H. B. No. 422, "An Act authorizing the Commissioners Court in certain counties to allow each County Commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

THIRTY-FIRST DAY

(Tuesday, March 4, 1941)

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

The roll of the House was called, and the following Members were present:

Mr. Speaker
Allen
Allison
Alsup
Anderson
Avant
Bailey
Baker
Bean
Bell
Benton
Blankenship
Boone
Brawner
Bray
Bridgers
Brown
Bruhl
Bullock
Bundy
Burnaman
Carlton
Carrington
Cato
Celaya
Chambers
Clark
Cleveland
Coker
Colson, Mrs.
Connelly
Craig
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Dove
Duckett
Dwyer
Evans
Ellis
Eubank
Favors
Ferguson
Files
Fitzgerald
Fuchs
Gandy
Garland
Gilmer
Goodman
Halsey
Hanna
Hargis
Harris of Dallas
Harris of Hill
Hartzog
Heflin
Helpinstill
Henderson
Hileman
Hobbs
Howard
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Hutchinson
Isaacks
Jones
Kelly
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Manning
Markle
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Nicholson
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Sharpe
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Absent—Excused

Burkett
Hardeman
Turner

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, Thou hast remembered us in mercy, and hast greatly blessed us in Thy loving kindness. May we know that Thou art God, and beside Thee there is none other. From Thine own unwasted fullness give us clearness of vision and breadth of understanding to meet worthily the matchless opportunities that are ours just now. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Turner for today on motion of Mr. Lehman.

Mr. Hardeman for today on motion of Mr. Heflin.

The following Member was granted leave of absence on account of illness:

Mr. Burkett for today on motion of Mr. Crossley.

HOUSE BILLS ON FIRST READING

The following House Bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Deen:

H. B. No. 708, A bill to be entitled "An Act to create Road District Number 4, of Lamb County, Texas; defining its boundaries; providing that said District shall be governed and controlled by the provisions of Chapter 16, General Laws, Thirty-ninth Legislature, First Called Session, 1926, and amendments, except as herein otherwise provided; conferring upon said road district all the rights, powers, privileges and duties conferred and imposed by the General Laws of Texas upon road districts; providing that any territory, included within the bounds of said district, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory, under authority of Section 52, Article 3, of the Constitution; providing that nothing in this Act shall be construed as affecting the organization and establishment of Road District Number 2, of Lamb County, Texas, the indebtedness now outstanding against said Road District Number 2, and/or the levy of taxes in payment thereof, (a portion of the territory in said Road District Number 2 being included in the territory described in Section 1 of this Act); providing that said Road District Number 2 shall continue to operate as a defined road district over the territory included within its limits, described and defined in that certain order of the Commissioners' Court of Lamb County, Texas, passed by said Court on April 18, 1921, recorded in Book 2, page 8, et seq., Minutes of said Court, and to which order special reference is made by Chapter 388, Special Laws passed by the Thirty-ninth Legislature at its First Called Session in 1926, creating said Road District Number 2; providing that nothing herein shall be construed as prohibiting said Road District Number 2 from hereafter issuing road bonds on its faith and credit within the limitations prescribed by Section 52, Article 3, of the Constitution; providing that it shall not be necessary for Road District Number 4, of Lamb County, Texas, hereby created, to vote and issue bonds to compensate Road District Number 2; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Spacek (by request):

H. B. No. 709, A bill to be entitled "An Act providing for all counties having a population of not less than twenty-nine thousand two hundred and forty (29,240) and not more than twenty-nine thousand two hundred and fifty (29,250), according to the last preceding, or any future, United States Federal Census, there shall be imposed upon all male persons the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May 1 of each year the sum of three ($3.00) dollars; for the summons of persons in said counties for work on the public roads, said summons when issued shall compel the persons to appear the following day after summons for road duty, and repealing all laws in conflict herewith and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Celaya:

H. B. No. 711, A bill to be entitled "An Act providing for a more adequate and equitable salary and increasing the amount for office and

travel expenditures for county superintendents of public instruction in all those counties of Texas coming within the brackets and population figures herein; specifically in all those counties having not less than one hundred six thousand (106,000) and not more than one hundred seven thousand (107,000); and in all those counties having not less than ninety-two thousand (92,000) and not more than ninety-three thousand (93,000); and in all those counties having not less than eighty-three thousand (83,000) and not more than eighty-four thousand (84,000); and in all those counties having not less than twenty thousand, five hundred sixty (20,560) and not more than twenty thousand, five hundred seventy (20,570); and in all those counties having not less than twenty thousand, two hundred thirty (20,-230) and not more than twenty thousand, two hundred fifty (20,-250); and in all those counties having not less than thirteen thousand, two hundred twenty (13,220) and not more than thirteen thousand two hundred forty (13,240) according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Counties.

Mr. Celaya moved to introduce at this time and have placed on first reading House Bill No. 710.

The motion prevailed by the following vote:

Yeas—134

Allen
Allison
Alsup
Anderson
Avant
Bailey
Baker
Bean
Bell
Benton
Blankenship
Boone
Brawner
Bray
Bridgers
Brown
Bruhl
Bullock
Bundy
Burnaman
Carrington
Cato
Celaya
Chambers
Clark
Cleveland
Coker
Colson, Mrs.
Connelly
Craig
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Dove
Dwyer
Evans
Ellis
Eubank
Favors
Ferguson
Files
Fitzgerald
Fuchs
Gandy
Garland
Gilmer
Goodman
Halsey
Hanna
Hargis
Harris of Dallas
Harris of Hill
Hartzog
Heflin
Helpinstill
Henderson
Hileman
Hobbs
Howard
Howington
Huddleston
Hughes
Isaacks
Jones
Kelly
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McGlasson
McLellan
McMurry
McNamara
Manford
Markle
Martin
Matthews
Mills
Moore
Morgan
Morris
Morse
Murray
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Absent

Carlton
Duckett
Hoyo
Huffman
Humphrey
Hutchinson
Leyendecker
McDonald
Manning
Montgomery
Nicholson
Sharpe

Absent—Excused

Burkett
Hardeman
Turner

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Celaya, Mr. Kersey, Mr. McAlister and Mr. Vale:

H. B. No. 710, A bill to be entitled "An Act to levy a privilege or occupation tax upon all persons, firms, corporations, associations, joint stock companies, partnerships and upon all other groups engaged in any business pursuit in this State for gain or profit; providing that the tax shall be two mills upon each dollar of intangible personal property, as defined in this Act, owned or held by all persons, firms, corporations, associations, joint stock companies, partnerships and other groups engaged in any business pursuit in this State for gain or profit on January first of each year beginning with January 1st, 1942; providing the manner of keeping records and reports and the method of remitting said tax to the Comptroller of Public Accounts; providing penalties for delinquent reports on taxes imposed by this Act and providing further penalties for willful refusal or neglect in filing reports and paying the tax as provided and imposed by this Act; providing that one-fourth of the funds derived from this tax be allocated to the Available School Fund and providing that three-fourths of the funds derived from this tax be set aside as a Special Social Security Fund to be disbursed as the Legislature may direct for social security needs in this State; providing for the expense of administrating this Act; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

HOUSE JOINT RESOLUTION ON FIRST READING

Mr. Anderson moved to introduce at this time and have placed on first reading House Joint Resolution No. 34.

The motion prevailed by the following vote:

Yeas—104

Allen
Allison
Anderson
Bailey
Bell
Benton
Blankenship
Bridgers
Brown
Bruhl
Bullock
Bundy
Burnaman
Carrington
Celaya
Chambers
Clark
Colson, Mrs.
Connelly
Craig
Crossley
Deen
Dickson of Bexar
Dickson of Nolan
Dove
Dwyer
Evans
Ellis
Eubank
Ferguson
Files
Fuchs
Gandy
Garland
Hanna
Hargis
Harris of Dallas
Harris of Hill
Heflin
Helpinstill
Henderson
Hileman
Hobbs
Howard
Howington
Huddleston
Huffman
Hughes
Jones
Kelly
Kennedy
Kersey
Kinard
King
Knight
Lansberry
Lehman
Little
Lock
Love
Lucas
Lyle
McAlister
McCann
McGlasson
McMurry
McNamara
Manford
Manning
Markle
Matthews
Montgomery
Morgan
Morse
Murray
Pace
Parker
Pevehouse
Price
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Sharpe
Shell
Simpson
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stubbs
Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Nays—1

Martin

Present—Not Voting

Baker
Brawner
Bray
Cato
Coker
Crosthwait
Davis
Favors
Klingeman
McLellan
Mills
Rampy
Reed of Bowie
Senterfitt

Absent

Alsup	Hoyo
Avant	Humphrey
Bean	Hutchinson
Boone	Isaacks
Carlton	Leyendecker
Cleveland	Lowry
Daniel	McDonald
Donald	Moore
Duckett	Morris
Fitzgerald	Nicholson
Gilmer	Phillips
Goodman	Skiles
Halsey	Stinson
Hartzog	

Absent—Excused

Burkett	Turner
Hardeman	

The Speaker then laid the resolution before the House, it was read first time and referred to the appropriate committee as follows:

By Mr. Anderson:

H. J. R. No. 34, Proposing an amendment to Section V, Article XI, of the Constitution of Texas, providing that cities of more than five thousand (5,000) inhabitants may, by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters, subject only to such limitations as may be provided by the other provisions of the Constitution of the State of Texas; providing that the amendment shall be self-enacting; providing for the submission of such amendment to the voters; providing for the proclamation and publication thereof, and making an appropriation for the expenses of such election.

Referred to the Committee on Constitutional Amendments.

ADDITIONAL SIGNERS OF HOUSE BILLS

By unanimous consent of the House, the following Members were authorized to sign bills as coauthors of same, as follows:

Mr. Senterfitt: House Bill No. 405.

Mr. Huddleston: House Bill No. 640.

Mr. Vale: House Bill No. 629.

Mr. Hileman: House Bills Nos. 169, 170 and 171.

RELATIVE TO HOUSE BILL NO. 351

Mr. Lowry asked unanimous consent of the House that the Engrossing Clerk be permitted to correct errors in House Bill No. 351 as follows:

By striking out "Article 911b of the Revised Civil Statutes of 1925," wherever it appears in the bill and inserting the Session Acts at which said article was enacted and subsequent amendments thereto.

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

There was no objection offered and it was so ordered.

RELATIVE TO HOUSE BILL NO. 146

Mr. Bean asked unanimous consent of the House that the caption of House Bill No. 146 be amended to conform to the body of the bill.

There was no objection offered and it was so ordered.

INVITING TRINITY UNIVERSITY CHOIR TO APPEAR BEFORE THE HOUSE

Miss Files offered the following resolution:

H. S. R. No. 140, Inviting the Trinity University Choir to Appear Before the House.

Whereas, The Trinity University Choir of Waxahachie, Texas, will be in Austin Monday, March 10, 1941, while on its fifth annual choir trip; and

Whereas, This choir has received praise and commendation throughout the State of Texas; and

Whereas, This outstanding group of singers is directed by Mr. Alton Clay Pierce, a prominent Texas musician; now, therefore, be it

Resolved, That this choir be invited to present a program in the House of Representatives from 10:15 a. m. to 10:30 a. m., Monday, March 10, 1941; and be it further

Resolved, That a copy of this resolution be mailed to Mr. Alton Clay

Pierce, Director of the Trinity University Choir, Waxahachie, Texas.

The resolution was read second time and was adopted.

(Mr. Little in the Chair.)

TO PLEDGE SUPPORT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES OF PRINCIPLE OF GOVERNMENT OF THE STATE

Mr. Fuchs (by request) offered the following resolution:

H. S. R. No. 142, To Pledge Support of Members of the House of Representatives of Principle of Government of the State.

Whereas, This great country of ours, which was founded in 1776, upon the principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortune; and

Whereas, Our forefathers founded our Nation for the purpose of freedom to worship God and urged religious tolerance and religious freedom under the one true God, Father of us all, and

Whereas, We are a free Nation and have the right of free speech and the right of trial by our courts of justice and are innocent until proved guilty by such courts under our laws, and

Whereas, This country of ours, being composed of people of all nations, creeds, kinds, and colors; and

Whereas, Our Government being founded upon the noble principle of a Government of the people, by the people, and for the people; and

Whereas, These principles and doctrines have made our America the greatest Democracy on earth; and

Whereas, This Democracy is still maintained and shall be maintained so long as we patriots remain loyal and true to our Democratic form of Government and safeguard the noble principles it stands for; and

Whereas, At this time our Nation, our country, our Democracy, our peoples, our citizenship are facing one of the greatest, and by far the most dangerous crisis, that it has ever witnessed; and

Whereas, We are a God-fearing, God-loving people and a Christian Nation; and

Whereas, We have elected as our noble President, the Honorable Franklin Delano Roosevelt, who has called upon our citizenship, our people, and all businesses to coordinate our efforts in a preparedness and protective program to safeguard our Democracy; and

Whereas, We are told in God's word that the battle is not so much between flesh and blood but between sickness and principalities in high places, and

Whereas, We cherish our right of free speech and free press and will protect to our utmost the rights of true Americans, and

Whereas, In times of stress and oppression from without, united as one people for one glorious cause, we deem it advisable to keep our protective measures a secret from the enemies from without and from within, to guard the protection of all, by so repressing and preserving preparatory measures from the knowledge of enemies of democracy, and under the leadership of God, and justice for all, now therefore be it

Resolved, That we, the Representatives of the Texas House of Representatives of the Texas Legislature, in our Forty-seventh Legislature, here assembled, do hereby pledge to uphold the laws and traditions of our forefathers who founded this great State, and the forefathers who founded this great United States, and do hereby go on record as disapproving any attempt to violate our God-given rights and will fight against such attempts, and that in times of stress we will not condemn any true American, or otherwise, without fair trial before proper parties authorized by God-given law, and that we will pray God for His guidance of our noble leaders and the earnest efforts of all Government officials striving to protect our Nation from within and from without, and that if our motive, principles and actions are in doubt we respectfully refer all to the Bible, or God's word, and those who cannot fully understand that, we refer to the February issue of Walt Dis-

ney's comics for children and grown-ups under the heading "Practical Pig"; and be it further

Resolved, That we, the Representatives here assembled, do instruct our Chief Clerk to send a copy of this resolution to Colonel Charles A. Lindbergh, whom we neither judge nor condemn, for only God knows his true heart, and we believe or hope his intentions are for our good and God will judge him accordingly; a copy to President Franklin Delano Roosevelt, our respected President of the United States at Washington, D. C., a copy to Wendell L. Willkie, a honored citizen and respected citizen and an American; a copy to the Congress of these United States; a copy to the Secretary of War; a copy to our distinguished Texas citizen, Jesse Jones; and be it further

Resolved, That we issue a warning to our free press that they print the absolute truth and facts without prejudice or malice toward none, and guard carefully information for which our enemies from without and from within are seeking, in order to guard our safety; that we issue a warning to all Godless people, whether in low places or in high places, with reflections on no true God-fearing American; that we are true Texans and true Americans ready to give our all for the protection of our State and Nation, united together in one common cause, with God as our Leader, and that we will not tolerate our generation, or coming generations, to be used as pawns in the hands of despots to the detriment of our Nation, but that we stand united, girded to battle, if necessary, for our rights under leadership of God, and ready to give our all for His Kingdom and our Nation and State, and be it further

Resolved, That this simple resolution be sent to the State Affairs Committee of the House for careful study and action, and if in their humble opinion they believe it should be acted upon by the House in a body, give it out of the Committee and before the House for vote yea or nay.

The resolution was read second time.

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

INVITING SAM HOUSTON STATE TEACHERS COLLEGE BAND TO APPEAR BEFORE THE HOUSE

Mr. Kelly offered the following resolution:

H. S. R. No. 143, Inviting Sam Houston State Teachers College Band to Appear Before the House.

Whereas, The House Members have not been favored with the presentation of a good college band at the present date; and

Whereas, "Music hath a charm to soothe the savage breast," and Sam Houston State Teachers College, at Huntsville, Texas, has an excellent band, under the able guidance of Clinton R. Hackney;

Therefore, be it resolved by the House of Representatives of the 47th Legislature, That the Sam Houston State Teachers College Band of Huntsville, Texas, be invited to render a short concert of popular college fight songs on the floor of the House on Monday, March 17th, 1941, 11 a. m.

KELLY,
MANNING,
KNIGHT.

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, March 4, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

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

S. C. R. No. 21, Permitting Crosbyton Independent School District to borrow money not to exceed Ten Thousand ($10,000.00) Dollars for the purpose of supplementing money on hand to pay outstanding obligations, etc.

S. C. R. No. 22, Permitting Crosbyton Independent School District to levy and collect tax not to exceed $1.50 on each $100.00 valuation, etc.

S. C. R. No. 25, Memorializing Congress to pass Senate Bill No. 195,

which is now in the United States Finance Committee.

S. C. R. No. 29, Petitioning Congress not to enact any laws regarding conservation, development and production of the petroleum resources of the State of Texas under Federal control.

Respectfully,

BOB BARKER,
Secretary of the Senate.

AUTHORIZING CROSBYTON INDEPENDENT SCHOOL DISTRICT TO BORROW CERTAIN MONEY

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

S. C. R. No. 21, Authorizing Crosbyton Independent School District to Borrow Certain Money.

Whereas, The Crosbyton Independent School District of Crosby County, Texas, desires to have a law passed by the Legislature of Texas which would permit said District, acting through its duly elected officers, to borrow money in a sum not to exceed Ten Thousand ($10,000.00) Dollars for the purpose of supplementing money on hand with which to pay outstanding obligations and to refinance and liquidate outstanding and past due indebtedness of said District, and to issue interest-bearing time warrants therefor without an election, such warrants to be paid out of tax money theretofore legally authorized by a majority of the resident property taxpaying qualified voters of said School District; and

Whereas, Such a law is a local law; and

Whereas, Article 3, Section 57, of the Constitution of the State of Texas requires that evidence of the fact that notice of intention to apply for such a law shall have been published in the locality where the matter or thing to be affected may be situated, and which such notice shall state the substance of the contemplated law, and shall be published at least thirty (30) days in such locality, and that such evidence shall be exhibited in the Legislature before such Act shall be passed; and

Whereas, Such notice as required by the Constitution has heretofore been given, as is shown by the hereto attached certificate of the publisher, together with a copy of such notice; now, therefore, be it

Resolved, by the Senate and the House of Representatives concurring, That the House and Senate of Texas give its consent to the final passage of House Bill No. 241, same being the bill above referred to, and the bill to which the notice hereto attached, as printed in the Crosbyton Review, is applicable; and that this resolution, together with such notice and affidavit as hereto attached, be printed in the Journals of the House and Senate.

The resolution was read second time and was adopted.

AUTHORIZING CROSBYTON INDEPENDENT SCHOOL DISTRICT TO LEVY CERTAIN TAX

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

S. C. R. No. 22, Authorizing Crosbyton Independent School District to Levy Certain Tax.

Whereas, The Crosbyton Independent School District of Crosby County, Texas, desires to have a law passed by the Legislature of Texas which would permit said District, acting through its duly elected officers, to levy and collect a tax not exceeding $1.50 on each $100.00 valuation of taxable property of said School District with which to pay the maintenance cost, payment of outstanding bonded indebtedness, with interest thereon, and with which to pay off and discharge such interest bearing time warrants as may be hereafter legally issued by said school district; and

Whereas, Such a law is a local law; and

Whereas, Article 3, Section 57 of the Constitution of the State of Texas requires that evidence of the fact that notice of intention to apply for such a law shall have been published in the locality where the matter or thing to be affected may be situated, and which such notice shall state the substance of the contemplated law,

and shall be published at least thirty (30) days in such locality, and that such evidence shall be exhibited in the Legislature before such Act shall be passed; and

Whereas, Such notice as required by the Constitution has heretofore been given, as is shown by the hereto attached certificate of the publisher, together with a copy of such notice; now, therefore, be it

Resolved, By the Senate and House of Representatives concurring, that the House and Senate of Texas give its consent to the final passage of House Bill No. 250, same being the bill above referred to, and the bill to which the notice hereto attached, as printed in the Crosbyton Review, is applicable, and that this resolution, together with such notice and affidavit as hereto attached, be printed in the Journals of the House and Senate.

The resolution was read second time and was adopted.

