FIFTEENTH DAY.

Continued.

Senate Chamber,
Austin, Texas,
October 9, 1935.

The Senate met at 10 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

H. C. R. No. 5.

The Chair laid before the Senate on its second reading H. C. R. No. 5. Pending.

The Chair recognized Senator Rawlings.

Senator Rawlings asked unanimous consent to suspend the regular order of business to take up H. B. Nos. 23, 25, 26, 27, 28 and 29 out of regular order, as they were identical with Senate bills which have passed the Senate.

Objection was heard.

Senator Rawlings moved to suspend the regular order of business and take up H. B. No. 23.

The motion prevailed by the following vote:

Yeas—19.

Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Neal.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	

Nays—6.

Beck.	Pace.
Collie.	Woodruff.
DeBerry.	

Present—Not Voting.

Poage.

Absent.

Hopkins.	Martin.

Absent—Excused.

Fellbaum.	Moore.

House Bill No. 23.

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

By Mr. Knetsch:

H. B. No. 23, A bill to be entitled "An Act validating, legalizing and approving severally all the Acts of the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers College, the Board of Regents of the College of Industrial Arts, and the Board of Directors of the College of Arts and Industries, in the authorization and issuance of bonds, notes or warrants heretofore issued or that have heretofore been authorized but not yet issued, validating and approving the pledge of revenues to the payment of said bonds, and declaring an emergency."

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

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

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 23 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Nays—1.

Collie.

Absent—Excused.

Fellbaum.	Moore.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Davis.
Blackert.	DeBerry.
Burns.	Hill.
Cotten.	Holbrook.

Hopkins.	Redditt.
Hornsby.	Regan.
Isbell.	Sanderford.
Martin.	Shivers.
Neal.	Small.
Nelson.	Stone.
Oneal.	Sulak.
Pace.	Van Zandt.
Poage.	Westerfeld.
Rawlings.	Woodruff.

Nays—1.

Collie.

Absent—Excused.

Fellbaum. Moore.

House Bill No. 25.

Senator Rawlings asked unanimous consent to suspend the regular order of business and take up H. B. No. 25.

Unanimous consent granted.

House Bill No. 25.

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

By. Mr. Knetsch:

H. B. No. 25, A bill to be entitled "An Act providing that all bonds, notes or warrants heretofore issued or which have been authorized but not yet issued or which may be hereafter issued under the provisions of Articles 1111 to 1118, inclusive, Revised Civil Statutes of Texas for 1925, including all amendments thereto, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works shall be negotiable instruments, and declaring an emergency."

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

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

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 25 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Cotten.
Blackert.	Davis.
Burns.	DeBerry.
Hill.	Redditt.
Hornsby.	Regan.
Isbell.	Sanderford.
Martin.	Shivers.
Neal.	Small.
Nelson.	Stone.
Oneal.	Sulak.
Pace.	Van Zandt.
Poage.	Westerfeld.
Rawlings.	Woodruff.

Nays—2.

Collie. Holbrook.

Absent.

Hopkins.

Absent—Excused.

Fellbaum. Moore.

Read third time and passed by the following vote:

Yeas—23.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Hornsby.	Sanderford.
Isbell.	Shivers.
Martin.	Small.
Neal.	Stone.
Nelson.	Sulak.
Van Zandt.	Woodruff.
Westerfeld.	

Nays—5.

Collie.	Holbrook.
DeBerry.	Poage.
Hill.	

Absent—Excused.

Fellbaum.	Moore.
Hopkins.	

House Bill No. 26.

Senator Rawlings received unanimous consent to suspend the regular order to take up H. B. No. 26.

House Bill No. 26.

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

By Mr. Knetsch:

H. B. No. 26, A bill to be entitled "An Act amending Section 2 of Chapter 109, Acts of the First Called Ses-

sion of the Forty-third Legislature by providing that warrants issued under subdivision (b) thereof shall be negotiable and that the same may be sold for not less than par value to the United States of America acting through the Federal Emergency Administrator of Public Works or other Federal agency, and further providing that all warrants heretofore issued under subdivision (b), shall be negotiable instruments, etc., and declaring an emergency."

