is a matter of determination of your Attorney General, whatever opinion I might have on it, would have absolutely no value.

Q. Do you know whether the Social Security Board has made an attempt to have that provision in the Constitution construed?

A. I think when the plan was submitted an opinion of the Attorney General as to that provisional, and it was mentioned that the Texas Board could pay out more than the $15.00. I have a copy of the opinion that was attached to the plan, I can give you the date of it if you want me to.

Q. Is it very lengthy?

A. Yes, sir, quite. I think some 155 or 156 pages.

Q. Can you check that part referring to the amount that is to be paid out?

A. Yes, sir, I think so.

Q. Now, Mr. Powell ,is it the policy of the Social Security Board to ascertain definitely that Texas has the funds in hand that they seek to have matched before making any allotments? For instance, if Texas has asked for a million dollars, it is their policy to be sure that Texas has the million dollars before they will put up their million?

A. I am not informed on that point.

Q. Would you say that the allotments for the, for the say, next three months say of a million dollars a month for the next three months,

would the Social Security Board make that allotment before they ascertain whether or not the State of Texas has three million dollars in hand to match?

A. I would take that to be the same question.

Q. You don't know what their policy would be in regard to that?

A. I think though that—I doubt that you would be interested in any plan, I don't know the answer to that.

Q. Do you know who we might find that out from?

A. Mr. Bane will be here tomorrow morning and I feel sure he will tell you.

Q. Is he arriving in the morning or tonight?

A. I had a wire from him about 1:15 o'clock in the afternoon of Wednesday, telling me that he intended to be in Austin Saturday morning and I have not had any other word from him.

Q. The reason I ask that question, we would like to talk with him tonight if possible.

A. Yes, sir, if you will come to the Austin Hotel.

Q. Have they in the past paid allotments without ascertaining facts on the estimate before they knew they had the funds in hand?

A. I don't know how those grants are considered. The plans and grants are given to the Public Assistance Bureau and submitted to the Board with their recommendations and the grants are considered and certified by the Board and the Secretary of the Treasury ,and the basis on which a certificate is made, I don't know, I am not familiar with the procedure in the Washington office.

Q. Do you know when the first allotment was made to Texas? And if possible the amount of it?

A. I don't have here the date of the grants. I know that a grant was made for the month of June and I only have here the total amount of payment to individuals in this State during that month. The Federal Grant for that month, I take it, would be half of that amount. Would you be interested in those figures? Judge, I do find here a notation that the grants for July and August, or perhaps I was mistaken on the June part of which is One Million One Hundred Sixty-one Thousand Two Hundred-fifty Dollars, including the 5 per cent for administrative expenses. The grant for September was $907,200 including the 5 per cent making an aggregate of $2,088,550.00.

Q. Mr. Powell, let me ask you this question. In referring to Section 5 of the Social Security Act, Paragraph "A", sub-section 1, in which it says an amount which shall be used exclusively as Old Age Assistance equal to one-half of the total sum expended during the quarter as Old Age Assistance under the state plan with respect to each individual. Now the question is in construing that would you, and we would like for you if you can to illustrate by concrete example either hypothetically or real, if you know of any, and whether or not that means that the Federal Government will match the Texas Old Age Assistance fund dollar for dollar or whether or not it means they will give us one-half of the amount of the fund that we have expended or to expend?

A. The grant, as I understand it, has been made on the basis giving to the state one-half such sums as was expended by the state for Old Age Assistance.

Q. Does that include Federal and State money?

A. Sir?

Q. Does that include Federal and State money?

A. Of course they don't reimburse the state for the Federal money that is spent.

Q. Well then, if they do not reimburse the state for one-half of the Federal money that is expended, how may we expect them to reimburse us with a total of $15 million dollars on a $30 million dollar program, when half of that money is Federal money? It is all state money after we get it. It comes as state money because they give it to you, but the source of the money is from the Federal money and we will speak of it as Federal money. Now how may we expect them to reimburse us, on the total of Federal state money or just on one-half of the total of state money actually spent?

A. Judge, as I understand the practical working of the thing the allotment is made to the State quarterly on the basis of the estimated needs of the state during that quarter. The funds are sent by the Secretary of the Treasury to the State and are deposited in the State Treasury, when they cease to be Federal funds and become State funds. It is a matter about which I do not know, but in any event

after the State has expended during that quarter a certain amount of money the books are balanced at the end of that period to show whether or not the Federal Government has contributed more than half of the whole expenditure. If it has contributed more than half, the next allotment is cut down to the extent of that difference. If it has expended less, why, a corresponding credit is given.

Q. Now in fact it works this way does it not, Mr. Powell: The State puts up 15 million dollars, the Federal Government puts up 15 million dollars, if they have it, assuming that they do, if they match then they would count the whole as a Texas program and count their million dollars as one-half of it, isn't that true? On your allotment for instance beginning July 1st for that quarter, the allotment is approximately $1,998,000.00. All right, the State of Texas put $1,998,000.00 in the Treasury, they represented to the Social Security Board that they had a program, we'll call that 2 million dollars for easy figures, and you can be turning it over in your mind, so that you can figure it easily, and get—now say, the Texas government put up two million dollars and did so for that time, and the Federal Government allotted them two million dollars. All right, when the Texas government has put two million dollars in the Treasury then the Federal Security Board is told that we have a four million dollar program for that given quarter, that is where your need would be, and they treat the four million dollars effective expenditure and give us one-half of the four million dollars?

A. I think that is the way it works probably, as I don't know now anything about the technique that you used in arriving at that grant.

Q. As a matter of fact Texas only has two million dollars and it is somewhat of a fix to get around the provisions of that law, and permit them to match us dollar for dollar. Now, if you don't care to express an opinion on that why say so.

A. As to whether it is a fix or not?

Q. Yes, sir.

A. Judge, your Attorney General and the general counsel for the Board, I think, have threshed out the legality of the program and I think the opinion of the Attorney General as incorporated in your plan now, whether that is a good law or a bad law, an opinion of mine on the subject wouldn't be worth anything to you.

Q. The Attorney General states Mr. Powell, that under the Constitution we would be able to pay each pensioner fifteen dollars per month State money. He used the term State money, but when the money is given to the State, and is paid out on the State warrants by the State Treasurer, then it becomes State money. Now he does not go into the question which is yet to be decided by the Supreme Court, so we are still in the dark. Now, listen, Mr. Powell, I want you to understand that we are not objecting as we discussed here this afternoon—we are attempting to gather such information as we can and to try to determine from that information what the future policy of the Board will be. Now then, what we would like to know is this, and I am sure you can't answer it, but what we would like to know is this; whether or not were the changing personnel of the Board and the changing conditions and it is necessary to make that known in as many of the 38 states as possible, it is entirely possible that the Social Security Board with the new personnel, might construe that to mean that we had to first spend our money and then that they would only under the law be restricted to reimburse us on half of the money actually spent. We understand that their policy has been in the past to meet a situation whereby the money was not actually expended but was actually given to us dollar for dollar before any money was expended, and that it has been their policy in the past, but the thing that we would like to know if possible, or would like to get enough data so that we may base a reasonably correct opinion on it, so we won't be absolutely at a loss as to whether or not in the future they might change their policy, and construe that policy to be that we had actually to have that money in the Treasury, and actually pay it out to the pensioner and then after it was paid out, let them check our accounts to see how much we had paid out, and reimburse us and just give us back half the money that was spent. They could do that under the provisions of that Act. It could be construed by a court, by our Attorney General and our constitutional provisions restricting us to fifteen dollars per month. Now as to what the future policies, as

to what the present policy is, we are informed, but we are dealing with the future policy, and the question that has been asked you has been asked in view of getting as much information that is a reasonably correct opinion of what we may expect in the future. Now, Mr. Powell, you are probably familiar with all the matter of policy which the Federal Board in your discussion with Mr. Bane and others, and we would like to have you give us as full and complete answers on this as you can. Is there any tendency, or is there any complaint on the part of Social Security Board that the Texas law is too liberal?

A. Not that I know of.

Q. Do you know whether or not there has been any attempt on their part to get the State of Texas to get the Old Age Assistance Board to deliberalize, if you want to use that term, to deliberalize the Texas law?

A. Not that I know of.

Q. You don't know what their policy in the future will be?

A. Only to this extent, Judge—

Q. Let me ask you this, and that will probably clear the matter up for you. Take the case of the State of Ohio, now we were told from the witness stand here that the Social Security Board had informed Representatives of the Texas Old Age Assistance Board, that we were too liberal, that we were building up our pension load too high and that we are rapidly getting into the position of the State of Ohio, and that the Social Security Board, in the past, forced the State of Ohio in order to get Federal Funds to deliberalize its pension requirements and restrictions and to cut down its pension load to where the Social Security Board, that is, to what the Social Security Board thought was reasonable for that state. Now we were told that for the State of Ohio, do you know whether that was done in the State of Ohio or not?

A. I am not familiar with the Ohio situation and I think perhaps that with reference to administrative procedure in Ohio rather than the terms of the Ohio law. As I understand the Social Security Act it isn't the province of the Board to say to a state that your laws are too liberal or too restricted. As you will notice the official section of the Social Security Act authorized the appropriation of funds for needy individuals. I think that so far as the state itself is concerned, it is their province to define need as they see fit. If it is a liberal definition and still on the basis of need, I don't conceive it to be the province of the Federal Government and the Social Security Board to take this position either one way or the other.

Q. That is correct, Mr. Powell, but in fact, do these loads ever reach the point where the Social Security Board thinks they are too liberal. Suppose the Texas pension load should reach one million, and we want to cut them, suppose we would cut those here, and say that every pension for ages of 65 who was considered in need, and constructions are made of definitions of the word need, where it would take in a million people; then could we reasonably expect the Social Security Board to make allocation to Texas and to match us dollar for dollar?

A. I think it would be reasonably applied, Judge, I don't know where the liberality would stop. I don't think it is the province of the Board to restrict the state at all, in its definition of need so long as grants are being made only to needy individuals, and to the extent of their needs. So far as the Ohio situation is concerned, I am rather inclined to believe it was on a different basis rather than as a state law. Ohio would not be in my region. I would much prefer to take the question to Mr. Ben Forbes. I am sure that he is more familiar with the situation there and I am not, and I had rather not express any opinion on it.

Q. How does your pension load in Louisiana in comparison with the population, compare to that of Texas?

A. The Louisiana plan is not yet in operation to an extent that we can tell.

Q. Is the New Mexico plan in operation?

A. Yes, sir.

Q. What are your average payments out there?

A. In June it was $14.48.

Q. Now how does the number of pensioners on your roll, the number of pensioners in proportion to the population of New Mexico, compare to that of Texas?

A. I can give it to you for the months of July and August and estimate it for September. Suppose we take July.

Q. Mr. Powell, some of the members complain that they can't hear you well.

A. During the month of July the estimated number of recipients for one thousand population, over 65, was 52. During the same month the estimated recipients per one thousand population in Texas, over 65, was 221. There were about one quarter as many persons in accordance with the proportionate population in New Mexico during the month of July as there was in Texas, 52 against 221.

Q. I am requested to ask you these questions, Mr. Powell, by the members of the Committee. Has Congress authorized the Secretary of Treasury to meet the requirements with available funds from time to time, without Congress making an additional appropriation?

A. I don't know, I think not.

Q. Do you know whether or not the three million dollars requirement, that is the estimated three million dollar requirement that the State of Texas asks for the balance of the year, has been granted Texas?

A. The application, I was informed, has been prepared for submission to the Board at its next meeting, and I was informed the next meeting of the Board was to be held today. I don't know whether the grant has been acted upon or not.

Q. Has Congress had any appropriation for the fiscal year beginning in January 1937? I don't believe the fiscal year begins then, does it?

A. It begins July the 1st., and runs to July 30th., of each year.

Q. Is that 85 million?

A. Yes, sir. The appropriation was made in the later part of June, the last few days of the session.

Q. Why does the Federal Security Board insist on personnel standards which have been set up in the Old Age Assistance Commission? What I mean by that is, the requirements to the investigators having college education or college degrees and so much social work and those kind of things?

A. That was submitted as a part of the Texas plan. The plan was submitted early in April and on the 21st, of April, as I remember it from the document in the file which was transmitted to me by the director of the Old Age Assistance Commission, which by a supplemental letter, included in the plan a statement of the personnel standards that had been adopted by this Commission April 20th. It was—

Q. You mean the personnel standard adopted by the Texas Commission?

A. Yes, sir.

Q. Now, Mr. Powell, were those personnel standards adopted at the suggestion of the Federal Security Board?

A. I don't know whether the specific standards that were included in the Act was the suggestion of the Board itself. It is the policy of the board, as I understand it, to require a statement of administrative standards in all plans that are submitted for approval so that they will be informed as to the kind of personnel the state administration proposed to staff its organization with.

Q. Now in New Mexico, do you have the same requirements for your investigators there as you do in Texas?

A. There are—Judge, you speak of whether we have the same requirements. The New Mexico plan contains a statement of the personnel qualifications that in so far as I recollect they are just a little bit higher than the ones that are included in the Texas plan. I don't have that New Mexico plan with me but they are very similar.

Q. Now, Mr. Powell, we had just as well come out in the open with this as to what I am driving at. We have been told that, and we have in Texas the requirements that the investigator must be a college graduate and have a degree from a college, that has been testified here from the stand. We asked a witness if that was a requirement of the Texas Board and he said decidedly not, but we were told that that requirement was made by the Federal Security Board.

A. Perhaps it might be well for me to——

Q. I want you to answer this question yes or no. Is it a requirement of the Federal Social Security Board that no one can act as an inspector or investigator unless he has a college degree?

A. No, sir. And that provision is not even written into the Texas plan.

Q. We were informed that that was true; we were also informed that our Executive Office Director couldn't qualify and that no member of the Commission nor the Governor nor the

Attorney General could be inspectors. That is in the record, Mr. Powell?

A. Yes, sir.

Q. Now what we want to know is, where those regulations are coming from. If these regulations had provided that a person with a high school education without the other restrictions or requirements, would that in your opinion have been approved by the Social Security Board?

A. I don't know. If you would like, I can tell you how these standards were put into the Texas plans so far as I know the story.

Q. All right tell us the story, but make it as brief as you can.

A. These notations were not made in my presence and I am simply telling you what I have. The Texas plan was submitted to the Board without personnel standards being included. There was a conference held, I think, in Washington, and the policy of the Board was explained to the Texas authorities. That Board wished to know, not what kind of people would be employed, but what qualifications a person who was going to be employed were required to have before they were employed.

Q. Now right there. Did they set up any requirements as to how much education that person should have?

A. As I understood it, these requirements were put in this Texas plan after conferences in Washington, what that conversation was, I don't know. Mr. Bane, perhaps was there and maybe able to tell you, and I am sure he knows the details of the conversation. You will find that in the Social Security Act in Section 2 A, the state plan must provide such methods of administration other than those relating to selection of the entire office and personnel as found by the Security Board to be necessary for the efficient operation of the plan. The Board had absolutely nothing to do with any specific appointment or the compensation he gets, but they have adopted as a matter of policy——

Q. Does that have anything to do with his qualifications?

A. I think so, Judge, because of the provision that makes it mandatory that the State plan provide such methods of training as the Board deems necessary for the efficient operation of the plan. I would assume that if you were running a garage that you would require people who were competent mechanics to do that class of work. I think that in any specialized field, it would be good administrative procedure to require that those persons performing a task would have a minimum amount of education and a minimum of experience, that would be calculated as a general proposition to make it seem that the administration would be reasonably good.

Q. Now, Mr. Powell, of course those matters of policy, they should make requirements to assure good administration but now let me make this statement, and there has been a good deal of complaint among members and a good many of us have personally asked on the stand here, that the Executive Officer of the Texas Old Age Assitance Board, and he informs us that those are not requirements of the Texas law and the acts and rules promulgated in the Texas plan by the Board, but they are the requirements of the Social Security Board. Now the question we want to know on that point is, are those requirements of the Social Security Board? I am speaking about having a degree.

A. I don't think the specific provisions here were dictated by the Board. As I told you, I don't know about the conversations leading to this matter being included in the record, I think your own statement here is probably subject to an explanation, Judge. I don't find anywhere in the Texas plan any requirements that any investigator be a college graduate.

Q. That is the requirement now?

A. No, sir, not as I understand it. Let me read, I think probably it will clarify it.

Q. Wait just a minute. You say it is a requirement that a man have a degree?

A. No, sir, I don't understand that to be true.

Q. Mr. Carpenter swore to it, it is in the record. He said positively he could not qualify as an investigator because he didn't have a college degree, nor could the Governor nor any members of the Legislature.

A. I don't know what Mr. Carpenter——

Q. He testified to that and said it was a requirement of the Social Security Board.

A. Judge, let me read you what is in the plan for the State Staff.

Q. Now then wait a minute. That is sufficient on that.

A. I don't want to be put in a position of saying something to the contrary to what Mr. Carpenter has said. I would like an opportunity to explain what the provisions of your plan are.

Q. Go ahead and make a statement.

A. Your plan requires for the State Staff to have four years of work in a college, or an equivalent thereof, completion of two years in such college, plus two years paid experiences in a recognized agency, or in an allied field, such as teaching, and public health nursing, so I assume that a person would be eligible for a state staff after he had as much as two years college education, plus two years experience in some allied field such as teaching or public health nursing, in so far as the district staff is concerned, and the district staff or investigators about whom you inquired the educational requirements are these: four years of academic work in a grade A college, or the equivalent thereof completion of two years work in such college, plus two years of paid experience in a Social Worker Agency or in an allied field. Now about that you will find this statement: "Subject to the advisability of personnel meeting these requirements and subject to the regulations and provisions of the Old Age Assistance the following qualifications will be established for the members of the District Staff." Now, as I see it, in this plan it calls for four years college work, or two years college work and two years of experience. There may have been some revision however made in the field manual. I think on August 15th., which modified some of the lower positions—and I think it is contemplated they will be able to find people with these qualifications. Now I would like to say since this question has been brought up, as to the attitude of the Federal Government insofar as it reflects the activities of the regional offices, our only interest is to see that the Texas law is administered in accordance with its terms.

Q. You are speaking of course for the regional office and I want you to understand this, Mr. Powell, that there has been no complaint brought against you, and we are not trying to be discourteous to you, we are simply trying to find out what these regulations are and who makes them. Now then I notice here among the regulations, in which we are told were promulgated by the Social Security Board that membership in the American Association of Social Workers would qualify, first to be an investigator. What is the American Association of Social Workers?

A. I don't know, Judge. I think that the revision of the manual was made after the conference between Mr. Carpenter and some members of Mr. Carpenter's staff, and perhaps by Mr. Carpenter himself.

Q. Is that the Association of which Harry Hopkins is the head?

A. I don't know what the American Association is. As a matter of fact I am not a member of it myself. I will say in connection with this letter of April 20th, that it is my impression that it probably would have no personnel standard included in the Texas plan, if the Social Security Board had not made its policy known to the Texas authorities that such a requirement or such standards were desirable from their standpoint.

Q. In your opinion do you think the Federal Government would refuse to approve the plan without those requirements in this?

A. I don't know, Judge. That is a matter of policy that the Board determines.

Q. And if they did, would they refuse or would have refused to have allocated the money?

A. I don't know that.

Q. Do you have a copy of the minimum requirements?

A. As stated in the plans?

Q. Yes, sir.

A. Yes, sir. I have them here before me.

Q. Do you have a copy of the requirements made by the Social Security Board?

A. I don't know that any such requirements have ever been promulgated.

Q. You don't have any original data on that at all?

A. No, sir. All I have is a copy of the Texas plan and the revised manual.

Q. If these requirements were made less strenuous under the Texas plan would you say that in your opinion that it would still be approved?

A. I don't know that. That would depend upon the attitude of the Board.

Q. In your opinion, is academic training essential to efficient service by an investigator, and why?

A. Well, I think I stated the view that Mr. Lamar's quotation reflected in that you reproduce in the front of all of your state educational publications, that "Education is the guardian genius of democracy" and if there is no value in education we have been wasting lots of money in Texas. I think education and experience help anybody to do a better job.

Q. Then, Mr. Powell, it is your opinion that an education requirement is necessary for a person to make an efficient investigator?

A. Yes, sir. That of course is presented as my personal and not my official view.

Q. Would you consider academic training the same as education?

A. Well, I would like to talk with you about that. Whether or not there is a difference between them, I am not sure.

Q. We have some other matters and I want to ask you this. Do you understand the recent merit examination given to investigators of the Texas Old Age Assistance Commission, which was given for the purpose of arriving at the training of the investigators, in accordance with an agreement with the Board at the time the Texas plan was approved?

A. No, sir. The merit examination—that is, the discussion of that was I remember it on the 18th., of May and I think the plan was approved in April. On the 21st., of April is my recollection, an approval was made.

Q. Is that examination a proposition——is that a "brain child" of the Texas Commission or the Federal Board?

A. I think the thing was suggested by some of the officials of the Social Security Board, that that would probably be as fair a way in determining the qualifications in accordance with the plan as any that could be devised. I am sure that I had nothing to do with the actual framing or the examinations or the details of the handling of the matter, or whether the examinations were to be held or not. I think that was at our instance.

Q. Do you know of any other state where they are having these examinations?

A. Judge, I think practically every state which has an approved plan, includes in that plan a statement of minimum personnel requirements and I think many of them have used a merit examination system to determine the qualifications of the particular individual whom they are expected to employ.

Q. Do you, as regional director, think that a merit examination is absolutely necessary in order for the State of Texas to receive allotments from the government?

A. No, sir.

Q. And this statement establishing the fact that in your opinion they would still get an allotment?

A. Yes, sir. I think so. I think whether a person has or does not have the minimum requirements set out in the plan could be determined without referring to a merit examination.

Mr. McKinney: Mr. Chairman, we move that the Committee as a whole stand at ease for ten minutes.

Motion prevailed and the Committee stood at ease for ten minutes.

FRIDAY AFTERNOON, 4 O'CLOCK

The Committee of the Whole met after ten minutes of recess.

Mr. Carpenter was called.

Judge McKinney: Mr. Carpenter, at what time did you make your first application to the Federal Government for Federal monies to meet your Old Age Assistance problems in Texas?

A. I will have to have that file of mine.

Q. All right.

A. On April 10, 1936.

Q. On April 10, 1936. How much was your request for, Mr. Carpenter?

A. $1,181,250 of Federal money.

Q. On what did you base that request, Mr. Carpenter?

A. That was based on the payments to 56,250 people of $20 each for the month of July.

Q. Of $20 each?

A. That was for the time of July 1 to August 31.

Q. Now you made this request in April?

A. Yes, sir.

Q. At the time the request was made, Mr. Carpenter, how much money did the State have available for the same purpose from the liquor tax?

A. The certificate of the State Treasury dated April 29, showed $1,190,928.86.

Q. How much did you get from the Federal Government?

A. $181,190.

Q. Have you made any additional requests since that time?

A. Yes, sir.

Q. If so, for how much money?

A. The first part of August—I don't find the date here—about the 7th of August, I made a request for the month of September for $907,200.

Q. $907,200?

A. Yes, sir.

Q. Mr. Carpenter, only yesterday I believe you stated that of the pension payments made so far in Texas a little better than fifty per cent of the money used was Federal money. Am I not correct?

A. I said we had a little more of Federal money than we had of State money. The actual payments, however, were on a fifty-fifty basis.

Q. Fifty-fifty?

A. Yes, sir.

Q. Mr. Carpenter, have you had any correspondence from, or have you conferred with, any Federal officials that would lead you to believe that for the months of October, November, and December, that you could request and obtain from the Federal Government a Federal allocation without having in the State Treasury a sufficient amount of State funds to match that request for the Federal allocation?

A. No, sir; on the contrary, it has been definitely stated that only that amount of Federal money would be made available, that only Federal money would be made available in an equal amount to match State funds. In other words, I have made a request for $3,000,000 for the months of October, November, and December. But I won't be able to get any more of that money than I have State money down here in the State Treasury and available for payments.