MEMORIALIZING CONGRESS IN REGARD TO PASSAGE OF CERTAIN LEGISLATION

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

S. C. R. No. 25, Memorializing Congress in Regard to Passage of Certain Legislation.

Whereas, The death rate from tuberculosis in a number of Texas Counties is far in excess of the national death rate, and that said Counties are unable to provide adequately for the prevention, treatment, and control of tuberculosis, and that there is a bill now before Congress, known as Senate Bill No. 195 and has been referred to the Senate Finance Committee, which bill will assist said Texas Counties as well as other communities throughout the nation having abnormally high death rates from tuberculosis, and that there is no such provision now either State or Federal; and

Whereas, There is an urgent need for the passage of this bill during this the Seventy-seventh Congress; now, therefore, be it

Resolved, By the Texas Senate, the House of Representatives concurring, that the Congress of the United States be respectfully requested to give careful and deliberate consideration to Senate Bill No. 195; and, be it further

Resolved, That copies of this Resolution be sent to the members of the Texas Delegation in Congress, and that a copy also be sent to the Senate Finance Committee.

The resolution was read second time and was adopted.

PETITIONING CONGRESS IN REGARD TO CONSERVATION OF PETROLEUM RESOURCES

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

S. C. R. No. 29, Petitioning Congress in Regard to Conservation of Petroleum Resources.

Whereas, This nation is engaged in the mighty task of preparing for defense against the aggressor nations of the world; and

Whereas, The State of Texas produces a large percentage of the petroleum produced on the North American Continent; and

Whereas, Petroleum and its products are vital to the National defense; and

Whereas, The State of Texas has enacted and has in force laws providing for an orderly development, conservation, and production of its petroleum resources and such laws are reasonable and enforceable; and

Whereas, The Railroad Commission of the State of Texas, the agency charged by law with the administration of the development, conservation, and production of the petroleum resources of this State, has tendered its cooperation to all agencies engaged in perfecting our National defense; and

Whereas, No necessity exists for the control of the petroleum resources of this State by the Federal Government or any of its agencies; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the Congress of the United States be petitioned not to enact any laws regarding the conservation, development, and production of the pe-

troleum resources of the State of Texas or placing the conservation, development and production of the petroleum resources of this State under Federal control or the control of any Federal Agency; and, be it further

Resolved, That a copy of this Resolution be sent to the President of the United States, a copy to the President of each House of the Congress of the United States, and a copy to each Senator from the State of Texas and each Member of the House of Representatives from the State of Texas.

The resolution was read second time and was adopted.

PASSAGE OF HOUSE JOINT RESOLUTION NO. 2

The Chair laid before the House as unfinished business on its final passage,

H. J. R. No. 2, Proposing an amendment to Section 9 of Article 8 of the Constitution of the State of Texas, by providing that counties may levy, assess and collect such taxes as may be authorized by law but not to exceed eighty cents on the one hundred dollars valuation in any one year; providing such limitation shall not apply to payment of county debts incurred prior to January 1, 1941; providing that, except as otherwise provided in the Constitution, no county shall hereafter become indebted for any purpose to an amount, including existing indebtedness, payable from taxes authorized by said section, in the aggregate exceeding five per centum on the value of taxable property therein, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; providing that this section shall not be construed as a limitation on powers delegated to counties by any other section of this Constitution; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment; making certain provisions for said election and ballots thereof, and the method thereof; directing the issuance of proclamation therefor; prescribing certain duties of the Governor of the State of Texas; and making an appropriation to defray the expenses of said election.

The resolution having heretofore been read second time with committee amendment by Mr. Crosthwait, pending.

Mr. Crosthwait withdrew the pending amendment.

Mr. Harris of Hill offered the following amendment to the resolution:

Amend H. J. R. No. 2 by striking out all of Section 1 beginning with line 35, page 1, and including line 15, page 2, and insert in lieu thereof the following:

"Sec. 9. The State tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25, A. D., 1883; and for the erection of public buildings, streets, sewers, waterworks and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as in this Constitution otherwise provided; provided, however, that the Commissioners Court of any county may reallocate the foregoing levies by changing the rates provided for any of the foregoing purposes by either increasing or decreasing the same, provided the total of said foregoing levies shall not exceed eighty cents on the one hundred dollars valuation for any one year; and provided further that before the said Commissioners Court may make such changes and reallocations of said levies that the same shall be submitted to the qualified property tax paying voters of such county at a general or special election, and shall be approved by a majority of the qualified voters voting in such election; and providing further that if and when such reallo-

cations and changes in the aforesaid levies have been approved by the qualified voters of any county as herein provided, such reallocations and changes shall remain in force and effect until the same again shall have been changed by a majority vote of the qualified voters of such county after submission by the Commissioners Court at a general or special election for that purpose. The Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws. Except as is in this Constitution otherwise provided, no county shall hereafter be allowed to become indebted in any manner for any purpose to an amount, including existing indebtedness, payable from taxes authorized by this section, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness. This section shall not be construed as a limitation of powers delegated to counties by any other section of this Constitution."

The amendment was adopted.

By unanimous consent of the House, the caption of the resolution was ordered amended to conform to all changes and with the body of the resolution and to change the form of the ballot to conform to the amendment.

House Joint Resolution No. 2 was then passed by the following vote:

Yeas—106

Allen	Baker
Allison	Bean
Alsup	Bell
Avant	Benton
Bailey	Boone
Brown	Lehman
Bruhl	Leyendecker
Bullock	Love
Bundy	Lowry
Carrington	Lucas
Cato	McAlister
Celaya	McCann
Chambers	McDonald
Clark	McGlasson
Cleveland	McLellan
Coker	McMurry
Connelly	McNamara
Craig	Manford
Crossley	Markle
Crosthwait	Martin
Daniel	Matthews
Davis	Mills
Deen	Montgomery
Dickson of Nolan	Morris
Dove	Morse
Duckett	Pace
Eubank	Parker
Favors	Phillips
Ferguson	Price
Files	Rampy
Fitzgerald	Reed of Dallas
Fuchs	Ridgeway
Gilmer	Roberts
Halsey	Rhodes
Hanna	Sallas
Hargis	Senterfitt
Harris of Hill	Simpson
Hartzog	Skiles
Heflin	Smith of Bastrop
Helpinstill	Smith of Atascosa
Henderson	Spacek
Hileman	Stinson
Howard	Stubbs
Howington	Taylor
Huddleston	Thornton
Huffman	Vale
Humphrey	Voigt
Isaacks	Walters
Jones	Wattner
Kersey	Weatherford
Kinard	White
King	Whitesides
Klingeman	Winfree

Nays—12

Brawner	Lansberry
Bray	Lock
Donald	Moore
Hobbs	Murray
Kennedy	Nicholson
Knight	Reed of Bowie

Present—Not Voting

Ellis	Garland
Gandy	Hughes

Absent

Anderson	Bridgers
Blankenship	Burnaman

Carlton
Colson, Mrs.
Dickson of Bexar
Dwyer
Evans
Goodman
Harris of Dallas
Hoyo
Hutchinson
Kelly
Lyle
Manning
Morgan
Pevehouse
Roark
Sharpe
Shell
Spangler
Stanford

Absent—Excused

Burkett
Hardeman
Turner

(Speaker in the Chair.)

HOUSE BILL NO. 16 ON SECOND READING

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

H. B. No. 16, A bill to be entitled "An Act amending Subdivision 83 of Article 1302, Title 32, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1925, relating to the formation of private corporations to organize laborers, working men, wage earners, and farmers to protect themselves in their various pursuits; vesting authority in the Commissioner of Labor Statistics to make investigation for charters and amendments to charters for such purposes; and declaring an emergency."

The bill was read second time.

Mr. Bell offered the following amendments to the bill:

Amend H. B. No. 16, page 1, lines 20 and 21 by striking out the words "and farmers" and the comma preceding said words "and farmers."

Amend H. B. No. 16, page 1, line 20, by striking out the next to the last comma on said line and inserting in lieu thereof the word "and."

The amendments were severally adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 16 was then passed to engrossment.

HOUSE BILL NO. 16 ON THIRD READING

Mr. Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—129

Allen
Allison
Alsup
Anderson
Avant
Bailey
Baker
Bell
Benton
Blankenship
Boone
Brawner
Bridgers
Brown
Bruhl
Bullock
Carrington
Cato
Celaya
Chambers
Clark
Cleveland
Coker
Colson, Mrs.
Connelly
Craig
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Dove
Duckett
Dwyer
Ellis
Eubank
Favors
Ferguson
Files
Fitzgerald
Fuchs
Gandy
Garland
Gilmer
Halsey
Hanna
Hargis
Harris of Hill
Helpinstill
Henderson
Hileman
Hobbs
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Isaacks
Jones
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McLellan
McMurry
McNamara
Manford
Manning
Markle
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Nicholson
Pace
Parker
Pevehouse
Phillips

Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Sharpe
Shell
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Nays—1

Bray

Absent

Bean
Bundy
Burnaman
Carlton
Evans
Goodman
Harris of Dallas
Hartzog
Heflin
Howard
Hutchinson
Kelly
Little
McGlasson
Simpson
Stubbs

Absent—Excused

Burkett
Hardeman
Turner

The Speaker then laid House Blil No. 16 before the House on third reading and final passage.

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

Yeas—135

Allen
Allison
Alsup
Anderson
Avant
Bailey
Baker
Bean
Bell
Benton
Blankenship
Boone
Brawner
Bridgers
Brown
Bruhl
Bullock
Bundy
Carrington
Cato
Celaya
Chambers
Clark
Cleveland
Coker
Colson, Mrs.
Connelly
Craig
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Dove
Duckett
Dwyer
Ellis
Eubank
Favors
Ferguson
Files
Fitzgerald
Fuchs
Gandy
Garland
Gilmer
Halsey
Hanna
Hargis
Harris of Hill
Hartzog
Heflin
Helpinstill
Henderson
Hileman
Hobbs
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Isaacks
Jones
Kelly
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Markle
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Nicholson
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Nays—1

Bray

Absent

Burnaman
Carlton
Evans
Goodman
Harris of Dallas
Howard
Hutchinson
Little
Manning
Sharpe

Absent—Excused

Burkett
Hardeman
Turner

HOUSE BILL NO. 17 ON SECOND READING

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

H. B. No. 17, A bill to be entitled "An Act appropriating fees and unexpended balances that have accrued or that may accrue during the fiscal year ending August 31, 1941, by virtue of Chapter 7, Article 133, Revised Civil Statutes, 1925; Article 5764, Revised Civil Statutes, 1925; Article 5695, Revised Civil Statutes, 1925; Chapter 287, Regular Session, Forty-second Legislature; Chapter 304, Regular Session, Forty-first Legislature; and House Bill No. 12, First Called Session, Forty-fifth Legislature and any amendments to any of said Acts, to the Department of Agriculture to be used in the enforcement of said Acts, including traveling expenses, and declaring an emergency."

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

HOUSE BILL NO. 17 ON THIRD READING

Mr. Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—139

Allen
Allison
Alsup
Anderson
Avant
Bailey
Baker
Bean
Bell
Benton
Blankenship
Boone
Brawner
Bridgers
Brown
Bruhl
Bullock
Burnaman
Carlton
Carrington
Cato
Celaya
Chambers
Clark
Cleveland
Coker
Colson, Mrs.
Connelly
Craig
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Dove
Duckett
Dwyer
Ellis
Eubank
Evans
Favors
Ferguson
Files
Fitzgerald
Fuchs
Gandy
Garland
Gilmer
Goodman
Halsey
Hanna
Hargis
Harris of Hill
Heflin
Helpinstill
Henderson
Hileman
Hobbs
Howard
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Isaacks
Jones
Kelly
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Markle
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Nicholson
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Nays—1

Bray

Absent

Bundy
Harris of Dallas
Hartzog
Hutchinson
Manning
Sharpe

Absent—Excused

Burkett
Hardeman
Turner

The Speaker then laid House Bill No. 17 before the House on third reading and final passage.

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

Yeas—137

Allen	Heflin
Allison	Helpinstill
Alsup	Henderson
Anderson	Hileman
Avant	Hobbs
Bailey	Howard
Baker	Howington
Bean	Hoyo
Bell	Huddleston
Benton	Huffman
Boone	Hughes
Brawner	Humphrey
Bridgers	Isaacks
Brown	Jones
Bruhl	Kelly
Bullock	Kennedy
Burnaman	Kersey
Carlton	Kinard
Carrington	King
Cato	Klingeman
Celaya	Knight
Clark	Lansberry
Cleveland	Lehman
Coker	Leyendecker
Colson, Mrs.	Little
Connelly	Lock
Craig	Love
Crossley	Lowry
Crosthwait	Lucas
Daniel	Lyle
Davis	McAlister
Deen	McCann
Dickson of Bexar	McDonald
Dickson of Nolan	McGlasson
Donald	McLellan
Dove	McMurry
Duckett	McNamara
Dwyer	Manford
Evans	Manning
Ellis	Markle
Eubank	Martin
Favors	Matthews
Ferguson	Mills
Files	Montgomery
Fitzgerald	Moore
Fuchs	Morgan
Gandy	Morris
Garland	Morse
Gilmer	Murray
Goodman	Nicholson
Halsey	Pace
Hanna	Pevehouse
Hargis	Phillips
Harris of Hill	Price
Reed of Bowie	Spangler
Reed of Dallas	Stanford
Ridgeway	Stinson
Roark	Stubbs
Roberts	Taylor
Rhodes	Thornton
Sallas	Vale
Senterfitt	Voigt
Sharpe	Walters
Shell	Wattner
Simpson	Weatherford
Skiles	White
Smith of Bastrop	Whitesides
Smith of Atascosa	Winfree
Spacek	

Nays—3

Bray	Rampy
Parker	

Absent

Blankenship	Harris of Dallas
Bundy	Hartzog
Chambers	Hutchinson

Absent—Excused

Burkett	Turner
Hardeman	

HOUSE BILL NO. 68 ON SECOND READING

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

H. B. No. 68, A bill to be entitled "An Act authorizing any county in the State, after an affirmative vote of the qualified voters of the county in favor thereof, and providing for the calling of an election by the Commissioners' Court, at the instance of the court or upon petition of a percentage of the qualified voters of the county, to establish civil service for certain of the employees of the county government, and the election or appointment of a Civil Service Commission, and providing for the jurisdiction of said commission, designating the employees subject to civil service, and providing that the commission may adopt a code of rules and regulations, and classifying all county employees, and providing for competitive examinations for applicants, and providing that this law shall in nowise interfere with the power of the Commissioners' Court to establish the number of employees and the

wages and salaries to be paid them, and to abolish any position or place of employment in the exercise of the powers now granted to Commissioners' Courts; repealing all laws in conflict and declaring an emergency."

The bill was read second time.

(Mr. Taylor in the Chair.)

Mr. Stinson offered the following amendment to the bill:

Amend H. B. No. 68 by adding another section to be designated as Section 12-a, to read as follows:

"Sec. 12-a. In the event any county by a vote of the people as herein provided, adopts the provisions of this Act, the matter of the repeal of such action may be submitted to a vote of the people in the same manner as herein provided for the adoption of the same; and if a majority of the qualified voters voting in such election shall vote to repeal the adoption of this Act, the same shall thereafter cease to apply in such county."

The amendment was adopted.

Mr. Kersey offered the following amendment to the bill:

Amend H. B. No. 68 by striking out the enacting clause.

Mr. Isaacks moved to table the amendment.

The motion to table was lost.

Mr. Sharpe moved that further consideration of House Bill No. 68 be postponed until 11:00 o'clock a. m., next March 18.

Mr. Kersey moved to table the motion to postpone.

The motion to table was lost.

Question then recurring on the motion to postpone further consideration of House Bill No. 68 until 11:00 o'clock a. m. next March 18, it prevailed.

HOUSE BILL NO. 74 ON SECOND READING

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

H. B. No. 74, A bill to be entitled "An Act to amend Article 2970, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, as amended by Section 2 of Chapter 2, Acts of the Forty-sixth Legislature, Regular Session, 1939, page 296, and declaring an emergency."

The bill was read second time.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 74 was then passed to engrossment.

HOUSE BILL NO. 74 ON THIRD READING

Mr. Carrington moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

Allison	Dickson of Bexar
Alsup	Dickson of Nolan
Anderson	Dove
Avant	Duckett
Bailey	Dwyer
Baker	Ellis
Benton	Eubank
Boone	Evans
Brawner	Favors
Bray	Ferguson
Bridgers	Files
Brown	Fitzgerald
Bruhl	Fuchs
Bullock	Garland
Bundy	Goodman
Burnaman	Halsey
Carlton	Hanna
Carrington	Hargis
Cato	Harris of Dallas
Chambers	Harris of Hill
Clark	Heflin
Cleveland	Helpinstill
Coker	Henderson
Connelly	Hobbs
Craig	Howard
Crossley	Howington
Daniel	Hoyo
Davis	Huddleston
Deen	Huffman

Hughes
Humphrey
Isaacks
Jones
Kelly
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Manning
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Nicholson
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Senterfitt
Sharpe
Skiles
Smith of Bastrop
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Absent

Allen
Bean
Bell
Blankenship
Celaya
Colson, Mrs.
Crosthwait
Donald
Gandy
Gilmer
Hartzog
Hileman
Hutchinson
Markle
Sallas
Shell
Simpson
Smith of Atascosa
Vale

Absent—Excused

Burkett
Hardeman
Turner

The Chair then laid House Bill No. 74 before the House on third reading and final passage.

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

Yeas—127

Allison
Alsup
Anderson
Avant
Bailey
Baker
Benton
Boone
Brawner
Bray
Bridgers
Brown
Bruhl
Bullock
Bundy
Burnaman
Carlton
Carrington
Cato
Chambers
Clark
Cleveland
Coker
Connelly
Craig
Crossley
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Dove
Duckett
Dwyer
Evans
Ellis
Eubank
Favors
Ferguson
Files
Fitzgerald
Fuchs
Garland
Goodman
Halsey
Hanna
Hargis
Harris of Dallas
Harris of Hill
Heflin
Helpinstill
Henderson
Hobbs
Howard
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Isaacks
Jones
Kelly
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Manning
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Nicholson
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Senterfitt
Sharpe
Skiles
Smith of Bastrop
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Absent

Allen	Hileman
Bean	Hartzog
Bell	Hutchinson
Blankenship	Markle
Celaya	Sallas
Colson, Mrs.	Shell
Crosthwait	Simpson
Donald	Smith of Atascosa
Gandy	Vale
Gilmer	

Absent—Excused

Burkett	Turner
Hardeman	

HOUSE BILL NO. 75 ON SECOND READING

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

H. B. No. 75, A bill to be entitled "An Act to amend Article 2961 and Article 2962 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The bill was read second time.

Mr. Harris of Hill offered the following amendment to the bill:

Amend House Bill No. 75 as printed between lines 35 and 36, by the addition of the following:

"Provided further that there shall be added to Article 2961 of the Revised Civil Statutes of 1925 the following:

"The Assessor and Collector of Taxes may at such places as shall in his discretion be necessary or advisable, have a duly authorized and sworn deputy for the purpose of accepting poll taxes and giving receipts therefor."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 75 was then passed to engrossment.

HOUSE BILL NO. 75 ON THIRD READING

Mr. Stanford moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—136

Allison	Harris of Dallas
Alsup	Harris of Hill
Anderson	Hartzog
Avant	Heflin
Bailey	Helpinstill
Baker	Henderson
Bell	Hileman
Benton	Howard
Blankenship	Howington
Boone	Hoyo
Brawner	Huddleston
Bray	Huffman
Bridgers	Hughes
Brown	Humphrey
Bruhl	Isaacks
Bullock	Jones
Bundy	Kelly
Burnaman	Kennedy
Carlton	Kersey
Carrington	Kinard
Cato	King
Chambers	Klingeman
Clark	Knight
Cleveland	Lansberry
Coker	Lehman
Colson, Mrs.	Leyendecker
Connelly	Little
Craig	Lock
Crossley	Love
Crosthwait	Lowry
Daniel	Lucas
Davis	Lyle
Deen	McAlister
Dickson of Bexar	McCann
Dickson of Nolan	McDonald
Dove	McGlasson
Duckett	McLellan
Dwyer	McMurry
Ellis	McNamara
Eubank	Manford
Evans	Manning
Favors	Martin
Ferguson	Matthews
Files	Mills
Fitzgerald	Montgomery
Fuchs	Moore
Gandy	Morgan
Garland	Morris
Gilmer	Morse
Goodman	Murray
Halsey	Nicholson
Hanna	Pace
Hargis	Parker

Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Senterfitt
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Present—Not Voting

Hobbs

Absent

Allen
Bean
Celaya
Donald
Hutchinson
Markle
Sallas
Sharpe

Absent—Excused

Burkett
Hardeman
Turner

The Chair then laid House Bill No. 75 before the House on third reading and final passage.