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

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

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 26 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.
Oneal.	

Nays—2.

Collie.	Holbrook.

Absent—Excused.

Fellbaum.	Moore.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	

Nays—7.

Collie.	Poage.
DeBerry.	Sulak.
Hill.	Woodruff.
Holbrook.	

Absent—Excused.

Fellbaum.	Moore.

Messages From the House.

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

Hall of the House of Representatives,
Austin, Texas, Oct. 9, 1935.

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

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

H. B. No. 1, A bill to be entitled "An Act regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws and amending the same; and declaring an emergency."

H. B. No. 14, A bill to be entitled "An Act to amend Section 9 of Chapter 116, General Laws of the State of Texas, passed by the Forty-third Legislature, relating to the manufacture and sale of beer in Texas, so as to make it unlawful for any manufacturer or distributor of beer, directly or indirectly or through a subsidiary or affiliate, and agent or any employee, or by any officer, director or firm member, to own any interest in premises or the license upon or under which beer is sold for consumption on the premises; etc., and declaring an emergency."

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

Hall of the House of Representatives,
Austin, Texas, Oct. 9, 1935.

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

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

H. C. R. No. 14, "Authorizing the State Highway Department to loan to the City of Pilot Point and County

of Denton certain paving equipment."

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

Bills Referred.

H. B. No. 1 was read and referred to the Committee on State Affairs.

H. B. No. 14 was read and referred to the Committee on State Affairs.

H. C. R. No. 14 was referred to the Committee on State Affairs.

House Bill No. 27.

Senator Rawlings received unanimous consent to suspend the regular order and take up H. B. No. 27.

House Bill No. 27.

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

By Mr. Knetsch:

H. B. No. 27, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city or incorporated town of this State for public works projects."

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

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

On motion of Senator Hornbsy the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 27 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Martin.
Blackert.	Neal.
Burns.	Nelson.
Cotten.	Oneal.
Davis.	Pace.
DeBerry.	Poage.
Hill.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Isbell.	Sanderford.
Shivers.	Van Zandt.
Small.	Westerfeld.
Stone.	Woodruff.
Sulak.	

Nays—2.

Collie.	Holbrook.

Absent—Excused.

Fellbaum.	Moore.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Neal.	Van Zandt.
Nelson.	Westerfeld.

Nays.—7.

Collie.	Poage.
DeBerry.	Sulak.
Hill.	Woodruff.
Holbrook.	

Absent—Excused.

Fellbaum.	Moore.

House Bill No. 28.

Senator Rawlings received unanimous consent to suspend the regular order of business and take up H. B. No. 28.

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

By Mr. Knetsch:

H. B. No. 28, A bill to be entitled "An Act validating and approving all proceedings had by cities and towns in the issuance and sale of revenue obligations under the Provisions of Articles 1111 to 1118, Revised Civil Statutes of 1925, as amended, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works, or any other governmental agency, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such

cities or towns, and validating the pledge of revenues to the payment of said bonds, and declaring an emergency."

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

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

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 28 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Hopkins	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.
Oneal.	

Nays—2.

Collie.	Holbrook.

Absent—Excused.

Fellbaum.	Moore.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Neal.	Van Zandt.
Nelson.	Westerfeld.

Nays—7.

Collie.	Poage.
DeBerry.	Sulak.
Hill.	Woodruff.
Holbrook.	

Absent—Excused.

Fellbaum.	Moore.

House Bill No. 29.

Senator Rawlings received unanimous consent to suspend the regular order of business and take up H. B. No. 29.

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

By Mr. Knetsch:

H. B. No. 29, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works or other agency of the United States Government; etc., and declaring an emergency."

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

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

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 29 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.
Oneal.	

Nays—2.

Collie.	Holbrook.

Absent—Excused.

Fellbaum.	Moore.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Martin.	Stone.
Neal.	Van Zandt.
Nelson.	Westerfeld.