Q. In other words, although you have made a request for the $3,000,000, a million dollars a month for October, November, and December, you have been informed by the Federal Government that you will not receive any more money than you had on deposit in Texas, that is, State money?

A. I have been informed of that by a representative of the Federal Social Security Board, but not in connection with this $3,000,000 that I now have pending.

Q. Do you have that statement in writing?

A. I don't believe so. I don't know whether I have it here. I don't think I have anything in writing that would show that, but it is generally known that they don't advance any money—that it is a matching proposition. I have never heard anything to the contrary at all.

Q. Well, how much State money without additional taxes being voted or without any additional revenue coming in from new tax bills during the next three months—how much State money will you have available during the months of October, November, and December?

A. It is estimated by the Liquor Board as approximately $250,000 a month.

Q. Then all you could expect is $250,000 a month from the Federal Government even though you have made a request for $3,000,000?

A. That is correct.

Q. Well, now, Mr. Carpenter, let me ask you this question. Do you believe that the Federal Government will advance us the $3,000,000 for the next three months, inasmuch as there is an emergency, to tide us over that emergency until we can raise revenue through tax bills?

A. My personal opinion is that they will not; however—

Q. Have you made any effort to determine that fact from the Federal Government?

A. I have not.

Q. In other words, the situation is such that if we were to pass tax bills in this session of the Legislature sufficient to meet this emergency, possibly the revenue collectible therefrom will not be collectible before ninety days after the adjournment of this session of the Legislature. That is correct, isn't it?

A. Yes, sir.

Q. And our situation—we are confronted with the emergency?

A. Yes, sir.

Q. And I was just wondering whether you have made any inquiry as to whether they would advance any money to tide us over this emergency?

A. No, I haven't made any inquiry. I think, however, that would present a different question. The money that would be available in ninety days, I think that would present an entirely different question than the one you asked a moment ago. If I thought they would advance the money—

Q. I think if you were able to show them where the moneys come from you would have an entirely different basis on which to make the request than you do right now. What kind of predicament would the Old Age Assistance situation be in, Mr. Carpenter, if this session of the Legislature passed tax bills out of here to raise sufficient revenue but which, because of the fact it did not receive enough votes or otherwise would not go into effect until ninety days after this session?

A. I think the proper course would be for us to make the facts clear, between now and the time those bills would become effective.

Q. And if they did not make the money available, what would happen?

A. You say, "if they did" or "did not?"

Q. Did not.

A. We'd have to suspend payments for ninety days.

Q. Now, Mr. Carpenter, just a few more questions relative to the merit examinations. There seems to be some difference of opinion as to what was said and what was not said. What we are interested in finding out is this—that at the time you presented the Texas plan to the officials of the Social Security Board for approval, at that time did they request that you include in such plan the qualifications that you now have, for your personnel, that is, for your investigators?

A. They requested a statement of the qualifications.

Q. No, that is not the answer to my question.

A. I am going to answer your question. They insisted that the plan include a statement of the personnel's qualifications. They outlined these qualifications and indicated they would be acceptable. That was done by Mr. R.———, by the Social Security Board at Washington.

Q. Now, although Mr. R——— indicated that the plan outlined by him would be acceptable, did he state to you that before the plan would be approved, those qualifications, at least as a minimum, had to be included in the Texas plan?

A. I don't think he specified it in so many words. I don't believe it was put quite as bluntly as that; but that sufficient qualifications would have to be included in there before such plan would be acceptable.

Q. That was just the conclusion you drew from him. Has he or any other official ever told you that the Texas plan must include the qualifications of personnel before it would be approved or before Texas would receive Federal money?

A. No, sir. I might add that I spent about four or five days' time in Washington prior to the approval of this plan, as did also Mr. ———, and a great many discussions were had about the fact that the plan as originally submitted did not include any personnel qualifications; and considerable time was spent in working out these qualifications. And it was generally understood that if such qualifications were adopted, then the plan would be suitable for presentation to the Board.

Q. Well, now, on April 20, 1936, you wrote the Social Security Board, Washington, D. C., a letter in which you set out the qualifications that you were including in the Texas plan. Was that letter written after your conference with these officials in Washington, Mr. R——— and the rest of these Federal officials?

A. That letter was written in Washington; that is, the letter that sets out the qualifications of the Social Security Board. Is that the letter you referred to?

Q. Yes, sir.

A. I wrote that letter in Washington.

Q. You were in Washington on April 20?

A. Yes, sir.

Q. Now, in reference to this merit examination, Mr. Carpenter; at the time the officials of the Social Security Board indicated to you by word of mouth that the Texas plan would not be approved unless certain personnel qualifications were included therein, did they also at that time suggest to you that the Texas plan would not be approved unless the system of merit examinations were also approved?

A. No, sir, not exactly. That was decided at a later conference, I believe in May, in Washington.

Q. After the pension plan was approved?

A. Yes, sir.

Q. Did they indicate to you at that time that unless you put in a merit examination they would disapprove the plan that had already been approved?

A. The plan provided for a system of merit rating, and we agreed there—I agreed with the people there in Washington—that the proper method of establishing a merit rating for present employees was through this examination.

Q. Now the question is this, Mr. Carpenter, and it is probably going to be a little hard to answer, but what I want to know is this: Didn't the Federal officials or any of them, by letter or by word, lead you to believe that the Texas plan, which had already been approved, would be disapproved unless Texas set up a system of merit examinations for its personnel, or that if it did not set up the merit examinations the Federal money would not be forthcoming?

A. I don't think that was ever stated in so many words.

Q. I mean, were you led to believe that?

A. I knew that to be true because the plan provided for the establishment of a merit rating, and I knew that if we didn't comply with it, with the plan, the approval would be withdrawn.

Q. Do you know of any State that does not have any merit examination for its personnel?

A. No, I do not. I don't know personally. We have in the office data from all of the State departments, or practically all of them.

Q. Do you know of any State in the Union that has been denied Federal money or whose plan has been disapproved because it did not include therein personnel requirements similar to yours, or the requirement providing for a system of merit examinations for the personnel?

A. No, sir. I don't know of any States where that has happened.

Q. Mr. Carpenter, this question has been sent up to the desk here to be asked you. You recently made the statement that 95 per cent of the applicants were satisfied with the administration of the present law. Does that represent your present judgment?

A. Yes, sir.

Q. The further question has been propounded, how did you reach that conclusion when many of the applicants for the pension had never yet been examined?

A. I reached that conclusion on this basis, that 5 per cent of the applicants who were dissatisfied would be 10,000, and I have never heard of ten thousand people who were dissatisfied with the administration. On the contrary we have thousands of letters from people down there who are satisfied.

Q. We have a letter from San Marcos, written by two applicants for Old Age Pensions, Mr. and Mrs. Cavitt. The letter is signed by the wife. The letter is written by Mrs. Cavitt, in which she says, on behalf of her husband and herself,—in which it is stated that they made application for a pension on the 18th of February —no, Mr. Cavitt did; and that his wife made application on the 13th of May, and "we haven't heard a word of them yet. Judge Thompson the investigator says we have met all requirements, and see no reason why we don't get it. We are in great need. I am 70 and unable to do any work, and my wife is an invalid. We have no home, absolutely no income." Do you, Mr. Carpenter, consider that an application of distress?

A. I should think so, if those statements are true.

Q. And faced with those circumstances, the question is asked, what can those two people expect?

A. They can expect a check in about ten days.

Q. We have a similar situation, Mr. Carpenter, from a Mrs. Pauline Thompson, 311 South Winnetka Street, Dallas, Texas. I wish you would have that case investigated to satisfy our representative on that. And, Mr. Carpenter, I have had cases called to my attention, and others tell me that they have, where investigators, after completing an examination, would tell the applicants that they should receive a check by a certain date. I don't know whether or not that is true, but if it is true, do you think that is wise?

A. That is contrary to the directions they have received. That is contrary to their instructions and isn't a wise policy.

Q. I believe that is all, Mr. Carpenter. Thank you.

(However, Judge McKinney asks a few further questions.)

Q. Mr. Carpenter, this question has been asked. Some of the people who have received their September checks but did not receive their checks for July and August, will they receive those back pension checks before people who have made applications for pension but have not yet received any money, receive their first pension check, or is it to be the policy of the Commission to wait until they shall have received at least one pension check, before they start receiving back pensions?

A. Right now we have about all we can do to get out one check; that is consuming about all our time. I have thought it was probably more important to get out one check to each person than to get out those back checks.

Q. It will be your policy to wait until everyone who has shown himself to be entitled to assistance receives a check before any get back checks?

A. I think we will if we have any spare time get out those back checks. I should say it will be some little time yet before those back checks go through.

Q. That will be all for the time being, Mr. Carpenter.

(Interrogation of Mr. Poe.)

Q. Give your name and initials to the reporter.

A. D. M. Poe.

Q. State your name, please.

A. D. M. Poe.

Q. You will have to turn that up (speaking of microphone).

A. Yes, that is better.

Q. Where are you at present employed, Mr. Poe?

A. El Paso, District Supervisor, Old Age Assistance Commisison.

Q. How many counties are under your jurisdiction?

A. Ten.

Q. How long have you been employed in that position?

A. Since the 14th of February, 1936.

Q. How many applications for pensions from El Paso County have been received, how many approved and how many rejected?

A. 2,031 received, 545 approved, and 333 denied.

Q. 333 denied?

A. Yes, sir.

Q. How many still uninvestigated, to be investigated?

A. None.

Q. Beg pardon?

A. None. If you will allow me, there might be something like thirty or forty that have not.

Q. What is the difference between those approved and those denied—have all of those been investigated?

A. Yes, sir.

Q. Mr. Poe, with reference to the 11,053 that you say are now in the State office—I mean 1153—since September 8, by the order of Mr. Carpenter—it is up to your office to enter an order approving or denying—approving applications for assistance or denying the same, is it not?

A. I have approved or denied every case that has passed to the desk of the El Paso district.

Q. Since September 14?

A. Yes, sir.

Q. Do you designate the specific sum to be allocated to the applicants?

A. From the investiagtion and analysis, yes.

Q. And you have done that since September 14?

A. I have.

Q. Have you given a report to the applicants?

A. Upon being received from the files of the State office.

Q. Mr. Poe, the Section 8 of the Old Age Assistance Law reads that "after an examination of the application and sufficient investigation as to the truth or falsity of the statements contained therein, as that be deemed necessary, the local agency shall enter an order upon such application, either granting the same in whole or in part, or denying the same; and it shall forward a copy of such order to the applicants and a copy to the Texas Old Age Assistance Commission." Now your policy is after making the order, you sent a file to the State office?

A. No, sir, that is not right. The order is made when the file returns from the State office. The order is entered after the file has been returned from the State office. The order is then mailed to the applicant.

Q. When is the order made—before you send it to Austin or after its return?

A. After it is sent to Austin.

Q. Why don't you send a copy of the order that you are supposed to make—why don't you send a copy of that first to the applicant?

A. The file in the certifying department at the State office—it is

sent to that file, and after it is returned to me a copy goes to the applicant—a copy of the order that you speak of.

Q. And you send nothing to the applicant before that comes back from Austin?

A. No, no order is entered until that file comes back from Austin.

Q. Well, who sets the amount that the applicants receive in your district?

A. I set the amount. I approve the amount as to what the investigation shows. If the investigation does not show that it is the proper amount, or if we differ, then we go over that file and then the amount that is set is set on the application before it is sent to the State office.

Q. Now that order is entered before it is sent to the State office. That order—well, take a specific case: If an applicant makes application for assistance, is investigated by the investigator, who recommends a payment of $10 a month, and that comes to you; then, after you look over the file and the recommendation of the investigator, you enter an order of approval, approving the $10, do you not?

A. That is not the enter of the order, though; the order is entered after the file comes in from Austin, and a copy of the order is forwarded to the applicant. One copy goes to the State and one is filed in the district office. That is not when the order is issued; not then—not until it comes from the certifying department.

Q. Well, at the time that you act on it, why don't you send a copy of your order, the action that you take on the application, to the applicant as well as a copy of the same to Austin? You send a copy of it to Austin, of your approving or disapproving, as the case may be, but you do not send a copy to the applicant.

A. That is, not the order. The order is issued after the application is returned; it comes from the certifying department in the State office, and immediately upon receipt of that, the order is mailed to the applicant.

Q. The law says that after the examination has been made by the local investigator, the local agency shall enter an order upon such application, either granting the same in whole or in part, or denying the same. And then a copy of that order shall be sent to the applicant and a copy of the same shall be sent to Austin. But you do not follow that procedure.

A. From what angle do I not follow that procedure?

Q. Sir?

A. Why don't I do it? I do do it.

Q. Well, that is what we are trying to find out. You say that when the investigator brings in his report and you go over it you either approve or disapprove it right there. Then you send it to Austin. Call it a temporary order if you please. I don't know what you want to call it—your recommendation, we will call it.

A. That is, providing the certifying department—that it meets—that there is nothing wrong with this application. I mean if there is nothing wrong with the order, or nothing wrong with the investigation—if the investigation has been carried out in all points as we are required, then it—then we check and then it is sent back to the certifying department and we file one copy in our office, and then the order is mailed to the applicant.

Q. In other words, Mr. Poe, as I understand the procedure you are following, all you do is recommend the approval of the application, which is sent to Austin, to the certifying department as you say, and then if it meets with your approval and it is sent back to you, then you enter an order.

A. No, if all points and regulations are met, then the file comes back to me and I enter an order.

Q. Well, then, the Austin office has the final say on every application, as to whether regulations have been met, and whether the recommendations are such that they will be certified, and after they are so certified they are sent back to where the orders are entered. Is that right? Where is the final say so, in the Austin office or in your office?

A. It is in my office.

Q. Do you ever overturn what comes back from the office, the Certifying Board in Austin?

A. What do you mean by "overturn?"

Q. Well, suppose the Austin office suggested it ought to be refused, say, $10 or $5 grant?

A. They never go into it that way. If they come back they say you either haven't followed the rules on this or that, and then we assign the case to an investigator and we

follow out those rules—we open our files again.

Q. And the whole time, all that time, the applicant is waiting for his pension. All that time the applicant is anxiously waiting for his pension payment. And he doesn't know what action has been taken on his application by the local agency as provided in Section 8 of the law, until after your investigator has gone over the application, until after you have marked your approval upon the investigator's report, and sent the same to Austin, where it is gone over by the Certifying Board, and sent back to you; and if the Certifying Board in Austin says that the application has not met with all the rules and regulations, it is corrected and sent back to the Certifying Board, and then back to you, before the applicant ever gets any notice of what has happened to his pension application, of what action the Commission is or is not taking.

A. That is correct. And as soon as the file comes back to my office, then the order is mailed to the applicant.

Q. Now, then, this question has been asked, do you think that in your procedure you are following the strict letter of the law as set down in Section 8 of the Old Age Assistance Act? Do you think the procedure that you have been following and are following is in accordance with the strict letter of the law as laid down in Section A of the Old Age Assistance Act?

A. Well, I can't see that it would make any difference as to what time —that is, when the case is absolutely completed. I don't know—

Q. Mr. Poe, you have stated of your procedure, that these things have to go through all that red tape. Do you find anything in the law that requires you to do all that, and if so, what part of the law is that in?

A. Well, it is in that part of the law that you have just read there, as to the procedure in handling the applications that come into the office.

Q. Well, from your statement of it I gather that you haven't complied with that part of the law, Section A. Is it your policy where the law interferes with your requirements, that you override the law and make requirements of your own?

A. No, sir.

Q. Can you explain to us why it is that when an application gets into your office in March, and is inspected, why some of them have not got their checks—needy applicants—to this date?

A. I cannot.

Q. You are the authority for your district, aren't you?

A. I handle the applications in the district office, and when they come from the certifying department—

Q. Will you please tell this Committee, tell them in good conscience, if there is anybody connected with this whole thing who can give us any information as to why a person who is starving to death can't get service in six months, and nobody in God's green earth is responsible for it?

A. I cannot.

Q. We are flooded every day with letters and letters, of people who applied in February, and most applications went in by February. Now, I want one of you fellows to tell this Committee Why. Is it dilatoriousness on your part, or whose is it?

A. It is not.

Q. Don't they give you enough employees to do the work?

A. They do.

Q. You have enough employees. Then you have got a mystery there that would take a Sherlock Holmes to work out, haven't you? Now, you said that you had 2,031 applications.

A. Yes, that is correct.

Q. Now, all right. You granted 545 of them.

A. That is correct.

Q. You rejected 333, didn't you?

A. Yes, sir.

Q. What has become of all the other applications? You said there were only about forty left to be inspected.

A. They are already in the State office. Our instructions are to send them to the State office.

Q. Give us the instructions of that law.

A. My instructions, though, are to send them to the State office.

Q. Didn't you state a while ago that when an application came to your office that you had it inspected, sent back to the office, the State office, with your recommendation; and then you entered your final order when it came from the State office?

A. When the file came to my office? Yes, sir.

Q. When that application gets back, call it file, application, or whatever you want to. Now, then, what has become of the approximately fifteen hundred applications which you should have inspected in El Paso before you sent them to Austin? How come you sent them up there without inspection?

A. I didn't send them without inspection. Everyone of them has been inspected.

Q. Well, you said, you have inspected 545 and rejected 333. Those are your figures and that is the testimony. That leaves 1486 uninspected according to your own statement.

A. Well, I had in mind—

Q. Well, Mr. Poe, you don't seem to know any more about this thing than us members do. And if you don't you are awful ignorant of it.

A. Now here is what I mean, 545—

Q. Well, let us start over and see if we can clarify this thing. If you don't understand any questions of mine, tell me and I'll ask them over. Now, in El Paso County you had 2,031 applications.

A. That is correct.

Q. Now, how many of those have you inspected?

A. I don't know the exact number. I have probably got 31 in the entire district that have not been investigated.

Q. Out of the 2,031?

A. Yes, sir.

Q. What you meant by the 545 is that that is the number you are actually paying checks to?

A. I have entered orders for 545 approvals and 333 denials.

Q. Now, then, where are the balance of those?

A. In the certifying department of the State office.

Q. How long have they been there? How long has the average one been there?

A. I don't know.

Q. Oh yes, you know. About how long? Have you had any there as long as three months?

A. Yes, sir.

Q. You have got some records of when you sent them up, haven't you?

A. Yes, sir. I can go look anyone up and tell you exactly.

Q. Well, have any of them been there as long as four months?

A. Possibly.

Q. Can you assign any reason as to why they have been there that long? Have you written the certifying office to get an answer?

A. Yes, sir. I wouldn't write in about the whole number. I have written in about emergency cases, and I have been getting action on emergency cases that would come up.

Q. You have been writing only about the emergency cases.

A. Yes.

Q. What do you consider to be an emergency case?

A. A person in dire need.

Q. What do you mean by "dire need"?

A. A person who has no place to sleep and nothing to eat.

Q. And who are the emergency cases you have written in about and how do you obtain that information?

A. Well, from citizens, friends, and the persons themselves.

Q. Have you given prompt service to all persons who have come to you with complaints of that character?

A. I absolutely have, yes, sir.

Q. Have you communicated with the Austin office in an attempt to get those applications back?

A. I have.

Q. Did you get them back promptly?

A. I get them back as promptly as they can get to them, I guess.

Q. Well, about what is the actual, the average length of time?

A. When an emergency file goes in, goes through? Well, the last files that have gone in there haven't come back yet—some of them have, some of them haven't. I understand that the checks are ready now.

Q. Then you can't tell us how long it takes you to get service out of the Austin office?

A. I can't tell you.

Q. You are the only one who could tell.

A. It varies from time to time.

Q. Have you ever refused to see any of the applicants?

A. No.

Q. Have you got a copy of the pension law?

A. Yes, sir.

Q. When Mr. Hankamer called you, did you have a copy at that time? Did you tell Mr. Hankamer at that time you did not have a copy there?

A. I have had a copy there, had it there as soon as the law went into effect. I got it from Mr. H. P. Jackson.

Q. Mr. Hankamer asked you on the 14th of August. What did you tell him on that occasion?

A. He called me on the telephone.

Q. Did you tell him you didn't have a copy?

A. I didn't have a copy open right there on my desk.

Q. Mr. Poe, isn't it a fact that the main reason for the delay in payment of assistance to so many old people was that payment had to be withheld because of insufficient funds on hand with which to pay the applicants?

A. I have never been told that. If such is the reason, I don't know it. That is in the Austin office.

Q. When the applicants have called to get a copy of the order made on their applications, haven't you been refusing to give them a copy of the order?

A. I never have any copies of the order. When the file comes back the order is made that afternoon, and is sent direct to the applicants themselves, and I don't keep them in the office.

Q. You keep a copy, don't you? Don't you give them a copy of that copy?

A. Their copy is in the mail.

Q. Well, if it should be lost in the mail, would you give them another copy?

A. If they wanted another copy I did it, if a case like that came up.

Q. Isn't it a fact, Mr. Poe, that many of the applicants get their first checks before they ever,—that is the first notice they have of any action being taken on their application?

A. That might be. There has never been one that I know of that has gotten a check before they got an order. However, they might have, but not to my knowledge.

Q. How could that happen and not be to your knowledge?

A. If they have gotten one like that, I think the office possibly have mailed some checks that way to these emergency cases, trying to get them a check.

Q. Now let me ask you right there, Mr. Poe, doesn't the Department mail out any checks until after the file is sent back to you, you make your order on the same and then send a copy of that order back to Austin? When do they mail out such checks? Doesn't the Department at Austin mail out any checks to applicants before the file is sent back to you where you say you put your final order on the thing?

A. No, they don't.

Q. Then, there is no way in the world for an applicant to receive a pension check under your procedure before he receives the order?

A. I don't know that they have. As I said a while ago, it is not to my knowledge that they have. They may have; I don't know.

Q. After you make your approving order to the thing; after the file gets back to the certifying board; do you send a copy of that order then back to Austin? In other words, Mr. Poe, here is the situation. After you have approved the recommendations of the investigators, you send the file to Austin without ever notifying the applicant what your disposition of the same has been. It is sent to the certifying board. The certifying board checks it over and if it is all right it is sent back to your office. You then make an order on it. Do you then send a copy of the order you make on it back to Austin? Do you?

A. I send the order to the applicants. I send an order to the applicant.

Q. Then, that is what we are trying to get at. The law says that

at the time you make your order you shall send a copy of it to the applicant and a copy of it to the Austin office. Now you say that you have approved the investigator's report by making a temporary order, or recommendation, if you please. You send the same with the file to the certifying office. You say that is not an order, though. You send it to the certifying office, it is sent back to you, and when it gets back to you, you say you then put your order on it. A copy of it is then sent to the applicant. But you do not, as you have just stated, send a copy of that order back to Austin. Therefore, it is my conclusion that you must be violating Section A of the law, which says that you shall send a copy of the order to the applicant and one to the Board at Austin at the same time. Because in one case, the Board gets a copy of your order five months ahead of the time when the applicant gets his; unless that when the file gets back to you from the certifying board and you make up your order on it, a copy of which is then sent to the applicant; unless you send a copy of the order back to Austin. Then we have one or two conclusions to come to; that when the first order you make when you approve the investigation is fixed, a copy must be sent to the applicant; or when it is sent back to your office from the certifying board and you make your order on it, as you say you do, then under Section A you must send a copy of that back to Austin. You have got to do one of the two, and in both cases you do neither. Is your procedure the customary procedure in all districts, Mr. Poe, or do you know? Is the procedure that you are following in the conduct of your office the customary procedure followed in all the district offices?

A. I presume so.

Q. Where do you get your instructions?

A. From Mr. Carpenter.

Q. Do you get them every month?

A. Sir?

Q. Do you get them every month?

A. Every month? No, sir. We got our instructions on two or three different occasions; and we get them when any changes come up, and they are mailed to us out there.

Q. Do you get many of them verbally, or are they written?

A. Most of them are verbal instructions.

Q. And Mr. Carpenter told you to follow the procedure that you have just testified you have been following? We want to put the blame somewhere if there is any blame.

A. Well, the Commission said that the rules that are laid down, we must follow those rules. Now whose rules they are, I don't know.