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

Yeas—136

Allison
Alsup
Anderson
Avant
Bailey
Baker
Bell
Benton
Blankenship
Boone
Brawner
Bray
Bridgers
Brown
Bruhl
Bullock
Bundy
Burnaman
Carlton
Carrington
Cato
Chambers
Clark
Cleveland
Coker
Colson, Mrs.
Connelly
Craig
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Dove
Duckett
Dwyer
Ellis
Eubank
Evans
Favors
Ferguson
Files
Fitzgerald
Fuchs
Gandy
Garland
Gilmer
Goodman
Halsey
Hanna
Hargis
Harris of Dallas
Harris of Hill
Hartzog
Heflin
Helpinstill
Henderson
Hileman
Howard
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Isaacks
Jones
Kelly
Kennedy
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Manning
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Nicholson
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Senterfitt
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Present—Not Voting

Hobbs

Absent

Allen
Bean
Celaya
Donald
Hutchinson
Kersey
Markle
Sallas
Sharpe

Absent—Excused

Burkett
Hardeman
Turner

Mr. Stanford moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 77 ON SECOND READING

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

H. B. No. 77, A bill to be entitled "An Act to amend Section 8 of Chapter 282, Acts of the Regular Session, Forty-second Legislature, 1931, and declaring an emergency."

The bill was read second time.

Mr. Love offered the following committee amendment to the bill:

Amend H. B. No. 77, Section 1, lines 16 and 19, by striking out the word "forty" and figures "40" and inserting in lieu thereof the words "forty-five" and figures "45."

The committee amendment was adopted.

Mr. Lehman moved to reconsider the vote by which the committee amendment by Mr. Love was adopted.

The motion to reconsider was lost.

Mr. Love offered the following committee amendment to the bill:

Amend H. B. No. 77, Section 1, line 27, by striking out the word "forty" and figure "40" and inserting in lieu thereof the words "fifty-five" and figures "55."

The committee amendment was adopted.

Mr. Lansberry offered the following amendment to the bill:

Amend H. B. No. 77, Section 1, page 3, by eliminating therefrom lines 8, 9, 10, 11 and 12 thereof.

The amendment was adopted.

Mr. Humphrey offered the following amendment to the bill:

Amend H. B. No. 77 by striking out words and figures 50, line 21, and inserting word and figure 55.

HUMPHREY,
COKER.

The amendment was adopted.

(Speaker in the Chair.)

Mr. Bray offered the following amendment to the bill:

Amend H. B. No. 77 by striking out wherever the figures occur any statutory limit and insert in lieu thereof the words, appropriately phrased, "in a negligent manner."

Mr. Stanford raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is vague and indefinite.

The Speaker sustained the point of order.

Mr. Howington moved the previous question on the engrossment of House Bill No. 77, and the main question was ordered.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 77 was then passed to engrossment.

HOUSE BILL NO. 77 ON THIRD READING

Mr. Stanford moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 77 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126

Allison	Carlton
Alsup	Carrington
Anderson	Cato
Avant	Celaya
Bailey	Chambers
Baker	Clark
Bean	Cleveland
Bell	Coker
Benton	Connelly
Boone	Craig
Brawner	Crossley
Bridgers	Crosthwait
Brown	Daniel
Bruhl	Davis
Bullock	Deen
Bundy	Dickson of Bexar

Donald
Dove
Duckett
Dwyer
Eubank
Evans
Favors
Ferguson
Files
Fuchs
Gandy
Garland
Gilmer
Halsey
Hanna
Hargis
Harris of Dallas
Harris of Hill
Hartzog
Heflin
Helpinstill
Henderson
Hileman
Hobbs
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Isaacks
Jones
Kelly
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manning
Markle
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Nicholson
Parker
Phillips
Price
Rampy
Reed of Bowie
Ridgeway
Roark
Roberts
Sallas
Senterfitt
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Vale
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Nays—9

Bray
Dickson of Nolan
Ellis
Fitzgerald
Howard
Kennedy
Pace
Pevehouse
Rhodes

Present—Not Voting

Reed of Dallas

Absent

Allen
Blankenship
Burnaman
Colson, Mrs.
Goodman
Hutchinson
Manford
Murray
Sharpe
Voigt

Absent—Excused

Burkett
Hardeman
Turner

The Speaker then laid House Bill No. 77 before the House on third reading and final passage.

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

Yeas—124

Allison
Alsup
Anderson
Avant
Bailey
Baker
Bean
Bell
Blankenship
Boone
Brawner
Bridgers
Brown
Bruhl
Bullock
Bundy
Carlton
Carrington
Cato
Celaya
Chambers
Clark
Cleveland
Coker
Connelly
Craig
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Donald
Dove
Duckett
Dwyer
Eubank
Evans
Favors
Ferguson
Files
Fuchs
Gilmer
Halsey
Hanna
Hargis
Harris of Dallas
Harris of Hill
Heflin
Helpinstill
Henderson
Hileman
Hobbs
Howard
Howington
Hoyo
Huddleston
Hughes
Humphrey
Isaacks
Jones
Kelly
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Little
Love
Lowry
Lucas
Lyle
McAlister
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Manning
Markle
Martin
Matthews
Mills
Montgomery
Morgan
Morris
Morse
Murray
Nicholson

Parker	Spacek
Phillips	Spangler
Price	Stanford
Rampy	Stinson
Reed of Bowie	Stubbs
Ridgeway	Taylor
Roark	Thornton
Roberts	Vale
Senterfitt	Voigt
Sharpe	Walters
Shell	Wattner
Simpson	Weatherford
Skiles	White
Smith of Bastrop	Whitesides
Smith of Atascosa	Winfree

Nays—10

Bray	Huffman
Dickson of Nolan	Lock
Ellis	Pace
Fitzgerald	Pevehouse
Garland	Rhodes

Present—Not Voting

Reed of Dallas

Absent

Allen	Hartzog
Benton	Hutchinson
Burnaman	McCann
Colson, Mrs.	Moore
Gandy	Sallas
Goodman	

Absent—Excused

Burkett	Turner
Hardeman	

Mr. Stanford moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 78 ON SECOND READING

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

H. B. No. 78, A bill to be entitled "An Act to provide for agreements between the Commissioners' Court of any county in this State, for and on behalf of the county and political subdivisions thereof, and the United States, relative to resettlement of rural rehabilitation projects, and providing for the payment by the United States to the county of sums in lieu of taxes; defining the duties of the county treasurer pertaining to such agreement and to the apportionment of payments from the United States thereunder; prescribing the method of determining the sums of money to be paid by the United States in lieu of taxes; providing for the depositing of moneys received from the United States and defining terms."

The bill was read second time.

On motion of Mr. Manning and by unanimous consent of the House House Bill No. 78 was amended so as to include an emergency clause.

House Bill No. 78 was then passed to engrossment.

HOUSE BILL NO. 78 ON THIRD READING

Mr. Manning moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 78 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—132

Allison	Davis
Alsup	Deen
Anderson	Dickson of Bexar
Avant	Dickson of Nolan
Bailey	Donald
Baker	Dove
Bean	Duckett
Bell	Dwyer
Benton	Ellis
Blankenship	Eubank
Boone	Evans
Brawner	Favors
Bridgers	Ferguson
Brown	Files
Bruhl	Fitzgerald
Bullock	Fuchs
Bundy	Gandy
Burnaman	Garland
Carrington	Gilmer
Cato	Goodman
Celaya	Halsey
Chambers	Hanna
Clark	Hargis
Cleveland	Harris of Dallas
Coker	Harris of Hill
Colson, Mrs.	Hartzog
Connelly	Heflin
Craig	Helpinstill
Crossley	Henderson
Daniel	Hileman

Howard
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Isaacks
Jones
Kelly
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McMurry
McNamara
Manford
Manning
Markle
Martin
Matthews
Mills
Moore
Morgan
Morris
Morse
Murray
Pace
Parker
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Sharpe
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stubbs
Taylor
Thornton
Voigt
Walters
Wattner
Weatherford
White
Whitesides

Nays—2

Bray
Lansberry

Present—Not Voting

McLellan

Absent

Allen
Carlton
Crosthwait
Hobbs
Hutchinson
Montgomery
Nicholson
Pevehouse
Stinson
Vale
Winfree

Absent—Excused

Burkett
Hardeman
Turner

The Speaker then laid House Bill No. 78 before the House on third reading and final passage.

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

Yeas—130

Allison
Alsup
Anderson
Avant
Bailey
Baker
Bell
Benton
Blankenship
Boone
Brawner
Bridgers
Brown
Bruhl
Bullock
Bundy
Burnaman
Carrington
Cato
Celaya
Chambers
Clark
Cleveland
Coker
Connelly
Craig
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Dove
Duckett
Dwyer
Ellis
Eubank
Evans
Favors
Ferguson
Files
Fuchs
Gandy
Garland
Gilmer
Goodman
Halsey
Hanna
Hargis
Harris of Dallas
Hartzog
Heflin
Helpinstill
Henderson
Hileman
Hobbs
Howard
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Jones
Kelly
Kennedy
Kersey
Kinard
King
Knight
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Manning
Martin
Matthews
Mills
Montgomery
Moore
Morris
Morse
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Sharpe
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stubbs
Taylor
Thornton

Vale	Weatherford
Voigt	White
Walters	Whitesides
Wattner	Winfree

Nays—4

Bray	Lansberry
Fitzgerald	Markle

Absent

Allen	Isaacks
Bean	Klingeman
Carlton	Morgan
Colson, Mrs.	Murray
Harris of Hill	Nicholson
Hutchinson	Stinson

Absent—Excused

Burkett	Turner
Hardeman	

Mr. Manning moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 233 ON SECOND READING

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

H. B. No. 233, A bill to be entitled "An Act appropriating the sum of Nine Hundred Seventy-seven Thousand, Three Hundred and Thirty-two Dollars ($977,332) per year, or so much thereof as may be necessary, for the next biennium beginning September 1, 1941, and ending August 31, 1943, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, general rehabilitation, and rehabilitation for crippled children according to the Federal laws governing vocational education, all of which shall be matched by Federal funds; providing for the administration, attaching conditions, regulations, and limitations relative thereto, making various allocations of said appropriation; authorizing aid to such schools in accordance with the conditions specified herein; providing for certain regulations concerning qualification of teachers; providing all costs of administering funds named in this Act shall be paid out of monies appropriated in this Act under the authority of the State Superintendent of Public Instruction under the direction of the State Board of Education; defining the powers of the State Board of Education and the State Superintendent; and declaring an emergency."

The bill was read second time.

Mr. Alsup offered the following committee amendments to the bill:

Amend House Bill No. 233 by striking out all below the enacting clause and substituting the following:

Section 1. For the purpose of promoting public school interests and matching Federal funds, there is hereby appropriated out of the General Revenue Fund One Million, One Hundred Twenty-four Thousand, Three Hundred Seventy-four Dollars ($1,124,374.00) or so much thereof as may be necessary for the school year ending August 31, 1942, and One Million, One Hundred Twenty-four Thousand, Three Hundred Seventy-four Dollars ($1,124,374.00), or so much thereof as may be necessary for the school year ending August 31, 1943, to be allotted and expended by the State Superintendent of Public Instruction under the direction of the State Board of Education.

Section. 2. The funds appropriated in this Act shall be expended in accordance with all Federal laws and regulations governing vocational education, providing that in schools where equaliziation funds are received, vocational agriculture, home economics, trades and industries, and distributive education shall comply with such regulations as set forth in the Equalization Bill.

Section 3. Provided that no salary shall be paid for more than nine (9) months except superintendents of accredited schools entitled to six (6) teachers or more. Provided further that vocational agriculture teachers may be paid for twelve (12) months when the superintendent of the

school in which they are employed has certified to the State Superintendent of Public Instruction that such teacher is actually engaged in teaching this work twelve (12) months; and salaries may be paid to vocational home economics teachers not to exceed ten (10) months in any one (1) year. Provided further that no salary shall be paid to trial teachers in vocational schools in excess of Eighteen Hundred Dollars ($1,800) per year for the first two (2) years, and that the salary of any other teachers for this work shall not be consummated until same is approved by the State Department of Education.

Section 4. As hereby allocated and set aside the following amounts for the following purposes:

Vocational Agriculture: Three Hundred and Twenty-eight Thousand Dollars ($328,000);

Vocational Home Economics: Two Hundred and Eighty-two Thousand Dollars ($282,000);

Trades and Industries: Two Hundred Thousand Dollars ($200,000);

Vocational Rehabilitation: One Hundred Fourteen Thousand Three Hundred and Seventy-Four Dollars ($114,374);

Rehabilitation for Crippled Children: Two Hundred Thousand Dollars ($200,000).

Provided the funds herein appropriated for vocational services may be reallocated with the consent of each of the directors and with the approval of the State Superintendent of Public Instruction.

Section 5. The fact that many schools in this State are desirous of having the services of vocational agriculture teachers and other teachers mentioned in this Act, and the further fact that if these schools receive such services it is absolutely necessary that this appropriation be passed, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amend House Bill No. 233 by striking out all above the enacting clause and substituting the following:

A BILL

To Be Entitled

An Act appropriating the sum of One Million, One Hundred Twenty-four Thousand, Three Hundred Seventy-four Dollars ($1,124,374.00) per year, or so much thereof as may be necessary, for the next biennium beginning September 1, 1941, and ending August 31, 1943, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, vocational rehabilitation, and rehabilitation for crippled children according to the Federal laws governing vocational education, all of which shall be matched by attaching conditions, regulations, and limitations relative thereto, making various allocations of said appropriation; authorizing aid to such schools in accordance with the conditions specified herein; providing for certain regulations concerning qualification of teachers; providing all costs of administering fund named in this Act shall be paid out of monies appropriated in this Act under the authority of the State Superintendent of Public Instruction under the direction of the State Board of Education; defining the powers of the State Board of Education and the State Superintendent; and declaring an emergency.

The committee amendments were severally adopted.

House Bill No. 233 was then passed to engrossment.

HOUSE BILL NO. 233 ON THIRD READING

Mr. Alsup moved that the Constitutional Rule requiring bills to be read on three several days be sus-

pended and that House Bill No. 233 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—135

Allen
Allison
Alsup
Anderson
Avant
Bailey
Baker
Bean
Bell
Benton
Blankenship
Boone
Brawner
Bray
Bridgers
Brown
Bruhl
Bullock
Bundy
Burnaman
Carrington
Cato
Chambers
Clark
Cleveland
Coker
Colson, Mrs.
Connelly
Craig
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Dove
Dwyer
Ellis
Eubank
Evans
Favors
Ferguson
Files
Fitzgerald
Fuchs
Gandy
Garland
Gilmer
Goodman
Halsey
Hanna
Hargis
Harris of Dallas
Harris of Hill
Hartzog
Heflin
Helpinstill
Henderson
Hileman
Hobbs
Howard
Howington
Hoyo
Huddleston
Huffman
Hughes
Isaacks
Jones
Kelly
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manning
Markle
Martin
Matthews
Mills
Moore
Morgan
Morris
Morse
Murray
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Sharpe
Shell
Simpson
Smith of Bastrop
Smith of Atascosa
Spacek
Stanford
Stinson
Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Nays—2

Skiles
Stubbs

Absent

Carlton
Celaya
Duckett
Humphrey
Hutchinson
Manford
Montgomery
Nicholson
Spangler

Absent—Excused

Burkett
Hardeman
Turner

The Speaker then laid House Bill No. 233 before the House on third reading and final passage.

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

Yeas—139

Allen
Allison
Alsup
Anderson
Avant
Bailey
Baker
Bean
Bell
Benton
Blankenship
Boone
Brawner
Bray
Bridgers
Brown
Bruhl
Bullock
Bundy
Burnaman
Carlton
Carrington
Cato
Celaya
Chambers
Clark
Cleveland
Coker
Colson, Mrs.
Connelly
Craig
Crossley
Crosthwait
Daniel
Davis
Deen
Dickson of Bexar
Dickson of Nolan
Donald
Dove
Ellis
Eubank
Evans
Favors

Ferguson
Files
Fitzgerald
Fuchs
Gandy
Garland
Gilmer
Goodman
Halsey
Hanna
Hargis
Harris of Dallas
Harris of Hill
Heflin
Helpinstill
Henderson
Hileman
Hobbs
Howard
Howington
Hoyo
Huddleston
Huffman
Hughes
Humphrey
Jones
Kelly
Kennedy
Kersey
Kinard
King
Klingeman
Knight
Lansberry
Lehman
Leyendecker
Little
Lock
Love
Lowry
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Manning
Markle
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Sharpe
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Stanford
Stinson
Stubbs
Taylor
Thornton
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Absent

Duckett
Dwyer
Hartzog
Hutchinson
Isaacks
Nicholson
Spangler

Absent—Excused

Burkett
Hardeman
Turner

Mr. Alsup moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

BILL RECOMMITTED

On motion of Mr. Donald, House Bill No. 655 was recommitted to the Committee on Counties.

BILL REREFERRED

Mr. Spacek moved that House Bill No. 671 be withdrawn from the Committee on Highways and Motor Traffic and referred to the Committee on Agriculture.

The motion prevailed.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

March 4, 1941.

To the Members of the Forty-seventh Legislature:

Soon after the Regular Session of the Forty-sixth Legislature adjourned in 1939 I had an opportunity to study very carefully a survey of the public schools of Texas, which was conducted by the State Board of Education. This survey when completed contained over eighteen hundred pages and it represented a very substantial expenditure of funds by the Federal Government and a tremendous amount of work by the professional staff employed by the State Board of Education to conduct the survey. The Forty-sixth Legislature adjourned without taking any action on the recommendations contained in this survey and I decided it was a mistake for the State not to seek to use the information which had been gathered together in this survey for the purpose of trying to improve the system of public education in this State. I, therefore, undertook to see that this information which had been gathered together in this report, was put to some practical use.

On September 15th, 1939, I selected an educational commission of Texas and I sent letters to those selected and asked if they would serve on a committee to make a study of the public school system of Texas. One hundred and sixty-eight people

accepted places on this commission. The membership of this commission consists of county superintendents, city superintendents, grade school teachers, high school teachers, rural school supervisors, and a few selected from our colleges. In other words, I tried to select a fair cross section of the leading school men and women of Texas.

When this committee was appointed, I sent each member of the committee a letter and in this letter I requested them to meet and organize at the earliest date convenient, take this eighteen-hundred-page report, study it, secure information from any other source that was available and then submit to me, not later than September 1, 1940, their recommendations stating what they believed could be done to improve the public schools of Texas and at the same time get more value for the taxpayers' dollar. I explained to the committee when they were appointed, I had no preconceived ideas about what should be done, but that I wanted their recommendations as to what they believed should be done. I told them, furthermore, I did not want another eighteen-hundred-page report, but what I wanted was a brief report stating what legislation they believed should be enacted and then I wanted them to draw the bills which they believed were necessary in order that the program might be made effective. Throughout the work of this commission, I have sought to cooperate with them in every possible way, but have very carefully refrained from seeking in any way to influence the judgment of members of this committee as to what their recommendations should be.

This commission was not able to place the report in my hands by September 1, as I had requested, but at a later date they submitted to me a complete report in which they stated their recommendations as to what they believed should be done to improve the public school system of this State. As soon as this report of the committee was received by me, I mailed a copy of the report to the State Superintendent of Public Instruction and I asked him to give me his opinion concerning the recommendations. I also mailed a copy of the report to the President of the State Board of Education and I told him that I would like to have the opinion of the State Board of Education of the recommendations which were made. I received from the State Superintendent a letter expressing his opinion of the report. I also received a report from the President of the State Board of Education.

In order that the Legislature may have before them this basic information, I attach as a part of this message, the report submitted to me by the Educational Commission of Texas, marked "Exhibit A". I also submit the letter which I received from the State Superintendent of Public Instruction, marked "Exhibit B", and I submit letter which I received from the President of the State Board of Education, marked "Exhibit C".

I hope that all members of the Legislature will read very carefully this report submitted by the educational commission and at the same time read the comments on the report submitted by the State Superintendent of Public Instruction and by the President of the State Board of Education.

Two days ago I had placed on my desk twelve bills which have been drafted by this educational commission, which they believe are necessary to put into effect the recommendations which they made in their report, and in order that these bills which are recommended by the commission, may be made available to the Legislature so that they can give consideration to these bills, I submit them as part of this message so that they, too, may be printed in the Journals of the Legislature. The commission advises me that one more bill will be submitted in a few days when they complete it.

As I have stated, these bills did not reach me until Friday, and I have not had an opportunity to examine them in detail.