Nays—7.

Collie.	Poage.
DeBerry.	Sulak.
Hill.	Woodruff.
Holbrook.	

Absent—Excused.

Fellbaum.	Moore.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,
Austin, Texas, Oct. 9, 1935.

To the Members of the Forty-fourth Legislature (In First Called Session):

As stated to you in my message of yesterday, I have been holding up a number of local and non-controversial bills of such importance to particular localities and the State in general that I deem it advisable to submit them to you in this message inasmuch as most of them are non-controversial. The Speaker and Lieutenant Governor have told me they feel sure you would be glad to set aside two night sessions for these matters.

In submitting these matters I desire to confine the subjects strictly to that specified in this message.

1.

A bill, by Graves and others, to authorize the directors of the Colorado Valley Authority to draw compensation for each day actually consumed in the discharge of their official duties.

At present the law only provides compensation for days when they are in attendance upon board meetings. I am advised that most of the directors have had to spend a great part of their valuable time for which they can draw no compensation whatever. I have suggested to the authors of this bill that a maximum number of days for which they might draw compensation be inserted in the bill.

2.

A bill to permit the Houston Independent School District to hold a new election in order to qualify for Federal funds.

I am advised that this bill will apply only to the City of Houston and that if they are to receive certain Federal funds to assist them in a building program, a new election must be held. Under the present law it cannot be held for some six months.

3.

A bill by Senator Cotten to correct S. B. 525, enacted during the regular session, reorganizing and providing for the terms of court for the Eighty-seventh District so as to authorize the transfer of cases from one court to another.

This was omitted from the original bill.

4.

A bill, by Fraser of Robertson County, to validate certain county warrants for that county.

5.

A bill, by Olsen, to authorize the Yoakum Independent School District to qualify for certain PWA funds.

6.

A bill, by Hofheinz and others of Harris, to authorize the City of Houston to issue revenue bonds for a proposed convention and exposition hall, which bonds are to be used as security for a Federal loan.

7.

A bill to authorize the State Highway Department to use funds allocated by the Federal Government for improvement of lateral roads, such work to be under the direction of the State Highway Department.

This is a bill to authorize funds appropriated by the Federal Government under the NIRA and subse-

quent acts, including the emergency relief appropriation act of Congress of April 8, 1935, specifically for expenditure on roads which are not a part of the State highway system may be expended on such roads by and under the supervision of the State Highway Department.

At present the State Highway Commission is authorized to accept Federal funds but is not permitted to expend such funds on roads not a part of the State highway system. The Federal Government has allocated certain funds for the improvement of lateral roads not on the system of the State highways. It is desirable, in my judgment, that the Highway Department should supervise this work and the construction of these lateral roads should be under the direction of the State Highway Department.

It is my understanding that approximately four million dollars of Federal funds are now available for this purpose, but the Highway Department is not authorized to carry on this work on other than State designated highways. It is essential, in my judgment, that this bill should be passed at your earliest convenience so as to begin the improvement of lateral or farm-to-market roads.

8.

A bill, by Settle of Lubbock, to authorize the Ralls Independent School District to receive rural aid.

It is my understanding that this school was eligible for and received this aid until the passage of H. B. 327 during the regular session, when this district was inadvertantly omitted. The late Senator Duggan was very anxious to have this matter corrected and, I am informed, intended to request me to submit it at a called session.

9.

A bill to correct the appropriation made for the State Prison System.

In one particular, for instance, the Legislature provided for a flat salary of $80.00 per month for guards, yet did not make sufficient appropriation to pay the salaries of these guards. In another instance, the salary of the manager of the Central Prison Farm was entirely omitted.

10.

A bill to correct appropriations made during he regular session for the Livestock Sanitary Commission.

This appropriation was drastically reduced in the free conference committee. The present commission has been performing its work nobly and has secured a tremendous sum of money for aid from the Federal Government. In the preceding two years, however, many herds became infected, and it is highly necessray that those appropriations be straightened out.

11.

A bill to appropriate moneys to take care of the deficiency certificates issued to West Texas State Teachers College at Canyon.