Q. You said you got your instructions from Mr. Carpenter.

A. Well, he is the Director.

Q. Did he instruct you to follow the procedure you have been following with reference to these applications you have made?

A. Those are our instructions from the Commission—let me say it that way.

Q. Does the Commission itself send you letters?

A. I couldn't say—

Q. Where do you get your information or your instructions?

A. Our instructions come from the Commission.

Q. From whom?

A. Well, we get it, those, our instructions, if you want to—

Q. Do you get them from Mr. Dorsey, Mr. Carpenter, or Mr. Little, or from whom?

A. Well, in these meetings we were instructed on that. Of course we were all green on it; and sometimes one would instruct and sometimes another; and then they gave us a regular form of instructions.

Q. Well, who made the instructions?

A. Some would make one and some another. Sometimes Mr. Carpenter, and sometimes Mr. Little, and—but as far as that particular thing goes, I couldn't just say whether it is from Mr. Carpenter or who gave the instructions. But the instructions are in our manual that we have.

Q. Is that instruction in your manual?

A. Well, I think so. I am not positive, of course. I have read the law on it, but I am not sure—

Q. Did anybody ever tell you to do it that way? That is what we want to know. And if so, whom? Or is that just your idea of how the law should be interpreted?

A. I don't know, if it was in our meetings, or the instructions were written, just who the man was who gave them. But they are in our manual.

Q. You are positive that it is in your manual, that procedure that we have been quizzing you about?

A. I believe it; I am almost positive, positive it is.

Q. Do you have a sign on your door reading something like this, that "This office is run according to the law and instructions of the Commission"?

A. No, sir.

Q. Did you ever have any such sign?

A. I had a little tag up there one morning—it wasn't on the door, though. It really was laying on the desk; and I gave it to one of the boys out in the front office, and then he just stuck it up there; but I went out there and took it off of there.

Q. Do you keep the door of your office locked?

A. I don't always. After this rush came I had to keep it, because of the bombardment, not to my office, but to the—

Q. Well, what do you mean by "bombardment"?

A. You might say the tide came up out there, and I couldn't, I didn't have time—one person would come in, and another person would come in, while another person would be talking to me, and he would be telling me about all his personal affairs, and it didn't seem he wanted other people to hear them.

Q. Do you have any girls in your office, employed in the office?

A. Yes, and they meet them outside all the time.

Q. These applicants were able to get by the girls and into the office to see you?

A. Yes.

Q. How many employees do you have there now?

A. I only have three.

Q. Supervisors and all?

A. Four—I am the supervisor, and I have three others in the personnel.

Q. Is there one working in your office now who just recently moved from New Mexico to Texas?

A. No, sir.

Q. Isn't there a young boy working in your office who has just recently moved from New Mexico?

A. No.

Q. How many inspectors, investigators, have you got out there?

A. Two.

Q. Is that enough to take care of the needs of that district?

A. At the present time, it is.

Q. Is it enough for ten counties?

A. At the present time it is.

Q. Just this last question. When did you send out your first order on these applications to the applicant?

A. I couldn't tell you. I'd have to look at my records for that. I don't remember who the first one was.

Q. Are those orders sent from Austin to you for mailing?

A. They are.

Q. Thank you, Mr. Poe.

(Interrogation of Mr. Mallory)

Q. Call Mr. Mallory.

(Mr. Mallory is sworn in.)

Q. Give your name to the reporter, please sir.

A. J. R. Mallory.

Q. Mr. Mallory.

A. Yes, sir.

Q. Where do you live, Mr. Mallory?

A. Dallas.

Q. What is your official connection with the Old Age Assistance Commission, if any?

A. I am district supervisor in district 4, district supervisor of Old Age Assistance.

Q. Of what is your district composed?

A. Twelve counties.

Q. How many applications have you received?

A. 30,334.

Q. How many of those have been inspected?

A. Well, the last official count I had on it was around 25,707. Since then we have run up to about 28,500.

Q. How many of those applications which have been inspected have been granted assistance?

A. I don't know, Judge.

Q. Do you know how many were rejected?

A. No, I do not.

Q. Do you know how many are still pending?

A. No, sir. Do you mean that have not been denied? No, sir, I do not. I'll tell you, I don't keep a record of that. I could if I had to, but with the mass of work that we have in our office up there, 30 thousand applications, we decided, I did, with the State office, that there wasn't any use for me to try to keep up a lot of statistics, because it is just physically impossible to do it, and the grants are coming in at the rate of about 2,000 a week. As I say, it is just physically impossible to keep up with it from day to day. However, I should say that there are about 15 to 17 thousand still pending. In other words, we have had, I think, from 8 to 10 thousand grants up there.

Q. Are you making any efforts now to select out from that 15 to 17 thousand who have not had grants, the needy ones?

A. Well, I am not, generally. Only one the more needy cases, I have requests every day from, Oh, citizens who are interested and from the needier applicants themselves, and on those occasions I make the request to Austin that they give them their attention, their immediate attention, which they do.

Q. If an applicant is granted, say, $14 a month through your office, after that application is filed in your office, who fixes the amount of that grant?

A. The investigator recommends the amount and I approve it or I send it back to the investigator to be amended. But the investigator makes the amount; he makes the recommendation and I approve it or disapprove it.

Q. Are you the final authority in making that?

A. Yes, sir, I am.

Q. Then when you make your recommendation on it, what is done? It is sent to Austin?

A. Yes, sir.

Q. Then what is the next step?

A. Well, it goes into the certifying room, department, for certification.

Q. And after it is certified, what happens?

A. After it is certified, the Austin office, because they are better equipped and have a machine there that can print all of these letters, taking them at one run, it makes up the grants, that is, in the interest of expeditious handling. As a matter of fact they send me a copy of the report. Immediately upon receipt of that order, grant, or denial, I mail it to the applicant.

Q. And then the checks are later mailed out from Austin?

A. And then later the checks are mailed out from Austin, yes, sir.

Q. Mr. Mallory, do you mail out to the applicants a copy of your recommendation prior to sending that application to Austin?

A. No, sir. I have not been doing that, Judge. I do not do it, for this reason—

Q. Do you know that is required by Section 8 of the law?

A. No. Well, now, I do. I do know it now.

Q. You have read the law, haven't you?

A. Yes, certainly.

Q. The law does state that, doesn't it?

A. Now frankly, I didn't think it made any difference.

Q. You are going to do that in the future, aren't you?

A. We are, because we are under the new plan. We will certify these reports right there in the office.

Q. Are you going to do it under the new plan because it is the law?

A. Well, I am going to do it because it is the law, if you tell me to.

Q. Yes, you can interpret, you can understand us to say that. Your central office here in Austin—do they make any change in recommendations? Have they?

A. Well,—

Q. You spoke of a new plan.

A. Well, we had this certification here in the interest of uniformity and fairness to the applicants and to the State. With three hundred investigators that haven't been investigating in this business before, I would think it would be a sensible thing to do. Now we have gotten on our feet and we know what it is all about, and we can certify them right there in the office, and immediately after we have made the order or the investigation and report we will mail out the order to

the applicant from now on, from the Dallas office.

Q. Do you give—in all cases do you give reasons to the rejected applicants why they are rejected?

A. Yes, sir.

Q. You state that fully?

A. Yes, sir. The order says that.

Q. But now, your order does not go into detail on that. Suppose an order is, we'll say, being rejected because the applicant has an income of over $5000, say $6000 a year. Let me give you a specific case. I have in mind a lady who had property the value of which was construed to be more than the value of $500, negotiable securities, she being a widow, and her application was rejected. When she received an order, a printed order from the district office, from Austin, or—I don't know where it came from—but that order simply said she did not meet the requirements and therefore her application was rejected.

A. Judge, I have never seen an order that read like that. No, in that case the order would say that the negotiable securities, marketable securities, would scale over the amount allowed by law.

Q. Is that the law? "Marketable securities"? Can you determine whether those securities are marketable or not?

A. Yes, sir.

Q. Suppose it had been on land. Would it have been rejected?

A. No, sir. We have many cases like that.

Q. You have lots of them. And you always examine the security behind the instrument, and if you find the security doesn't justify the amount on the face of the instrument, then you certify the pension, or not, accordingly?

A. That is right.

Q. When a person makes out an application, and there is an error, it is made out wrong, what do you do with that application?

A. Well, I don't know just what you mean.

Q. Well, for instance, a man is required to put the notice of any land ownership in his application, isn't he?

A. Well, yes. That is, the legal description of it.

Q. Suppose he leaves out that description?

A. We will send back the application.

Q. You send back the application to him, or direct to the directors?

A. Yes, sir, we have a form letter for those items all listed on there, and we check the one—

Q. But your investigators are supposed to help you make it out, aren't they?

A. No, sir. I don't know whether that is a rule or not, I have never considered it good practice, as far as I was concerned, in my office.

Q. Do you take into consideration whether or not an applicant has children who are able to support him?

A. Well, I do and I don't, I don't usually. Well, I'll tell you. If the children support them and have been supporting them, and say they will continue to support them. There are quite a few parents who will file in spite of that. They want to get out from under the children. I have found in many cases.

Q. Don't you think that is a laudable ambition in any parent?

A. Well, I do. But I will give you an example of that which has come to my mind in the last two or three weeks. We had an applicant who had a daughter that I understood from mighty good authority was worth around $4,000,000. Now in a case like that—

Q. Don't you think this provision as set out by Mr. Dorsey, and also you had these instructions—somebody got them—that if the children are able and willing to support their parents and have been supporting them over a period of years and are still willing to do so, there would be a question as to whether or not, as to whether the parents are eligible? Now a man had a son who was worth, we'll say, a billion dollars, but was too mean to support his father and wasn't supporting him, and the father was in need, you'd go and put him on, give him assistance. But if a young man was only getting a hundred dollars a month salary and had his mother and father on his hands supporting them, then you would penalize them, because that boy was supporting them.

A. No, sir, I would not do that.

Q. Do you know whether that is a policy of the Texas Old Age Assistance Commission?

A. No, I don't think so.

Q. Doesn't your manual say that where children are supporting their parents, that the parents are not in need?

A. Where the children are supporting their parents, and are willing and able to. The statement from Mr. Dorsey used the word "able." Well, I am working for the Commission, but I use my head.

Q. Do you know of any requirement in the law that requires a son or daughter to support a father, a parent?

A. No, sir, I don't think there is any such. Now, I wouldn't penalize the son and I wouldn't penalize the parent either.

Q. Mr. Mallory, where do you get your instructions from?

A. I get them from Mr. Carpenter; some of them I get from Mr. Little, through Mr. Little. Of course they come originally from the office of Mr. Carpenter.

Q. How many investigators have you got?

A. I have 22.

Q. How many of them belong to the American Association of Social Workers, or the Union of Social Workers?

A. Well, I don't know what that is. I don't even know what it is.

Q. It is written in the manual.

A. American Social Union?

Q. It may be an American Social Society, or social workers society. But that in effect is what it means.

A. Well, I'll tell you, Judge, if I get crossed upon that manual that you are talking about, Judge, the new manual, well I just got my copy of it this morning and I haven't even looked at it.

Q. Mr. Mallory, that manual says any investigator or person able to be an investigator who belongs—any person is eligible who belongs to the American Social Union.

A. All my investigators are farmers. They don't know anything about such a union.

Q. All farmers. Haven't they got a college degree?

A. No, if any of them have, I don't know about it.

Q. Then that is not a requirement up in your district?

A. It hasn't been. I understand that they contemplate that.

Q. Well, they told me two weeks ago down in Huntsville that they had to have a man with a college degree or college training.

A. Those old boys up there in my district haven't got it. I don't want to cross anybody up.

Q. And you are under oath. Your chief testified here yesterday that it was an absolute requirement.

A. Well, that just lets out 22 of my investigators in my district then.

Q. Have they discharged any of your investigators because they have not got such qualifications?

A. No, sir, not yet.

Q. Have they had you give any exams?

A. Yes, sir, they had them, about two or three weeks ago. It was a simple sort of psychological test, or something of that kind.

Q. You just don't know much about it? Reckon you could have passed that examination, Mr. Mallory?

A. I am sure I could have, yes, sir. Twenty-one passed it.

Q. Did you put them on the register? And fire the rest?

A. No, I didn't exactly fire the rest of them.

Q. Just eliminated them because they failed on that examination—is that it?

A. Well I'll tell you how that was. The result of that examination was that those who didn't pass the examination hadn't been good examiners, and I don't feel badly over it.

Q. Do you mean you had complaints about those men prior to the time they took the examination?

A. No, I don't have complaints. I am working with those fellows.

Q. Were they not good investigators? Why did you—

A. Well, in the beginning none of them were good investigators because we didn't know what it was all about.

Q. Well, how long did it take to learn what it was all about?

A. Well, it took longer than we thought it would.

Q. Did you fire them when you found that out about some of them, or did it take some brain test to tell you who the poor ones were?

A. No, it didn't take that.

Q. Where is the authority—don't you in fact have authority over employment? Have you had one of your recommendations turned down?

A. For a job?

Q. Yes, where a man qualified with all of these things, or belonged to the American Social Workers Union?

A. I keep telling you I don't know anything about that Social Union. I never heard of it before. I don't recommend them. I don't recommend anybody for a job as investigator because I know everybody in the district, and if I started investigating my friends and people I think are competent, well I would—

Q. When did you let those fellows go, when you found they were incompetent, or when they took the examination?

A. I found it all out just about the same time.

Q. Just about the same time?

A. Yes, sir. If you can believe this or not, I found it out at about the same time, yes, sir.

Q. Now you have had some experience with this kind of work, haven't you?

A. No, sir; oh, I have had experience since February, yes, sir.

Q. Listen, you handle 30,000 applications, don't you? Just answer yes or no.

A. Yes, sir.

Q. In your opinion, from your experience, does it take a man with a college education to do that sort of work?

A. Well, Judge, like you say, I am under oath, I'll have to tell you I don't think so. I think that it takes a fellow with the right kind of heart.

Q. It takes more horse sense than it does book sense?

A. A man with a heart and horse sense can do better than a fellow with a degree and no heart.

Q. That is all, Mr. Mallory. Thank you.

At 9 o'clock, a. m., Saturday, Oct. 3, 1936.

The Witness: Mr. Frank Bane, was duly sworn and testified as follows:

Questions by Mr. McKinney.

Mr. Latham: Now this should be exceedingly interesting and beneficial to all members of the Committee and to the House and lets all find seats and give as strict and close attention as possible to Mr. Bane's testimony. All right, gentlemen, proceed.

Q. Your name is Frank Bane?

A. Yes, sir.

Q. What if any official position do you hold, Mr. Bane?

A. I am Executive Director of the Social Security Board in Washington.

Mr. Chairman: Speak so that the members over there can hear you, Mr. Bane.

Q. Mr. Bane, you say that you are Executive Director of the Federal Social Security Board?

A. Yes,sir.

Q. The Federal Social Security Board is the Board which administers the Federal Social Security Act?

A. Yes, sir.

Q. Now, as Executive Director, briefly and generally what are your duties?

A. As Executive Director of the Social Security Board, I am charged with the administrative duties and responsibilities with respect to the administration of the Social Security Act on a Federal Basis.

Q. And briefly describe the kind of organization you have set up for reaching the various states and what ever else you may think will give us some light on it.

A. The Social Security Board consists of three members appointed by the President. The Social Security Board selects an executive director as its chief administrative officer. The administrative duties and responsibilities of the Board are divided into three major operative functions. First, unemployment compensation; second, Federal Old Age Benefits; and third, public assistance. Within the divisions of Public Assistance there are of course three functions, Old Age Assistance, Aid to Dependent Children, and Aid to the Blind. All three functions are administered by the Social Security Board. In addition to these three operating Bureaus there are five so called service, or staff, Bureaus. Namely, the Office of General Council, Bureau of Research and Statistics, Bureau of Audits and Accounts, Bureau of Informational Research, and the Bureau of Business Management charged with the general house keeping operations of the Board.

Q. Mr. Bane, if you know, does the Federal Security Board under

the Act of Congress give aid to old and needy people?

A. At the present time the Social Security Board has approved forty one state plans for aid to the aged needy.

Q. You give aid to such states as have set up a state plan?

A. Under the Act, the Social Security Board approves those state plans for aid to the aged needy that conform to the requirements set forth in Title One of the Social Security Act.

Q. Mr. Bane, the census shows that there are approximately 280,000 persons in the State of Texas who have reached the age of 65 and beyond. Now if the state law of Texas should define the basis of need as any person who has reached the age of 65, could we reasonably expect under those conditions that the Federal Government would continue to match the state funds dollar for dollar?

A. I don't think so. If your State Acts should provide simply that all persons over 65 years of age were entitled, let us say, to $20 per month. In fact, that would establish only an age yardstick. I am inclined to think, although I wish to make it perfectly clear that the Social Security Board has had no such case as this, nor has it extended such policies, I am inclined to think that a mere age yardstick does not meet the requirements of the Act which says that these funds shall be made available to persons who are in need and a mere age yardstick would not seem to me to be a need yardstick necessarily.

Q. Does the Social Security Board consider that property restrictions meet the Federal Statutes requirements as to need?

A. Will you repeat that question, please?

Q. I will put it this way. Our state law qualifications for obtaining old age assistance is based largely on the amount of property the applicant owns. It is limited to $360 income for individuals and $720 for married couples, $5,000 property ownership and some other property qualifications. Now does the Social Security Board consider the facts and meet the requirements of the Federal Statutes as to a basis of need?

A. The Social Security Board does not attempt to pass upon the adequacy or inadequacy of the need yardstick you have established. It is of the opinion and the Acts so require that that state is in a better position to judge the adequacy or inadequacy of your need yardstick than the Federal Social Security Board would be.

Q. And then we are to understand that the Federal Social Security Board, or the Federal Act either, or both, does not attempt to limit those qualifications unless they go beyond the bounds of reason?

A. The Social Security Act does not give the Social Security Board the right to establish a need yardstick for the separate states. The right to determine who is in need is specifically reserved to the several states and the Social Security Board does not attempt to pass upon that unless of course it is probably unreasonable on the face of it.

Q. How is the case load, if you choose to call it that, in Texas. Are the number of people receiving old age pensions down low compared to those of other states, say in N. Y. for instance?

A. If the reports which we have received are statistically correct, and they are as follows: It is stated that you have in Texas approximately 280,000 persons over 65 years of age. It has been further estimated by your administrative organizations that approximately 140,000 of those persons will be eligible for old age assistance, that is a percentage of 50%. If that percentage obtained is actually operated it will be higher, much higher, than the average percentage which obtains in the rest of the states of the country. The percentage, generally speaking, in the rest of the states has averaged some where between 15 and 20 per cent. Some of the states have gone around 25 per cent. Average perhaps being, and this is an estimate, from 15 to 20 per cent.

Q. As compared with the Texas estimate of 50 per cent?

A. Yes, sir.

You understand that that is on a basis of something like six months operation. In most of the states the Social Security Act was passed in August, 1935, but it was not until February 1, 1936 that funds became

available, that is, funds that could be granted to the states. And so any estimates which I may give you at the moment or any figures which I may mention are based of course upon a very short operative period.

Q. Mr. Bane, our information is that the appropriations made by Congress for old age assistance to all the states for the fiscal year ending next June 30 was $85,000,000. Is that correct?

A. For old age assistance?

Q. Yes, sir.

A. Yes, sir.

Q. Three months of the fiscal year have now elapsed. Could you tell us how much of that $85,000,000 has been allotted to the states up to this time?

A. Approximately, and this is an estimate because we have numerous plans and grants pending, that is, grants pending that might have been acted upon yesterday afternoon or this morning, and incidentally the Texas grant is one of them, approximately $40,000,000 has already been allotted.

Q. How much would that leave for the remaining 9 months of the fiscal year?

A. You will bear in mind that many allotments have been made for the second or the current quarter beginning October 1, upon a basis of the $40,000,000 which I mentioned.

Q. That then would leave about $45,000,000, I believe, according to your statement?

A. Yes, sir.

Q. Now could you tell us what the current monthly demand—that is, an aggregate of all the states upon this fund—how much does it take approximately each month to pay the Old Age Assistance to the 41 states who now have working plans?

A. Why, I can't tell you with any degree of accuracy. I would answer that by saying that it is a congressional estimate, and it was estimated and appropriated on the basis of that estimate that it would take $85,000,000 for the current year to match the expenditures by the states for old age assistance.

Q. The current demand is about $1,000,000 per month is it not, Mr. Bane?

A. Yes, sir. We have granted you all ready on the basis of three months approximately $3,000,000.

Q. Now then we have in the press report this morning from Washington a statement that our request for the $1,000,000 would be cut to $750,000. Do you know anything about that, Mr. Bane?

A. The situation with respect to the grant that is now pending before the Social Security Board of the State of Texas is briefly this: You submitted to us a request for a grant of funds for the current quarter, October, November, and December, but your estimate showed that funds were available only to carry that program for approximately one month. Therefore in considering your application the Social Security Board will probably grant funds to match the funds that you now have available for the service, and if additional funds become available within the current quarter the Board will naturally consider a supplementary request.

Q. Is it the policy of the Board to match only such funds as we have available, or is it their policy to match funds on the basis of estimated need?

A. Generally speaking, it is the policy of the Board to match only such funds as are available for payment to aged or aged needy persons.

Q. Now what about emergencies—do they advance this money for an emergency?

A. I am not quite sure that I understand what you mean by emergency. The Board does not wait until the end of the quarter and then match it on a basis of funds that have been expended. It does advance funds to a state prior to expenditure. That is, if you state to us after October 1, that you have $2,000,000 available that will be expended by the state for aid to aged needy persons during this current quarter, if this is the case and your plan conforms to the Social Security Act, the Federal Government will make available immediately to the state $2,000,000. If, however, at the expiration of this quarter, you have not expended $4,000,000 but you have expended $2,500,000, we will say $3,500,000, then the Federal Government will take a credit of $250,000 on the basis of the next

grant, but if on the other hand you find that instead of expending the $4,000,000 gross you will find that you have had to spend $5,000,000, the Federal Government then would make a supplementary grant to match your expenditures on the basis of dollar for dollar.

Q. Now, Mr. Bane, if this Legislature should pass an act levying taxes to raise revenue for the Old Age Assistance and under our legislative procedure that should not pass with the necessary two-thirds majority, then it would become effective 90 days after adjournment. No revenues could be expected from those acts until that 90 day period. Could we expect the Federal Government to make allotments on these anticipated revenues?

A. You could not expect the Federal Government to match funds for any current quarter upon any basis except on a basis of a dollar for dollar matching for state funds that will be expended during that quarter.

Q. In other words, it resolves to this: they will not match any money except money we have in hand?

A. The money that you have in hand or will have in hand during the current quarter.

Q. This is pretty much the same question, and will probably require the same answer, but I would like for you to answer it. Now those revenue measures which will not go into effect for ninety days. Speaking theoretically, in a measure going into effect at the end of ninety days, machinery for collecting the revenue could not be set up and we could not reasonably expect, we will say, for revenue to begin to come in to the treasury under 60 or 90 days. Would the Federal Government anticipate that revenue and make any allotment to the state?

A. Under the Social Security Act and under the ruling of the Comptroller General of the United States we could only match those funds that are actually expended by the state or are to be actually expended by the state during a current quarter year. For instance, let us suppose that the State of Texas expended state funds, and also local funds, to the extent of $2,000,000 during this current quarter. The Federal Government will then appropriate to the State of Texas $2,000,000 plus 5 per cent additional, that is, 5 per cent of the $2,000,000 out of the grant extended for administrative purposes. On the other hand if the State of Texas for any reason should find that it only has $1,000,000 to expend during the current quarter, then of course the Federal Government could not under the present Act appropriate or allot to the State of Texas but $1,000,000.

Q. Mr. Bane, it is the policy of our State to make retroactive payments. Now by that I mean this: Where an applicant has applied in March and was inspected in June, but because of the vast number of applications or for some other reason, that person's payments do not begin until the first day of October, now it is the policy of this State to go back and to make payments then for July, August, and September as well as the payment for October to that pensioner. Can we expect the Federal Government to match those retroactive payments dollar for dollar?