In submitting these bills, I am not submitting them either with my approval or disapproval because, frankly, I have not yet had an opportunity to study them thoroughly, nor am I submitting any of the other communications, which I am submitting, either with my approval or disapproval. What I am seeking to do is to place in the hands of the Texas

Legislature in a form that it may be used by them, the results of the study which this commission has made, and, at the same time, the comments which the State Superintendent of Public Instruction and President of the State Board of Education have made with reference to these studies. At no time since this commission was appointed have I sought in even the slightest degree to influence their recommendations on this most important question because I wanted to be able to place before the Texas Legislature the opinions of these educators, so that the Legislature would have the opportunity as individual members of the Legislature to study these recommendations and reach their own conclusions.

Whether you agree with the recommendations made by this commission or not, I feel that the commission is entitled to the thanks and appreciation of the citizenship of this State for having worked very diligently on a task designed to improve Texas' public schools. This commission has worked without any compensation whatever and I know that they have put in many hours of hard work and they have spent many hours in conference in an effort to submit to this Legislature this report in the form which they believe will best serve the interests of the public schools of this State, and, as Governor of this State, I want in this message to express my appreciation to this commission for the work they have done, and I should like to urge that every Member of the Texas Legislature give most careful consideration to the recommendations which the commission has submitted and to the bills which this commission has proposed as a means of improving public education in this State.

When I have had an opportunity to examine in detail the bills which I am submitting to you today, I may have some specific recommendations to make and, if so, they will be made in an additional message to the Legislature.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

"Exhibit A"

October 30, 1940.

To the Members of the Governor's Educational Commission:

At the meeting of the Commission in Fort Worth near the close of September, instructions were given by the Commission that the chairman should attempt to set down the recommendations of the various Work Committees in some co-ordinated and integrated form, and to interpret somewhat the meaning of such recommendations. I am attempting to do that now. I am giving you first in as brief form as I can a statement of what it seems to me the various Work Committees were trying to do, and then giving you the detailed recommendations of these Work Committees rearranged and coordinated. These detailed recommendations are the same as have been given you before in three separate reports, but arranged perhaps differently and in some instances given in shorter form. I have tried to give the recommendations exactly with the meaning intended by the Work Committees.

In attempting to give you any interpretation of what the Work Committees meant to do, please bear in mind that I am not necessarily presenting my views. As chairman of the Commission that authorized the Work Committees and approved their reports, I am prepared to defend the recommendations given, even if and when my own views are somewhat different from the recommendations of the committees, as they are in some instances.

The Commission has made an effort to set up an organization of the State Department of Education in harmony with the best thought of the Nation on the problems involved. It seeks to bring unity, harmony, and efficiency by providing for a State Board of Education, which will appoint as its chief executive officer the State Superintendent, and by defining sharply the duties of the State Board as being strictly legislative and policy forming and those of the State Superintendent as being strictly administrative. It is attempting

to give professional leadership in all matters by provisions that the State Superintendent shall nominate, propose, and recommend all things to the State Board, and shall execute the mandates of the Board and administer the policies finally approved. It provides for lay control in assigning to the State Board of Education the power to approve or reject, but not to alter, nominations, recommendations, and proposals of its professional administrator and his staff.

The Commission is also attempting to set up economical and effective administration of local school organization and economical and effective attendance areas in local school districts. To do so, it provides for combining all small independent districts and all common districts into one county district, except in the counties now organized or that may hereafter be organized as county units or single administrative districts. It makes all districts thus formed independent school districts with the powers and duties now held by the larger independent districts. It reduces the number of school districts in Texas from several thousand to between 500 and 600. It makes possible and encourages the formation of attendance areas in the county independent districts so formed that will permit the teaching of pupils in the most economical manner possible and at the same time in the most efficient schools that may be organized. It will decrease the number of schools just as it will decrease the number of administrative districts. It thus provides for the most economical and efficient expenditure of the State's dollar that it can devise.

Concerning Financing Schools

The Commission would provide adequate financial support for the schools through both local and State participation. It accepts as a measure of the amount of money needed the average national per capita expenditure for current purposes, and sets as a figure for supporting the guaranteed minimum program $70 per year per capita for current expenditures. It leaves to the local districts the right to go beyond the minimum guaranteed program if they so elect according to law to do so. And when it is taken into account that local districts will desire to go beyond the minimum guaranteed program in many instances, and, with the approval of their citizens, will do so, then the average Texas per capita annually for current expenditure will be at around $80, as is the national average.

The Commission would require local districts to participate in the financing of their schools according to their ability and on an equalized basis with other local districts, and in so doing would thus equalize the burden of educational support as well as equalize educational advantages. To this end it would require school districts to levy at least a 40¢ tax for current purposes before receiving any aid from the State. It would require the State Board to equalize tax valuations within districts for the purpose of distributing State aid. It would call upon districts to raise locally at least what a 40¢ tax rate on the equalized valuation would bring in or suffer the loss of the difference in the operation of the schools, for the State would not make up in State aid for the failure of the districts to do their share.

It leaves to the district absolute control of its schools, and of its taxation. For the districts propose budgets and levy taxes according to the valuations set by their own boards.

It takes as a basic need of the districts the amount that would result from multiplying $70 by the average daily attendance of the preceding year. It would permit the addition by the State Board for any sum of money needed by a district for transportation under the regulations set up by law, and any amounts needed for maintaining small schools under conditions approved by the State Board. It would encourage local districts to combine their attendance districts into larger and more economical units, by requiring that when a district receives additional money for maintaining small schools,

it must consider the small schools as temporary arrangements and submit plans for improving the attendance areas at as early a date as may be possible. It would require the districts to contribute to the minimum guaranteed program of $70 per capita such an amount as the districts are able to pay or would be able to pay if they should levy at least a 40¢ tax on the equalized valuation of their districts, and would make up the balance from the State.

Local districts would be required to operate within the budget approved by the State Board, but local district boards would propose budgets and defend them before the State Board, and alter them if and when alteration might be found necessary. The State Board would have to approve any budget before the local district could receive money, but the State Board would not have authority to reduce or alter local budgets. Strict accounting would be made by local districts to the State Board of Education.

The Commission thinks that its recommendations would give adequate support to the schools, equalize educational opportunities on a guaranteed minimum program, equalize educational burdens of taxation, leave local districts with complete control of their schools and expenditures, but making it necessary for the local districts to set up such programs and budgets as the State can approve, and leave local districts with some taxing power to go beyond a minimum program when they might desire to do so. It thinks that without requiring a deadening uniformity of school procedures and programs, it has provided for a guaranteed minimum program which will be highly satisfactory, and will be much nearer to equal educational opportunities than Texas has ever had, or could ever have under present laws and practices.

The Commission recommends a 12-year basic program with provisions for the establishment by a district or a combination of two or more districts of two-year vocational, technical, or continuation schools over and above the public school system, and for adult education in such schools.

The Commission would have the State Board under the guidance and following recommendations of its chief officer, the State Superintendent, propose and stimulate interest in a functioning program of studies, in setting up standards of instruction, attendance, supervision, and accounting, but would permit local districts to supplement and go beyond these standards and programs as they might have the need to do so and the desire to advance, always subject to final approval of the State, which pays most of the cost of current education.

It would provide for teachers prepared to teach specifically in the fields in which they are employed, and for administrators especially prepared for their obligations.

It would provide for the construction and equipment of buildings by local districts.

The details of the recommendations by which the Commission would bring about the accomplishments herein set down are given on the following pages of this report.

Yours truly,

H. W. STILWELL, Chairman,
The Governor's Commission on Education.

A RESTATEMENT OF THE RECOMMENDATIONS OF THE VARIOUS WORK COMMITTEES OF THE GOVERNOR'S WORK COMMISSION

These recommendations being combined and coordinated, and suggestions being made as to their relations to existing statutes not recommended to be altered or repealed.

Recommendations Concerning the State Board of Education and State Superintendent

1. The State Board of Education shall be appointed by the Governor, subject to confirmation by the Senate, for a term of six years, with overlapping terms for all members. The board should be so selected as to be representative of all sections of Texas.

2. The State Superintendent should be selected or appointed by the State Board of Education. He should be a man of training and experience. He should be appointed

for a term of six years and should be paid a salary of from $8,000.00 to $10,000.00 a year.

3. The State Board of Education shall be a policy forming board.

4. The State Superintendent shall be charged with the administration of the State Educational control and machinery. He shall nominate all members of his staff and shall be the sole judge of their efficiency subject to confirmation and review by the State Board of Education.

5. All existing laws imposing duties and obligations upon either the State Superintendent or the State Board of Education, and all statutes hereafter to be proposed doing the same thing, shall be so written as to give all administrative functions to the State Superintendent and his staff and all policy formulating function to the State Board of Education.

Recommendations Concerning the Organizations of School Districts

1. All independent school districts in any county now having within their boundaries fewer than 500 scholastics and all common school districts shall be combined into one administrative county school district, which to all intent and purposes shall be the same as an independent school district, and shall have all of the powers and responsibilities and duties now incumbent upon independent school districts or that may hereafter be given to independent school districts.

2. All counties now operating as a county unit or as a single district and all such counties that may hereafter organize as such a single district shall be validated as county independent school districts.

3. Any county that may hereafter by action of the various independent school districts within the county and by action of the county independent school district as set up herein, may combine into a county unit or into one single independent school district.

Concerning Organizations Of School Districts

4. The county independent school district school board as hereinafter set up may in any partially settled county abolish the office of ex officio superintendent and assign all administrative duties and functions to some school administrator in the county as may be selected by the county board. And the county school board shall determine the remuneration for the services which such school administrator shall render.

5. Two or more adjoining counties may, by joint action of the county school boards of such counties, form a single administrative unit comprising these two or more counties; and may appoint a superintendent who shall perform the duties and functions of the administrator of the counties so organized. Such superintendent shall have his salary set by joint action of the county boards and the counties so organized. His salary shall be paid by the several counties so organized on a per county scholastic population basis.

6. County school boards now organized shall be changed and transformed into county independent district school boards. Such boards shall consist of seven members to be elected from the combined districts of the county over which they have supervision. The terms of the members shall be for six years, and at the first election the members shall draw lots for the two, four, and six year term. Vacancies shall be filled by appointment of the board for unexpired terms of retiring members.

7. The county district school board shall elect a county superintendent and the present county superintendency now set up shall be abolished. The county superintendent selected by the county school district board shall serve for a term of from three to five years and his salary shall be fixed by the board. He shall be the chief executive of the board and shall nominate all members of his staff, who shall be approved by the board. The minimum qualifications of such superintendent shall be a bachelor's degree and an administrative certificate.

8. The county school board, acting as a policy forming board, and following recommendations or proposals of their superintendent, which they are empowered to approve or reject, shall have all of the power and shall perform the duties now imposed upon independent school

district boards, and in particular shall exercise the following specific functions:

a. To appoint teachers and all other employees on the recommendations of a county superintendent and to fix salaries of the same.

b. To order all bond elections; to enter into contracts; and to supervise the construction of all buildings and purchase and sell school property within the territory over which the county board has jurisdiction.

c. To purchase all school equipment and school supplies, purchases to be made on competitive bids whenever practicable.

d. To have authority to create or to abolish attendance areas and to change all district lines for attendance areas for the best interest of education within their jurisdiction.

e. To act jointly with independent district boards on all questions relative to boundary lines affecting the independent districts of over 500 scholastics and the territory over which the county board has jurisdiction.

Concerning Financing Schools

f. To establish attendance areas and to determine and specify the number of grades to be taught in such areas.

g. To act jointly with the county school boards with any adjoining counties in establishing and maintaining county line and attendance areas.

h. To set up and supervise transportation including the purchasing of buses and the employing of bus drivers, and to establish transportation routes with a minimum of overlapping.

Recommendations Concerning the Financing of Schools

1. School districts as herein provided for shall be financed by both State and local support.

2. Local school districts shall be required to contribute to the support of the schools within their districts according to their ability financially to support schools as determined by an equalized valuation herein provided for, and according to a specified tax rate in all districts. The State will contribute to the support of the school from one educational fund, all present State aid, including the per capita from the available school fund, the equalization fund, the transportation fund, the high school tuition fund, and any other State aid money, being combined into this one State fund.

3. Every district shall be required to levy a tax of 40¢ on the valuation of the district as set up by its own equalization board before it may receive any money from the State. But in calculating the amount of support which the State will apportion to any district, the State shall assume that the 40¢ tax required shall yield at least an amount as would be yielded by a 40¢ tax on the equalized valuation hereinafter set up and defined.

4. A local district may levy such tax as it may elect to do within the limits set up by law, but must levy at least a 40¢ tax for current maintenance and operation purposes before participating in any State aid whatever. Any amount over and above the amount required to be raised locally for participation in State aid may be used by the local districts to meet specific local needs or to go beyond the guaranteed minimum program.

5. Local school boards may levy taxes for the purpose of making capital outlay as may be provided by law, and for the purpose of servicing bonds.

6. The State will raise a sufficient fund for the financing of public schools as will guarantee to the local districts a per capita of $70.00 for current expenditures.

7. The State will distribute its educational fund to the districts according to their needs as based on the average daily attendance of the preceding year. The basic need of a district shall be calculated as follows:

The basic need of the district shall be set as $70.00 per capita multiplied by the average daily attendance of the preceding year. From this amount shall be deducted the amount which a 40¢ tax on the equalized valuation hereinafter described would yield. The remainder obtained by deducting the amount raised by the 40¢ tax on the equal-

ized valuation from the amount found by multiplying the $70.00 by the average daily attendance figure shall be the amount which the State may be expected to contribute to the support of education in any district.

8. To this amount which the State may be expected to pay to any district for its basic need shall be added the amount of money which the district may need for transportation, calculated according to the requirements set up by the State Board of Education.

9. There shall also be added to the amount which the State is to pay to any district as its part of the basic need of that district such an amount as will enable the district to maintain any small teaching unit which the State Board of Education may approve as necessary and which could not be financed by the district taking into account the money which it would have for financing schools on the provisions above set forth.

10. When the State Board of Education shall have determined the various amounts which the State will be expected to pay to all of all of the districts according to the principles set forth above, it shall then calculate the percentage of such needs that it can pay when it takes into account all of the educational fund available for the maintenance of schools in any one year. It shall then distribute to the districts on an equal percentage basis such a per cent of total needs which the State is to pay as the money in the State Fund available for distribution in any one particular year will permit the State actually to pay.

11. The State Board of Education shall appoint a Commission to equalize taxable valuation in the various school districts of the State for the purposes of determining State aid. Such equalized valuation shall not be imposed upon districts for the collection of taxes, but each district will collect taxes on valuations as set up their own equalization board. But the State Equalzied valuation shall be used in calculating the amount of money which a local district is expected to raise before sharing in the State support of a school. If it actually raises less than this amount, the State will not make up the difference by an increase of State aid. If it raises more than this amount, it may apply the difference to its own local needs or to the extension of the guaranteed educational program of the State.

12. The State Board of Education shall define a teaching unit taking into account the number of children that ought to be in each grade for a school to have a minimum economical teaching unit, and taking into account the fact that there should be at least one teacher a grade, and taking into account what should be the desirable salary for a teacher for the grade. And when any district proposes to maintain smaller teaching units than those set up by the State Board of Education, those districts must pay for those smaller units out of the total funds of the district unless the State Board of Education as set forth above may give approval to the maintenance of smaller units because of unusual conditions in a sparsely settled area or because of natural barriers.

13. The State Board of Education shall set up a desirable minimum program of instruction.

14. Local School Boards shall propose budgets for the annual operation and the maintenance of their school and shall submit these budgets for the approval of the State through its State Superintendent and State Board of Education. The State shall have no authority to lower or alter any budget submitted provided that the budget does not call for a greater total expenditure than the total amount available to the school district through its own local taxes and through the amount of State aid which it may receive. The State may challenge any budget or any item of a budget and the local district may then defend its budget. The State Board of Education may refuse finally to approve a budget and if it does so the local district will be required to prepare another budget and submit it to the State. Before the local district may receive any State aid, it shall have submitted a budget which the State can approve. Local School Districts will be required to confine their expenditures to their budget.

15. The budget presented by the local district shall be accompanied

by a supporting map of the district, which shall give the location of every school in the district and the number of grades and the number of pupils per grade which it is expected will be taught in each school. The maps shall also show all transportation routes if any and the number of children that are to be transported. If there is to be transportation within the District, the map shall also show the natural barriers and the transportation route.

16. Whenever any district proposes to maintain an attendance area and a school smaller than the standard set by the State Board of Education, that district shall submit along with its budget a full explanation of why the small school is to be maintained and shall likewise submit a plan for the improvement of its attendance area in the future at the earliest possible date. If the State Board of Education approves the budget with the smaller teaching unit as proposed, then the State Board of Education may grant additional State aid to the local district proposing such small units. But in all such cases, the small unit shall be considered as a temporary unit, and the budget of any local district proposing such units of attendance shall each year be subject to scrutiny and review and final approval or disapproval of the State Board of Education.

17. The State Board of Education shall have the power to apportion money to the various school districts according to the plan proposed above.

18. The State Board of Education shall require from each district a full financial accounting at the end of the fiscal year. To this end, each district shall keep an adequate, modern, comprehensive, uniform financial record of all receipts and expenditures of school money and of all bonds issued. These records and reports shall comply strictly with existing statutes to the end that information may always be immediately available to all interested persons, groups, or officials of State Government. The State Board of Education shall be required to propose an adequate financial record as may be needed. Local School districts may set their own systems provided that the systems which they propose shall at least include all that the State Board of Education may require and provided that the State Board of Education gives approval of the proposed systems of the local districts.

19. The State Board of Education shall make provisions for properly checking, classifying, equalizing, and publicizing the financial accounting of the various school districts to the end that the Legislature and the Governor and the citziens of Texas generally may be fully informed of the purposes for which their school money is spent and of the needed improvement that should be made from time to time.

Recommendations Concerning the Extent of the School Program and Text Books

1. The State shall provide for a twelve year basic program of education and vocational guidance with authority vested in the State Department of Education and the State Board of Education to inaugurate and maintain such a program.

2. The State shall provide for the establishment, support, and the management of regional educational centers consisting of any independent school districts, or any combinations of independent school districts, which shall give major emphasis to free technical, vocational, completion or terminal education, and other forms of adult education. Such schools shall be established for students who are sixteen years of age or over and shall have a minimum program of two years.

3. Such schools as provided for immediately above shall be financed by the State, the federal, and regional school fund.

4. The State Board of Education shall provide for the proper advisory Boards and officials to define the programs for such schools and to approve such institutions as may participate in the federal and State financial support.

Recommendations Concerning The Selection and Purchase Of Text Books

1. The State Board of Education shall have the authority to appoint a State Text Book Commission to adopt a multiple list of books for use

in the Schools, both in elementary and high school divisions. Such a list shall contain from one to five approved books for each subject.

2. All Text books in all school districts shall be selected in such a manner as is now provided for the larger independent school districts.

3. The Text Book Commission as appointed by the State Board of Education shall have full power and authority for selecting books. This Commission shall be composed of at least nine educators, a majority of whom shall be classroom teachers in the field from which the selection is to be made. A Commission when so appointed shall serve for a term of two years. The State Superintendent shall nominate the members of this commission. The State Board of Education shall approve the nomination.

4. The State Board of Education may reject the recommendations of a Text Book Commission but may not make any alterations in it. If the State Board of Education fails to approve the recommendations of the Commission, the Commission shall meet again and make other recommendations until the State Board of Education makes approval.

5. The State Board of Education, acting upon the recommendations of the State Superintendent and the curriculum division of the State Department of Education, shall be empowered to determine when a new course for which text books are furnished shall be added and when supplementary or enrichment material is to be provided.

Recommendations Concerning The Certification and Tenure Of Teachers

1. Certification by examination shall be discontinued.

2. Certificates on and after September 1, 1943, shall be granted only upon the completion of three years of college work and shall be either of a general elementary, or of a high school, or of a special classification. For high school and elementary certificates eighteen hours of education shall be required; for special certificates twelve hours of education shall be required. The required educational courses have at least six hours either in the high school, or the elementary school field. High School certificates shall be granted only upon the completion of at least twelve hours in each of two teaching fields. Elementary certificates shall include six hours each in public school music, public school art, and elementary science. Special certificates shall include eighteen hours in the special subject field.