12.

A bill, by Tarwater of Hale, to create a special road district for Lamb County, Texas.

13.

A bill to authorize a public works eminent domain law to authorize the State and counties, cities, towns, municipal corporations, authorities, commissions, board, district, subdivisions, agencies and instrumentalities, and departments, boards and the Governor of the State to acquire property by the exercise of the power of eminent domain for public works projects financed in whole or in part by such public bodies or by the United States of America; authorizing the exercise of such power of eminent domain and the conveyance of property acquired thereby for the purpose of aiding public works projects being undertaken by the United States of America; providing the exercise of such power of eminent domain and for the taking of property for all such purposes and for the procedure thereof; providing for the payment and recovery of awards made for property.

14.

A bill amending Article 5242, R. C. S., 1925, enlarging the authorized uses to which the United States Governmet may put lands in this State so as to include slum clearance, housing projects, etc.

15.

A bill, by Dunlap of Hays and others, to create the Guadalupe Conservation District.

16.

A bill, by Moffett and Walker in the House and Oneal in the Senate, Control District.

With reference to the last two bills numbered 15 and 16, above; the authors and sponsors have assured me they will not ask for any tax omissions since this would be highly controversial. They have further assured me they will not accept amendments calling for tax omissions. They simply want these districts created so as to have an adequate agency through which they may deal with the Federal Government.

17.

A bill to appropriate $50,000.00 for the State Parks Board for the purchase of materials to be used in State parks.

The Federal Government has allocated over two million dollars to be expended through the State Director of the National Youth Movement in Texas. This labor will be used entierly in the State Park System of Texas, the only requirement from the State being that we furnish not exceeding $50,000.00 for the purchase of material for improvement in these parks.

The expenditure of these Federal funds will result in permanent improvement of our parks, our highways, and our schools.

The proposal which I submit for your consideration is outlined in the following letter of Lyndon B. Johnson, State Director of the National Youth Administration:

"September 27, 1935.

"Hon. James V. Allred,
Governor of Texas,
Austin, Texas.
Dear Governor Allred:

"The National Youth Administration is prepared to offer the State of Texas certain opportunities to participate in the program of the Federal Government for young men and women between the ages of sixteen and twenty-five.

"The first purpose of this program is to convert these young men and women from non-productive to productive citizens, to remove them from the excessive burden already imposed upon the taxpayers.

"Its second purpose is to provide urgently needed construction work in the State parks of Texas, on our State highways, and in our public schools where local budgetary limitations have precluded the provision of highly essential equipment.

"In Texas there are approximately 125,000 young men and young women from sixteen to twenty-five years old, unemployed, and without means of support of any kind.

"The National Youth Administration of Texas, on its own initiative and without the assistance of any State, county, or city government, has already provided approximately 5,000 part-time jobs for young men and young women desiring to pursue their college education. They are now attending eighty-three (83) colleges scattered over the State.

"Not one of these 15,000 youths would darken the door of any school in the State of Texas except for the aid which is provided by the National Youth Administration. There are thousands of high school boys and girls in Texas who, except for the provisions of these part-time jobs, would not see one single day in school this winter. There is not one of the 15,000 aided who will not be expected to work for the aid given him, and all will work at worth-while jobs. They will do work which otherwise would go undone; and it has been arranged so that not one will replace any productive employee or potential employee. The work will be done in the colleges and the high schools of Texas at a cost of $128,080,00 per month, and many years from now the work resulting from the efforts of these students will still be in evidence.

"The National Youth Administration has also approved six projects to employ young men and young women, and all have been given the approval of the State office of the Works Progress Administration in San Antonio. These projects call for the direct employment of 41,038 youths for approximately nine months, at a cost to the Federal Government of $2,501,760.00.

"In order that these thousands of young people may be placed in practical and remunerative work to provide substantial improvements urgently needed, it will be necessary for the State at this session of the Legislature to provide a fund of not less than $50,000.00 Virtually every cent of this fund will go for actual materials. The Federal Government will provide the labor, and this fund will provide the materials to make that labor possible.