A. The Federal Government can match only for the payments made in and for the month of Ocotber.

Q. And they would not—

A. The Federal Government can not match retroactive payments over July, August, and September if you make a retroactive grant that goes back that far.

Q. You understand of course that went into effect the first of July?

A. Yes, sir. Still we are operating under statutes and a ruling of the Comptroller to the effect that we could not match funds for retroactive grants that went beyond the month in which the grant was made. If you would be interested in it for your files and committee files, I should be glad to file with you a copy of the Comptroller's ruling on that particular point.

Q. You make no distinction as to the source of the state funds?

A. I make no distinction as to the source of the State funds, no.

Q. The member who has asked us to propound that question has in mind that if the Legislature should transfer money from the State Highway Funds, to the Old Age Expense Fund the Federal Government would match that $3,000,000.

A. The Social Security Board is not primarily concerned, in fact has no duty or responsibility with respect

to the origin of state funds save for one thing. The Social Security Board provides that there must be some state funds in the picture. That it cannot be wholly based on appropriations from local communities except that until July 1, 1937. That could be obtained if there was not a constitutional clause that prohibits a state against it. Appropriation of state funds by the Social Security Board has not concerned itself with the origin of those funds.

Q. Mr. Bane, some of the members are confused as to what they term your month to month policy and your quarterly plan, will you please explain that now?

A. We operate altogether on a quarterly basis. That is, in so far as we can. The only occasion when we have operated on a monthly basis is where a plan submitted to us or a request for an appropriation submitted to us, clearly states that such funds that are available are only sufficient to carry over a period of a month. Then of course we match those funds on that basis and would consider supplementary requests of funds made during the remainder of that quarter, but so far as possible we operate on a quarterly basis.

Q. Supposing that Texas should enact a law to pay all aged people sixty five years of age and over state assistance in the sum of $15 per month and with this supposition in mind, would the Federal Government match this $15?

A. That is the same question you asked me a few moments ago, and I stated that the policy had not been determined by the Social Security Board. We have had no such case, but in my mind a state plan which establishes only age as the yardstick for grants does not conform to the Social Security Acts which state that funds shall be made available for needy aged.

Q. Now then if in your opinion, they would not, and we understand that it is merely an opinion, if they would not match the $15 per month for all persons over the age of 65, would the Federal Government match the Fifteen Dollar per month payments for all persons who were found to be in need, while the state paid all over 65, $15? Would you select out of the 380,000 persons such of those that are needy and match that while the state went on and pensioned the entire 280,000?

A. I am not certain that I understand the question, but if it is this, that if the state elects to provide assistance to all persons over 65 years of age, would the Social Security Board match expenditures to that portion of the group that we definitely determine to be in need?

Q. That is it exactly.

A. Yes, sir. In other words, the Social Security Board would match expenditures made by the State for aged persons who are definitely determined to be in need in accordance with the administrative plan submitted to the Social Security Board and approved by it.

Q. And I believe you said awhile ago that it was your opinion that if the sixty five years of age and over was to be the only yardstick by which we defined need, that they would probably not match all of those?

A. Yes. I based that upon section 1 of the Act which reads in part as follows: "For the purpose of enabling each state to furnish financial assistance as far as practical under the conditions in such states, to aged needy individuals", therefore the Act provides assistance for persons who are aged but likewise restricts such assistance to persons who have been determined to be in need.

Q. Mr. Bane, do you think that the Social Security Board would approve a plan which would pay equal amounts to all who qualified under the present Texas Old Age Assistance law and the Federal Social Security Board? Now what we mean by that is this, if the state should say that we were paying each old person the sum of $15 per month regardless of need, if the state should elect to pay a fixed sum to each person who qualifies under the present law of Texas, would the Federal Board approve that plan?

A. The Federal Board has had no such plan submitted to it with respect to the aged, therefore there is no established policy of the Social Security Board with respect to that matter.

Q. The question is, if the State of Texas should provide that all persons who are needy in accordance with the yardstick which has been established by the State of Texas, if they should decide that all of those

persons shall receive given amounts of $15, or $20, or $30, would the Board match that expenditure?

A. My personal opinion, which should not be taken as indicative of Board Acts, because we have had no such case, is that assistance should be governed not on a basis of need itself but to be administered efficiently and economically it should be done in accordance with the needs of the particular person. That is, you have an Act which provides that a person shall be in need who has less than $360 per year. Suppose you have a person who has an income of $350 a year, and you provide an allowance of $20 per month, that gives to that person $240. Or on the other hand you may have a person who has an income of only ten dollars per year, whose need is much greater, and you give to that same person the same amount. On the face of it, speaking altogether personally, that would seem to me to be a plan which would be neither efficient nor economical in its administration.

Q. Now, Mr. Bane, we have another question submitted by one of the members. I think you have answered this, but under our present Old Age Assistance Act we have established an Old Age Assitance Fund. Now if the Legislature should repeal that provision and provide for the payment of old age assistance out of the general revenue fund would the Federal Government then grant our request for additional funds?

A. The Federal Government would not be concerned as to whether you have an old age assistance fund or not, or whether you pay it out of the current taxes. Our concern would be primarily whether the funds are available to carry on the service. And too, whether the service is administered in accordance with the plan as submitted to the Board.

Q. Would it make any difference if those funds bear a discount or not, and that there are not sufficient funds to pay them, or would the Federal Government require that they be cashed at their full face value before they would match those funds?

A. Oh, I don't think you could expect the Federal Government, if I understand the question, to match on a dollar for dollar basis warrants which you issue to persons subject to a discount.

Q. In other words, the Act specifically states that Old Age Assistance means cash benefits paid to aged needy individuals and I take it that it does not mean the giving to aged needy individuals warrants which for reasons which may obtain was subject to a 20 per cent discount and then expect the Federal Government to match it on the basis of its face value.

Q. Now, Mr. Bane, how does the demand for assistance from the Federal Government in the State of Texas compare with demands in other states? I am speaking of the demand for allotments of money. What is the proportion of the demand for allotments of money? What is the proportion of that of Texas to that of other states, put on a percentage basis like you did the number of applications?

A. The request of the State of Texas for the current quarter if I recollect correctly, is on a basis of 100,000 persons, old aged persons to receive assistance. Assuming that you have 280,000 persons in the State who are 65 years of age and over, the number which you estimate will receive assistance is much higher than the average number estimated in most of the states. It runs on a basis of the current quarter well over 33 1-3 per cent. Our general average is less than 25 per cent.

Q. Your general averaging of funds in 41 states?

A. Yes, sir.

Q. Mr. Bane, it is stated in the report of our state director that new names are being added to the Texas Old Age Assistance roll at the rate of 20,000 per month and that by the end of the year we will have something more than 140,000 names on our rolls. Stated in other terms, our requirements for Federal Funds will increase at the rate of 25 per cent per month so that by November 1, we will need 125 per cent of our Federal Allotment as over October. And our need for Federal money on December 1 will be approximately one and one-half times what it was for October 1. Now do you think in view of what you have stated as to the demand upon your fund from all of the states, and the proportion of Texas demand at the present, that

we may confidently count on receiving one and one half times as much Federal money on December 1, as on October 1?

A. Answering that question specifically, we have not started to allot appropriations as made to the Social Security Board to the states on any basis other than that of their expenditures for these services. In other words we can't take $85,000,000 appropriated for Old Age Assistance and say that each state is entitled to its proportionate part on the basis of population or any other basis except the basis of their expenditures for old age assistance. If the $85,000,000 is sufficient to carry the Federal Government's proportionate part, which is fifty per cent, of this service during the current year, well and good, and if it does prove sufficient we will go back to Congress in January and February and ask for a deficiency appropriation. Under the Social Security Act, the Federal Government is definitely obligated to match State expenditures for Old Age Assistance on the basis of dollar for dollar, provided the plan which is in operation in the state conforms to the Social Security Act and is approved by the Social Security Board.

Q. On January 1, there will be six months of the current fiscal year remaining. Could you make a guess as to how much of the $85,000,000 appropriation will be left at that time, taking into consideration allotments made to all of the 41 states?

A. This is purely guess. Very naturally I can not tell you exactly what those expenditures would be because we don't control those expenditures or determine the expenditures that are made by the state. My estimate would be that as far as January 1, there will probably remain between $30,000,000 and $35,000,000, but I repeat that is a guess.

Q. Could you give us an estimate of the month to month demand of all the states, excepting Texas, in the last half of the fiscal year? I suppose you would put that on a quarterly basis, since they do not operate on a monthly basis.

A. We don't have those figures on a monthly basis but I shall be glad to submit for your record a statement of the requests or estimates for the additional 40 states of the current quarter.

Q. We would like for you to make that report. According to the estimate put before us, Texas will need $7,500,000 of Federal money for the 6 months beginning January 1, and ending June 30. Do you think that we can except to receive that amount in that period of time?

A. That all depends of course upon the appropriations of funds by Congress. I would not be so presumptious as to say to you what I think Congress will do but—

Q. The $7,500,000 is estimated to be a little more than 20 per cent of the amount that you estimated would be left for the remaining fiscal year, six months. We expect in the event Congress makes no further appropriations, for Texas to receive more than 20 per cent of the remaining funds?

A. As the Act stands at the present time, you have every right to expect the Federal Government, in fact it is the law, that the Federal Government has a definite obligation under the present Act to provide the necessary funds to match dollar for dollar your expenditures for aid to the aged, provided your Act conforms to the Social Security Act and provided your administrative plan is approved by the Social Security Board.

Q. If Congress does not appropriate it then we certainly can't expect Texas to receive $7,500,000, or more than 20 per cent of the remaining sum, could we?

A. Of course if the money is not appropriated, naturally the Social Security Board cannot make allotments.

Q. The obligation of the Federal Government is the same to all of the 41 states is it not?

A. Exactly. But there is no authorization in the Social Security Acts for the Social Security Board to allot available funds or to scale available funds?

Q. Since the average demand of the remaining 40 states is estimated to be 20 per cent and that of Texas to be 50 per cent, wouldn't it be unreasonable to expect that unless other funds are appropriated we would receive 20 per cent or more of the remaining funds?

A. That is a question of opinion as to whether or not it is unreasonable.

Q. Now, suppose you find yourself with $35,000,000?

A. Yes, sir.

Q. Suppose you find the demand from the 41 states of the Federal Government to be $70,000,000, would you appropriate that money to the 41 states?

A. No, we would not appropriate the money. We would match the expenditures made by the states in conformity with the approved plan for the third quarter and we would request Congress to appropriate additional funds to take care of others when not authorized under the Act scale.

Q. In the event Congress did not make that appropriation you would simply match those funds dollar for dollar until they were exhausted, and then you would quit until other funds were available?

A. Yes.

Q. Would it be a question of first come, first served?

A. Yes.

Q. Would it be a first come first served proposition of all the funds among the states?

A. We would not scale or cut down grants to states in proportion to the funds that are available. We would carry out the provisions of the Act which is that we shall match state expenditures dollar for dollar if they operate under the approved plan as long as funds are available. When funds cease to be, we quit, necessarily. In fact, under the Act, we have no choice in the matter.

Q. Mr. Bane, our constitutional amendment now written into our constitution reads like this: "And for the payments not to exceed $15.00 per month each to actual bona fide citizens of Texas who are over the age of sixty-five years." There are other provisions but that is the one I wanted you to direct your answer to. Now the Social Security Act reads like this: Section 3, "A," page 2. "From the sums appropriated therefor the Secretary of the Treasury shall pay to each state which has an approved plan for old age assistance for each quarter beginning with the quarter, commencing July 1, 1936. First, an amount which shall be used exclusively as old age assistance, equal to one half of the total of the sums expended during such quarter as old age assistance." Now it's in the record and has been testified to that the actual operation under those two provisions are that the Social Security Board takes the estimated need of the state of Texas for a quarter and instead of waiting until they have actually expended that money, they count the estimated need as the amount expended and give to the state one half of that amount, is that right?

A. Right.

Q. Now is that money spent, that one half of the estimated need for any given quarter, is that money expended by the Federal Government or by the state?

A. By the state.

Q. Is that money turned over to the state and put into the state treasury just as other state funds? And are those funds, after they are turned over to the state, considered by the Federal Government as state funds?

A. Those funds after they have been turned over to the state are considered by the Federal Government to be state funds.

Q. They are put into the Treasury under our law, Mr. Bane. In the special funds, but that special fund of course is kept by the State Treasury. Now those funds are paid out in this state on warrants drawn by the Comptroller of the State Treasury and are paid by our State Treasury. Then under that system the expenditures are state expenditures and not Federal expenditures?

A. Correct.

Q. Then don't you think that if we would give any applicant more than $15 per month that we would be violating the express provisions of our State Constitution and the Social Security Act?

A. I would suggest, Mr. Chairman, that certainly you are not on a basis of your constitution violating any provision of the Social Security Act. As to whether you are violating a provision of the constitution, I suggest that you submit that question to your own Attorney General. I don't know.

Q. Now any money that is received by the state from the Federal Government going into the State Treasury and administered under the

state law just as any other fund becomes in fact and in law state funds. That is clear then. It is administered not only under the provisions of our statutes but under the limitations provided in our State Constitution. The question is, and of course that is a matter of opinion as to the law, and the construction of constitution. Then if we should pay more than the $15 per month, then if it should be a violation of the limitations set by our constitution, it would be a matter of state concern only?

A. If the Social Security Board, authorized thereof, should find that funds were expended in your state in violation of your laws, they would probably adjust the second grant in accordance therewith, but the Social Security Board has adopted one definite policy on this. I have said here today that we have not adopted a policy on several things but here is one example that we adopted at a recent board sitting in Washington, in an attempt to interpret state constitutions for them, we have requested, with the submission of a plan, a statement from the State Attorney General interpreting his constitution and his statutes and we of course abide by that interpretation in the absence of cases to the contrary.

Q. Then you do not attempt to put any interpretation whatever upon the statutes in brder to determine whether or not our plans are complying with the provisions of the state constitution?

A. If the state statutes or a state constitution is acting ambiguously on any point because of doubt as to what it means we ask the State Attorney General to interpret the matter for us, and we assume that his interpretation is valid unless upset by changes by the legislature or by court order.

Q. And then you abide by the interpretation as put on by the Attorney General?

A. Yes.

Q. Now then, don't you think it a matter of opinion that that makes a very material difference as to the amount of money that the state government would give us in the interpretation put on it by the State Attorney General?

A. Oh yes. In many cases it makes a great difference as to the amount allotted by the Federal Government.

Q. The Federal Social Security Board is not concerned with that?

A. No sir. The Federal Social Security Board is not concerned with that. It is concerned with the number of grants which it makes, of course, to states. That is the responsibility, and the Federal Social Security Board is not undertaking the duty or responsibility of interpreting state constitutions for the state.

Q. You do prescribe certain rules and regulations under the Social Security Act by which the States must abide in order to secure Federal funds do you not?

A. Yes sir.

Q. We are told, Mr. Bane, and it is in the record, that there are certain requirements as to the qualifications of the supervisors investigating the people actually contacting the pension applicant. Is this true?

A. That certain qualifications are prescribed by the Social Security Board?

Q. Yes.

A. Technically speaking, that is not true, but I hasten to say that the Social Security Board required that each state as part of its plan submit therewith a method by which to determine the selection of persons for several positions that may be available.

Q. Right there, Mr. Bane, at that point, if the state plan says that the supervisor, or the inspector, the person who actually is the lowest paid person in the make up, shall be a college graduate, and must hold a degree from a standard college, would you say that qualification was prescribed by the Federal Social Security Board or by our State Commission?

A. If I understood your question correctly, if the State Commission submitted to the Social Security Board a plan which included a statement with respect to qualifications for personnel to administer this Act and that statement included a requirement that investigators or inspectors shall have a college education. Would I say that was prescribed by the state of the Social Security Board, is that the question?

Q. Yes, sir.

A. I would say that that plan was initiated and submitted by the state and approved by the Social Security Board.

Q. Now if we should take that provision out of our plan, would the plan still be approved?

A. The Social Security Board has no authority, in fact it is definitely prohibited from instructing or requiring the states to select any particular person to pay any particular person any salary or to keep any particular person on the pay rolls for any particular length of time. In other words, the Act provides that the Social Security Board cannot require the State to select, to pay, or to keep people for any particular length of time. The Social Security Board is charged with seeing that such methods of administration as are necessary for efficient operation of the plan shall be obtained. It has interpreted that part of it to require the states to develop a plan for the selection of a personnel to administer this Act on the basis of their qualifications and competency to do the job on the general theory that efficient operation is generally speaking impossible without competent help. The Social Security Board has not developed any specific definite qualifications and said to the various states, "these are qualifications which you must adopt."

Q. Now, Mr. Bane, this is the policy in respect to the line of questioning we are doing now. We know definitely that the requirement of a college education is a prerequisite to obtaining employment as an acting investigator by the Social Security Board and not by the State board, is that true?

A. The Social Security Board has not prescribed that any particular person shall be a college graduate. The Social Security Board has cooperated and worked with your staff and has urged your staff that qualifications be established on such a level as to secure the most competently qualified persons of the State of Texas to administer this Act.

Q. Now since that—who sets the level?

A. The level is, generally speaking, set either directly by the state, or in some instances, by the state in co-operation with the Social Security Board staff. In this particular instance in the State of Texas, the Social Security Board had numerous conferences with state officials of Texas and did agree upon a set of qualifications which was thought to be, not only such as would insure the employment of competent persons on a basis of merit, but thought to be a reasonable plan insofar as the State of Texas is concerned.

Q. Now, Mr. Bane, this question —The Federal Social Security Board, of course, want competent people, and you ask us to set up a system that would assure you that you will get competent people before you will make any allotments. That is true, is it not?

A. Yes, sir.

Q. Now then, if they should send you a plan that did not require a college education, would that plan be approved by the Federal Social Security Board?

A. It would be, or upon the equivalent we would expect as to training and experience.

Q. Now then, if the State of Texas should set a level upon a qualification which to them was deemed satisfactory to secure an efficient administration of the law, and those qualifications did not meet the approval of the Social Security Board, then in that event would allotments still be made to Texas?

A. No, sir.

Q. Then the Federal Social Security Board does determine the qualifications of personnel?

A. No, the Social Security Board requires that a plan submitted shall contain a statement as to the methods to be used by the state in selecting persons for this job. The Social Security Board does not determine what they shall be. They are determined, naturally by the State and they are passed upon as to whether or not those qualifications are such as to make it reasonably certain that the Act or the service be efficiently administered. If a plan said that anyone can be employed to do any of these jobs, with no qualifications whatever, if the plan said that, the qualifications should be on a basis of a raise or what not—one thing and another, why of course, they won't approve it. If the qualifications are reasonable and seem to indicate that the plan will be efficiently administered it would be ap-

proved, otherwise it probably would not.

Q. Would the level set up by the State, which was established, be satisfactory to the Federal Security Board?

A. Not necessarily.

Q. Now, Mr. Bane, if the State of Texas has submitted to your plan which required a system of examinations though no requirements for qualification of postmaster and things of that kind, and that is the qualifications that would be approved?

A. I am not certain that I understand that question.

Q. What I mean is, that if they should institute a Civil Service system and prescribe examinations similar to those required by the Federal Government for positions, we would say, or some of the other phases of Civil Service work. Would that meet the requirements of the Social Security Board?

A. If this Legislature should adopt a Civil Service system based upon the phases that obtain, with respect to the National Civil Service, without a doubt it would be approved by the Board.

Q. The Social Security Board operates under the Civil Service as to proper conduct. Do you think, or in your own opinion, that if our law placed administrations of this Act in the hand of the several Commissioners Court of this State for administration. Do you think that that would be approved; or does the Social Security Board and the Social Security Act require a State organization?

A. The Social Security Act does not require a State organization. It requires that there be a State organization or that there shall be a state supervision of any local administration that may obtain. Sub-Section 3 of Section 2 of the Social Security Act reads as follows: "Either provide for the establishment or designation of a single state agency to administer the plan, or provide for the establishment or designation of a similar state agency to supervise the administration of the plan." That is, of course, in case it is administered on a local basis.

Q. Has the Social Security Board ever approved a man that did not have a degree from an approved college or its equivalent?

A. I would have to check that very fully to have noticed whether that has been obtained. I am concluding that it probably has for some time. The question of college education isn't a matter of major interest to the Social Security Board. The matter of major interest to the Social Security Board is that there shall be, not a Federal plan or a Federal system, but that there shall be some State system, which will provide for the selection of persons to administer this Act, who are competent and qualified for the work which they are to do. These qualifications, which are parts of the States plans, vary considerably. The plan, the qualifications, adopted by one State, say by the State of Virginia, might not be the same as those adopted by Texas. In general, in considering those plans, the Social Security Board considers it but one idea.

The main object is that a plan which would tend to secure two things, that I gather that you gentelmen are more concerned about, the basis of the first question which you ask me; namely, is this a plan which will secure, in the first instance, efficient administration, and in the second instance, secure economical administrations.

Q. Mr. Bane, will you tell the Committee whether or not the Social Security Board has made our requirements, instigated merit system?

A. The Social Security Board operates altogether on a merit system. No person can secure a position with the Security Board who does not have Civil Status or who has not been classified and approved by the Civil Commission as an expert. There is one exception—

Q. We are talking about the requirements in the States. Now we have a merit system for supervisors in which they are required to take certain examinations; is that merit system examination as required?

A. The specific merit system and the specific examination, of course, are not developed but they have, naturally, requirements by the Board. On the other hand, the Board does require that the States should have some method, of its own making, which will enable it to select com-

petent qualified persons to do this job.

Q. Up until three weeks ago, when the merit system was established in Texas, do you consider that Texas had efficient and economical administration for the Old Age Assistance Act?

A. I have no views of it myself, and I am not in the position to have any kind of opinion pro or con on that question, but simply on the basis of the statement which the Committee has made, I would seriously question whether or not prior to July 1st., the administration in Texas was either efficient or economically based. That is the question which you have just asked, namely to the effect that here in Texas you have approximately a larger percentage of approvals and a larger percentage of applications than obtained in most any other State.

Q. Mr. Bane, you probably misunderstand the question. Up until the merit system was instituted in Texas, which was about three weeks ago, do you consider, up to that time, which would be some time around the first of September, would you consider that the Texas administration of Old Age Assistance Laws was economical and efficient, up to that time?

A. Of course, I am not in a position to say that at any given time a plan was efficient or was inefficient. I will say that I am convinced that the establishment in Texas or any other State of the merit system for the selection of employees to administer a welfare service, tend to develop a more efficient and economical administration than could be secured on any other basis, that I know of.

Q. Then you are basing your opinion on the fact that in Texas a higher number of applicants were approved than in any other State?

A. I would say that on a basis of information which you have given me; namely, that you had a greater number of applications higher than the average, so far as applications are concerned, higher than the average, in so far as approvals are concerned much higher than it would tend to indicate. I made no investigation of it. It would seem that it would tend to indicate that it had not been as carefully selected and investigated as might have been possible if the activity could have been set up somewhat more slowly and perhaps in charge of more competent persons. You understand I say that altogether as an estimate, I have made no personal investigations of the matter.

Q. Now would you consider our present system under, that is the merit system, we are working under that now, would you consider that economical and efficient?

A. I would say that the selection of personnel for a particular service on the basis of merit is the most economical and efficient method that I know of in this country for the securing of personnel for different types of services.

Q. How do you explain, Mr. Bane, the fact that under the merit system our State Director estimates that the pension load will be doubled in this State?

A. It will run from 80,000 to about 147,000.

Q. Now wouldn't it seem to you that under the merit system it would be less economical than under the old system of selection of employees?

A. Did your director estimate that without the merit system the load would not double or did he say that in all probability, with or without a merit system, your load would greatly increase?

Q. I think that he said it would greatly increase and said nothing about—

A. If your administrator said your load would double because of the merit system, I beg leave to disagree and with the understanding, of course—

Q. Then you would say that the merit system was not economical and efficient in Texas?

A. What was that?

Q. I don't say that you said it. Then would you say that the merit system was not working economically and efficiently in Texas?