3. After September 1, 1945, certificates shall be granted on the completion of four years of college work. 24 hours of education will be required for either a high school or an elementary certificate and eighteen hours for a special certificate. The high school certificate shall be granted upon the completion of six hours of practice teaching and observation, three hours of the philosophy of education, and six hours dealing with secondary education; and upon the completion of at least eighteen hours in each of two distinct teaching fields. Elementary certificates shall be granted upon the completion of three hours philosophy of education, six hours of elementary school methods and material, six hours of observation and practice teaching, and six hours of health and physical education; and upon the completion of at least six hours of public school music, six hours of public school art, or twelve hours in either music or art, and six hours in elementary science. Special certificates shall be granted upon the completion of six hours of observation and practice teaching and at least twenty-four hours in the special subject field as may be approved by the State Department of Education.

4. Temporary certificates, not renewable, may be issued for not more than ninety days provided the applicant shows evidence of being able to finish the requirements for a regular certificate within that time and provided further that the applicant presents proof of a definite opportunity for employment during the period covered by the temporary certificate.

5. Administrator certificates shall be required of superintendents, assistant superintendents, elementary principals and supervisors, high school principals and supervisors, or special subject supervisors.

6. Certificates for superintendents or assistant superintendents may be

granted upon the following qualifications: The possession of a bachelor's degree, the completion of twenty-four hours of graduate study in the field of educational administration and supervision, and three years of successful experience as administrator or supervisor or teacher. Certificates for principals and supervisors may be granted upon the following qualifications: Possession of a bachelor's degree, the completion of eighteen semester hours of graduate study in the field of education dealing with the particular work for which the certificate is issued, and three years of successful teaching experience.

Concerning the Curriculum And Child Accounting

7. No permanent certificates will be issued. Those granted upon the completion of three years of college work shall be valid for a period of four years only and not subject to renewal. Those granted upon the completion of four years of college work shall be valid for a period of five years and subject to renewal for five year periods under the following conditions:

a. That the holder of the certificate gives satisfactory evidence of having taught successfully for three years of at least eight months each prior to the expiration date, of having successfully completed at least twelve hours of work at an accredited college or university prior to that date.

b. That the holder of a certificate which has lapsed may have his certificate renewed at any time for a five year period provided he completes successfully at least twelve semester hours of work at an accredited college or university.

8. The rights and privileges of all holders of valid certificates in good standing when the law goes into effect shall be protected. Certificates shall not be granted to any one who is not a citizen of the United States. The proper authority for issuing certificates shall be incorporated in the law. Special certificates for teaching foreign language shall be discontinued.

Recommendations Concerning The Public School Curriculum

1. All laws requiring the teaching of specific subjects or making specific grade placement or requiring specific amounts of time for any subject shall be repealed.

2. The control of the curriculum shall be vested in the State Department of Education.

3. The control of the high school curriculum through college entrance requirements shall be abolished by statutes which shall require State Institutions of higher learning to admit students because of the quality and general quantity of general high school work completed rather than the completion of specific courses.

4. The State Department of Education shall be empowered to bring about uniformity in graduation requirements, the requirements of essentials below the high school, the length of school days, and the organization upon the twelve year plan.

5. Sufficient appropriation shall be made for the State Department to maintain a curriculum committee for the purpose of preparing a philosophy of education and the courses of study that can be used by the average teacher now in service.

Recommendations Concerning Child Accounting

1. The State shall adopt a uniform child accounting system which shall be prepared by joint committee consisting of nine members representing the respective fields of education, appointed by the State Board of Education upon the recommendations of the State Superintendent.

2. The uniform system shall include the following basic forms, uniform as to size and general itemization:

a. A census record.

b. A permanent accumulative individual pupil record.

c. The principal's office or building record.

d. The teacher's classroom attendance record.

3. The foregoing records shall include a number of common headings and items pertaining to such aspects of accounting as:

a. The census record.

b. The attendance, residence, scholarship record.

c. Educational test Record.

d. The personality and character record.

e. The health and physical development record.

f. The special activities record.

g. The Guidance and adjustment record.

4. Local Schools and units may be permitted to amplify the uniform basic record with additional forms and items to suit their peculiar needs and interest.

Recommendations Concerning The Financing, Construction, and Maintenance of School Plants

1. The continuance of the present laws governing the financing of school building construction should be altered only in such way as to make them entirely applicable to the new administrative setup herein provided for.

2. Certain building specifications should be altered in such a way as to provide for proper lighting, eating and ventilating.

3. Provision should be made for further study as to the advisability of developing a school building code to be enacted into law.

"Exhibit B"

November 19, 1940.

To His Excellency,
Governor W. Lee O'Daniel,
Austin, Texas.

My dear Governor O'Daniel: I am in receipt of your request that I give you the benefit of my thinking with regard to the recommendations made by the group known as the Governor's Education Commission.

At the outset let me say that I wish to commend you most highly for your personal and official interest in the welfare of the schools of the State of Texas. I believe that the Texas Public School System merits and deserves the study and best thought of all of the people of Texas. I believe, as I am sure you do, that the schools of Texas belong to all of the people of Texas; I believe that they exist for the benefit of all of the children of Texas.

There are certain fundamentals upon which we can all agree. First, Texans believe and live in a Democracy. Our government exists by and through the will of the people. Schools constitute the most important activity in which the government of Texas is engaged. I cannot think of any better statement of this fundamental than the words of President Mirabeau B. Lamar of the Republic of Texas when he said:

> "Cultivated mind is the guardian genius of Democracy and when guided and controlled by virtue is the noblest attribute of man. It is the only dictator that free men acknowledge and the only security that free men desire."

The first violation of a Democratic fundamental to which I desire to call your attention is found in the Commission's recommendation that the State Superintendent of Public Instruction be appointed by the appointed State Board of Education. I am absolutely opposed to a bureaucratic form of government and I recall that in your campaigns you so expressed yourself.

In such a setup the will of the people would be completely ignored and they would have no say whatsoever in the administration of their schools. You will notice that the term of the State Board of Education is to be six years and under such conditions the Governor would have practically no say relative to who should be State Superintendent unless it be after he has gone out of office. Thus you see that the first two recommendations of the Commission when taken together constitute the greatest divergence from Democracy in the administration of our public schools. Some argue that such a setup is efficient, but I do not believe that anyone who thoroughly believes in the Democratic form of government can honestly argue it. I am not willing to admit that a dictatorship, such as Germany has, is more efficiently and economically administered than a Democracy such as we have here in Texas. I am absolutely opposed to any form of dictatorship, no matter how benevolent the dictator may be.

We can agree upon the third recommendation that "The State Board of Education shall be a policy form-

ing board." The full application of this principle, however, would remove from the State Board of Education as now constituted and as proposed in the recommendations their present responsibilities of administrative action in the investment of the State Permanent School Fund and in the adoption of textbooks. In fact, a careful perusal of the recommendations of the Commission will reveal that the Commission crossed themselves, for they definitely said that the State Board of Education was to be a policy fixing board and then they assigned to them a great deal of the administration of school affairs. May I refer you to (1) the power of the Board to allocate transportation funds directly to the districts; (2) the power of the Board to direct through its proposed "Commission to Equalize Valuable Taxations" the exact valuations of property in every school district in the State; (3) the power of the Board to determine the appropriateness of small teaching units in sparsely settled areas; (4) the power of the Board to veto local school budgets until these budgets have final positive approval of the State Board. Thus, you see that the Commission's report contradicts itself in that it authorizes the State Board of Education to be a policy fixing board and then immediately makes it an administrative body.

The second fundamental upon which most informed students of government in Texas would agree is that "there are very few defects in the Texas Public School system as now organized that an adequate system of financing would not remedy." A dynamic government can never exist with a static system of finances and thus we can see that changes are needed now and will always be needed from time to time. The recommendations of the Commission are predicated on the premise that the need of public school financing would not exceed $70.00 (per capita) times the average daily attendance of children in all of the schools. This means that with the present average daily attendance in Texas schools, the upper limit of school support would not be beyond $77,786,240 per year because the average daily attendance at the present time is 1,111,232 children. On the other hand, the records show that in 1939-40 Texas schools spent $83,171,656, and this figure does not include amounts spent for payment on bonds and bond interest although it does include amounts spent on some permanent improvements. The Commission recommends that only forty cents on the $100 valuation of local taxation shall be obligated to match State effort and points out that amounts over and above this forty cent local tax will be used to encourage local districts to go beyond the minimum state program. We have no figures as to just what amount of money can or will be raised by this "extra effort" on the part of local districts but in all probability this "extra effort" would not amount to more than $2,000,000 at the very best. In the final analysis, therefore, we can safely say that the proposals of the Commission do not point to any increase in public school finance—we will not thereby raise the average per capita of public school support above present expenditures in Texas. This is after all Problem No. One upon which you appointed and founded the Commission.

The Commission makes no effort to point out new sources of revenues to raise funds for support of Teachers Retirement—an obligation that has been placed in the Constitution of this State by an overwhelming vote of the people—an obligation that has not been satisfied at the present time and that now begins to assume the form of a real emergency.

We can agree that the formation of larger administrative units for schools is a desirable principle and that the application of such a principle will result in some financial economies and greater efficiency; however, the principle of a democratic expression of the will of the people is a greater principle. Therefore, we should amend our school laws to permit counties to form County Unit School systems, but only upon a vote of the people. You will notice further that the Commission plan does not eliminate the county superintendent and the county school board, thus nullifying all of the proposed economies which all of these

changes in the present plan would hope to attain. Why keep the county superintendent and the county school board after you have eliminated all reasons for their existence?

We can agree that local school systems should make the maximum effort to support their schools from local taxation before calling on the State for additional support. This is a good principle. But a better principle is that "taxation without representation is tyranny." The recommendations of the Commission call for a device that is as old as bureaucracy itself—it proposes that the State will give no funds whatsoever to any district that fails to vote at least a forty cent tax. This is nothing short of coercion in taxation. Totalitarian governments allow their people to vote but the outcome of such elections is dictated by similar methods of coercion. The Texas Constitution provides that it is the responsibility of the State to furnish at least six months' schooling to all of the children of all of the people. The Commission seems to have overlooked the fact that there are many areas in Texas in which good people patronize parochial schools for the education of their children and less than 10% of the residents of many districts patronize the public schools. Such good citizens feel that in their payment of tuition to their parochial schools, thus relieving the public school system of the burden of educating their children, they make a contribution equivalent to an even much heavier local taxation. These people do not wish to add to their own burdens, and this you would do if you forced this forty-cent tax on them.

The third fundamental upon which most students of government can agree is that in the final analysis under the Texas Constitution "the real trustees of the entire Public Schools Systems are the Members of the Texas Legislature." The proposals of the Commission in effect are a delegation of many of the legislative powers to an appointed board.

There are a good many points at which the recommendations of the Commission violate the spirit and the letter of the Constitution. In the first place, the Constitution requires the State School monies to be distributed from the State Available School Fund on a per capita basis and the Commission asks that this be changed to a distribution on the basis of average daily attendance.

Second, the Constitution directs that the Legislature shall provide a minimum schooling of at least six months for all children in the State and the Commission suggests a mandatory forty-cent local tax as a requirement for eligibility in participating in State support. (See Section 3 of Article VII of the Constitution.)

Third, the powers given to the "Commission to equalize taxable valuations in the various school districts" are in effect such powers as should be acquired only by a Constitutional Amendment. It is recognized that under the recommendations of your Commission, the "Equalization Tax Commission" as proposed would not have the power to change valuations of tax assessments but in the powers of the State Board of Education (as proposed) to allot State monies, we find that the "Equalization Tax Commission" has acquired all powers necessary to dictate actual tax valuations.

Fourth, in like manner, I believe that the proposal to effect complete consolidation of all schools within counties, except the independent districts without a vote of the people and the consequent abolishment of local school boards without a vote of the people would be an evasion of the spirit, if not the letter, of the Constitution.

There are many sections of the report of your Commission with which I am in hearty agreement. In the main, I can subscribe to the recommendations with reference to the Certification and Tenure of teachers. The recommendations regarding Child Accounting are sound and with some minor variations can be put into effect under existing statute. The recommendations regarding the Public School Curriculum reflect the fact that under present appropriations, the State Department of Education at the present time has no Division of Curriculum—the work being done by other members of my staff on a purely volunteer basis. Obviously, I can agree that the State

of Texas needs a Division of Curriculum in its State Department of Education, but we need no statute to bring this about. It can be written into the Departmental Appropriation Bill.

Governor, there are many things in this proposed bill which violate the fundamental principles of a Democracy, and I should like to talk the entire matter over with you.

You will find enclosed herewith my recommendations to you to be passed on to the Legislature. These recommendations in my opinion will get the results we are all seeking without violating the principles of a Democracy or without having to change the Constitution of the State.

Sincerely yours,

(Signed) L. A. WOODS,

State Superintendent.

"Exhibit C"

December 20, 1940.

To His Excellency, W. Lee O'Daniel,
Governor of the State of Texas,
Austin, Texas.

Dear Governor: The State Board of Education has had before it for consideration the report of the Education Commission, appointed by yourself, which you submitted to the Board.

After consideration of this report at two different meetings of the Board, we wish to submit to you certain suggestions and recommendations of the Board with respect to the report.

The members of the State Board unanimously agree that its members should be appointed by the Governor subject to the confirmation by the Senate for a term of six years, with overlapping terms for the members, as the law now provides.

There is a difference of opinion among the members of the State Board as to whether the State Superintendent should be appointed by the Board or elected.

With respect to the Commission's recommendations concerning the organization of school districts, the Board is of the opinion that the educational welfare of many children will be promoted by increasing the geographic size and thus the scholastic population of school districts, and that legislation making it financially attractive to school districts to consolidate would make financially sound administrative programs.

It seems to the Board that the Commission's recommendations with respect to the State guaranteeing a per capita of seventy dollars ($70) for current expenditures is entirely too much of a burden for the State to assume at this time. The Board appreciates the fact that the State's part of this seventy dollars ($70) per capita would be cut down to the extent that a forty-cent local tax would contribute to such a program. The present system with an increased appropriation for the Equalization Fund will assist materially in promoting equal educational opportunities in the State. The monies which the State proposes to give to the schools should not be conditioned upon a local tax. Your Commission has assumed to ameliorate these inequalities by suggesting that the State Board appoint commissions to determine in each district the true value of the property, not for the purpose of having taxes imposed upon the property, but only for the purpose of determining how much aid should be allotted to the district. We think this proposal is impractical and would fail to cure the ills for which the remedy is prescribed.

In theory all properties in Texas are now assessed for taxes at their true value; does not the Constitution require that all ad valorem taxes be equal and uniform? We do not believe that a statutory provision for equality and uniformity adds much, for it is not in the law that inequality exists, but in administration that non-uniformity has arisen under present laws. These same inequalities probably would arise in the administration of the law proposed by your Commission.

The equalization boards appointed by the State Board would necessarily have to be composed of local men. The present tax assessors take solemn oath to uphold the Constitution and the laws of the State; the equalization committees would take a similar oath; yet both would arrive at approximately the same assessed value of properties within their district, when the question involved is how much tax is to be paid or how

much aid is to be awarded. Both would take oath to ascertain and fix at true market value all property in the area over which they have jurisdiction. Upon the basis of this finding, the determination is made in one instance for ascertainment of how much tax property owners in the area must on a limited tax rate contribute to State costs; on the other hand, the proposed equalization committee would determine how much money is to be deducted from a certain figure to ascertain how much money would be given by the State to the schools in the area. Since the amount of the deduction in the latter instance is prescribed as the amount of the determined valuations times a fixed rate, the same situation is presented as exists in ascertaining values for the purposes of State taxes. While on the one hand, the question is how much the taxpayers must give; and on the other, how much the community is to be given, the interests of the people in the area as such dictate low assessed values in each situation.

As heretofore stated, it is a virtual necessity that the determination of assessed values be left in the hands of persons familiar with properties in the area and with the value of such properties. These persons in all probability would be concerned directly or indirectly with the area and its interests as distinguished from the intersets of the State at large. It is this condition that has given rise to the inequalities now existing in the administration of the assessment of properties for purposes of State taxation. We can see little, if any, difference in the incentives giving rise to this condition and those that would accompany the fixing of values where aid is increased in proportion to the amount values of property in the area are lowered.

It is the duty of the State to provide a uniform program of education applicable in every section of Texas, regardless of the wealth of the district and regardless of contributions by the District. Once this minimum program has been provided for, it is well to leave additional programs to the choice of the man who must pay for the program, that is, to the local taxpayer. It should be borne in mind that your Commission does not recommend that the Board appoint the Equalization Board to fix the valuations for tax purposes. The equalization boards that the State Board would appoint, if the Commission's report were enacted into law, are empowered to determine only how much aid is to be allotted to the several districts.

With respect to the Commission's recommendation concerning a twelve-year basic program of education and vocational guidance, you are advised that the State Board of Education has already adopted such a program insofar as it has authority and it is providing necessary textbooks to enable the individual schools to inaugurate such a system.

The State Board of Education acting as the State Board for Vocational Education, in cooperation with the Federal Government, has already inaugurated a program of free technical and vocational training for Texas, the expenses of which are shared by the State and Federal Government on a 50-50 basis. The State Board has also endorsed and approved the national defense program of technical and vocational training and has promulgated necessary rules and regulations to place the same in effect in Texas. This program is financed wholly from Federal funds.

The State Board is divided on the question of whether the per capita should be distributed on the basis of average daily attendance as recommended by your Commission or whether the present policy of distributing the per capita based upon scholastic population should be continued.

The State Board of Education unanimously disagrees with the procedure recommended by your Commission with respect to the selection and adoption of textbooks. The Board is willing to adopt any improved method of procedure which will make for better textbooks and increased economy, but it is only necessary to cite you to the record which has been made by the Board for the past several years to show the accomplishments of the Board in providing the best of textbooks in a most economical manner under the law as it is now written. A study of the record will show that the total cost of free textbooks per year at

this time is about the same as it was fifteen years ago. During the School year 1925-26 the total expenditures amounted to $2,908,437.88 or an average per capita cost of $2,403. For the year 1939-40 the total expenditures amount to $2,024,661.80 or an average per capita cost of $1,305. A comparison of the present with 15 years ago shows that there has been a very great increase in the average daily attendance of pupils in the public schools. The average attendance for 1924-25 was 867,143 pupils per day as against 1,112,232 for the year 1939-40. It is reasonable to assume that with increased average daily attendance and a greatly increased high school enrollment there would be a similar increase in the cost of books due to the necessity of purchasing high school textbooks for many more pupils and due to books of all the children being more rapidly worn out through use, but such has not been the case. There has been an increase of more than 150,000 in the enrollment of high school pupils during this 15-year period. At this level where the cost of books is highest, it has been necessary for the Board to purchase high school textbooks for almost twice as many high school pupils last year as during the school term 1924-25. The high school enrollment for 1924-25 was 194,176 pupils, whereas for 1939-40 it was 343,900. In 1924-25 the Board was supplying books in only 38 subject fields, whereas in 1939-40 they were supplying books in 73 different subject fields. During the 15-year period under consideration in this discussion new textbooks have been added to the list in the following subjects: biology, bookkeeping, commercial arithmetic, Czech, general science, German, world history, high school Texas History, literature for the 8th and 9th grades, Spanish, pre-primers and primer for basal and supplementary use, 5th and 7th grade physiologies, general mathematics, public safety for elementary and high school, home economics, practical algebra, practical physics, speech arts, French, and high school grammars. In several instances more than one book was applied in each of the subject fields in order to meet the needs of the various grade levels. For each high school pupil enrolled in the public schools of this State, the Board is now supplying approximately $8.00 worth of textbooks each year at an average annual cost of but little more than $1.00 per year. The State now furnishes all of these additional books to the additionally increased scholastic population without increasing the total cost of free textbooks.

Since the record shows that the State of Texas has provided its school children with a greater selection of books at a lower per capita cost than any other State in the Union, we cannot agree with the Commission in asking for a change of the present system which has produced such efficiency and economy.

Concerning the certification and tenure of teachers, the Board wishes to say that the members have not had an opportunity to make a study of these questions, but is of the opinion with its limited information that the suggestions contained in your Commission's report seemed desirable.

The Board regrets to say that it has not the information upon which to give any opinion on the questions of the public school curriculum and child accounting as outlined in the Commission's report.

Respectfully submitted,

J. C. STRONG, President,

State Board of Education.

TEXT OF BILLS SUBMITTED BY GOVERNOR IN ABOVE MESSAGE

H. B. No.—,

A BILL

To Be Entitled

An Act revising Article 7043 (7351), Acts Forty-sixth Legislature, Regular Session, 1939, providing for the setting of the ad valorem tax rate, providing for the repeal of all laws or parts of laws in conflict with the provisions of this Act, and declaring an emergency.