"I respectfully suggest that you submit to the First Special Session of the Forty-fourth Legislature the question of providing such appropriation as shall be necessary to obtain a release for Texas of funds the Federal Government is making available for the Texas park system.

"At the same time you will be giving the members of the Legislature the opportunity to make such provisions as they may deem necessary so that Texas may avail itself of the opportunity to obtain its proportionate share of all Federal funds now earmarked for it in the nation's construction program for permanent rehabilitation.

"Sincerely yours,
"LYNDON B. JOHNSON,
"NYA Director for Texas."

The subjects submitted are strictly confined to the matter set out in the bills enumerated above.

Respectfully sumbitted,
JAMES V. ALLRED,
Governor of Texas.

Message From the House.

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

Hall of the House of Representatives,
Austin, Texas, Oct. 9, 1935.

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

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. C. R. Nos. 6 and 7 by votes of 98 yeas and 7 nays.

The House has passed the following bills and resolutions:

S. B. No. 36, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to loan fifteen thousand five hundred twenty-five dollars and seventy-one cents ($15,525.71) each year of the current biennium out of the local funds of the college for the purpose of refinancing the Agricultural and Mechanical College Stadium Bonds now in default; and declaring an emergency."

S. B. No. 45, A bill to be entitled "An Act creating a more efficient road law for Lampasas County, Texas, authorizing the court to require surety bonds of road overseers, validating the proceedings heretofore had by the county, and by its officials in reference to the issuance of warrants for the purchase of right of way, and validating the proceedings and other actions taken by the county and its officials in reference to the issuance of funding bonds in lieu of certain warrants, making this Act cumulative of other laws, except in case of conflict, in which instance this Act shall be effective, and declaring an emergency."

S. B. No. 25, A bill to be entitled "An Act making an appropriation of money for the Sam Houston State Teachers College, at Huntsville, Texas, providing for the purposes thereof and declaring an emergency."

S. B. No. 51, A bill to be entitled "An Act providing that in all independent school districts having 150 scholastics or more, whether created by General Law or by Special Act of the Legislature, situated within any county having not less than 350,000 population according to the last preceding Federal census, if an election shall have been called and held by the trustees or other governing board of any such school district authorized to call such an election or any such election shall hereafter be called by the trustees or other governing board of any such school district for the purpose or purposes of determining whether a maintenance tax shall be levied in any such district or bonds of such district shall be issued and if at any such election the vote shall have resulted contrary to the proposed tax or bonds, the trustees or other governing board of any such school district shall be authorized to call and cause to be held another election

at any time thereafter at which there may again be submitted either the proposition to levy a maintenace tax or to issue bonds of such district, or both; repealing all laws, both general and special, in conflict herewith which provide a definite time which shall elapse between such elections within any such school districts, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Senate Resolution No. 18.

By Redditt:

Be it Resolved, That the Secretary of the Senate be and he is hereby directed to send a suitable floral offering for the funeral of the late General Jake Wolters and same to be paid out of the contingent expense fund of the Forty-fourth Legislature.

REDDITT.

Adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Oct. 9, 1935.

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

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

H. C. R. No. 15, Suspending Rules 22 and 23 of the Joint Rules of the House and Senate for the purpose of taking up and considering House Bills Nos. 100 and 121.

S. B. No. 8, A bill to be entitled "An Act validating all school districts heretofore established, validating all elections and the levy of taxes by school districts, validating all proceeding had in the issuance of bonds and the levying of taxes therefor, validating bonds heretofore authorized or voted but not yet issued when such bonds are to be used in financing any undertaking for which a loan or grant has been made through the Federal Emergency Administrator of Public Works, providing that this Act shall not apply to district which may have been established or consolidated and later returned to its original status, providing that this Act shall not apply to districts which the organization or creation or tax levy of which is now involved in litigation, and declaring an emergency."

(With amendment.)