A. If it was considered that the establishment of the merit system would tend to double the load, which the Committee seems to think is already high, then I would say there is something wrong with the merit system.

Q. Mr. Bane, I notice in the qualifications for employees, supervisors, and inspectors, that under Section 2,

Paragraph C, it said "Membership in the American Association for Social Workers"—can you tell the Committee what the American Association of Social Workers is?

A. It is a private organization voluntarily organized, consisting of persons who have certain qualifications in the field of social work.

Q. Who is head of that organization?

A. Mr. Chairman, at this moment, I don't know. The head of it last year was a Miss. Dorothy Cohn. I don't know whether she is still head of the organization or not.

Q. Does the members of that organization have to meet, that is, does the applicants for membership have to meet such requirements in the matter of training and experience and education that will meet and comply with the requirements of the Social Security Board?

A. Now let me see if I get that question right. You are asking me does the Social Security Board, in any of its requirements for States or for employment directly under the Federal Social Security Board require that a person shall hold membership in the American Association of Social Workers.

Q. No, that is not the question. Do the requirements for membership in that organization meet with the requirements of the Social Security Board as to the qualifications of the person who is going to be an inspector? Does that organization have certain qualifications for membership that have to be approved by the Board?

A. The Board has nothing whatever to do with the approval or disapproval of those qualifications and the Board in developing qualifications for the Federal States and in connection with the State does not consider as the criterion on any qualification that might be developed by any private organizations, the American Association, or any other.

Q. But you do and without question approve the qualifications of membership in the American Association of Social Workers, do you not?

A. I don't understand what you mean by that. We don't approve it or disapprove it. It is none of our business.

Q. You have approved the Texas plan?

A. Yes, sir.

Q. And the Texas plan says that there is one alternative. You must be a graduate as to educational qualifications, and experience. You say the first qualifications is graduation from an approved college or University, or its equivalent or at least one year in an approved school of Social Workers and at least four years experience in case work, in the past several years including the instruction and training of staff or membership in the American Association of Social Workers. Now, we understand that a person of any one of those qualifications is eligible for any employment as an inspector under our State Board. Does that have the approval of the Security Board?

A. If the State of Texas wishes to make those requirements the Social Security Board will have no objections; but let me get this perfectly straight. The Social Security Board does not require, insofar as the direct activities are concerned or in so far as the relationship with states are concerned, it does not require that person to secure employment shall be a member of any private organization, regardless of what that might be.

Q. That is true, Mr. Bane, but the question is this, if a person possesses neither of those first two qualifications, that is, being a college graduate or having one year in an approved school of Social Work or its equivalent, four years experience in case work, during the past several years. Supposing the applicant possessed neither of those qualifications, but was a member of the American Association of Social Workers, then under the Texas plan, that membership in that approved organization would qualify that applicant for employment would it not?

A. I don't have that before me, but on the basis of what you read to me—I would like to see for a moment if I might, what you have submitted to me here. The reason I asked this is, it is not verbatim. The material which is included in the plan, I understand—

Q. This is the Federal Manual, is that correct?

A. That is correct. It says educational qualifications and experience are desirable.

Q. But right there, Mr. Bane, we can get off this subject pretty quickly. You know some of us country boys, members of the Legislature here don't know much about Social Security or Social workers either, we are very much incensed and outraged that a person going out to inspect an old couple who were starving, should be required to have a college education. It would require a little more horse sense than it did book learning, but we were given to understand that that was an absolute requirement before the plan would be approved. Now I was told this. A man comes to my office and ask me to write him a recommendation for an inspectorship, I wrote him, and in questioning him, I had known the man for some good many years, was a graduate of the Austin High School, had completed two years work for the State University and had since served in the United States Army, and had two years of work under the Federal Government in the various phases of work, and six months work in making the tax law that is now being made in the State of Texas. He carried that recommendation to the district supervisor. The District Supervisor in talking to me over the telephone told me that that man could not qualify because he did not have a college education. I said to him, is that a state requirement, if it is, when the Legislature meets we will change it. He said it is not a state requirement, but is a requirement of the Social Security Board, therefore, we had to put that in there before the plan would be approved. Now then, let me tell you something else that happened. One of the directors in my home county was discharged, there was no question raised as to why he was discharged, it was kept strictly to the State Director, but for a matter of ten days or two weeks there was no investigator there and the Old Age Applicants were beginning to clamor to know why they were not getting attention. I called Mr. Carpenter on the telephone and Mr. Carpenter told me that it was an absolute requirement that a man have a college degree, didn't say college education, but said college degree. I ask him if that was a State or Federal requirement and he stated positively, and in no uncertain terms, that it was a Federal requirement. Now what the Legislature wants to know is if the law is changed so that that is not a requirement or if the regulations are changed so that is not a requirement, then, will this Federal Security Board approved the Texas plan?

A. If your regulations are so written as to insure in so far as possible, and especially practicable, in Texas, the securing of competent qualified personnel to administer these services the plan will be approved in so far as the one item college graduation is concerned. The Social Security Board would hold no belief to that one item. It would be interested in knowing if you do not require college graduates, what alternative, do you suggest. I repeat that the Social Security Board is interested solely in two things. First, seeing that these services in so far as possible are economically administered. We do believe in general, and I think you do, that regardless of what type of service it may be, whether it is nursing or whether it is teaching and I think you certify teachers here, you also register nurses, or whether it is finally administered in a grocery business or steel mill, or what not, we do believe that competent training and experience are valuable qualifications in the administration of any public service just as it is in the administration of any private business.

Q. Mr. Bane, we have a number of questions here that are propounded by members of the committee, that we would like to ask you and we would like for you to answer them as briefly as possible because there are many of them. The first question is this: If and when the Federal Government matched dollar for dollar to states in payment of Old Age Assistance, and the $85,000,000 proved to be insufficient to so match dollar for dollar, if you personally think that Congress would appropriate an additional fund for that purpose?

A. Yes, sir, that is my personal opinion.

Q. Has the Social Security Board yet approved a state plan locally administered with a state supervisor?

A. Yes, sir.

Q. Do you know what states those are?

A. There are several of them, there is Utah, Maryland, Alabama; I might mention quite a number of them.

Q. Is it a fact that the Federal Social Security Board had objected to the liberality in the state issuance of grants to certain applicants to the extent that some grants have been discontinued?

A. Would you mind repeating that again, please sir?

Q. Is it a fact that the Federal Security Board has objected to the liberality in the state issuance of grants to certain applicants to the extent that some grants have been discontinued?

A. The Social Board has discontinued no grants to any state to Old Age Assistance on the basis of the fact that grants made in the particular state were too liberal.

Q. To get back to it all, does the Federal Social Security Board consider the standards of living of the individual applicant in determining the issue as to whether or not he is in need and the degree of his need?

A. The Social Security Board does not consider it at all. That duty is not the duty of the Federal Social Security Board. That duty and responsibility is reserved, belongs to the states.

Q. Where need is determined, does the Board consider $1.00 a day as an excessive grant to an individual for providing the essentials of food, clothing, or shelter?

A. It has not so determined in any case as yet. I repeat the statement that the Federal Government will match the State dollar for dollar when the plan is approved. I think you understand that is up to a gross amount of $30 for any particular individual. That is the amount. Any expenditure beyond that has to be paid by the State, and is not matched by the Social Security Board.

Q. How many states have the qualifications of the Texas plan—identical personnel qualifications?

A. How many states do? I don't know. I'd have to look that up. A number of them have the approximate qualifications. Identical ones—I don't know. I doubt that any two of them are identical.

Q. Will you get us that information?

A. I'll be glad to put it in the record.

Q. You have stated that state allotments were probably fifty per cent of the total amount allotted, and that the Texas grants are much higher than other states. Now are steps being taken or contemplated by the Board looking toward the tightening up of the Texas administration in regard to its liberal policy?

A. I think the Committee stated 50%. I stated that if that came about it would be the highest percentage that we had.

Q. That is true, but what the member wanted to know is, that is approximately 50%?

A. Yes, sir.

Q. Now then the average for the remaining 40 states is 20%.

A. 20 to 25 per cent.

Q. Twenty to twenty-five per cent. All right. That being true, it would seem that ours is the most liberal state in the union in that respect. Now, that being the case, is the Board taking any steps whatever to try to deliberalize our policy?

A. The Board has worked with your state administrative organization and has urged three lines of procedure: (1) It has urged that there be careful investigation at the points of intake to determine whether or not a person is eligible. (2) That competent, qualified persons be put in charge of determining the eligibility of persons. And (3) that the list which is now in hand—those that have now applied—be investigated carefully to determine whether or not they were eligible, in the first instance, or whether or not their conditions have changed in the meantime.

Q. Did you state a moment ago in your testimony that the Federal Government possibly would make no allotments to match retroactive payments in the State of Texas?

A. I stated definitely that under the ruling of the Comptroller Gen-

eral the Federal Government cannot do so on the basis of a retroactive grant. That is, if an application is granted, we will match the amount paid to that person in the month of October. If at the same time you grant funds for September, for August, and for July, the Social Security Board cannot match the amount granted for the three preceding months. I should be glad, Mr. Chairman, if you like, to place in the record the ruling of the Comptroller General on that point.

Q. Now, Mr. Bane, you make your allocation on a quarterly basis. Now a new quarter begins with the 1st of October, does it not?

A. Yes, sir.

Q. All right. Suppose that an applicant is inspected in the month of November, and a check is issued to him by the State authorities. Could that applicant expect a similar check or would you match a similar amount for the month of October?

A. No.

Q. Could the money allocated for the quarter be used toward that purpose?

A. As far as the Federal funds are concerned, it could be used to match the grants at the time the person is given a grant for that particular month.

Q. But it could not go back beyond the date of the issuance of the grant.

A. No, sir.

Q. Do you know approximately how many employees there are in Washington assigned to the duties of the Old Age Assistance division of the Federal Social Security Board? How many employees under the Social Security Board are assigned to the job of reviewing Old Age Assistance work?

A. May I answer that question this way. We don't divide up personal service as between Old Age Assistance, aid to dependent children, and aid to the blind. We have one division, which concerns itself with all three of those public assistance activities, since the problem —many of the problems are the same. I should like to answer the question and tell you approximately how many persons are employed in Washington handling the job of personal assistance—approximately 35.

Q. Mr. Bane, the question is rather immaterial, doesn't throw any light on our investigation, but you state it is 35. Now, House Bill Number 26 became effective February 14, 1936, and it provided that applicants who filed applications prior to July 1, 1936, would receive payments from July 1, 1936, following the approval of the applications. This Act was approved in Washington, containing this provision. Now do we understand the Federal Government will not provide funds to match these July payments. You have answered that already.

A. Yes, sir.

Q. The fact they might not have received back checks for July, August and September.

A. That is the same question.

Q. Is it the policy of the Federal Social Security Board to match the State dollar for dollar?

A. Yes, we can match you one dollar for two.

Q. In other words what I want to know is that if you won't match dollar for dollar or won't match 50 cents on the dollar?

A. That is true.

Q. Is the appropriation made from general funds, but I believe you have answered that. What is the power of the Reviewing Board of the Federal Government sitting with the Old Age Commission in Austin?

A. What was that, please sir?

Q. Do you have a Reviewing Board sitting with the Old Age Assistance Commission?

A. No, sir. I am not sure that I understand what you mean by the reviewing board, but the Federal Government has no reviewing board of any kind.

Q. Now, Mr. Bane, we have been told that the Old Age Assistance in this State would cost $30,000,000.00 per year from the close to the present calendar year, and with the Federal Government paying half of this expense our requirement from the Federal Government from January 1st., and would be $15,000,000 annually, do you think we can depend upon these requirements being met?

A. The Social Security Act provides that if you have an approved plan which has been approved by the

Social Security Board, that the Federal Government under the Social Security Act is definitely obligated under circumstances to match your expenditures dollar for dollar, plus 5 per cent additional for administration.

Q. Will it meet that obligation?

A. It will meet that obligation or amend the Act, under the present Act I assume it will meet that obligation.

Q. Isn't it possible that with the changing personnel or if there should be a change in personnel under the Social Security Board, that they might put a different construction on the provisions of the Social Security Act, and our State Constitution and limit the amount to be paid to each applicant to $15.00?

A. I would say that it is entirely possible that Congress might in its wisdom do most anything with respect to amending this Act. I am speaking about the Social Security Board, they have a certain discretion.

Q. The Social Security Board has no discretion as to matching state funds provided it approves the state plan?

A. It would have now.

Q. It has none at the present time?

A. Let me get—

Q. It would have a discretion as to the construction put on the statute of the State than those passed by Congress, would it not?

A. I don't understand the question.

Q. I say it could put a different construction on the statute to what the present Social Security Board has done, couldn't it?

A. I don't think the Social Security Board could put any construction upon the present Act, other than the construction which is generally adopted and which is set forth clearly in the Act, namely that it must, if it is approved by the plan certified by the treasury, a grant to the states of half the gross amount which it expends.

Q. If the entire personnel of the Board was changed and they decided that the law mentioned something else, and they thought they might adopt that conclusion as the rule, could they do that?

A. I see nothing in the Act which gives this or any other Social Security Board any discretion with respect to matching State funds provided it approved a State plan.

Q. Do you see anything in the Act that makes it subject to such conclusions?

A. Not to that particular point. The Act states, if you will—

Q. If you will wait just a minute, I will tell you what I am getting at. When you match a state and the State Constitution says you can't pay but $15.00—you told us that was for the construction of our State Attorney General. We are going to have a new Attorney General some day. The new Attorney General might give you a different opinion. You would not pay but $15.00. All right now, would the changing personnel of the Board, granting that they would change and decide they didn't understand it mentioned some other than the construction it now put on as to any of its provisions, isn't it possible that they would change the law to that extent, I mean by changing the construction, I don't mean the written law, but change the construction?

A. If I can, Mr. Chairman, I can't with any degree of intelligence answer that question which is in substance what a hypothetical board might do under such circumstances.

Q. I am asking you could they do it?

A. In my opinion no Board can if it approves a plan under this Act refuse to certify to the treasury a grant to the state for half of their expenditures, under this Act that is my interpretation of the Act, but I am not by any means an accomplished attorney.

Q. If the Texas Legislature should amend its law and definitely write the qualifications required of persons applying for a position as supervisor, as inspector or any other office or employment under our Act and that was submitted to our Board, it is understood that that would be approved?

A. Provided the qualifications which are written into the Act are sufficient as to secure competent qualified persons to administer the Act.

Q. Who would be the Judge as to whether or not those qualifications would secure competent and qualified persons?

A. The last analysis I presume of the Social Security Board.

Q. Then the Social Security Board prescribed the qualifications for the employees in the State Old Age Assistance Board?

A. It does not, I repeat what I have said frequently, the Social Security Board required as a part of the plan submitted that the state submit a state method or system for the selection of personnel, the Social Security Board is interested in that method or system only to the extent that it will secure or will tend to secure or as a method which will enable the state administration to secure competent qualified people to administer this service.

Q. Who has the final say so far as to the total qualifications of the expenditures for the Social Security Board of the State Old Age Assistance Commission. Just answer that just as briefly as you can, Mr. Bane.

A. The State takes such a plan and submits it to the Social Security Board. If the qualifications submitted are such that the Social Security Board think they will tend to secure efficient and economical qualified people to administer the service the plan will be approved, if they do not, the matter will be taken up with the State in an effort to adjust the matter.

Q. Will you furnish us, for the record, those matters that were requested a moment ago?

Q. I would like a statement of the qualifications which have been included in other states plan.

A. Yes, sir.

Q. And I think we would like a copy of the complete doings in connection with respect to retroactive grants.

A. Yes, sir.

Mr. McKinney: Now, Mr. Chairman, that is all that we have to offer and so far as the Board of Managers are concerned this concludes the investigation unless it shall be the will of the members that it be continued.

The investigation is now closed.

DATA, STATISTICS, ETC., GIVEN IN THE OLD AGE ASSISTANCE HEA

The following data submitted in connection with the testimony taken in the Committee of the V
Old Age Pension matters was ordered printed in the Journal.

TEXAS OLD AGE ASSISTANCE COMMISSION

SUMMARY STATEMENT OF OLD AGE ASSISTANCE PAYMENTS

JULY 1, 1936 TO OCTOBER 1, 1936

MONTH	NUMBER OF CASES	TOTAL AMOUNT PAID	REPRESENTI July Assistance	August Assistance	
July	59,999	$ 949,055.00	$ 949,055.00	$	$
August	69,604	1,097,067.00		1,097,067.00	
September	81,269	1,273,559.00			1,
September	6,000	89,689.00		89,689.00	
		$1,363,248.00			
		$3,409,370.00	$ 949,055.00	$1,186,756.00	$1,
Less Sundry Cancellations and Adjustments		12,981.00			
Net Assistance Granted to 9/30/36		$3,396,389.00			
October	80,770	1,265,529.00			
Totals		$4,661,918.00	$ 949,055.00	$1,186,756.00	$1,

TEXAS OLD AGE ASSISTANCE COMMISSION

PAY ROLL

STATE OFFICE

	February	March	April	May	June	July	August	September	October
Commissioners	3	3	3	3	3	3	3	3	3
Executive Director	1	1	1	1	1	1	1	1	1
Assistant Directors	1	1	2	2	3	3	3	3	3
Office Manager	1	1	1	1	1	1	1	1	1
Auditors	..	..	..	..	1	1	2	2	2
Assistant Attorney General	1	1	1	1	1	1	1	1	1
Statistician	..	..	..	1	1	1	1	1	1
	..	7*	9*	12*	38*	33*	6*	16*	..
Special Investigators	..	..	..	..	2	2	2	3	2
Reviewers	10	19	21	22	20	19	18	10	10
Secretaries	2	2	2	3	4	3	5	6	6
Stenographers, Typists and Clerks	21	29	29	43	74	81	64	74	57
Part-Time Clerks	..	4	6	6	5	5	4	8	9
Other Office Assistants	1	2	2	2	2	3	9	10	9
Porters	2	2	2	2	2	6	2	2	2
Totals	43	65	70	87	120	130	116	125	107

DISTRICT OFFICES

	February	March	April	May	June	July	August	September	October
District Supervisors	20	20	20	20	20	20	20	20	20
Assistant Dist. Supervisors	2	1	2	1	1	1	1	1	1
Supervisors of Investigation	..	..	..	..	..	..	..	6	6
Investigators	225	344	326	329	356	349	334	323	224
	..	20*	2*	4*	48*	25*	14*	83*	..
Office Manager	..	..	..	..	..	..	..	1	1
Stenographers, Typists and Clerks	27	40	40	39	67	88	80	74	75
Janitors	..	1	1	1	1	1	2	3	4
Total	274	406	389	390	445	459	437	426	331
Grand Totals	317	471	459	477	565	589	553	551	438

NOTE: Under Statisticians in State Office and under Investigators in District offices, the first set of figures show total number of employees that were on payroll at any time during month. Figures marked with asterisk (*) beneath first set of figures show number of employees included in totals that were on payroll for less than full month—part-time discharges, replacements, etc.

October 3, 1936

Largest Number Investigators employed	356
Largest Number Investigators having former Texas Relief Commission experience	35
Present Number Investigators	224
Present Number Investigators having former Texas Relief Commission experience	35

OLD AGE ADMINISTRATIVE ACCOUNT
Year Ended August 31, 1936

Old Age Assistance Commission

RECEIPTS:			
Transfers from Old Age Fund	$500,000.00		
Received from U S Treasury	56,250.00		
Depository Interest	1.20		
Total Receipts		$556,251.20	
WARRANTS ISSUED		540,092.06	
Balance in Fund			$16,159.14

State Comptroller's Department

RECEIPTS:			
Transfers from Old Age Fund		$ 20,000.00	
WARRANTS ISSUED:		1,003.42	
Balance in Fund			$18,996.58

State Treasurer

RECEIPTS			
Transfers from Old Age Fund		$ 10,000.00	
WARRANTS ISSUED:		3,490.26	
Balance in Fund			$ 6,509.74
BALANCE, August 31, 1936			$41,665.46

April 20, 1936.

Social Security Board,
Washington, D. C.

Gentlemen:

The following statement should be added to the Texas State plan for Old Age Assistance which is now in your hands.

Under the law (Sec. 4(b)), the Executive Director has full power and authority in the matter of personnel selection. The limited time between the passage of the law and its effective date, as well as the large number of applicants for positions, did not permit the holding of examinations to determine the fitness of applicants.

The Commission recognizes the necessity of having trained employees and is considering plans for establishing a merit system of personnel selection. Such a system will set up standard requirements of education, training and experience for the State staff, field staff, both supervisors and investigators, and other employees.

In an effort to secure well qualified personnel for the State field staff, the following qualifications are established and will be used as a basis for selecting members of such staff, subject, however, to the availability within the State of Texas of persons having these qualifications:

Education: Four years of academic work in a grade "A" college or as an equivalent thereof completion of two years work in such college, plus two years of paid experience in a recognized social work agency or in an allied field, such as teaching or public health nursing.

Experience: Two years of full-time paid work in a recognized social agency, one year of which shall have been in an administrative capacity in a recognized public social agency.

Professional training: Special training in the administration of public welfare services such as attendance at a recognized school of social work or attendance at an institute for the training of social workers.

District Staffs: Subject to the availability of personnel meeting these qualifications and subject to the residence provision of the Texas Old Age Assistance Law, the following qualifications will be established for members of the district staffs:

Education: Four years of academic work in a grade "A" college or as an equivalent thereof completion of two years work in such college, plus two years of paid experience in a recognized social work agency or in an allied field, such as teaching or public health nursing.

Experience: One year's experience in a recognized social work agency.

It is not contemplated that these proposed standards will involve any immediate change in the present personnel but rather are the standards to be followed in future selections and toward which the present personnel will be developed.

Data is now being assembled for the purpose of making a careful study preparatory to working out the details of this plan, and it will be developed and put into effect just as soon as is practicable and possible.

Yours very sincerely,

(Signed)

ORVILLE S. CARPENTER,

Executive Director Texas Old Age Assistance Commission.

Received: 4/20, Social Security Board, A. J. Roseman, Technical Adviser.

Examine each of the following statements and decide whether it is right or wrong. If you think a statement right, put an X in the column under the word "Right"; wrong, put an X under the column marked "Wrong". Make no other mark except as indicated.