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

Section 1. Within five (5) days after the Comptroller has received such certified statements from every Assessor within this State, said

Board shall meet for the purpose of calculating the ad valorem rate of taxes to be collected for the State and public free school purposes. In calculating said rates the Board shall calculate the same by the following rules and upon the following basis: They shall find, by adding together all the property subject to taxation in all counties as shown by the certified statements returned by the Assessors, the total valuation of all property within this State subject to ad valorem taxes. They shall find, by adding together the sums appropriated by the Legislature, which will or which may become due by the State, during the following fiscal year, the amount fixed by the Board of Education for public free school purposes, as the State apportionment, the total sum of which will or which may become due by the State, during the following fiscal year. They shall find, by adding all sums paid into the State Treasury as delinquent ad valorem taxes and interest and penalties thereon during the first half of the current calendar year and latter half of the preceding calendar year and all sums which may be expected to be paid as taxes for State purposes from all sources other than ad valorem taxes, the total sum expected to be collected from all said sources. They shall find, by subtracting from the total sum which will or which may become due by the State during the succeeding fiscal year, the total sum which may be expected to be paid as taxes for State purposes from all sources other than current ad valorem taxes, the total sum for State purposes which must be collected by current ad valorem taxes. They shall add to such remainder twenty (20%) per cent of said remainder. They shall divide the total sum for State purposes which must be collected by ad valorem taxes added to twenty (20%) per cent of such total sum by the quotient of the total valuation of all property within this State divided by one hundred (100). The quotient shall be the number of cents on the One Hundred ($100.00) Dollars valuation to be collected for the current year for State purposes; provided that said quotient shall not be run to more than three decimals. The rate for State purposes shall never exceed the rate fixed by law on the One Hundred ($100.00) Dollars valuation of property. In calculating the rate to be collected for public free school purposes, said board shall take into consideration the total amount of money to be furnished by the State to guarantee the minimum educational program as provided by law, and said board shall set the rate at thirty-five (35c) cents on the One Hundred ($100.00) Dollars property valuation or at such a rate less than thirty-five (35c) cents as will, together with all other moneys accruing to the State Available School Fund, produce sufficient funds to enable the State to pay its part in providing the guaranteed minimum educational program for the State when combined with the amounts of money raised by the several independent school districts as a basis for receiving State aid as provided by law; provided the State shall not contribute a greater amount than is necessary when combined with the contributions of the several independent school districts on the basis of thirty (30c) cents on the One Hundred Dollars true valuation as determined by the State Department of Education to provide seventy ($70.00) dollars per child based on the average daily attendance of the preceding school year.

Sec. 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed and in the event any provisions of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Sec. 3. The fact that there is a great inequality in educational opportunity for the children in the various school districts of Texas, the fact that there is a great deal of variation of contributions of local school districts of about the same ability to support their schools, and the fact that legislation is being enacted providing for a different method of distribution of State money to local districts, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby sus-

pended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

H. B. No.—,

A BILL

To Be Entitled

An Act creating the "Texas State Textbook Committee," providing the qualifications and terms of office for the members of said Committee, providing for meetings of said Committee, establishing and creating the duties of said Committee, providing for the adoption of multiple lists of textbooks for use in the public schools of the State, providing for the adoption of multiple lists of textbooks for use in the public schools of the State by said Committee, providing for penalty for violation of terms of Act, committee members, textbook companies, or representatives, providing for the compensation of the members of said Committee, repealing all laws or parts of law in conflict, providing that any partial invalidity of this Act shall not affect other parts hereof, and declaring an emergency.

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

Section 1. There is hereby created a permanent Committee to be known as the Texas State Textbook Committee. Which Committee shall be composed of nine members and shall be appointed by the State Superintendent of Public Instruction with the approval of the State Board of Education. Said appointment to be made not later than the 31st day of July. The term of office of the members of the said Texas State Textbook Committee shall begin on the first day of September of the year following their appointment and the term of office of such members of the Texas State Textbook Committee shall be for one year. Members of this Committee shall not be eligible to succeed themselves.

Sec. 2. All members of the Texas State Textbook Committee shall at the time of their appointment and at all times while serving as a member of said Committee be actively engaged in some phase of work in the State supported public school system of Texas, and a majority of the members of the Committee shall be employed as classroom teachers, in the State supported public schools of Texas, of the subjects for which texts are to be adopted during their term of office. No two members of the Committee shall live in the same County at the time of appointment and any member moving his place of abode into the same County as another member shall automatically vacate his position as a member of the Committee. In addition, every member of said Committee shall be selected on the basis of his outstanding ability and success in his special field of school work.

Sec. 3. Affidavit of Members of the Textbook Committee. Before any business, each member of the Textbook Committee shall make an affidavit to be filed with the State Superintendent, that he will faithfully discharge the duties imposed upon him as a member or as a secretary of the committee; that he has no interest and that, while a member of the committee; he will assume no interest as author, as associate author, as publisher, or as representative of author or publisher of any textbooks that he is in no way connected and that, while a member of the committee, he will assume no connection with the distribution of such books; and that he is not pecuniarily interested and that while a member of the committee, he will assume no pecuniary interest directly or indirectly in the business or profits of any person, firm, or corporation engaged in manufacturing, publishing, or selling school books or other publications designed for use in classroom teaching; that he will not accept any emolument or promise of future reward of any kind from any publisher of school books, his agent, or any one interested in or intending to bias his judgment in any way in the selection of any book to be adopted.

Sec. 4. Not later than the tenth (10) day of September of each year the newly appointed members of the Texas State Textbook Committee shall meet at the Texas State Department of Education Offices in the Capitol at Austin, Texas. The State Superintendent of Public Instruction shall notify the newly appointed

members of said Committee of such meetings by registered mail at least one week prior to the time of such meeting. At such meeting the Committee shall organize by the election of one of its members as chairman. The State Director of Textbooks and Curriculum shall be ex-officio secretary of the Committee, but shall not have the right to take part in the deliberations of the Committee, except on request of the Committee, and shall not have the right to vote.

The Texas State Textbook Committee shall thereafter hold such meetings as the Committee shall deem necessary to the discharge of the duties imposed upon it by law and shall be subject to call by joint actions of its Chairman, and the State Superintendent of Public Instruction or of any three members.

The Texas State Textbook Committee shall establish its own procedures in rating the textbooks that are to be considered for adoption. All meetings of said Committee shall be held in the Texas State Department of Education offices at the Capitol at Austin, Texas.

Sec. 5. It shall be the duty of the Texas State Textbook Committee to select and adopt a multiple list of textbooks to be used in the State supported public free schools of Texas. Such multiple lists shall include not fewer than three nor more than five books on any one subject. All such textbooks selected and adopted by the Committee shall be printed in the English language, except such textbooks as are to be used exclusively in the teaching of other languages. None of said textbooks selected and adopted by the Committee shall contain anything of a partisan or sectarian character. The Texas State Textbook Committee shall not adopt basal texts in any subject.

Sec. 6. In addition to the multiple lists of textbooks selected and adopted by the Texas State Textbook Committee as provided in this act, the Committee shall have the authority to select and adopt such supplementary books as are needed. The need for such supplementary books shall be determined by the State Director of Curriculum and Textbooks of the Texas State Department of Education, who shall keep in close touch with the progress and development of curriculums and textbooks in an effort to coordinate the textbooks and the purposes and plans of education in the public, free schools of the State of Texas.

Sec. 7. The Direction of Curriculum and Textbooks shall make his recommendations to the State Superintendent of Public Instruction as to need for adoptions of multiple lists and supplementary lists of textbooks for use in the public schools of Texas, not later than June 30 of each year. When approved by the State Superintendent of Public Instruction and presented to the State Board of Education, the said Board of Education shall consider the recommendations and if passed by the affirmative vote of at least six members thereof, said State Board of Education shall order the Texas State Textbook Committee to select and adopt such multiple lists of textbooks and supplementary books as are deemed necessary. This procedure shall be followed in all adoptions of books for the public free schools of the State of Texas. Selections and adoptions of textbooks and supplementary books made by the Committee shall be final subject only to cancellation under the terms of Article 2863 of the Revised Civil Statutes of 1925.

Sec. 8. Selections of textbooks to be used in the different local school systems of the State of Texas shall be governed by specific rules and regulations to be made by the State Department of Education and approved by the State Board of Education, provided, however, that the superintendents of these school systems shall with their faculties determine the textbooks to be used from the multiple lists and the supplementary lists available to them. Each school system shall have the right to select as many different titles as are provided in the list of multiple adoptions, provided, the total number of volumes does not exceed the total enrollment in the grade or subject to which the book is assigned.

Sec. 9. The powers and duties of the Texas State Textbook Committee, except as specifically provided by this Act, shall be those heretofore devolving by law upon the State

Textbook Commission and upon the Textbook Committee and upon the Textbook Committee authorized by Chapter 10 of the Acts of the Second Called Session of the 41st Legislature, 1929, and/or such powers and duties in respect to the selection and adoption of textbooks for use in the public schools of the State are hereby conferred upon the Texas State Textbook Committee. The Textbook Committee authorized by Chapter 10 of the Acts of the Second Called Session of the 41st Legislature, 1929, shall not meet after August 31, 1941, and at that time shall cease to exist and shall be replaced by the Texas State Textbook Committee created by this Act.

Sec. 10. The members of the Texas State Textbook Committee created by this Act, shall be paid ten dollars per day when in actual attendance upon committee meetings and shall be entitled in addition to actual traveling and other necessary expenses incurred in the discharge of their duties.

Sec. 11. Findings of Committee—Confidential. The findings of the committee, including the grading and rating of books, shall be in executive session. Any person who reveals any of the findings of the committee except as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed Five Hundred Dollars ($500.00) or imprisoned in the county jail for a term of not to exceed six months, or shall be both fined and imprisoned in the discretion of the court.

Sec. 12. Contact with Publisher and Publishers' Representatives. It shall be unlawful, except as herein provided, for any member of the Textbook Committee to discuss matters relating to the books under consideration with any agent or representative of a publishing house, either directly or indirectly. Any person violating provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding Five Hundred Dollars ($500.00) or by imprisonment in the county jail not exceeding ninety days, or both fine and imprisonment within the discretion of the court for each such offense.

Sec. 13. Contact with Textbook Committee. It shall be unlawful, except as herein provided, for any agent or representative of a publishing house to discuss matters relating to the books under consideration with any member of the Textbook Committee either directly or indirectly. Any person violating any provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding Five Hundred Dollars ($500.00), or by imprisonment in the county jail not exceeding ninety days, or both fine and imprisonment within the discretion of the court of each such offense.

Sec. 14. All laws or parts of laws, both general and special, in conflict with any of the provisions of this Act are hereby repealed insofar as and to the extent that such laws conflict with any of the provisions of this Act.

Sec. 15. In the event any sentence, paragraph, section or other part of this Act be held unconstitutional or void, it is hereby declared to be the legislative intent that all other parts of this Act shall notwithstanding such holding have full force and effect according to their purport and intent.

Sec. 16. The importance of this legislation and the fact that there are grave inadequacies in the existing laws with respect to the selection and adoption of textbooks for the public schools of the State create an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

H. B. No. —,

A BILL

To Be Entitled

An Act known as the Teacher Tenure Act for Texas, defining teacher tenure, teacher and Board of Education; providing for the probationary period to entitle a teacher to the benefit of the Act and fixing the conditions of such probationary period; stating causes by which teachers may be

dismissed or suspended from service and determining the procedure in case of dismissal or suspension of teachers; providing that school districts, where the Board of Education has not conformed with the requirements of this Act, shall not participate in any portion of the State Public School Funds; making certain miscellaneous provisions for the protection of teachers in case of illness, for leave of absence of teachers, allowing salary reduction in case of lack of funds and providing that the Act shall not interfere with the right of the Board of Education to reduce the number of teachers where such reduction is brought about by natural causes such as a decrease in average daily attendance, elimination of departments, consolidation of schools or the reorganization of same, and providing that, where such reduction in the number of teachers is made, the manner in which preference shall be given to the teachers employed and also the manner of filling vacancies; providing that if any provision of this Act shall be held unconstitutional it shall not affect the other provisions, and declaring an emergency.

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

Section 1. Definition. The following words and phrases as used in this Act, unless a different meaning is plainly required by the context, shall have the following meanings:

a. "Teacher Tenure," as employed in this measure, shall mean security of position during efficient service. It means the right of a teacher to continuous employment within a school district until such teacher resigns, elects to retire or is retired pursuant to Section 5 of Article 2922-1 of the Teacher Retirement System Act, or is dismissed as provided by law.

b. "Teacher," as used in this Act, shall mean any individual regularly employed by Boards of Education in a supervisory, administrative or instructional capacity.

c. "Board of Education" shall mean a majority of the membership of any official body having jurisdiction and control over the management of any public school in Texas.

Sec. 2. A teacher tenure system is hereby established and placed under the management of the State Board of Education. Said Board shall create from its membership a State Tenure Committee composed of three (3) people, one (1) of whom shall act as chairman and one (1) of whom shall act as secretary. Said committee shall perform all of the duties imposed by this Act and such other duties as may be confered upon the committee by the Board of Education. They shall keep a full and accurate record of all proceedings. Their decisions shall be based upon a review of the record of all the hearings before the Board of Education or before the committee. They shall have the right to issue appropriate subpoenas and require the attendance of witnesses before the committee. They shall have the power to affirm, reverse or modify any decision of the Board of Education. They shall give due notice to interested parties of all hearings and of all decisions rendered.

Sec. 3. All teachers regularly employed by Boards of Education in a supervisory, administrative or instructional capacity shall receive the benefits and the protection of teacher tenure as administered by the Board of Education under the provisions of this Act.

Sec. 4. A teacher must serve a probationary period before he comes under the protection of tenure.

a. All teachers new to a local school system must serve a probationary period of two (2) years before they come under the protection of tenure.

b. All administrators or supervisors placed in a new type of position or new in the system shall serve a probationary period of two (2) years before they come under the protection of tenure.

c. All teachers regularly employed in a school system for two (2) consecutive years or more immediately prior to the effective date of the tenure law shall be considered as having met the probationary requirements when re-elected.

Sec. 5. No teacher shall be dismissed or suspended from service

after having taught, as provided herein, for two (2) consecutive school years after this Act takes effect except for the following causes:

a. For inefficiency.

b. For immoral conduct. Teachers charged with flagrant immorality may be temporarily suspended without a hearing before the Committee.

c. For physical or mental disability.

d. For persistent violation of or refusal to obey State school laws, regulations of the State Board of Education and the State Department of Education, and/or reasonable rules and regulations of the local Board of Education.

e. For refusal of a teacher to meet the minimum educational requirements necessary to permit such a school system to raise its standards to meet certain accredited and affiliation requirements.

Sec. 6. No teacher on tenure shall be dismissed by any Board unless the charges are first reduced to writing, duly signed and verified by the person filing the same with full specification of the acts complained which constittue the ground or grounds for dismissal, and filed in duplicate with the clerk of the Board of Education. The clerk immediately shall give notice in writing to the accused of the filing of such charges together with a copy thereof. Unless the accused shall, within ten (10) days subsequent of the receipt of such notice, demand in writing an opportunity to appear before the Board and defend against the charges, the Board may proceed to consider the same and, if the accused is found guilty suspend or dismiss such teacher, and its action thereon shall be final. If the accused shall within ten (10) days after the receipt of notice and copy of the charges from the clerk as aforesaid, demand a hearing upon the charges, the Board shall set a time for the hearing within twenty (20) days and the clerk of the Board shall give the accused at least fifteen (15) days notice in writing of the time and place of such hearing. Such hearing shall be private unless the accused shall request a public hearing. The accused shall have the right to be present at such hearing, to be represented by Counsel, to require witnesses to be under oath, to cross examine witnesses, to take a record of the proceedings, and to require the presence of witnesses in his behalf upon subpoena to be issued by the clerk of the Board of Education. If, after the hearing, the accused shall be found guilty of the aforesaid charges, the Board may suspend or dismiss such teacher.

Sec. 7. In addition to all other rights provided by law, a teacher having tenure, who shall be suspended or dismissed after hearing, or whose salary shall have been reduced in violation of Section 8 of this Act, shall have the right of appeal to and the right to appear before a State Tenure Committee.

Sec. 8. Any teacher whose suspension, dismissal or reduction in salary has been upheld by the State Tenure Committee shall have the right to appeal to any district court having jurisdiction, provided he files such appeal within sixty (60) days after notification by the State Tenure Committee. In the event of such appeal the said district court shall proceed with a trial de novo of said cause.

Sec. 9. A school district, the Board of Education of which has not conformed with all the requirements of this Act, shall not participate in any portion of the State Public School Fund.

Sec. 10. In case of illness a teacher's tenure shall be protected for one (1) year. This period may be extended at the discretion of the employing Board. A teacher on leave of absence shall have his tenure protected.

Sec. 11. Nothing herein contained shall limit the right of a Board of Education to reduce the salary of any teacher provided that such reduction shall become necessary because of lack of school funds, and further provided that such reduction shall apply generally to other teachers of the district.

Sec. 12. Nothing herein contained shall be held to limit the right of any Board of Education to reduce the number of teachers employed in any school district provided that such reduction shall result from such natural causes as: a decrease in the average daily attendance of

pupils, or elimination of departments, or consolidation of schools and/or reorganization of the school plan. But when teachers under tenure be dismissed as a result of such natural causes those having least number of years of service in said district shall be dismissed in preference to those having longer terms of service and should any teacher under tenure be dismissed as a result of this reduction, such teacher shall be and remain upon a preferred eligible list in the order of years of service for re-employment by the Board of Education causing his or her dismissal in such order when and if a vacancy shall occur in a position for which such teacher shall be qualified and that such re-employment shall give full recognition of previous years of service.

Sec. 13. If any provision or section of this Act shall be held unconstitutional, it shall not affect any other provision hereof.

Sec. 14. The fact that there has just been created in Texas a Teacher Retirement System providing for the payment of certain sums of money out of the salaries of teachers into a Teacher Retirement Fund, and the further fact that there is no assurance that teachers will continue to teach long enough to get the benefit of the funds paid in under the provisions of the Teacher Retirement Act, and the further fact that teachers are required to spend years in procuring an education and in securing proper training to teach school in Texas and that such teachers are subject to be dismissed by Boards without cause or provocation, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage and it is so enacted.

H. B. No. —,

A BILL

To Be Entitled

An Act amending Article 2675b-1 (Acts 1929 41st Leg., 2nd C. S., P. 12 Ch. 10, Sec. 1), State Board of Education Membership, to read as follows:

Section 1. There is hereby created the State Board of Education. Said Board shall consist of nine members to be appointed by the Governor, with the advice and consent of the Senate. Of the first Board to be appointed the terms of three members shall expire on January 1, 1931; the term of the next three members shall expire on January 1, 1933; and, the terms of the remaining three members shall expire on January 1, 1935. After the first Board, the term of each member shall be for six years from the date of the respective appointments, and the appointments shall be made and the terms arranged in such manner that three of said members shall retire on the first day of January biennially, and the Governor shall biennially, on the first of January, fill such vacancies by the appointment of three members. Each member of said Board shall be a citizen at least thirty years of age and otherwise qualified to vote. No two members shall be appointed from the same section of the State or from the same profession or vocation.

Sec. 2. The State Board of Education shall exercise quasi-legislative and regulatory powers over the public school system of Texas. Said Board shall formulate policies per se and upon the recommendation of the State Superintendent of Public Instruction and said Board shall hold said superintendent directly responsible for the execution of its policies thus formulated. The State Board of Education shall, under no circumstances execute its own policies, but shall delegate the execution to the State Superintendent of Instruction.

Sec. 3. It shall be the duty of the State Board of Education and the State Superintendent of Public Instruction to review and classify with the assistance of the Attorney General's Department all existing laws relating to the duties and responsibilities of said State Board of Education and of said State Superintendent of Public Instruction. This classification shall be made according to provisions of Sec. 2 of this Act. It is provided further that the agency responsible for the execution of said law or laws then shall be interpreted in terms of Section 2 of this Act.

Sec. 4. All laws or parts of laws, both general and special in conflict with any of the provisions of this Act are hereby repealed in so far as and to the extent that such law or laws conflict with any of the provisions of this Act.

H. B. No. —,

A BILL

To Be Entitled

An Act authorizing the State Superintendent of Public Instruction and/or his duly appointed assistants in the State Department of Education to fix and control the school curriculum in all public schools in Texas which are supported in whole or in part by funds provided by the State of Texas and which are within the lawful jurisdiction of the State Superintendent of Public Instruction and repealing all laws or parts of laws which are in conflict with this Act.