S. B. No. 19, A bill to be entitled "An Act making appropriation of funds out of the State Treasury not otherwise appropriated, for the purpose of paying certain Deficiency Certificates for fees and costs of sheriffs, county attorneys, and clerks in felony cases for the expense incurred or fees accrued for services rendered during the year ended August 31, 1935, and declaring an emergency."

(With amendment.)

S. B. No. 50, A bill to be entitled "An Act amending Chapter 171, Acts of the Regular Session of the Forty-fourth Legislature by adding thereto a new section to be numbered as Section 6a, providing for the judge of the Eighty-seventh Judicial District Court, on motion or of his own volition, to transfer causes and actions, civil and criminal, pending in Limestone and Freestone Counties from said Eighty-seventh Judicial District Court to the Seventy-seventh Judicial District Court in said counties, respectively, and likewise to transfer causes and actions, civil and criminal, pending in Anderson County to the Third Judicial District Court in Anderson County; and likewise authorizing and empowering the judge of the Seventy-seventh Judicial District Court in Limestone and Freestone Counties, on motion or of his own volition, to transfer causes pending in the Seventy-seventh Judicial District Court to the Eighty-seventh Judicial District Court in said counties; and likewise authorizing and empowering the judge of the Third Judicial District Court in Anderson County, on motion or of his own volition to transfer causes pending in said Third Judicial District Court to the Eighty-seventh Judicial District Court in said county, repealing all laws in conflict herewith and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Senate Bill No. 62.

Senator Oneal was recognized and received unanimous consent to send up the following bill:

By Senator Oneal:

S. B. No. 62, A bill to be entitled "An Act creating the Pease River Flood Control District, a conservation and reclamation district, to be a governmental agency, body politic and corporate; prescribing and limiting the powers, rights, privileges, functions, and liabilities of such district, and prescribing the manner of their exercise; making an appropriation; declaring the Act to be severable; and declaring an emergency."

Read and referred to the Committee on Finance.

House Bill No. 114.

Senator Holbrook asked unanimous consent to suspend the regular order of business to take up out of order H. B. No. 114.

Senator Holbrook yielded to Senator Pace, who asked unanimous consent to send up committee reports.

Senator Poage objected.

Point of Order.

Senator Rawlings raised the point of order that Senator Pace did not have to have unanimous consent to send up the committee report as he was acting under authority of the Senate which instructed the State Affairs Committee to report back by 10 o'clock today certain bills, which had been rereferred to same.

The Chair overruled the point of order.

Senator Pace withdrew his request.

H. C. R. No. 5.

The question recurred on the pending resolution on second reading.

By Mr. Davis:

H. C. R. No. 5, Permitting W. M. Rousseau of Haskell, Texas, to sue the State of Texas and State Highway Department for personal injuries.

Read the second time.

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

On motion of Senator Collie H. C. R. No. 5 was adopted by the following vote:

Yeas—25.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	

Nays—3.

DeBerry.	Woodruff.
Poage.	

Absent.

Beck.

Absent—Excused.

Fellbaum.	Moore.

Motion to Reconsider.

Senator Small moved to reconsider the vote by which H. C. R. No. 5 was adopted and spread on the Journal.

Motion to Table.

Senator Van Zandt called from the Journal the motion to reconsider and moved to table.

The motion to table prevailed by viva voce vote.

H. C. R. No. 6.

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

By Mr. Shofner:

H. C. R. No. 6, "Granting Mrs. Beular McFarland and husband, V. C. McFarland, and A. D. Baker and wife permission to sue the State of Texas and/or the State Highway Department of Texas for personal damages."

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

Amend H. C. R. No. 6 by striking out the words 'Travis County," and insert in lieu thereof the words "Bell County," in Section 1.

RAWLINGS.

Read.

Senator Rawlings had the floor on discussion of the amendment.

The amendment was adopted.

H. C. R. No. 6 as amended was adopted by the following vote:

Yeas—25.

Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Hill.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	

Nays—2.

Holbrook.	Woodruff.

Present—Not Voting.

DeBerry.

Absent.

Beck.

Absent—Excused.