	RIGHT	WRONG
1. An Alien becomes a citizen of the United States as soon as he takes out his first papers.		X
2. Adult children of indigent parents may legally be made to contribute to their parents support.		X
3. Records of births and death are called "Vital Statistics."	X	
4. Texas offers no assistance to a person born outside this State.		X
5. In general the eligibility of an applicant for Old Age Assistance can be immediately determined by a successful investigator.		X
6. Indirect questioning often elicits information that would not be brought out by direct questioning.	X	
7. The causes of dependency and delinquency are essentially the same.		X
8. The County Department to which one should go in order to find the recorded description of a piece of property is the County Clerk's office.	X	
9. Aliens are not required to speak the English language before being admitted to U. S. Citizenship.		X
10. When a man with a family leaves no will his wife automatically becomes the sole heir.		X
11. All persons 65 years of age, citizens of the United States, and residents of Texas are entitled to Old Age Assistance.		X
12. If a person is granted Old Age Assistance in the State of Texas and moves from one county therein to another county he immediately forfeits his right to receive Federal Assistance.		X

	RIGHT	WRONG
13. The primary purpose of the Old Age Assistance Act in Texas is to give security to all those past the age of 65 years.	X	
14. If an applicant for Old Age Assistance in Texas appears eligible in all respects and has a net income of $1.00 a day he is entitled to receive additional compensation in the form of Old Age Assistance.		X
15. Mr. B came to Texas in 1905 and has resided here continuously since; however, he had never obtained his naturalization papers and therefore is not eligible to receive Old Age Assistance.	X	
16. The entire amount of the Old Age Assistance granted with the exception of administrative cost is paid by the State and Federal Government.		X
17. A child born in the United States to Alien parents is also an Alien until they become naturalized.	X	
18. The Texas law gives the Commission the right to require an assignment of property as a prerequisite to receiving assistance.		X
19. Property qualifications of the applicant for Old Age Assistance in Texas is ascertained by calculating the applicant's gross property holdings.		X
20. The Old Age Assistance Commission is allowed 10% of all monies expended for assistance for the purpose of administration.		X
21. The efficiency of a worker can be accurately judged by the number of calls he makes.		X
22. The success of a good investigator is primarily a matter of mechanical operations involving complete and satisfactory records.		X
23. A continuation of home visits by the investigator is unnecessary after a grant has been made.		X
24. Any person lacking normal development of intelligence is said to be "abnormal." (sub)		X
25. A competent investigator generally prefers to recommend institutionalization for dependent old couples.		X

Read each carefully and fill in the blank the proper term to be used:

1. The term used to designate a person who gives another a mortgage on his property is .....Mortgagor
2. A public employee who is authorized to attest signatures, documents, titles, and other legal papers is called .....Notary Public
3. The signature written on the back of a check before it may be cashed is called .....Endorsement
4. A contract granting possession and use of property for a specified time for a certain consideration is called .....Lease
5. A person who loans another money and takes as security therefor a mortgage on property is called.....Mortgagee
6. Movable property, such as money, goods, chattels, etc., is called .....Personal
7. A person to whom money is due is called.....Creditor

8. The schedule according to which families allot definite sums for future expenditures during the current year is known as ..... Budget
9. The living together as husband and wife without the legal formalities of a marriage ceremony is called ..... Common Law Marriage
10. Reduction in the value of assets due to wear and tear is ..... Depreciation
11. An event which occurs every second year is said to occur ..... Biennially
12. A person who is without any means and is entirely dependent upon the community is a ..... Pauper
13. Taxes imposed on goods brought in from other countries are known as ..... Duties tariff
14. If it costs $40.00 to support a family of 8 persons for 4 weeks, what would it cost to support 11 persons for 2½ weeks? $34.37 1/2
15. A person owning 3/7th of a home sold 3/4ths of his share for $6,000. At that rate, what is the total value of the home. $8,666 2/3
16. A man owning 5/7ths of a mine sold 3/4ths of his interest for $943.00 At that rate, what is the total value of the mine $1,760 4/15
17. A man sold a lot for $263.00 which was 1/7th more than it cost him. What did it cost him $230 1/6
18. If eight and three-quarters tons of coal cost $105.00, what will six and two-thirds tons cost? $80.00
19. The income which men receive in return for personal services or labor is known as ..... Wages
20. Place opposite the named city, the county in which each is located:

Dallas	Dallas	Amarillo	Potter
Houston	Harris	Waco	McLennan
San Antonio	Bexar	Austin	Travis
Sherman	Grayson	Wichita Falls	Wichita
Galveston	Galveston	El Paso	El Paso

Associate items in Column No. 1 with items in Column No. 2. Place answer in space provided using letter assigned to Column No. 2.

I.

1. Surname
2. Occupation
3. Pastor
4. Insurance not paid up
5. Case number
6. Pension or compensation
7. Baptismal statement
8. Maiden name of wife
9. Taxes
10. Last day of employment
11. Earnings of spouse
12. Twenty acre farm
13. Two bales of cotton
14. Color
15. Equity in home
16. Mortgage
17. Length of time in Texas
18. Woman's previous married name
19. Physical condition of applicant
20. Gross receipts from all sources.

II.

A. Residence eligibility
B. Identification
C. Resources
D. Income
E. Employability
F. Debts and obligations
G. References
H. Age eligibility.

1.	B	11.	D
2.	E	12.	C
3.	G	13.	C
4.	F	14.	B
5.	B	15.	C
6.	D	16.	F
7.	B	17.	A
8.	B	18.	B
9.	F	19.	E
10.	D	20.	D

UNDERSTANDING AND FOLLOWING WRITTEN INSTRUCTIONS

Instructions: Following are ten written directions designating certain things on the opposite page which are to be indicated by a cross or a zero. Do exactly what is directed in each case. One example is worked out.

Example: Indicate by a cross (x) in Column 1 at the right of the opposite page the youngest employee.

1. Indicate by a cross (x) in Column 1 the highest paid typist.

2. Indicate by a cross (x) in Column 5, the highest paid female clerk under 20 years of age.

3. Indicate by a zero (0) in Column 2 each male employee receiving more than $1,000 who has less than 2 years of service.

4. Indicate by a cross (x) in Column 3 each female employee more than 21 years of age, who has been late more than 2 times, and who has a service record of more than 2 years.

5. If the average length of service of the female employees is greater than that of the male employees, indicate by a cross (x) in Column 2 the youngest female employee who has more than 1 year of service. If the average length of service of the male employees is greater than that of the female employees, indicate by a zero (0) in Column 1 the youngest male employee with more than 1 year of service.

6. Indicate by a cross (x) in Column 2 each female employee in Class 3 who earns more than $1,200, who is more than 20 years of age, and who has been late fewer than 3 times.

7. Indicate by a cross (x) in Column 4 each male employee more than 21 years of age, who has been in the service more than 2 years, who now receives less than $2,500, and who has been late not more than 2 times.

8. Indicate by a zero (0) in Column 4 each male employee more than 21 years of age who receives more than $1,500, and who has a service record of more than 3 years, who has spent 12 years in school, and who has not been tardy.

9. Indicate by a zero (0) in Column 5 all typists more than 18 years of age who receive more than $1,000 salary and who have a service record of more than 1 year, except those who are male employees or have been less than 10 years in school.

FOLLOWING WRITTEN INSTRUCTIONS

Rating .....
Errors .....
Marked .....
Checked .....

Title	Sex	Class	Age	Years In School	Salary	Months In Service	Times Tardy	COLUMNS 1	2	3	4	5
Typist	M	1	17	8	$ 800	3	1	x				
Checker	M	3	21	8	1200	25	1	0				
Typist	F	2	19	9	950	28	8					
Cashier	M	6	24	8	2500	36	0					
Typist	F	2	26	8	1000	6	3					
Clerk	F	3	18	12	1250	30	1					
Examiner	M	7	35	12	3500	32	1					
Cashier	F	5	28	10	1850	28	6			x		
Typist	M	2	20	9	1080	10	4		0			
Clerk	F	3	22	10	1300	35	1		x			x
Cashier	F	4	25	12	1650	22	6					
Teller	M	3	27	8	1400	21	4		0			
Typist	F	2	19	10	1050	15	4					0
Manager	M	8	38	12	4000	42	0				0	
Clerk	M	4	26	8	1650	34	2				x	
Checker	F	3	25	9	1200	27	1					
Examiner	F	6	25	12	2500	18	3					
Typist	F	3	21	10	1300	22	6	x				0
Checker	F	4	24	12	1750	25	4			x		
Teller	M	4	30	8	1600	28	5					
Cashier	F	3	29	10	1450	22	2		x			
Clerk	F	1	19	9	850	5	1					
Checker	M	2	22	8	1080	11	0		0			
Examiner	M	7	33	12	3200	16	3		0			
Typist	F	2	18	12	1100	6	1					

ESSAY QUESTION—Time: 30 or 40 Minutes.

Write an Essay (2 to 2½ pages) discussing "The Need for a Governmental Program of Social Security Under Modern Economic and Social Conditions." (Develop your approach logically, and make your statements clear and concise.)

TEXAS OLD AGE ASSISTANCE COMMISSION
STATEMENT OF EXPENDITURES
ADMINISTRATIVE ACCOUNT

February 14, 1936 to August 31, 1936

Equipment Purchased:

Furniture and Fixtures	$ 4,003.93	
Filing Equipment	18,199.54	
Mechanical Office Equipment	8,512.82	
Automobile	552.00	
Miscellaneous Equipment	314.20	
Total Equipment Purchased		$ 31,582.49

Operating Expenses:			
Salaries:			
Commissioners		$ 5,927.34	
Executive Director		2,708.29	
Assistant Directors		4,043.08	
Chief Auditor		833.32	
Office Manager—State Office		1,811.16	
Reviewers and Investigators—State Office		17,973.54	
Investigators—District Offices (226)		304,230.80	
District Supervisors and Assistants		27,423.32	
Stenographers and Clerks		62,979.91	
Assistant Attorney General		1,950.00	
Sundry Office Assistance		3,971.29	
Janitors		1,080.63	
Night Watchman		138.00	
Total Salaries			435,070.68
Other Expenses:			
Office Rent		$ 4,425.03	
Rent on Office Equipment and Furniture		5,279.92	
Insurance		23.75	
Bond Premiums—Officials and Employees		3,891.00	
Postage		26,046.87	
Post Office Box Rent		9.65	
Telephone and Telegraph		2,791.35	
Freight, Express, Drayage and Storage		2,495.74	
Clock Service		2.98	
Traveling Expense:			
Fares	$ 810.48		
Mileage Allowance on Personal Cars	5,860.75		
Hotel and Room Rent	1,056.00		
Meals	1,147.18	8,874.41	
Stationery and Printed Forms		13,197.45	
Printed Pamphlets		1,084.05	
Addressograph Supplies		5,491.70	
Office Supplies and Miscellaneous Expense		8,185.27	
Books and Periodicals		331.13	
Janitor Supplies		131.32	
Office Equipment Service and Repairs		292.93	
Automobile Expense:			
Gasoline, Oil and Grease	$ 106.43		
Tires and Tubes	8.14		
Storage and Washing	7.60		
Repairs	24.47	146.64	
Total Other Expenses			$ 82,701.19
Total Expenses			$517,771.87
Total Expenditures			$549,354.36

MEMORANDUM

October 7, 1936.

To: Mr. Bane, Executive Director.
From: Helen R. Jeter.

Subject: Estimated proportion of recipients of Old Age Assistance in Texas compared with other States.

It has been estimated upon four months experience that the peak case load in Texas will be 150,000 or 55 per cent of the estimated number 65 years and over, July 1, 1936. At the present rate of disposal of applications, this maximum will probably be reached in a year.

In August, Texas gave assistance to 26 per cent of the total estimated population 65 years and over as compared to 13 per cent of the total estimated aged population receiving assistance in the other thirty-seven States with plans approved. It is estimated that in October, Texas will give assistance to 32 per cent of its aged population as compared with 14 per cent in other States. Six States, Iowa, Wisconsin, New Jersey, Michigan, Indiana and Missouri, having an estimated aged population slightly more or less than that of Texas, will give assistance in October to 14 per cent of the aged population, the range being from 9 per cent in New Jersey to 21 per cent in Missouri.

By October 31, Texas will have received approximately 213,000 applications, or 78 per cent of the total estimated population 65 years and over, of which number, between 88,000 and 90,000 will have been granted out of a total of 106,000 applications disposed of, leaving a total pending on November 1, of 107,000. These pending applications will probably not be completely disposed of before October 1, 1937.

The Social Security Board believes that the minimum qualifications for a Social Statistician in a State Agency should be the following:

a. College graduation and preferably post-graduate work in social science or social welfare administration.

b. Satisfactory completion of at least one course in statistics at a college or university of recognized standing. Preference should be given to persons with additional statistical training or with experience in statistical work requiring the exercise of independent judgment, performed with a minimum of direct supervision.

c. Ability to interpret the statistical data to the director and to prepare written reports for presentation to the Governor, the Legislature and the public.

d. Absolute intellectual honesty.

e. Wherever possible, training for, or experience in, case work procedure.

PERSONNEL QUALIFICATIONS DIVISION OF OLD AGE ASSISTANCE STATE OF MAINE

Director:

The Director shall be a man or woman of maturity, who shall have graduated from an accredited college, with at least five years experience in the field of social work, two years of which will have been in a supervisory capacity. Professional experience in which would be included organization and supervisory functions is necessary. Preference to be given applicants who have had some professional training in school of social work.

The applicant shall be a person characterized by maturity of intellect and emotions rather than chronological age, shall possess tact, good judgment, understanding, freedom from personal prejudice, integrity, administrative and supervisory ability and initiative. Good health is necessary.

Salary scale to be $3,000.00-$3,500.00.

Field Representative:

Qualifications:

The field representative shall be a man or woman over 25 years of age and in good health.

Graduation from an accredited college, with the addition of one year of social work training and two years of employment in a public or private agency of recognized standing, including one year in a supervisory capacity, or

Graduation from a college, six months training in a school of social work, and over two years employment under supervision in a public or private agency, or

Graduation from college with four years of successful experience in a public or private social work agency.

It is desirable that the field representatives have had additional training and experience in the field of social work or in some correlated field

of employment with some experience in a supervisory capacity.

Personal qualifications such as judgment, tact, understanding of people, integrity, patience, initiative and maturity shall be considered essential.

Salary scale to be $35.00-$45.00 per week.

District Supervisor:

Qualifications:

The applicant shall be a man or woman between the ages of 35-50, in good health, possessing personal qualifications which are essential to the performance of his or her duties.

Graduation from an approved college plus one year in a school of social work, plus one year of experience in an approved agency, or recognized agency, including one year in a supervisory capacity, or

Graduation from college with the addition of six months training in a school of social work and two years of experience in a recognized agency.

College applicants who have had successful experience in a recognized agency under supervision, shall be given consideration, and preference will be given college applicants who have had administrative experience.

Salary scale to be $35.00-$45.00 per week.

Senior Case Worker:

Qualifications:

The applicant shall be a man or woman over 20, in good health, possessing personal qualifications which are essential to the performance of his or her duties.

Graduation from an approved college, with one year in a school of social work, or

Graduation from college, and one year of experience under supervision in an approved agency in addition to six months in a school of social work, or

Graduation from college, with two years experience under supervision in an approved agency, or

At least two years of education beyond high school plus four additional years of experience or the equivalent.

Salary scale to be $20.00-$25.00-$30.00 per week.

QUALIFICATIONS FOR CASE WORK PERSONNEL FOR DIVISION OF OLD-AGE ASSISTANCE AND AID TO THE BLIND, MAINE

All applicants for positions with the Division of Old-Age Assistance, from whatever source they may be referred, shall first make an application on an application blank prepared for the purpose by the Division of Old-Age Assistance. After necessary checking with references, each applicant shall be interviewed by the Commissioner of Health & Welfare and by one other person connected with the department and designated by the Commissioner.

It shall be understood that any person employed shall be considered as on trial for a period not exceeding six months, and shall be relieved of his duties if his work is not satisfactory.

Minimum Qualifications:

1. Graduation from an accredited college, or its equivalent.

2. The equivalent of college may be considered by high school graduation with at least four years out of the last eight of satisfactory full time paid experience, or education, as follows:

A. Education:

a. Each year in an accredited normal school shall be the equivalent of one year in an accredited college.

b. Graduation from an accredited school of nursing, plus two years of public health experience, shall be considered the equivalent of four years of experience.

c. One year in an accredited school of social work is to be considered as the equivalent of two years of experience.

B. Experience:

Experience, to be considered, should fall within the following designated fields:

a. Teaching.

b. Nursing—Public health nursing; Private or hospital nursing.

c. Social work in social agencies, particularly public or private relief agencies or others handling problems closely connected with those of the Social Security Program.

3. Age Limit.

The age limit shall be set at 21-45.

4. Personal Qualifications.

Consideration shall be given to the personal qualifications possessed by the applicant which would contribute to his success as a social worker. Such qualities as good judgment, tact, understanding of people, honesty, patience, flexibility and tolerance shall be especially considered.

5. Recommendations from previous employers and reliable persons other than relatives and friends.

DIRECTOR OF PUBLIC ASSISTANCE AND CHILD WELFARE COMPENSATION
LOUISIANA

1. Duties: To formulate policies and procedures in conformity with the Social Security Act for the public welfare program in the State, which includes the administration of public assistance and child welfare service. To organize activities necessary for development of this public welfare program, which shall include public assistance and child welfare service; Selection with the Commissioner of the staff of Bureau and Public Assistance and Child Welfare supervision of the staff;

Supervision of the certification of personnel for Parish Welfare Departments;

To develop a system of supervision of public welfare activities in regional district and parish units which shall secure effective standards and efficient administration in conformity with the Social Security Act;

To establish judiciary standards for the granting of aid in all parishes. Such standards to vary in accordance with local conditions;

To develop an adequate statistical and research program; The formulation and development of a training program for staff members in order to increase the efficiency of the local workers in the Parish Welfare Departments; To arrange in cooperation with an approved school of social work for the training of local persons in the performance of public welfare duties, so that they may be equipped for work in the parishes and in the State; To be responsible for coordinating the public welfare program with the work of the other public and private agencies;

To assist the Commissioner in interpreting the public welfare program to the general public; To perform related work as required.

2. Qualifications:

a. Education.

1. Completion of the full graduate course in an approved school of social work;

2. A graduate of an accredited college or university plus two years of professional education in social work.

b. Experience.

A minimum of ten years experience as a Social Worker receiving a salary in a recognized social agency of which at least three years have been of an administrative nature.

The above experience shall be of the nature to fit the applicant for the duties as described under Section 1. If Education No. 2 is presented a minimum of 11 years experience is required.

FIELD REPRESENTATIVE: COMPENSATION

1. Duties: In conformity with the policies and procedures of the State Department of Public Welfare, to assist in the organization and to supervise the Public Welfare Program in the parishes or districts in one area; To interpret and to put into effect the policies of the State Department of Public Welfare in each of the parishes or districts in one area; To prepare required reports; To supervise the parish or District Directors of Public Welfare and to assist them in the planning of meetings of the Parish or Joint District Boards of Public Welfare, in community relationships, with office and financial administration, with case work supervision, with staff development and other duties necessary to the efficient and effective development of the Parish Welfare Program; To perform related duties as required.

2. Qualifications:

a. Education.

1. Completion of a full graduate course in an approved school of social work.

2. Completion of one year in an approved graduate school of social work.

3. Four years of college including one year of approved undergraduate curriculum in social work.

b. Experience.

1. If education A is presented, a minimum of four years of experience as a Social Worker on salary in a

recognized social agency of which two must have been in a supervisory or administrative capacity.

2. If education A (2) is presented, a minimum of five years of experience as a Social Worker on salary in recognized social agencies, of which two must have been in a supervisory or administrative capacity.

3. If education A (3) is presented, a minimum of six years of experience as a Social Worker on salary in a recognized social agency, of which two must have been in a supervisory or administrative capacity.

RESEARCH SUPERVISOR COMPENSATION

1. Duties: To supervise special studies in the field of child welfare and public assistance, including the outlining of the study, the preparation of schedules, instruction of the material preparation and interpretation of statistical tables and the writing of the report. To supervise current statistical reporting including the preparation of forms, instructions, and the tabulation and interpretations of the material. To plan with the accounting division so that financial and service reports are coordinated and interpreted.

2. Qualifications:

a. Education

1. Completion of the full graduate course in an approved school of social work including special preparation for statistical and research work.

2. A graduate of an accredited college or university plus two years of professional education in social work including special preparation for statistical and research work.

b. Experience

1. A minimum of seven years experience as a Social Worker on salary in recognized social agencies. The required experience shall be of the nature to fit the applicant to perform acceptably the duties outlined in Section No. 1. If Education No. 2 is presented, eight years experience is required.

Parishes vary in size, population and problems and the requirements for personnel must also vary. Size of case load may be used as a guide to classification, although other factors may be taken into consideration which will change the classification of the parish.

Class A—City of New Orleans.

Class B—Parishes with a case load of 400 and over.

Class C—Parishes with a case load of 200 and less than 400.

Class D—Parishes with a case load less than 200.

PARRISH WELFARE DEPARTMENTS (EXCLUDING CITY OF NEW ORLEANS)

Titles:

Director of Public Welfare
Case Supervisor
Interviewer
Field Worker
Office Secretary
Stenographer
Bookkeeper

CLASS "B"—PARISHES WITH A CASE LOAD OF 400 AND OVER

Parish Director of Public Welfare:

Duties: The duties of the Parish Welfare Director shall be the general executive work in connection with the parish office, community organization and supervision of field workers and office staff. The responsibility of passing on eligibility of aid to dependent children, aged and blind applications and the administration of all other forms of relief. To develop community resources, i.e., in connection with health, recreational and other social agencies working together for the betterment of the client and the community.

Qualifications Until January 1, 1939:

Until January 1, 1939, the following educational and experience will be necessary although after that date no one who has made reasonable effort to reach the requirement already employed by the agency will be discharged because of not meeting the standards set for that time.

(1) Four years college and one year experience; or,

(2) Three years college and two years experience; or,

(3) Two years college and three years experience.

Age: Preference will be given to those betwen the ages of twenty-five and forty-five years.

Compensation Until January 1, 1939:

The compensation of Parish Directors of Public Welfare will be based on the size of the Parish and the responsibility. Parishes with larger case loads will receive larger salaries than those in which the case load is smaller. In parishes having case loads of 400 and over, the Parish Director of Public Welfare will receive an annual salary of not less than $1,200.00 nor more than $1,800.00.

Qualifications Beginning January 1, 1939:

After January 1, 1939, any one employed for the position of Parish Director will have to qualify under one of the following minimum requirements:

(1) Four years college plus two years in an accredited school of social work, plus one year experience; or,

(2) Four years college, plus one year in an accredited school of social work, plus two years experience;

(3) Four years college with five years experience, two of which shall have been administrative.

Compensation Beginning January 1, 1939:

The salary of Parish Director of Public Welfare in those parishes where the Director meets the requirements will receive a salary of not less than $1,500.00 nor more than $2,100.00.

CLASS "C"—PARISHES HAVING A CASE LOAD OF 200 AND LESS THAN 400

Parish Director of Public Welfare:

Duties: Same as in "B".

Qualifications until January 1, 1939:

In parishes where the case load is more than 200 and less than 400, one of the following combinations of education and experience will be required:

1. Four years college. No experience.

2. Two to three years college. One year experience.

3. One year college. Two years experience.

Age: Preference will be given to those between the age of twenty-five and forty-five years.

Compensation until January 1, 1939:

The salary of Parish Directors of Public Welfare where the case load is less than 200 and not more than 400, the salary will range from $1,080.00 to $1,500.00

Qualifications Beginning January 1, 1939:

In parishes where the case load ranges from 200 to 400 one of the following combinations of education and experience will be considered a minimum:

1. Four years college with one year at an accredited school of Social Work and two years experience; or,

2. Four years college with five years experience.

Compensation beginning January 1, 1939:

In the parishes having a case load of from 200 to 400, where the workers meet the foregoing qualifications, the salary will range from $1,380.00 to $1,800.00 per year.

CLASS "D"—PARISHES WITH A CASE LOAD OF LESS THAN 200

Parish Director of Public Welfare.

Duties: Same as in "B".

Qualifications Until January 1, 1939:

In parishes where the case load is less than 200 the following will be considered minimum requirements:

(1) Two years college with no experience;

(2) One year college with one year experience;

(3) High School and two years experience.

Compensation Until January 1, 1939:

The salary schedule for parishes in this classification will range from $960.00 to $1,200.00.

Age: Same as "B" and "C".

Qualifications Beginning January 1, 1939:

1. Four years college with one year of work in an accredited school of Social Work and one year experience.

2. Four years college with three years experience in a reputable agency.

Compensation Beginning January 1, 1939:

The salary in the classification will range from $1,260.00 to $1,500.00.

FIELD WORKERS—ALL CLASSIFICATIONS, "B", "C", AND "D"

Salary: Not less than $720.00 and not more than $1,200.00.

Age: Twenty to forty-five. Only persons of outstanding qualifications are accepted outside the preferred age limit.

Duties: To establish eligibility of applicants for public assistance under the Department of Public Welfare; to discontinue assistance when the recipient is no longer eligible; to administer assistance in such ways as to enable the recipients to derive maximum benefits; to make available such supplementary services as the organization is equipped to render.

Requirements:

1. Two years college—1 year's experience.

2. One year college—2 years experience.

3. High School—3 years experience.

REQUIREMENTS FOR FIELD WORKERS, PARISH DEPARTMENTS OF PUBLIC WELFARE BEGINNING JANUARY 1, 1939

All Classifications ("B", "C", and "D").

Salary: Not less than $900.00; not more than $1,500.00.

Age: Same as above.

Duties: Same as above.