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

Section 1. The State Superintendent of Public Instruction and/or his duly appointed assistants are authorized to set up and administer a school curriculum program, which in their best judgment is most suited to the needs of the school children of Texas and to the needs of a democratic society, in all public schools in the State of Texas which are supported in whole or in part by funds provided by the State of Texas and which are within the lawful jurisdiction of the State Department of Education.

Sec. 2. In order that the State Superintendent of Public Instruction and/or his duly authorized assistants may administer the school curriculum program of the public schools of the State of Texas with greatest possible effectiveness, they are authorized to secure a reasonable and working uniformity of all public schools in the State of Texas which are supported in whole or in part by funds provided by the State of Texas and which are within the lawful jurisdiction of the State Department of Education with respect to (1) the number of units of work required for high school graduation, (2) the requirements of essentials below the high school, (3) the length of the school day, and (4) the number of years planned for the program of public school instruction.

Section 3. All laws or parts of laws which are in conflict with this Act are hereby repealed.

The facts that the school curriculum programs in the public schools of the State of Texas are now affected by a number of uncoordinated agencies, and that there exists confusion with respect to the curriculum in our schools which gives rise to lack of uniformity in school requirements, and that this confusion is not to the best interest of the children of the State of Texas or of other citizens of the State of Texas create an emergency and an imperaive public necessity that the Constitutional rule requiring bills to be read on three several days in each house be suspended and said rule is hereby suspended and this Act shall become effective immediately upon its passage.

H. B. No. —,

A BILL

To Be Entitled

An Act providing a uniform Child Accounting System for the school system of the State of Texas, providing a joint Committee to prepare the necessary forms and other procedures and the appointment of said Committee, providing main uniform items and information that shall be included in required forms and blanks essential to the operation of the system, repealing all laws or parts of laws in conflict, and declaring time Act shall go into effect.

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

Section 1. It is hereby provided that the State Superintendent of Public Instruction shall prepare and adopt a uniform Child Accounting System for the school system of the State of Texas.

Sec. 2. It is further provided that State Superintendent of Public Instruction shall appoint, subject to the approval of the State Board of Education, a joint Committee consisting of 9 members representing the respective levels and fields of ed-

ucation, public, private, and parochial schools. It shall be the duty of said Committee to prepare the necessary forms and blanks deemed necessary to the successful operation of said system and to formulate plans and procedures of said system's operation, and to recommend such modifications and simplifications of basic required forms and records that local school units may need to make to suit their peculiar needs and interests.

Sec. 3. Be it further provided that all schools of Texas below collegiate level shall be required to conform to the requirements of this Act unless otherwise provided for in this Act.

Sec. 4. The uniform Child Accounting System of Texas shall include the following basic forms, uniform as to size and general itemizations:

a, A census record. b, A permanent cumulative individual pupil record. c, A principal's office or building record. d, A teacher's classroom attendance record.

Sec. 5. It is further provided that the basic records provided in Sec. 3 of this Act shall include a number of common headings and items pertaining to such necessary aspects of a uniform accounting system as: a, The census record. b, Personal family history. c, Residence. d, Attendance. e, Scholarship. f, Test record. g, Health and physical development record. h, Personality and character record. i, Special activities record. j, Guidance and adjustment records. k, Follow-up record.

Sec. 6. All laws or parts of laws in conflict with any provision of this Act are hereby repealed. If any provision or section of this Act is held unconstitutional, the same shall not operate to defeat the whole Act, but all other parts shall stand and remain in full force and effect.

H. B. No. —,

A BILL

To Be Entitled

An Act amending Article 2655 (Acts 1905, p. 263), State Superintendent of Public Instruction Election, to read as follows:

Section 1. It shall be the duty of the State Board of Education to appoint the State Superintendent of Public Instruction. Said appointment to become effective January 1, 1943, for a period of six years at a salary not to exceed Ten Thousand ($10,000.00) Dollars per year.

Sec. 2. Qualifications. The State Superintendent of Public Instruction shall not be less than thirty-five years of age, shall have fifteen years experience in public school work, ten of which shall be in the administrative field, and shall hold a master's degree.

Sec. 3. The State Superintendent of Public Instruction to be selected by said State Board of Education shall be the executive officer of the State Board of Education. He shall exercise strictly executive and administrative powers, in executing the policies formulated by the Board which shall direct him to administer the State's educational system.

Sec. 4. The State Superintendent of Public Instruction shall organize, with the approval of the State Board of Education, the State Department of Education so as to promote the highest standards of efficiency. He shall recommend for appointment by the State Board of Education all members of the staff of the State Department of Education, which one staff shall be the staff of the State Board of Education as the need arises,—in addition to its regular duties of the State Department of Education. The State Superintendent of Public Instruction shall be the responsible judge of the efficiency of the members of the staff of the State Department of Education.

Sec. 5. All laws or parts of laws, both general and special, in conflict with any of the provisions of this Act are hereby repealed insofar as and to the extent that such laws conflict with any of the provisions of this Act.

Sec. 6. In the event any sentence, paragraph, section, or other part of this Act be held unconstitutional or void, it is hereby declared to be the Legislative intent that all other parts of this Act shall notwithstanding such holding have full force and effect according to their purport and intent.

H. B. No. —,

A BILL

To Be Entitled

An Act regulating College entrance requirements in all colleges and universities supported in whole or in part by funds of the State of Texas.

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

Section 1. The entrance requirements to be met by students who enter any college or university or other institution of higher learning which is supported in whole or in part by funds provided by the State of Texas may not include specific high school subjects, but said requirements may include demands for a specific number of units of credit in high school work and for satisfactory scholastic attainment in any or all courses which were taken in high school.

The facts that institutions of higher learning require the taking of specific subjects in high school as a prerequisite to admission of students, and that different institutions require different courses and create thereby uncertainty with respect to the courses which should be offered in high schools, and that many students who never attend institutions of higher learning are handicapped, in selecting high school courses most useful to them, because of their uncertainty as to whether they may attend an institution of higher learning cause a situation detrimental to the best interests of the pupils in the public schools of the State of Texas and to the citizens of the State of Texas and create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall become effective immediately upon its passage.

H. B. No. —,

A BILL

To Be Entitled

An Act providing for the establishment of an adequate modern, comprehensive, uniform financial record and accounting system for the Public School System of Texas, providing the preparation of necessary forms, blanks, records, and reports to carry out terms of this Act, providing that all schools shall be subject to the provisions of this Act, providing that the State Superintendent and his staff see to the execution of this law and to formulate rules and regulations for compliance with this law.

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

Section 1. The State Superintendent of Public Instruction is hereby directed to formulate and put into operation a uniform system of recording and distributing all school receipts and expenditures of the public schools of Texas.

Sec. 2. Said accounting system shall account adequately for State money, local tax money, and all other funds expended by the public school and/or other schools below college level. It shall be the duty of the State Superintendent of Public Instruction and his staff to prepare the proper forms and blanks and reports to show all the necessary information concerning the income and expenditures of all school money in the most up-to-date manner, and said forms, blanks, and reports shall be made and adopted after consulting the United States Office of Education as to the most desirable forms, blanks, reports, and records that are now used by school administrators in securing, keeping, and reporting definite and comparable data. Said records and reports shall comply with existing statutes to the end that information shall always be immediately available to all interested persons, groups or officials of the State Government or National Government.

Sec. 3. It is further provided that every school district in the State of Texas shall keep the records and make the reports in accordance with the terms set forth in this Act.

Sec. 4. It shall be the duty of the State Superintendent of Public Instruction to see that school administrators of this State comply with this law by setting up a division in the staff of the State Department of Education whose duty it shall be to

carefully check, classify, analyze, and publicize these records and reports. It is further provided that the Department of Education, with the consent of the State Board of Education, shall make rules and regulations governing ways and means of securing full and prompt compliance with this Act.

H. B. No. —,

A BILL

To Be Entitled

An Act providing for the reorganization of the school districts within a county by the vote of the people upon plans submitted by a conference of school boards within the county or in their failure to agree by the State Department of Education; and providing for the combination of any two or more independent districts into one or more districts; validating all counties now operating as county units; and providing for the organization of all counties with fewer than 500 scholastics into one district, and abolishing the office of County Superintendent Ex Officio Superintendent, and county school boards, and providing for the election of school boards and superintendent in the reorganized school districts, defining responsibilities and duties of same, repealing all laws in conflict with the provisions of this Act, and declaring an emergency.

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

Section 1. In all counties of the State with more than five hundred (500) children of school age, the schools shall be reorganized by a plan determined by a vote of the people. Said plan may be a county unit, a single independent district, or two or more districts, provided that no administrative unit shall have in it fewer than five hundred (500) children of school age. The president of what is now the county board of school trustees shall call together the presidents of both the common and the independent school districts of the county who shall by majority vote agree upon a plan of reorganization to submit to the voters of the county. If, however, the presidents of the common and independent districts fail to agree upon a plan, then the president of the county board of school trustees shall notify the State Department of Education of such failure to agree, and the State Department of Education shall propose the best plan in its judgment for such county and submit the plan to a vote of the people of said county, provided the plan submitted shall include no administrative unit with fewer than five hundred (500) children of school age. If the voters of the county shall defeat any plan submitted to them, then another plan shall be submitted to the voters at the earliest possible date. The school districts at the time of the effective date of this Act shall continue to exercise all their duties and obligations until a plan of reorganization of the county schools is adopted and becomes effective. The schools of said county shall continue to receive from the State $22.50 per capita as under present laws until the reorganization is completed. All elections for reorganization shall be called by the present county board of school trustees of said county and the cost of the election paid for by a per capita assessment upon every district of the county, according to the next preceding school census of the county.

Sec. 2. Any two or more independent districts in any county may at any time combine into one or more independent districts provided that the number of districts is by such action reduced. Any school board may initiate action looking towards such consolidation by inviting the other boards concerned to cooperate in a plan for such consolidation to be submitted at any election to the voters of the districts proposed to be consolidated. Said school boards shall agree on the date of the election, which shall be held on the same day in all said districts, and shall specify in detailed plan the disposition of all territory in all districts proposed to be consolidated, the disposition of all school property involved in the proposed consolidation, the equitable distribution of the bonded obligations if any of the districts proposed to be consolidated, and shall in the plan pro-

posed provide for a school board which shall be in authority in the new district or districts immediately upon the effective date of such consolidation. Said districts are authorized to expend the necessary money for the election in their districts. Such consolidation shall be effected if the majority of voters in each district approve such consolidation, and shall be effective at the beginning of the next fiscal year. The school boards placed in authority in each new district immediately after the results of the election have been determined shall call for the election of a school board by the voters of the district who when selected shall plan the school program and select the superintendent, and upon his recommendations the teachers and other school employees for the new districts for the next fiscal year, and upon the beginning of the fiscal year shall immediately take possession of all school property and assume all responsibility for schools in the new district, and shall conduct all school business in the new district or districts from the effective date of their election in accordance with laws governing independent school districts. Immediately upon the beginning of the fiscal year, the school boards in the new district or districts shall call an election to determine whether a tax for local maintenance and bonded obligation shall be levied and collected in the district or districts, and such boards shall be authorized to levy and collect according to law such taxes as may be authorized.

Sec. 3. All counties now operating as a county unit or as a single district are not affected by the provisions of this Act.

Sec. 4. In counties in which the number of children of school age is fewer than five hundred (500), the entire county shall constitute a single administrative unit under the control of a school board of seven members elected at large, who shall have the powers, duties, and responsibilities of school boards of independent school districts of the State.

Sec. 5. The offices of County Superintendent and Ex Officio County Superintendent are hereby abolished, and all administrative duties and functions of such office as may be necessary shall be performed by the superintendent of the district in which the county seat is located.

Sec. 6. The superintendents elected by the administrative units created under this Act shall be elected for a term of not more than five years, and the salary shall be fixed by the Board. He shall be the chief executive officer of the board and shall nominate all teachers in the district and all other members of his staff. All such employees shall be elected by the board. The minimum qualifications of such superintendent shall be a bachelor's degree and an administrative certificate.

Sec. 7. The school board of any administrative unit created by this Act shall act as a policy-forming board and following the recommendations or proposals of their superintendent, which proposals they are empowered to approve or reject, shall have all the powers and shall perform all the duties now imposed upon independent school district boards, and in particular shall exercise the following specific functions:

a. To appoint teachers and all other employees on the recommendations of the district superintendent and to fix salaries of the same.

b. To order all bond elections; to enter into contracts; and to supervise the construction of all buildings and purchase and sell school property within the territory over which the county board has jurisdiction.

c. To purchase all school equipment and school supplies, purchases to be made on competitive bids whenever practicable.

d. To have authority to create or to abolish attendance areas and to change all district lines for attendance areas for the best interest of education within their jurisdiction.

e. To act jointly with independent district boards on all questions relative to boundary lines affecting the independent districts of over five hundred (500) children of school age and the territory over which the county independent district board has jurisdiction.

f. To establish attendance areas and to determine and specify the number of grades to be taught in such areas.

g. To act jointly with the county independent district school boards of any adjoining counties in establishing and maintaining county line and attendance areas.

h. To set up and supervise transportation including the purchasing of buses and the employing of bus drivers, and to establish transportation routes with a minimum of overlapping.

i. To perform such other duties as may hereafter be imposed on the school boards of independent school districts.

Sec. 8. All laws of the State now in conflict with the provisions of this Act are hereby repealed.

H. B. No. —,

A BILL

To Be Entitled

An Act providing for certificating teachers to teach in the public schools and junior colleges of Texas providing the manner of issuing such certificates, giving certain authority to the State Superintendent of Public Instruction and the State Board of Education, providing the requirements for the issuance of said certificates, fixing the types of certificates, providing for the renewal and extension of certificates, repealing all laws or parts of laws in conflict with the provisions of this Act, providing that if any section of this Act is held unconstitutional it shall not affect the other sections hereof, and declaring an emergency.

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

Section 1. No person shall be employed as a teacher in the public free schools of this State who is not a citizen of the United States and who has not reached the age of twenty years, and who has not furnished to the Superintendent of Public Instruction evidence of good moral character and evidence of having met standards prescribed in this Act.

Sec. 2. Applications for certificates shall be made to the State Superintendent of Public Instruction, who shall have authority to issue all certificates qualifying applicants to teach in the public free schools, and who shall have authority to require such information as he may desire to determine whether or not applicants meet the provisions of this Act.

Sec. 3. There shall be five types of teachers' certificates, to-wit: (1) Elementary; (2) High School; (3) Administrative; (4) Special; (5) Temporary.

Sec. 4. Elementary certificates shall be valid for teaching in grades one through seven. High School certificates shall be valid for teaching in grades four through twelve or in public junior colleges. Administrative certificates shall be required of City or County Superintendents, Assistant Superintendents, School Principals or Assistant Principals, Special-Subject Supervisors, or any person engaged in administrative or supervisory work in the public free schools of Texas. Special certificates shall include the subjects of Kindergarten, Agriculture, Home Making, Commercial subjects, Drawing, Expression, Industrial Arts, Music, and Physical Training. Temporary certificates may be granted to those who are applicants for other types of certificates while records and applications are being assembled.

Sec. 5. Elementary certificates valid for two years and not renewable may be issued to applicants who have completed not less than sixty semester hours in a college or university which is fully accredited and is recognized by the State Department of Education and provided:

That after September first, 1943, all Elementary certificates shall be granted to only those applicants who have completed at least ninety semester hours in a fully accredited college or university and which shall include not less than eighteen semester hours in the field of Education at least six of which shall be in the field of Elementary Methods and Materials and at least six in the field of Health and Physical Education. In addition, the applicant shall have completed not less than six semester hours in Public School Art, not less than six semester hours in Public School Music, or twelve semester hours in either Art or Music and provided further:

That after September first, 1945, Elementary certificates shall be

granted only to those applicants who have completed at least one hundred twenty semester hours in a fully accredited college or university and who hold a degree not lower than the Bachelor's Degree from a standard college or university and who have completed not less than twenty-four semester hours in the field of Education of which at least three semester hours shall be in the field of Philosophy, at least six semester hours in the field of Elementary Methods and Materials, at least six semester hours in the field of Health and Physical Education, and at least six semester hours in the field of Observation and Practice Teaching. In addition, the applicant shall have completed not less than six semester hours in Elementary Science, not less than six semester hours in Public School Art, and not less than six semester hours in Public School Music, or not less than twelve semester hours in either Music or Art.

Sec. 6. High School certificates valid for two years and not renewable may be issued to applicants who have completed at least sixty semester hours in a college or university that is fully accredited and is recognized by the State Department of Education provided:

That the applicant has completed at least twelve semester hours in the field of education and provided:

That after September first, 1943, High School certificates shall be granted to only those applicants who have completed at least ninety semester hours in a fully accredited college or university which shall include not less than eighteen semester hours in the field of Education of which at least six semester hours shall be in the field of Secondary Education and at least twelve semester hours in each of two fields of high school work and provided further:

That after September first, 1945, High School certificates shall be granted to only those applicants who have completed at least one hundred twenty semester hours in a fully accredited college or university and who hold a degree not lower than the Bachelor's Degree from a standard college or university and who have completed not less than twenty-four semester hours in the field of Education of which at least three semester hours shall be in the field of Philosophy of Education, six semester hours in Observation and Practice Teaching and six semester hours dealing specifically with Secondary Education. In addition, the applicant must present not less than eighteen semester hours in two or more subject fields of high school work.

Sec. 7. Special certificates valid for two years and not renewable may be granted to applicants to teach the special subjects of Agriculture, Art, Commercial work, Industrial Arts, Home Making, Music, Physical Education, or Dramatics who have completed in a fully accredited college or university not less than sixty semester hours of which at least twelve semester hours shall be in the special field in which the certificate is to be used and at least six semester hours in the field of Education provided:

That after September first, 1943, Special certificates shall be granted to only those applicants who present not less than ninety semester hours done in a fully accredited college or university of which at least twelve semester hours shall be in the field of Education and at least eighteen semester hours in the special subject field in which the certificate is to be used and provided further:

That after September first, 1945, Special certificates shall be granted to only those applicants who have completed at least one hundred twenty semester hours in an accredited college or university and who hold a degree not lower than the Bachelor's Degree from a standard college or university and who have completed not less than eighteen semester hours in the field of Education of which at least six semester hours shall be in the field of Observation and Practice Teaching and at least twenty-four semester hours in the special field in which the certificate is to be used.

Sec. 8. Begining September first, 1943, all City School Superintendents, County School Superintendents, Assistant City School Superintendents, High School Principals or Supervisors, Elementary School Principals or Supervisors, or Special-Subject Supervisors, or other individuals

whose duties pertain to school administration or supervision shall hold an Administrators' certificate which shall be granted to only those applicants who have completed at least one hundred twenty semester hours in an accredited college or university and who hold a degree not lower than the Bachelor's Degree from a standard college or university and who have completed not less than twenty-four semester hours of graduate study beyond the Bachelor's Degree in a standard college or university and who have had not less than three years of successful experience as a teacher, supervisor, or administrator prior to the time when the certificate is granted.

Sec. 9. High School, Elementary, or Special certificates which are granted on completion of ninety semester hours of college or university work shall be valid for a period of four years and not subject to renewal. High School, Elementary, or Special certificates granted on completion of one hundred twenty semester hours of college or university work shall be valid for periods of five years and subject to renewal for five-year periods provided:

That the holder has taught successfully for not less than three terms of at least six months each during the five-year period or has completed during the five-year period not less than twelve semester hours of graduate college credit in an accredited college or university provided:

That when the holder of such a certificate has caused the certificate to be eligible for renewal at the end of ten years by virtue of having taught the required number of years in each five-year period as set forth in this Act, the certificate shall then become a Permanent certificate.

Administrators' certificates shall be valid for periods of five years and may be renewed for five-year periods provided:

That the holder has used the certificate successfully for not less than three school terms of at least six months each during the five-year period or has completed not less than twelve semester hours of graduate work in an accredited college or university provided:

That when the holder of an Administrative certificate has caused such certificate to be eligible for renewal at the end of ten years by virtue of having had successful administrative experience for the required number of years in each five-year period as set forth in this Act, the certificate shall then become a Permanent certificate.

Sec. 10. In determining college credits for certification under the provisions of this Act, work done in standard junior colleges shall receive full credit.

Sec. 11. All outstanding certificates heretofore issued and now effective are hereby ratified and validated for the term and under the conditions for which they were issued and this Act shall in no way void or invalidate any certificate now in effect.