Requirements:

1. Four years college, no experience.

2. Two years college, two years experience.

3. One year college, five years experience.

This does not mean that anyone already employed not meeting the above qualifications who has made an effort to reach the minimum level will be discharged for not meeting standards set. Incompetency and like causes will warrant replacement.

When 1939 qualifications are met, personnel will be given the proposed salary ranges.

CASE WORK SUPERVISOR (EFFECTIVE JUNE, 1936)

Compensation, $1,500.00-$2,100.00.

Age: Twenty-five to forty-five years. Only persons of outstanding qualifications are accepted outside the preferred age limit.

Requirements:

1. Graduation from a professional school of social work, plus three years full-time paid experience in social agencies of recognized standing.

2. The satisfactory completion of one year's work in a professional school of social work, plus four years full-time paid experience in social agencies of recognized standing.

Duties:

1. To be responsible for the integration of the case work program with the administrative organization.

2. To supervise a staff of from five to ten workers, planning and directing their work.

3. To interpret to the staff the objectives, policies, procedures and legal regulations relating to investigations and relief standards.

4. To conduct meetings of groups of workers for discussion of case work techniques and policies.

5. To evaluate case work personnel, recommendations for promotion, discharges, etc., in cooperation with the Parish Director.

6. To supervise the office interviewer as to content of interviewing and interpretation of intake.

7. To be responsible for decisions on difficult cases.

8. To supervise the disbursement of funds for clients.

OLD AGE ASSISTANCE
AC-1 EXHIBIT 3

EMERGENCY RELIEF ADMINISTRATION OF THE STATE OF LOUISIANA

SIZE OF STAFF OF PARISH WELFARE UNITS

CHART I (BASED ON TOTAL CASE LOADS)

Case Load	Schedule Applied When Case Load Reaches	Director	Case Supervisor	Field Worker	Interviewer	Office Secretary and Stenographer	Office Secretary	Stenographer	Total Staff	Staff in Relation to Median Case Load
0 and less than 75	25	P.T.1				P.T.1			1	50
75 and less than 125	75	1				1			2	50
125 and less than 200	125	1		1		1			3	54
200 and less than 300	200	1		2		1		½	4½	55
300 and less than 400	300	1		3	1		1	1½	7½	47
400 and less than 500	400	1		4	1		1	2	9	50
500 and less than 600	500	1	1	5	1		1	2½	11½	48
600 and less than 700	600	1	1	6	1		1	3	13	50
700 and less than 800	700	1	1	7	1		1	3½	14½	52
800 and less than 900	800	1	1	8	2		1	4	17	50
900 and less than 1000	900	1	1	9	2		1	4½	18½	51

EMERGENCY RELIEF ADMINISTRATION OF THE STATE OF LOUISIANA

Chart I. Size of Staff of Parish Welfare Units (Not including City of New Orleans).

This chart has been prepared with the total case load used as a measure.

1. Director of Public Welfare ("Welfare Worker" present title) One for each parish—part-time if parish has less than 75 case load.

2. Case Supervisor—added when case load reaches 500, and one assistant for each additional 500.

3. Fieldworkers—one when load reaches 100, and one additional for each 100 case load.

4. Interviewers—one when load reaches 300 and one additional for every 500 cases.

5. Office Secretary and Stenographer—a combination job in small offices where case load is under 300 cases.

6. Office Secretary—for each office with 300 cases or more.

7. Stenographer—it is estimated that a stenographer with no duties other than dictation can service two fieldworkers or not over 200 cases. When the case load passes 200 add a half-time stenographer, counting on the office secretary for half-time stenographic work. When case load reaches 300 count on Office Secretary to carry dictation of Director and have one stenographer for every two fieldworkers. At this point stenographers also carry work of interviewer. At case load of 500 add extra half-time stenographer to carry work of case supervisor and interviewer.

Figured in terms of number of staff members to the case load the average is one staff member for approximately 50 cases.

PERSONNEL STANDARDS AND QUALIFICATIONS
ILLINOIS

Policies governing selection and approval, minimum qualifications and salaries for personnel of the State and county staffs of the Di-

vision of Aid to the Aged of the Illinois State Department of Public Welfare.

Selection and approval of personnel shall be made in accordance with the qualifications established in the job specifications for the positions in the State and county departments. Employment of workers will, therefore, be based on (1) education, (2) professional training where required, (3) experience in the immediate or allied fields, (4) personality, (5) potentiality for further development, (6) acceptability and suitability to the community.

Since the qualifications represent the minimum requirements for each position, workers with higher qualifications will be given additional credit in each classification.

OLD-AGE ASSISTANCE DIVISION OF THE DEPARTMENT OF PUBLIC WELFARE OF THE STATE OF ILLINOIS

Classification: Investigator.

Duties: Under supervision, to investigate applications for old-age assistance, to submit required forms and reports.

Qualifications: Two years of college education, plus two years of experience, either in employment on salary as a social worker in a recognized social agency, or in allied fields, such as teaching, law, home demonstration work, county agricultural agent, or the ministry:

Or four years of college education.

Note: All investigators now employed on the staffs of the county welfare departments will be required to take an examination no later than October 15, 1936. Every present employee in this classification is eligible for the examination, regardless of his educational and experience qualifications. Only persons passing the examination will be retained on the staff. The examination will be devised and executed by the State Welfare Department.

Age: Age of 21 years and upwards.

Salary: Salary range $75.00 to $100.00 plus travel allowance.

Classification: Junior Visitor (Promotional).

Duties: To investigate, under supervision, persons applying for old-age assistance. To submit required forms and reports.

Qualifications: 2 years of college or university work in a grade A school with a minimum of one quarter or one semester in a department or school of a university offering courses in public welfare administration.

One year's experience in welfare work or in lieu thereof one additional quarter or semester of formal education in public welfare administration.

Age: 25 years and upwards.

Salary: $100.00 to $135.00 plus travel allowance.

Classification: Senior Visitor (Promotional).

Duties: To investigate applications for persons applying for old-age assistance to determine eligibility of such applicants, to recommend budgetary needs of those found eligible, and to render much service to those given assistance as may be the policy of the administration.

Qualifications: Graduation from a Grade "A" college or university with a minimum of two quarters or one semester in a school or department of a university offering courses in public welfare administration.

A minimum of two years' experience in the field of welfare.

In lieu thereof an additional two quarters or two semesters of graduate training in public welfare.

Age: 25 years and upwards.

Salary: Minimum of $135.00.

Classification: County Superintendent.

Duties: To organize and direct the staff of the county welfare division; to interpret State law and put into effect policies, rules and regulations of the State Department under the supervision of the State Welfare Department.

Qualifications: Two years of college education, plus three years of successful experience in employment on salary, either as a social worker in a recognized social agency, or in allied fields, such as teaching, law, home demonstration work, county agricultural agent, or the ministry; one year of college may be substituted for each year of experience required.

Note: All county superintendents now employed on the staffs of the county welfare departments will be required to take an examination no later than October 15, 1936. Every present employee in this classification is eligible for the examination, regardless of his educational and experience qualifications. Only persons passing the examination will be retained on the staff. This examination will be devised and executed by the State Department of Public Welfare.

Age: 25 years and upwards.

Salary: $1,200.00 to $2,400.00.

Classification: Regional Consultant.

Duties: To supervise the work of the county welfare divisions; to carry on organization activities in the development of the public welfare program in relation to old-age assistance; to act as liaison between the State office and the county welfare divisions; to assist in the formulation of policies and procedures for the old-age assistance program of the State.

Qualifications: Four years of college education, plus three years successful experience in employment on salary as a social worker in a recognized social agency, one of which must have been in an executive or supervisory capacity. One year of graduate professional social work training in a recognized school of social work may be substituted for any one year of college or experience required above.

Note: Every present employee in this classification will be required to take an examination and is eligible for the examination, regardless of his educational and experience qualifications. Only persons passing the examination will be retained on the staff. This examination will be devised and executed by the State Department of Public Welfare not later than October 15, 1936.

Age: 25 years and upward.

Salary: $1,200 to $2,400 yearly.

Classification: Technical Consultant.

Duties: Subject to the direction of the Director of the State Department of Public Welfare and the Superintendent of Old-Age Assistance Division, to be responsible for the formulation of policies and procedures for the old-age assistance program of the State; to coordinate and supervise the activities of all divisions of the State Department; to coordinate the old-age assistance program with other public and private welfare activities in the State and assume whatever other duties as may be assigned to him by the superintendent.

Qualifications: Four years of college education, plus four years of successful experience in employment on salary as a social worker in a recognized social agency, preferably in public welfare administration, of which two years must have been in a supervisory or executive capacity.

Each year of graduate professional social work training in a recognized school of social work may be substituted for any year of college or experience required above, provided, however, that the candidate has had a minimum of two years social work experience in a supervisory or executive capacity.

Age: 25 years and upward.

Salary: $3,000 to $3,600 yearly.

Classification: Social Statistician (Old-Age Assistance).

Duties: Under direction, to have charge of the statistical work in the Division of Old-Age Assistance to conduct statistical inquiries and to prepare such statistical reports as may be required by the State and Federal Governments.

Qualifications: a. College graduation and preferably post-graduate work in social science or social welfare administration, and

b. Satisfactory completion of at least one course in statistics at a college or university of recognized standing. Preference should be given to persons with additional statistical training or with experience in statistical work requiring the exercise of independent judgment, performed with a minimum of direct supervision, and

c. Ability to interpret the statistical data to the director and to prepare written reports for presentation to the Governor, the Legislature, the public and the Federal Government.

d. Wherever possible, training for, or experience in, case-work procedure.

Note: Every present employee in this classification will be required to take an examination and is eligible for this examination, regardless of his education and experience qualifications. Only persons passing the examination will be retained on the staff. This examination will be devised and executed by the State Department of Public Welfare not later than October 15, 1936.

Age: 25 years upward.

Salary: $1,800 to $2,500 yearly.

(Copied from publication, "Classification of Positions of the Illinois State Civil Service," page 168 and 169).

Classification: Senior Department Stenographer.

Duties: To take dictation up to 115 words a minute; make rapid and accurate transcription on typewriter of stenographic notes; perform clerical duties.

Qualifications: Education equivalent to two years' high school work; expert stenographic ability; familiarity with modern office methods; some experience preferred.

Age: Minimum age, 20.

Salary: Civil Service rate.

Classification: Senior Department Typist.

Duties: Does rapid and accurate copying on typewriter of written or printed material of all kinds at not less than 60 words a minute; does rapid and accurate typing from dictation or from a dictaphone; performs clerical work.

Qualifications: Common school education; expert ability as a typist.

Age: Minimum age, 18.

Salary: Civil Service rate.

Classification: Senior Department Clerk (Civil Service publication page 168 Illinois).

Duties: Performs clerical work requiring exercise of independent judgment such as accurate and responsibile handling of correspondence filing, compiling of statistics and keeping records. Performs supervisory duties where required.

Qualifications: Education equivalent to high school graduation; experience and familiarity with modern office methods.

Age: Minimum age, 21.

Salary: Civil Service rate.

Classification: Junior Department Clerk (Civil Service publication---Illinois page 166).

Duties: Performs clerical work requiring care and some personal judgment such as filling out forms, ordinary statistical work, filing, keeping and looking up records; handles minor correspondence.

Qualifications: Education equivalent to two years' high school work; familiarity with modern office methods.

Age: Minimum age, 18.

Salary: Civil Service rate.

Comptroller General of United States.

To: The Members of the Board

From: Mr. Elliott.

The Comptroller General has revised his opinion with respect to retroactive payments under Titles I, IV and X.

His present opinion holds that, with respect to initial payments of assistance by the States to needy individuals under the State plan, no retroactive arrangement may be recognized by the Board. In other words, where a plan is newly established, and the first payments are made in August and supposed to cover the four preceding months, we will not be able to match payments for those preceding months. This is in line with the earlier opinion.

However, the new opinion states that where, at some time after regular payments by the State to needy individuals have begun, the State makes a payment in one month designating all or part of it as being for some different month or months, the Board is to match these payments.

Presumably, in the case where the plan has already been in operation, prospective payments by the State would be entitled to recognition for matching purposes, as well as retroactive payments.

This modification of the original opinion is entirely in accord with the remarks of Mr. McFarlane of the General Accounting Office when Mr. Calhoun and I talked with him on September 15. I do not see any legal justification for the distinction.

which the new opinion draws between administrative delays before the first payment of assistance and administrative delays after regular payments have begun. However, I doubt whether it would be wise to attempt to get a further liberalization of the original opinion.

Washington

A-50185 September 26, 1936

Chairman, Social Security Board,
Washington, D. C.

Sir:

I have your letter of September 18, 1936, as follows:

"Upon receipt of your letter of September 5, 1936, in reply to our letter of August 25, 1936, we felt that our letter had not stated completely the questions confronting us, and, therefore, ask your permission to resubmit these questions, which are of great practical importance to us in dealing with the States under the Social Security Act.

"The pertinent language of the Social Security Act (49 Stat. 626) occurs in Section 3 thereof, providing that the United States shall pay to each State which has an approved plan for old age assistance an amount 'equal to one-half of the total of the sums expended during such quarter as old age assistance under the State plan * * * not counting so much of such expenditure with respect to any individual for any month as exceeds $30 * * *'

"The problems which have arisen in connection with matching State expenditures may be stated separately as two questions, though in many respects they are very similar.

"First, a number of State plans have been in operation for some months, with regular monthly payments of old age assistance being made by the State to qualified aged persons. In a number of these States, the State old age assistance plans themselves provide for payment being made in August, for instance, with respect to the applicant's need in July. It is sometimes the practice, on the other hand, for August payments to be made with respect to the applicant's need in August and sometimes with respect to his need in September. In many instances, these variations are required by State law and accord with customary accounting procedure. Also it sometimes happens that the State necessarily falls a month or two behind in making its payments to these aged persons. For example, sometimes reinvestigation of the person's need causes a delay of a few weeks. Sometimes there is a delay occasioned by some technical defect in the State's quarterly application for a grant from the United States. Under these circumstances, may the Board match the disbursements made during a given month to individuals for their support in a month (or months) immediately preceding or following the month during which the disbursements are made, assuming of course that the rate of payment has not been in excess of $30 per month.

"Second, there are some instances where payment with respect to an earlier month might be made in a State which was just getting its old age assistance plan into effect. For instance, the State old age assistance law might, by its own terms, come into operation January 1, with rights to assistance accruing therefrom. The State might find it impossible to complete the enormous task of examining every application for assistance in less than several months. It might not be until June or even later that the State felt itself to be in a position to begin making payments. Under those circumstances, would the Social Security Board be justified in authorizing a grant to the State to match the disbursements made during a given month to individuals for their support in the months preceding the month during which the disbursements are made, assuming of course that the rate of payment has not been in excess of $30 per month.

"While if a State made a payment to an aged person in one month and said that the payment was 'for' a month long past, it would seem to be questionable whether the intent of the Social Security Act, for regular monthly assistance, was being carried out, still the practical situation is that in a number of States it has been found impossible thus far,

to make the payment during the month for which assistance is being granted. In other States the State plans themselves call for payment in one month 'for' the month just passed or the month to come. In these States every effort is being made to carry out the full intent of the Social Security Act and it is in our relation with these States that the problems presented above assume significance which warrants, we believe, our resubmission of these questions.

"We would greatly appreciate your early attention to this matter."

Section 3, Title 1, of the Social Security Act, approved August 14, 1935, 49 Stat. 621, provides:

"Sec. 3 (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing July 1, 1935, (1) an amount, which shall be used exclusively as old-age assistance, equal to one-half of the total of the sums expended during such quarter as old-age assistance under the State plan with respect to each individual who at the time of such expenditure is sixty-five years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any individual for any month as exceeds $30 and (2) 5 per centum of such amount, which shall be used for paying the costs of administering the State plan for old-age assistance, or both, and for no other purpose: Provided, That the State plan in order to be approved by the Board, need not provide for financial participation before July 1, 1937 by the State, in the case of any State which the Board, upon application by the State and after reasonable notice and opportunity for hearing to the State, finds is prevented by its constitution from providing such financial participation.

"(b) The method of computing and paying such amounts shall be as follows:

"(1) The Board shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of clause (1) of subsection (a) such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such clause, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than one-half of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, (2) records showing the number of aged individuals in the State, and (C) such other investigation as the Board may find necessary."

Your submission of August 20, 1936, submitted the case of an aged person who filed application on the first of April but administrative action delayed the approval until August when it was approved and payment made in August for $150, reported to cover the months of April, May, June, July and August, at the rate of $30 per month. In the decision to you of September 5, 1936, it was stated:

"* * * of the $150 expended by the State in August there may not be considered for matching by Federal contributions more than $30, the Federal contribution being one-half of that sum, and no portion of the $150, could be considered as applicable,—insofar as the Federal contribution is concerned,—to the months preceding the month in which the payment was actually made—the amount 'expended' by the State."

Said statement must be considered as made in the light of the facts in the particular case there involved.

While the law provides for payments to the State "for each quarter" on the basis of expenditures to be made by the State "during such quarter," the limitation with respect to the computation of the maximum amount payable "for" or "during" the quarter is upon the rate of the expenditure with respect to any individual "for any month." That is to say, the $30 limitation relates not to the amount expended in a particular month but to the amount expended for any particular month.

Accordingly, the quarterly payments to the States by the Federal Government are for adjustment upon the basis of one-half of the amounts expended by the State during said quarter as old-age assistance, not in excess of $30 per month with respect to any individual, for the period covered by the State payment, provided that in no case shall payments by the State for any period prior to the month in which first payment was made by the State to the individual be considered. The decision of September 5, 1936, is modified accordingly.

Respectfully,

(Signed) R. N. ELLIOTT,
Acting Comptroller General
of the United States

FINAL REPORT OF COMMITTEE ON CONTINGENT EXPENSES

THIRD CALLED SESSION, FORTY-FOURTH LEGISLATURE

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

Sir: Herewith we hand you the final account to date of the contingent expense accounts of the House of the Third Called Session of the Forty-fourth Legislature. The list includes all that have been received up to this time; all of which have been approved and vouchers issued for the accounts as per numbers and dates herewith:

Date	Voucher No.	TO WHOM ISSUED	Amount
Oct. 1	1	Post Office Department	$1,500.00
Oct. 2	2	Home Steam Laundry	3.87
Oct. 2	3	San Marcos Daily News	.40
Oct. 2	4	Marlin Democrat	.50
Oct. 2	5	Gonzales Inquirer	.60
Oct. 2	6	Sun Light Publishing Company	.75
Oct. 2	7	Kuntz-Sternenberg Lmbr. Co.	13.48
Oct. 2	8	C. R. Scales	4.85
Oct. 2	9	Walter Tips Company	1.61
Oct. 2	10	National Disinfectant Co.	482.35
Oct. 2	11	Tips Engine Works	4.15
Oct. 2	12	Fleet's Mimo Service	16.75
Oct. 2	13	A. W. Brill	3.38
Oct. 2	14	Austin Coco Cola Bottling Co.	1.50
Oct. 2	15	Tips Engine Works	16.50
Oct. 2	16	C. J. Martin & Sons	2.25
Oct. 2	17	Postal Telegraph Company	1.17
Oct. 2	18	G. E. Supply Company	25.56
Oct. 2	19	Rexall Drug	.50
Oct. 2	20	Capital Printing Company	113.32
Oct. 2	21	Favorite Printing Company	.50
Oct. 2	22	Enterprise Company	1.00
Oct. 5	23	Enterprise Company	
Oct. 5	24	Cleburne Times Company	.50
Oct. 5	25	McAllen Daily Monitor	.75
Oct. 5	26	Evening-Weekly Mirror	.80
Oct. 5	27	Mexia Daily News	.60
Oct. 5	28	Lufkin Daily News	60
Oct. 5	29	Victoria Advocate	.60
Oct. 5	30	H. H. Voss Company	55.13
Oct. 5	31	Western Union Telegraph	33.84
Oct. 5	32	San Angelo Standard	.70
Oct. 5	33	Paris News	1.00
Oct. 5	34	El Paso Times	.65
Oct. 5	35	El Paso Times	1.30
Oct. 5			
Oct. 5	37	Tyler Courier-Times	.75
Oct. 5	38	Laredo Times	.65
Oct. 5			
Oct. 5	40	Perkins-Wilson Company	.50
Oct. 5	41	Perkins-Wilson Company	.50
Oct. 5	42	Brenham-Banner-Press	.75
Oct. 5	43	Pampa Daily News	.75
Oct. 5	44	Temple Daily Telegram	.60
Oct. 5	45	Times Review Publishing Co.	.50
Oct. 5	46	Reporters Publishing Company	1.50
Oct. 5	47	Globe-News Publishing Company	.75

FINAL REPORT OF COMMITTEE ON CONTINGENT EXPENSES—Cont'd

Date	Voucher No.	TO WHOM ISSUED	Amount
Oct. 5	48	Sherman-Democrat	.65
Oct. 5	49	Mineral Wells Daily Index	.50
Oct. 6	50	Marshall News Messenger	.50
Oct. 6	51	News Publishing Company	.75
Oct. 6	52	A. S. Hull	204.00
Oct. 6	53	Daily Tribune	.60
Oct. 6	54	Galveston Daily News	.75
Oct. 6	55	Fort Worth Press	1.00
Oct. 6	56	Dallas Journal	.50
Oct. 6	57	Post Office	4.75
Oct. 6	58	A. S. Hull	70.00
Oct. 6	59	A. S. Hull Stationery	1,208.74
Oct. 7	60	Otis Dunagan	15.00
Oct. 7	61	Albert K. Daniel	36.42
Oct. 7	62	Gussie Evans	150.00
Oct. 7	63	D'Arline Packer	5.00
Oct. 7	64	Manuel G. Vila	5.00
Oct. 7	65	E. H. Thornton	15.25
Oct. 7	66	Conde R. Hoskins	5.35
Oct. 7	67	Pearl Williams	7.50
Oct. 7	68	Lucille Fancher	20.00
Oct. 7	69	Clara Heffington	20.00
Oct. 8	70	Drew Nichols	25.00
Oct. 12	71	Post Office	100.00
Oct. 15	72	Post Office	900.00
Oct. 15	73	Fort Worth Press	4.00
Oct. 15	74	Daily Times Herald	.75
Oct. 15	75	Typewriter Service Company	32.00
Oct. 15	76	Gainesville Daily Register	.50
Oct. 15	77	Denton-Record Chronicle	.50
Oct. 15	78	Denton-Record Chronicle	.50
Oct. 15	79	Longview News	.75
Oct. 15	80	Dallas Dispatch	.50
Oct. 15	81	Southwestern Bell Telephone	691.50
Oct. 15	82	Reporters Publishing Company	.75
Oct. 15	83	Gainesville Morning Herald	.50
Oct. 15	84	W. H. Richardson	1.00
Oct. 15	85	Postal Telegraph	9.94
Oct. 15	88	Capital Printing Company	5.86
Oct. 15	89	Texas School for Blind	3.60
Oct. 15	90	Texarkana News	.85
Oct. 15	91	Carters Publishing Company	.85
Oct. 15	92	Hyde Park Florists Company	8.51
Oct. 15	93	Brownsville Herald	.75
Oct. 15	94	Athens Review	.50
Oct. 15	95	Brownsville Tribune	1.00
Oct. 15	96	Valley Morning Star	.75
Oct. 15	97	Postal Telegraph	8.70
Oct. 15	98	W. R. Thomas	19.92
Oct. 15	99	Brydson Lbr. Company	19.50
Oct. 15	100	San Angelo Standard Times	1.40
Oct. 15	101	Photostat Corp.	25.32
Oct. 15	102	Hillver's Florists	8.25
Oct. 15	103	E. L. Steck Co.	76.63
Oct. 15	104	Western Union	47.46
Oct. 16	105	Von Roeckmann-Jones	996.35
Oct. 15	106	Connelly's Florists	10.00

FINAL REPORT OF COMMITTEE ON CONTINGENT EXPENSES—Cont'd

Date	Voucher No.	TO WHOM ISSUED	Amount
Oct. 16	107	Western Union	7.10
Oct. 17	108	H. H. Voss Co.	18.41
Oct. 17	109	National Disinfectant	336.75
Oct. 18	110	Capital Printing Co.	373.05
Oct. 18	111	Western Union	9.33
Oct. 18	112	J. S. Dunlap	6.75
Oct. 18	113	W. H. Richardson	1.00
Oct. 18	114	Daily Times-Herald	2.25
Oct. 18	115	Capital Printing Co.	216.45
Oct. 18	116	Barrow Typewriter Co.	68.00
Oct. 18	117	A. S. Hull	713.87
Oct. 20	118	Western Union	21.97
Oct. 20	119	A. C. Baldwin Co.	271.65
Oct. 20	120	D. R. Lilliernstern	83.90
Oct. 20	121	T. La Bauve	32.00
Oct. 22	122	D. R. Lilliernstern	15.66
Oct. 22	123	Times Pub. Co.	5.25
Oct. 22	124	American Pub. Co.	56.10
Oct. 22	125	S. S. Pettus	74.10
Oct. 22	126	Mrs. Vivian Cline	11.00
Oct. 22	127	Western Union	11.85
Oct. 22	128	H. H. Voss Co.	.70
Oct. 22	129	Post Office	600.00
Oct. 29	130	Southwestern Bell Telephone	287.95
Oct. 29	131	G. B. Akin	30.75
Oct. 29	132	Aug. Celaya	55.40
Oct. 29	133	Western Union	9.83
Oct. 29	134	McPhail Florist's Co.	5.00
Oct. 29	135	Dallas Dispatch	.50
Oct. 29	136	Dallas Dispatch	.50
Oct. 29	137	Western Union	9.20
Oct. 29	138	Christianson-Leberman	15.00
Oct. 29	139	Claire McMurtry	13.16
Oct. 29	140	Southwestern Bell Telephone	385.40
Oct. 29	141	A. C. Baldwin Co.	255.93
Oct. 29	142	Western Union	23.13
Oct. 29	143	Renfro Drug Co.	.75
Oct. 29	144	Electrical Service Co.	32.10
Oct. 29	145	E. L. Steck Co.	79.26
Oct. 29	146	Western Union	9.44
Oct. 29	147	Drew Nichols	35.00
Oct. 29	148	F. A. Lawrence	16.10
Oct. 29	149	Western Union	11.51
Oct. 29	150	Capital Printing Co.	415.20
Oct. 29	151	Von Boeckmann-Jones	1,159.22
Oct. 30	152	Postal Telegraph	93.29
Oct. 30	153	A. S. Hull Co.	921.99
Oct. 30	154	Tom Leach	4.00
Oct. 30	155	Austin Ice Co.	5.61
Oct. 30	156	National Disinfectant	94.71
Oct. 30	157	Western Union	15.93
Nov. 2	158	Capital Printing Co.	231.01
Nov. 6	159	Southwestern Bell Telephone	316.58
Nov. 9	160	Capital Printing Co.	115.00

SUPPLY ACCOUNT

Left on hand from Second-Called Session	$ 648.35
Bought during Third-Called Session	2,999.75
Total	$3,648.10

Disbursements

To Members	$ 852.59
Chief Clerk	28.91
Sergeant-at-Arms	7.30
Claims and Accounts	1.50
Journal Clerk	12.16
Calendar Clerk	39.05
Doorkeeper	.55
Reading Clerk	21.02
Committee Clerk	7.40
Voting Machine Operator	58.67
Mailing Clerk	.30
Contingent Expense	20.28
Appropriation Committee	16.49
Porters	76.92
Engrossing and Enrolling Department	389.50
Stenographic Department	1,100.42
Committees Between Sessions	189.00
Left on Hand	826.04
Total	$3,648.10

STAMP ACCOUNT

Left on hand from Second-Called Session	$ 768.90
Bought during Third-Called Session	3,100.00
Total	$3,868.90

Disbursements

To Members	$3,017.19
Chief Clerk	23.26
Contingent Expense Committee	26.73
Claims and Accounts	3.00
By Resolution to Mail Manuals	7.86
Sergeant-at-Arms	12.18
To Committees Between Sessions	274.68
Left on Hand	504.00
Total	$3,868.90

OIL COMMITTEE

Date	Voucher No.	TO WHOM ISSUED	Amount
1935—			
Dec. 4	439	Aug. Celaya	$ 48.40
Dec. 10	451	Aug. Celaya	56.25
Dec. 10	450	Hazel Autrey	176.45
Dec. 15	453	Aug. Celaya	194.34
Dec. 7	412	Adele Jacobs	75.00
Dec. 20	414	Adele Jacobs	75.00
1936—			
Jan. 6	196	Aug. Celaya	55.10
Jan. 1	417	Adele Jacobs	100.00
Jan. 20	416	Adele Jacobs	100.00
Jan. 15	417	Sidney Latham	55.24
Jan. 25	459	C. L. West	23.58
Jan. 25	460	Aug. Celaya	130.70
Jan. 25	461	Sidney Latham	39.80
Jan. 25	462	Hugh B. Steward	66.72
Jan. 25	463	Walter E. Jones	56.47
Jan. 28	464	C. L. West	159.28
Feb. 3	467	Ernest J. Boyett	66.33
Feb. 3	468	Aug. Celaya	115.75
Feb. 3	466	C. L. West	50.70
Feb. 5	469	Walter E. Jones	49.70
Feb. 5	470	Hazel Autrey	41.00
Feb. 10	471	C. L. West	26.33
Feb. 16	472	Aug. Celaya	69.72
Feb. 12	473	Ernest J. Boyett	126.60
Feb. 12	474	Aug. Celaya	57.75
Feb. 13	475	Walter E. Jones	36.80
Feb. 13	476	Sidney Latham	28.85
Feb. 21	477	Ernest J. Boyett	145.48
Feb. 22	478	Walter E. Jones	55.38
Feb. 21	479	C. L. West	58.77
Feb. 27	480	Aug. Celaya	103.20
Mar. 6	481	Hazel Autrey	126.40
Mar. 6	482	Sidney Latham	27.75
Mar. 6	483	C. L. West	280.00
Mar. 6	484	Ernest J. Boyett	106.50
Mar. 9	485	Ernest J. Boyett	116.35
Mar. 9	486	Walter E. Jones	126.97
Mar. 18	487	H. L. Markland	12.50
Mar. 18	488	Aug. Celaya	96.75
Mar. 18	489	C. L. West	104.60
Mar. 18	490	Sidney Latham	30.10
Mar. 18	491	Hugh B. Steward	28.72
Mar. 18	492	Ernest J. Boyett	67.80
Mar. 20	493	Aug. Celaya	94.30
Mar. 20	494	Walter E. Jones	117.78
Mar. 23	495	C. L. West	64.22
Mar. 23	496	Ernest J. Boyett	143.82
Mar. 25	497	Aug. Celaya	142.78
Apr. 6	498	C. L. West	94.17
Apr. 1	499	Aug. Celaya	80.75
Apr. 30	500	Hazel Autrey	238.20
Apr. 31	422	Adele Jacobs	150.00
Mar. 31	301	Ernest J. Boyett	192.35
Mar. 31	302	C. L. West	280.00

OIL COMMITTEE—Continued.

Date	Voucher No.	TO WHOM ISSUED	Amount
Mar. 31	303	Sidney Latham	60.55
Mar. 31	304	Walter E. Jones	26.80
Apr. 1	305	Hugh B. Steward	225.43
Apr. 6	306	Ernest J. Boyett	45.00
Apr. 6	307	C. L. West	46.65
Apr. 11	309	C. L. West	93.31
Apr. 11	310	Ernest J. Boyett	101.20
Apr. 20	312	Ernest J. Boyett	60.00
Apr. 30	311	Ernest J. Boyett	75.00
Apr. 30	313	C. L. West	71.19
Jan. 16	416	Adele Jacobs	100.00
Mar. 18	420	Adele Jacobs	125.00
May 14	314	Ernest J. Boyett	74.10
May 14	315	J. E. McGennis	55.75
May 7	316	Ernest J. Boyett	52.50
May 7	317	Aug. Celaya	126.50
May 21	318	Ernest J. Boyett	35.00
Feb. 15	419	Adele Jacobs	100.00
May 31	423	Adele Jacobs	155.00
May 22	319	Aug. Celaya	82.52
May 31	320	Ernest J. Boyett	50.00
June 3	321	Dorothy S. Jones	424.00
June 22	323	Aug. Celaya	46.30
June 6	322	Aug. Celaya	56.40
Sept. 31	325	Adele Jacobs	80.00

EXPENSE ACCOUNT OF MEMBERS
THIRD CALLED SESSION

Name	Supplies	Stamps	Telegraph and Telephone	Total
Adamson, J. W.	$ 10.68	$ 19.43	$ 2.14	$ 32.25
Adkins, W. H.	1.26	16.53	4.15	21.94
Aikin, A. M., Jr.	1.32	12.70	8.10	22.12
Alexander, Bob	7.64	14.89	14.55	37.08
Alsup, Lon E.	4.21	7.26	22.96	34.43
Ash, J. V.	7.24	25.19	10.23	42.66
Atchison, John A., Jr.	16.87	18.02	5.30	40.19
Bergman, Carl	3.79	24.76	18.24	46.79
Bourne, C. D.	5.23	25.46	13.40	44.09
Bradbury, J. Bryan	12.84	15.06	7.16	35.06
Bradford, Clyde	5.04	3.55	1.55	10.14
Bridgers, W. W.	2.86	19.10	2.64	24.60
Broadfoot, A. S.	8.44	37.00	5.90	51.34
Broyles, Wallace	3.80	33.96	4.53	42.29
Burton, Grover	1.50	2.70	.....	4.20
Butler, Geo. B.	.10	7.71	23.14	30.95
Cagle, A. P.	2.43	11.89	13.83	28.15
Caldwell, Joe W., Jr.	9.16	12.49	32.61	54.26
Calvert, Robt. W.	.86	3.49	5.00	9.35
Canon, C. C.	2.05	28.95	18.25	49.25
Celaya, Aug.	3.51	20.48	36.42	60.41
Collins, James J.	2.18	16.96	20.34	39.48
Colquitt, Rawlins M.	1.90	8.29	10.47	20.66
Colson, Nall	1.22	27.02	13.97	42.21
Cooper, Tom P.	1.30	14.46	36.82	52.58
Cowley, Dero D.	2.16	15.43	2.10	19.69
Craddock, W. M.	3.81	10.87	4.24	18.92
Crossley, Dr. A.	3.93	15.74	.25	19.92
Daniel, Albert K.	1.50	24.44	5.43	31.37
Davis, Dr. J. C.	3.29	12.96	17.04	33.29
Davison, Howard C.	11.27	20.17	12.52	43.96
Davisson, Geo. A., Jr.	24.44	21.59	15.61	61.64
Dickison, P. E.	2.10	13.01	11.75	26.86
Dunagan, Otis T.	.80	23.22	4.00	28.02
Dunlap, E. D.	.03	3.38	10.84	14.25
Duvall, J. C.	2.96	19.48	18.02	40.46
Dwyer, Pat	5.72	27.78	51.06	84.56
England, Byron	2.22	6.91	37.10	46.32
Fain, John W.	.78	21.07	.65	22.50
Farmer, Clarence E.	2.65	28.42	3.60	34.67
Ford, J. B.	1.25	24.49	.75	26.49
Fox, Wilson H.	1.40	3.96	7.05	12.41
Frazer, Hollis	.06	21.96	18.27	40.29
Fuchs, R. A.	6.62	20.32	4.30	31.24
Gibson, Merrit	6.25	15.26	15.93	37.44
Glass, W. W.	24.99	28.98	18.00	71.97
Good, R. H.	6.55	12.96	7.06	26.57
Graves, Harry N.	2.65	2.67	1.30	6.62
Gray, Courtney	1.46	14.35	2.18	17.99
Greathouse, Jos. F.	6.62	9.02	30.02	45.66
Hankamer, Harold M.	2.30	13.82	17.98	34.10
Hanna, Sam	1.04	9.23	8.70	18.97
Hardin, Ross	6.80	67.91	8.86	83.57
Harper, Geo. H.	3.86	9.73	3.32	16.91
Harris, D. M.	3.41	9.02	4.65	17.08

EXPENSE ACCOUNTS OF MEMBERS—Continued

Name	Supplies	Stamps	Telegraph and Telephone	Total
Harris, Fred	.98	20.37	20.28	41.63
Hartzog, Howard G.	14.24	21.12	33.72	69.08
Head, J. Manley	5.08	14.13	24.36	43.57
Herzik, Gus	7.76	18.54	5.30	31.60
Hill, E. C.	3.94	8.28	64.15	76.37
Hodges, W. E.	3.44	17.89	1.60	22.93
Hofheinz, Roy	7.34	19.21	36.95	63.50
Holland, R. H.	.80	20.62	.....	21.42
Hoskins, Conde R.	4.68	23.32	14.13	42.13
Howard, Geo. F.	13.21	45.52	13.32	72.05
Huddleston, Earl	2.93	16.75	.....	19.68
Hunt, J. W., Jr	3.28	25.76	10.32	39.36
Hunter, E. E.	5.27	26.66	10.52	42.45
Hyder, Tom Bullock	3.71	13.66	3.30	20.67
Jackson, H. P.	2.45	18.42	2.02	22.89
James, Jesse	7.93	55.08	6.75	69.76
Jefferson, Pat	2.58	60.47	28.64	91.69
Jones, Herman	2.15	12.02	9.97	24.14
Jones, Hugh	2.26	29.84	4.80	36.90
Jones, Raglin	11.48	23.07	24.57	59.12
Jones, Walter E.	1.05	25.17	3.31	29.53
Keefe, Edgar S.	1.79	33.02	12.16	46.97
King, W. W.	4.06	42.30	1.85	48.21
Knetsch, F. E.	2.72	7.40	2.66	12.78
Lange, Edw. H.	9.86	20.01	18.69	48.56
Lanning, R. C.	2.91	13.12	10.21	26.24
Latham, Sidney	2.95	6.26	11.90	21.11
Leath, R. M.	.70	4.90	11.39	16.99
Lemens, Vernon	23.74	22.30	18.31	64.35
Leonard, Homer	24.57	29.02	48.31	101.90
Lindsey, J. F.	1.85	34.68	2.47	39.00
Lotief, Cecil A.	2.79	38.11	8.17	49.07
Lucas, Jap	5.56	70.86	3.86	80.28
Luker, Robert A.	.60	13.43	2.40	16.43
McCalla, Kenneth	.50	33.13	9.50	43.13
McConnell, J. Carroll	11.02	18.42	4.93	34.37
McFarland, C. M.	18.05	15.39	.....	33.44
McKee, H. L.	2.98	32.02	24.42	59.42
McKinney, A. L., Jr.	.22	2.93	9.31	12.46
Mauritz, Fred	1.75	14.60	2.78	19.13
Moffett, George	18.17	19.85	17.11	55.13
Moore, Mrs. Helen	.79	6.98	7.65	15.42
Morris, G. C.	3.85	7.68	17.57	29.10
Morrison, Harlee	9.99	28.90	2.31	41.20
Morse, R. Emmett	12.96	8.62	24.73	46.31
Newton, Geo. M.	3.06	14.84	33.46	51.36
Nicholson, C. E.	1.67	12.31	8.30	22.28
Olsen, J. J.	6.82	32.88	7.24	46.94
Padgett, Jack	26.41	7.88	9.05	43.34
Palmer, Gaston	4.09	31.83	3.53	39.45
Patterson, John B.	.50	1.85		2.35
Payne, Stanford	2.75	9.16	18.64	30.55
Petsch, Alfred	.43	32.22	9.40	42.05
Pope, W. E.	26.27	16.02	11.64	53.93
Quinn, B. E.	6.82	21.78	15.10	43.70
Reader, R. L.	9.38	25.26	19.58	54.22

EXPENSE ACCOUNTS OF MEMBERS—Continued

Name	Supplies	Stamps	Telegraph and Telephone	Total
Reed, Jasper N.	3.24	30.05	2.13	35.42
Reed, W. O.	1.63	20.93	19.34	41.90
Riddle, Arthur C.	2.16	30.96	5.29	38.41
Roach, Jesse E.	.48	29.28	14.76	44.52
Roach, J. T.	2.98	21.02	17.42	41.42
Roane, Geo. G.	3.46	30.86	7.25	41.57
Roark, Alf	9.74	11.29	9.25	30.28
Roberts, Morris	.97	3.52	17.65	22.14
Rogers, B. L.	16.78	31.25	1.69	49.72
Russell, Traylor	1.81	8.63	13.50	23.94
Rutta, Chas. D.	10.50	15.46	2.35	28.31
Scarborough, Amos P., Jr.	21.56	32.37	22.14	76.07
Sessions, Horace B.	19.42	28.76	.....	48.18
Settle, J. Doyle	1.86	38.35	34.62	74.83
Shofner, Wm. A.	.25	24.02	33.74	58.01
Smith, Lonnie	1.18	18.28	12.89	32.35
Spears, J. Franklin	4.37	65.84	25.24	95.45
Stanfield, Halmond K.	5.92	21.40	58.14	85.46
Steward, H. B.	2.39	12.72	13.80	28.91
Stinson, Jeff D.	3.30	12.68	2.79	18.77
Stovall, H. R.	1.82	19.39	1.20	22.41
Tarwater, A. B.	2.75	19.44	11.59	33.78
Tennyson, Chas. H.	3.89	38.40	6.05	48.34
Thornton, E. H., Jr.	4.16	6.35	9.02	19.53
Tillery, Edwin	14.68	38.22	.....	52.90
Venable, O. C.	3.90	20.52	4.80	29.22
Waggoner, J. H.	3.17	13.76	6.18	23.11
Walker, Albert G.	1.42	6.49	6.40	14.31
Wells, Joe Kelton	12.45	17.34	3.16	32.95
Westfall, Leonard	1.16	15.96	2.07	19.19
Wood, Frank A.	8.34	31.96	6.08	46.38
Wood, Robert H.	2.91	17.14	15.20	35.25
Worley, Eugene	6.86	16.34	13.49	36.69
Young, J. D.	5.87	24.38	8.55	38.80
Stevenson, Coke R.	2.50	7.03	21.94	31.47
Chief Clerk	28.91	23.26	37.08	89.25
Sergeant-at-Arms	7.30	12.18	.....	19.48

Respectfully submitted,

E. D. DUNLAP,

Chairman Committee on Contingent Expenses,

By Adele Jacobs.

REPORT OF SERGEANT-AT-ARMS

Hon. E. D. Dunlap, Chairman, Committee on Contingent Expenses, House of Representatives, Third Called Session, Forty-fourth Legislature.

Sir: The following are statements of inventory and fixtures for the Third Called Session of the Forty-fourth Legislature:

INVENTORY OF FIXTURES

Engrossing Room

12 Stenographers' tables.
14 New oak chairs.
2 Straight chairs.
1 Desk chair.
7 Waste baskets.
2 Large file cabinets.
1 Small file cabinet.
3 Large tables.
2 Hall trees.
12 Stenographers' baskets.
1 Desk.

Enrolling Room

11 Oak chairs.
1 Straight chair.
8 Stenographers' tables.
2 Hall trees.
2 Large tables.
1 Desk.
2 Metal file cabinets.
10 Waste baskets.

Room No. 3

2 Oak tables.
31 Large arm oak chairs.
60 New stenographers' oak chairs.
36 Old stenographers' chairs.
6 Straight chairs.
5 Round bottom chairs.
28 Old arm chairs.

West Room

73 Stenographers' tables.
123 Waste baskets.

Press Room

15 Desks.
15 Chairs.

Chief Clerk's Room

1 Roll top desk.
4 Flat top desks.
2 Book cases.
2 Metal file cabinets.
2 Metal safes.
4 Stenographers' tables.
19 Chairs.

Chief Clerk's Room—Cont'd

6 Waste baskets.
1 Wood stationery cabinet.
4 Desk lamps.
2 Fans.
1 Typewriter.
2 Hall trees.
1 Couch.

Rear Hall

1 Roll top desk.
2 Wood cabinets.
1 Stool.

Room No. 6

1 Metal cabinet.
1 Wood cabinet.
3 Desks.
2 Large oak tables.
4 Waste baskets.
1 Hall tree.
26 Oak chairs.

Room No. 12

24 Oak chairs.
2 Old arm chairs.
2 Oak tables.

Room No. 14

11 Arm chairs.
1 Metal file cabinet.
1 Stenographers' table.
1 Waste basket.
2 Letter files.
1 Stenographers' basket.

Room No. 11

2 New oak tables.
25 New oak chairs.

Room No. 10

1 Mahogany table.
25 Mahogany chairs.

Room No. 8

25 Oak chairs.
2 Large oak tables.
8 Folding chairs.

Mimeograph Room

2 Large tables.

Speaker's Office

1 Hall tree.
1 Book case.
1 Metal file cabinet.
2 Fans.
2 Cuspidors and mats.
4 Mahogany desks.
2 Mahogany tables.
1 Drinking fountain.
1 Day bed.
1 Dufold.
1 Small vacuum cleaner.
3 Waste baskets.
1 Small oak chair.
5 Mahogany chairs.
1 Library table.
2 Desk lamps.
2 Pen trays.
1 Ash tray.

Speaker's Kitchen

1 Electric stove.
1 Cabinet.
1 Waste basket.
1 Refrigerator.

Speaker's Dining Room

1 Table.
4 Chairs.
1 Plate.
11 Glasses.
1 Sideboard.

Speaker's Bath Room

1 High boy.
1 Bath tub.
1 Dust pan.
1 Broom.
1 Hot water heater.

Speaker's Bed Room

1 Dresser.
1 Dressing table.
1 Bedstead.
1 Pair box springs.
1 Mattress.
1 Stenographer's table.
1 Rocker.
1 Vanity chair.
1 Wardrobe.
12 Sheets.
3 Blankets.
24 Towels.
3 Comforts.
6 Wash rags.
3 Bed spreads.
12 Pillow cases.
2 Bed spreads.

Speaker's Living Room

5 Chairs.
1 Secretary.
1 Floor lamp.
1 Table lamp.
1 Mirror.
2 Vanity tables.
1 Settee.
1 Dufold.
1 Small marble top table.
1 Piano with stool.

Ladies' Rest Room

1 Fan.
2 Screens.
1 Stenographer's chair.
2 Brooms.
1 Duster.
1 Round top table.
1 Settee.
2 Chairs.
1 Vanity and stool.
1 Foot stool.
1 Waste basket.
1 Bucket and dust pan.

Porter's Room

1 Desk.
8 Cases paper towels.
5 Cases toilet paper.
7 Large waste baskets.
1 Desk chair.
1 Polishing brush.
75 Pounds floor wax.
7 Push brooms.
7 Straw brooms.
1 Small table.
6 Dusters.
1 Gallon furniture polish.
1 Cot.
6 Chairs.
5 Wet mops.
2 Fans.
125 Feet vacuum hose.
4 Scrub brushes.
175 Pounds floor sweep.

Sergeant-at-Arms' Room

3 Long tables.
3 Flat top desks.
1 Type desk.
2 Pigeon-hole cabinets.
1 Supply cabinet.
1 Bill rack.
3 Roll top desks.
1 Safe.
1 Steel file cabinet.
1 Paper rack.
1 Hole punch.
7 Chairs.
1 Adding machine.
1 Hall tree.
1 Fan.

Gents' Rest Room

3 Tubs.
2 Buckets.
1 Shine stand.
200 pounds moth control.
15 Gallons disinfect.
4 Gallons liquid soap.
15 Gallons scrubbing soap.
65 Rubber mats.
2 Aprons.
1 Pair rubber boots.
1 Case toilet paper.
1 Folding chair.

Representative Hall

2 Large oak tables.

Representative Hall—Cont'd.

5 Office desks.
1 Small table.
6 Settees.
150 Desks and chairs.
2 Drinking fountains.
2 Wood cabinets with tables.

Reception Room

4 Walnut settees.
20 Walnut chairs.
1 Walnut table.
1 Small desk.
1 Waste basket.
1 Bulletin board.
1 Easel.

Respectfully submitted,

ERNEST J. BOYETT,
Sergeant-at-Arms.