Sec. 12. Articles 2877, 2878, 2879, 2880, 2881, 2885, 2885a, 2886, 2887, 2887a, 2832a Section 1, 2889a Section 2, 2891, 2891a, 2888, and 2889 of the Revised Civil Statutes of the State of Texas and all other statutes or parts of statutes which are in conflict with the provisions of this Act are hereby repealed.

Sec. 13. If any provision or section of this Act shall be held unconstitutional, it shall not affect any other provision hereof.

Sec. 14. The fact that teachers' certificates are being issued to applicants who do not possess adequate educational qualifications to keep pace with the ever-increasing duties and requirements of teachers in the public schools, and because of the fact that the public schools cannot adequately train citizens for a complex civilization without adequately educated teachers, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

H. B. No. —,

A BILL

To Be Entitled

An Act defining the State Department of Education, defining the

nature of the functions of the State Board of Education and the State Superintendent of Public Instruction, defining scholastic population, a minimum program of education, and the State Available School Fund, providing that school funds shall be provided from both local and State sources, making it the duty of the Legislature to provide funds for a minimum program of education, making it the duty of the State Department of Education to ascertain amount of State aid needed and to set the apportionment to the several districts, fixing the amount of money to be raised by local districts in order to get State aid, declaring the rights of local districts to levy taxes, providing State aid for transportation of pupils and special aid for small districts, providing for counting average daily attendance in districts receiving pupils from closed schools in other districts, authorizing State Department of Education to determine percentage of need State can pay, ability of local districts to pay, to define a minimum economical teaching unit, and a minimum economical Attendance unit, prescribing that local districts shall submit budgets to the State Department of Education for approval, and shall submit maps of the districts to support the budgets, requiring the State Department of Education to require a financial accounting by local districts, and to propose record forms, and provide for checking, classifying, making uniform, and publicizing the financial accounting of the local districts, repealing laws or parts of laws in conflict with the provisions of this Act, providing that if any section of this Act is held unconstitutional it shall not affect the other sections hereof, and declaring an emergency.

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

Section 1. The State Board of Education and the State Superintendent of Public Instruction with his staff whose members shall be appointed by the State Superintendent with the approval of the State Board shall constitute the State Department of Education. The functions of the State Board of Education shall be in general to determine policies and the function of the State Superintendent shall be that of executive officer of the Board in the performance of Administrative duties. Such duties as may be assigned by law to the State Department of Education shall be performed by the State Board of Education or State Superintendent in accordance with the functions of each as assigned herein.

Sec. 2. The scholastic population in an independent school district shall be defined as the number of children over six years of age and not more than twenty-one years of age in average daily attendance in said independent school district and next preceding school year, the age to be counted as of September 1 of said preceding year.

Sec. 3. A minimum program of education shall be defined as that program of education that can be provided in each independent school district for 180 school days by the expenditure for current maintenance and operation purposes exclusive of transportation costs of seventy dollars per year for each child in average daily attendance in said independent school district the preceding year.

Sec. 4. Article 2823 shall be amended to read as follows: Besides other available school funds provided by law, one-fourth of all occupation taxes and one dollar poll tax levied and collected for the use of public free schools, exclusive of the delinquencies and cost of collections; the interest arising from any bonds or funds belonging to the permanent school fund, and all the interest derivable from proceeds of the sale of land heretofore set apart for the permanent school fund which may come into the State Treasury; all monies arising from the lease of school lands, such an amount of State tax not to exceed thirty-five cents on the one hundred dollars valuation of property, as from time to time may be levied by the Legislature, and such monies as the Legislature may appropriate to the Available School Fund from time to time from the general revenues, shall constitute the State Available School Fund, which fund shall be apportioned annually

to the several independent school districts of this State according to the average daily attendance of each in the preceding year, for the support and maintennace of the public free schools.

Sec. 5. The funds for the minimum program of education as defined in this Act shall be provided from both local and State sources, as hereinafter specified.

Sec. 6. It shall be the duty of the Legislature to provide each biennium, in addition to the various monies accruing to the State Available School Fund as provided by law, such amounts of money as may be needed for a minimum program of education as set up and provided for in this Act, and to appropriate said amounts to the support of the public schools.

Sec. 7. On or before July 15 of each year, the State Department of Education shall ascertain what amount of money shall be needed for the next ensuing fiscal school year to provide the State aid or grants to the several school districts of the State in accordance with the provisions of this Act, and shall certify said amount to the Automatic Tax Board for its use in fixing the rate of State Ad Valorem Tax for school purposes.

Sec. 8. The State Department of Education shall on or before the first day of August in each year apportion to each independent school district such amounts of money from the State Available School Fund as when added to the amounts of money raised by the thirty cents local tax levy provided for in this Act and the County Available School Fund will provide an amount equal to seventy dollars per child in average daily attendance during the preceding school year for the purpose of providing a guaranteed minimum program of education.

Sec. 9. Every school district of the State shall be required to levy and collect a local tax of not less than thirty cents on each one hundred dollars of property valuation within the district before it may receive any money from the State for the support of its schools, and it shall be assumed that such levy will raise such an amount of money for current school expenditures as a thirty cent tax on the true valuations hereinafter defined would yield. If the tax which any district actually does collect does not yield the amount which said district shall be assumed to raise locally as set forth above, then the State shall not make up the difference by additional grants of State aid. And if the tax which any district does raise exceeds the amount assumed to be raised by a thirty cent tax on said true valuation, such excess funds shall be used by said district for such educational services over and beyond the guaranteed educational program as said district may set up in its yearly budget approved by the State Department of Education.

Sec. 10. Nothing in this Act shall be construed to limit the right of boards of independent school districts to levy taxes for the purpose of making capital outlay as may be provided by law and for the purpose of creating a sinking fund for bonds or paying interest on bonds, or providing additional services beyond the minimum program provided for in this Act.

Sec. 11. In addition to the amount of money contributed by the State to guarantee the minimum educational program, the State shall pay from the State Available School Fund to each independent school district the amount of money which the district may need for transportation of pupils, not to exceed two dollars per pupil per month, this amount to be calculated according to regulations set up in this Act and be regulations set up by the State Department of Education in accordance with law.

Sec. 12. At its discretion, the State Department of Education may grant to a district, in addition to the other amounts apportioned to it in accordance with the provisions of this Act, such amounts as may be necessary to enable the district to maintain any small teaching unit which the State Department of Education may approve as necessary and which could not be financed by the district which the monies apportioned to said district in accordance with the provisions of this Act; provided that said district shall submit along with its budget a full explana-

tion as to why the small school is to be maintained and shall likewise submit a plan for the improvement of its attendance area at the earliest possible date; and provided further that the small unit shall be considered as a temporary unit, and the budget of any district proposing such units of attendances shall each year be subjected to scrutiny and review and final approval or disapproval of the State Department of Education.

Sec. 13. When a school in one district is closed and the pupils are transferred to another district, the average daily attendance of the closed school shall be added to the average daily attendance of the receiving school in calculating the amount of money needed by the receiving school in accordance with the provisions of this Act.

Sec. 14. When the State Department of Education shall have determined the various amounts which the State will be expected to pay to all of the districts according to the principles set forth herein, it shall then calculate the percentage of such needs that it can pay when it takes into account all of the educational funds available for the maintenance of schools in any one year. It shall then distribute to the districts on an equal percentage basis such a per cent of total needs which the State is to pay as the money in the State Fund available for distribution in any one particular year will permit the State actually to pay. And thereupon the Secretary of the Board shall certify to the Treasurer of each such separate school district the total amount of available school fund so apportioned to each, which certificate shall be signed by the President and countersigned by the Comptroller and attested by the Secretary.

Sec. 15. The State Department of Education shall determine the ability of the districts to support their schools. To this end, it shall determine, with the assistance of experts, the true valuation of taxable property within the several districts, and the districts shall furnish the State Department of Education such information as it may require for this purpose. For the purpose of determining the amount of State aid, the State Department of Education shall assume that the districts have the ability to raise for current purposes such an amount as thirty cents on each one hundred dollars of the true valuation will yield, and that this amount will be raised in local support. The State Department of Education shall then apportion in State aid such amounts as together with the amounts which the several districts are judged by the plan set forth herein as able to raise will equal the amount which the State Department has calculated as the total needs of each of the several districts of the State; provided that the several districts shall not be required to use the true valuations provided for herein for the actual collection of taxes, but will actually assess and collect taxes on the valuations set up by the equalization boards of said districts.

Sec. 16. The State Department of Education shall define a minimum economic teaching unit taking into account the number of children that ought to be in such a unit, and taking into account what should be the desirable salary for a teacher for the unit. And when any district proposes to maintain smaller teaching units than those set up by the State Department of Education as minimum economic teaching units, those districts must pay for those smaller units out of the total funds of the district unless the State Department of Education as set forth herein gives approval to the maintenance of those smaller units because of unusual conditions in a sparsely settled area or because of natural barriers.

Sec. 17. The State Department of Education shall define a minimum economical attendance unit or school taking into account the number of pupils that should be in each grade, taking into account that there should be at least one teacher to a grade, and taking into account what should be desirable salaries for the teachers in this attendance unit or school. And it shall be the duty of the State Department of Education to encourage districts to eliminate attendance units smaller than the minimum economical attendance unit defined by the State Department of Education; provided that attendance units with more than one teacher and with fewer teachers than the number indicated by the

State Department of Education for a minimum economical attendance unit shall not be eligible for additional State aid as provided herein for small teaching units.

Sec. 18. Local school boards shall propose budgets as provided for by law for the annual operation and maintenance of their schools and shall submit these budgets to the State Department of Education. The State Department of Education shall have no authority to lower or alter any budget submitted provided that the budget does not call for a greater total expenditure than the total amount available to the school district through its own local taxes and the county available fund and through the amount of State aid which it may receive. The State Department of Education may challenge any budget or any item of a budget and the local district may then defend its budget. The State Department of Education may refuse finally to approve a budget and if it does so, the local district shall be required to prepare another budget and submit it to the State department. Before the local district may receive any State aid, it shall have submitted a budget which the State department approves. Local school districts will be required to confine their expenditures to their budgets.

Sec. 19. The budget presented by the local district shall be accompanied by a supporting map of the district, which shall give the location of every school in the district and the number of grades and the number of pupils per grade which it is expected will be taught in each school. The maps shall also show all transportation routes, if any, and the number of children that are to be transported. If there is to be transportation within the district, the map shall also show the natural barriers and the transportation route.

Sec. 20. The State Department of Education shall require from each district a full financial accounting at the end of the fiscal year. To this end, all districts shall keep adequate, modern, comprehensive, uniform financial records of all receipts and expenditures of school money and of all bonds issued. These records and reports shall comply strictly with existing statutes to the end that information may always be immediately available to all interested persons, groups, or officials of State Government. The State Department of Education shall be required to propose adequate financial record forms as may be needed. Local school districts may get up their own systems provided that the system which they propose shall at least include all that the State Department of Education may require and provided that the State Department of Education gives approval to the proposed systems of the local districts.

Sec. 21. The State Department of Education shall make provisions for properly checking, classifying, making uniform, and publicizing the financial accounting of the various school districts to the end that the Legislature and the Governor and the citizens of Texas generally may be fully informed of the purposes for which their school money is spent and of the needed improvement that should be made from time to time.

Sec. 22. All of the existing laws pertaining to the scholastic census are hereby repealed.

Sec. 23. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed and in the event any provision of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Sec. 24. The fact that there is great inequality in educational opportunity for the children of Texas, the fact that there is a great deal of variation in the contributions of local school districts of about the same ability to the support of their schools, the fact that only the State can make adequate provision for equal educational opportunities for the children within the State, and the fact that the success of our democratic form of government depends upon the education of all of its citizens, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspend-

ed, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

MESSAGE FROM THE SENATE

Austin, Texas, March 4, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

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

S .B. No. 136, A bill to be entitled "An Act to make continuance of cases wherein a party or attorney is a Member of Legislature, mandatory, etc.; and declaring an emergency."

Adopted

S. C. R. No. 30, Authorizing the Lending of Discarded Guard Wire by the Highway Department.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

S. B. No. 136, to the Committee on Judiciary and Uniform State Laws.

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. 282, "An Act amending Section 1 of an Act known as House Bill No. 965, of the Regular Session of the Forty-sixth Legislature, page 336, (1939), which latter Act creates the Rockport Wildlife Sanctuary, so as to redefine the boundaries of said Sanctuary, and declaring an emergency."

H. B. No. 207, "An Act validating certain County Line Independent School Districts; providing for the continuance in office of the Board of Trustees of such County Line Independent School Districts as same existed immediately prior to increasing the area of such districts, until the expiration of the respective terms of the members thereof, and providing that their successors shall be elected as provided by the General Laws for the election of trustees in County Line Independent School Districts incorporated for school purpurposes only; etc., and declaring an emergency."

H. B. No. 69, "An Act to amend Section 5, Chapter 136, Acts of the Regular Session of the Thirty-ninth Legislature, providing that anyone may construct on his own property a dam or reservoir to contain not to exceed fifty acre-feet of water for domestic and live stock purposes without securing a permit therefor, and declaring an emergency."

H. B. No. 394, "An Act to repeal Chapter 71, House Bill No. 84, Acts of the Regular Session of the Forty-sixth Legislature, prohibiting the use of seines, nets or other devices for catching fish or shrimp, with exceptions, in or on the waters of Matagorda Bay from the Colorado River to its eastmost end; and declaring an emergency."

H. B. No. 198, "An Act to declare a closed season on the killing of deer and turkey in Throckmorton, Shackelford and Haskell Counties for a period ending February 1, 1946; prescribing a penalty therefor, and declaring an emergency."

S. C. R. No. 27, Providing for appointment of committee to investigate cost of fire-proofing of State Capitol Building.

S. C. R. No. 16, Relative to use of employees in office of Comptroller of Public Accounts.

S. C. R. No. 13, Authorizing the loan of certain highway equipment.

ADJOURNMENT

On motion of Mr. Klingeman, the House at 12:45 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

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

Judiciary and Uniform State Laws: H. B. No. 389.

Labor: H. B. Nos. 54 and 651.

Highways and Motor Traffic: H. B. No. 387.

Livestock and Stock Raising: H. B. Nos. 159 and 434.

Agriculture: H. B. No. 310.

Privileges, Suffrage and Elections: H. B. Nos. 169, 170, 171, 202, 203, 520 and 555.

Counties: H. B. Nos. 407, 518, 539, 548, 572, 577, 608, 609, 610, 621, 631, 633, 652, 654 and 655.

The Committee on Liquor Traffic filed an adverse report on House Bill No. 209.

The Committee on Agriculture filed an adverse report with a minority favorable report on House Bill No. 336.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

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

H. B. No. 152, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding bonds, providing method of paying and securing such bonds, enacting other provisions relating to the subject and other provisions relating to the issuance and payment of such bonds, authorizing proceedings under the Municipal Bankruptcy Act, making this Act cumulative of other laws, providing that it shall take precedence over other laws, general or special, and all charter provisions in conflict or inconsistent herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

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

H. B. No. 146, A bill to be entitled "An Act authorizing the Commissioners' Court in all counties in the State of Texas to appropriate from the general fund not more than five (5¢) cents on the One Hundred ($100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of the counties, and providing for an election authorizing such appropriation; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement and development of such counties and their county seats; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

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

H. B. No. 183, A bill to be entitled "An Act to provide for and regulate the holding of run-off elections in cities and towns having a population in excess of two hundred thousand (200,000) inhabitants, according to the last preceding or any future Federal Census; providing that cities not using voting machines may adopt the preferential type ballot in lieu of the procedure set forth in this Act; repealing all laws, parts of law, charter provisions and ordinances in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

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

H. B. No. 371, A bill to be entitled "An Act authorizing independent

school districts and cities which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasia, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city; but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary, etc.; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

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

H. B. No. 351, A bill to be entitled "An Act providing for the creation of a class of common carrier motor carriers to be known as 'Specialized Motor Carriers' by amending Section 1, Chapter 314, Acts 1929, 41st Legislature, Regular Session, Page 698, as amended by Section 1, Chapter 277, Acts 1931, 42nd Legislature, Regular Session, Page 480, by adding subsection (i), defining 'Specialized Motor Carriers,' subsection (j), defining 'Special Facilities' and subsection (k), defining 'Special Motor Vehicles'; amending Section 5, Chapter 314, Acts 1929, 41st Legislature, Regular Session, Page 698, as amended by Section 5, Chapter 277, Acts 1931, 42nd Legislature, Regular Session, Page 480, by adding subsection 5 (a), providing for the issuance to 'Specialized Motor Carriers' of certificates of public convenience and necessity by the Railroad Commission, providing that no 'Specialized Motor Carriers' shall operate over highways of this State without first having obtained a certificate of public convenience and necessity, and providing for the sale, assignment, lease, transfer and inheritance of such certificates; . . . providing a safety clause and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

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

H. B. No. 359, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts 1937, 45th Legislature, Page 1296, Chapter 482, Section 1, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, March 4, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

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

H. B. No. 69, A bill to be entitled "An Act to amend Section 5, Chapter 136, Acts of the Regular Session of the Thirty-ninth Legislature providing that anyone may construct on his own property a dam or reservoir to contain not to exceed fifty (50) acre-feet of water for domestic and livestock purposes without securing a permit therefor; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

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

H. B. No. 198, "An Act to declare a closed season on the killing of deer and turkey in Throckmorton, Shackelford, and Haskell Counties

for a period ending February 1, 1946; prescribing a penalty therefor; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 4, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

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

H. B. No. 207, A bill to be entitled "An Act validating certain county line independent school districts; providing for the continuance in office of the Board of Trustees of such county line independent school districts as same existed immediately prior to increasing the area of such districts, until the expiration of the respective terms of the members thereof, and providing that their successors shall be elected as provided by the General Laws for the election of trustees in county line independent school districts incorporated for school purposes only; providing for the validating of all acts of the Board of Trustees of any such county line independent school district in connection with the ordering of an election or elections, and declaring the results thereof, and in attempting or purporting to levy taxes for and on behalf of such county line independent school district with its increased area, and providing for the validating of all contracts and other acts of such Board of Trustees, otherwise legal, heretofore made on behalf of such district with increased territory; providing that nothing in this Act shall in anywise affect any local maintenance tax or taxes for bonded purposes heretofore voted on any part of the territory included within the bounds of any such county line independent school district within the increased area; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 3, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

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

H. B. No. 282, "An Act amending Section 1 of an Act known as House Bill No. 965, of the Regular Session of the Forty-sixth Legislature, page 336 (1939), which latter Act creates the Rockport Wildlife Sanctuary, so as to redefine the boundaries of said sanctuary; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, March 4, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

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

H. B. No. 394, "An Act to repeal Chapter 71, House Bill No. 84, Acts of the Regular Session of the Forty-sixth Legislature, prohibiting the use of seines, nets, or other devices for catching fish or shrimp, with exceptions, in or on the waters of Matagorda Bay from the Colorado River to its easternmost end; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR

March 3, 1941

House Concurrent Resolution No. 49.

March 4, 1941

House Bill No. 217.
House Bill No. 23.
House Bill No. 422.
House Bill No. 142.
House Bill No. 141.
House Bill No. 216.
House Bill No. 97.
House Bill No. 165.
House Bill No. 109.
House Bill No. 306.
House Bill No. 12.
House Bill No. 212.
House Bill No. 318.
House Bill No. 138.
House Bill No. 4.

March 4, 1941

House Bill No. 69.
House Bill No. 198.
House Bill No. 207.
House Bill No. 282.
House Bill No. 394.

In Memory of

Dr. Paul J. Foik, C.S.C.

Mr. Stanford offered the following resolution:

H. S. R. No. 141, In Memory of Dr. Paul J. Foik, C.S.C.

Whereas, The Reverend Doctor Paul J. Foik, C.S.C., died on March 1, 1941; and

Whereas, Father Foik has spent many years in the preparation of a seven-volume history of early Texas; and

Whereas, Father Foik has acted in a highly official character in helping to plan the Texas Centennial Celebration; and

Whereas, Father Foik has written the inscriptions and prepared the historical data which determined the selection of the sites of the more than one thousand historical markers which have been set up over the State of Texas; and

Whereas, Father Foik has taken a most prominent part in National, State, civic and educational affairs; now

Therefore, be it resolved, That our sympathy and condolence be sent to the Reverend Doctor S. F. Lisewski, C.S.C., President of St. Edward's University, and that this resolution be printed in the House Journal and a copy of same be sent to St. Edward's University.

The resolution was read second time and was unanimously adopted by a rising vote.