Fellbaum.	Moore.

H. C. R. No. 7.

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

By Mr. Shofner:

H. C. R. No. 7, "Granting Willie N. Gotcher permission to sue the State of Texas and/or the State Highway Department for personal injuries."

Senator Rawlings sent up the following amendment:

Amend H. C. R. No. 7 by striking out the word "Travis," and insert the word "Bell."

RAWLINGS.

Read.

Previous Question.

Senator DeBerry moved that the Senate order the previous question on the amendment and final passage of the resolution.

The motion was seconded by the required number.

The motion prevailed by the following vote:

Yeas—17.

Burns.	Nelson.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Shivers.
Hill.	Small.
Hornsby.	Westerfeld.
Isbell.	Woodruff.
Martin.	

Nays—8.

Holbrook.	Redditt.
Hopkins.	Regan.
Neal.	Sanderford.
Rawlings.	Stone.

Absent.

Beck.	Sulak.
Blackert.	Van Zandt.

Absent—Excused.

Fellbaum.	Moore.

The amendment was adopted.

Senator Rawlings moved to reconsider the vote by which the previous question was ordered.

The Chair ruled the motion out of order as the Senator had voted on the losing side.

H. C. R. No. 7 as amended was adopted by the following vote:

Yeas—25.

Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Nays—2.

DeBerry. Holbrook.

Absent.

Beck. Hopkins.

Absent—Excused.

Fellbaum. Moore.

House Bill No. 18.

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

By Mr. Head:

H. B. No. 18, A bill to be entitled "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof; providing for certain exceptions and fixing the powers and duties of the Comptroller of Public Accounts in connection therewith; etc., and declaring an emergency."

(With committee amendments.)

The caption was read.

Motion to Reconsider.

Senator Hornsby was recognized and moved to reconsider the vote by which H. C. R. No. 7 was finally passed.

Point of Order.

Senator Oneal raised the point of order that the motion to reconsider was not debatable as the Senate was operating under the previous question.

The Chair sustained the point of order.

Motion to Table.

Senator Sanderford moved to table the motion to reconsider.

Senator Hornsby asked to be heard on the motion to table.

Point of Order.

Senator Oneal raised the point of order that the motion to table was not debatable as the Senate was operating under the previous question.

The Chair sustained the point of order.

Senator Hornsby withdrew his motion to reconsider.

House Bill No. 18.

Recurring business was H. B. No. 18.

The committee amendment was read.

Senator Martin moved the adoption of Committee Amendment No. 1 to H. B. No. 18.

Motion pending.

Motion to Recess.

Senator Shivers at 12:25 o'clock p. m. moved that the Senate recess until 2:15 o'clock p. m.

The motion prevailed.

After Recess.

The Senate met at 2:15 o'clock p. m. pursuant to recess and was called to order by Senator Collie presiding.

Point of No Quorum.

Senator Redditt raised the point of "no quorum."

The roll call was ordered.

The roll call disclosed a quorum present.

Committee Appointed.

Committee to attend General Wolters' funeral appointed by Lieutenant Governor Walter F. Woodul as authorized by S. R. No. 17:

Senators Beck, Holbrook, Davis, Blackert, Small, Westerfeld and Sulak.

House Bill No. 18.

Pending business was H. B. No. 18 with pending motion by Senator Martin to adopt Committee Amendment No. 1.

Senator Martin withdrew his motion.

Senator Woodruff sent up the following amendment to H. B. No. 18.

Amend H. B. No. 18 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That from and after the passage of this Act it shall be unlawful for any person, agent, received, trustee, firm, corporation, association or copartnership, either foreign or domestic to operate, maintain, open or establish any store or mercantile establishment in this State without first having obtained a license so to do from the Comptroller of Public Accounts as hereinafter provided.

Sec. 2. Any person, agent, receiver, trustee, firm, corporation, association or copartnership desiring to operate, maintain, open or establish a store or mercantile establishment in this State shall apply to the Comptroller of Public Accounts for a license so to do. The application for a license shall be made on a form which shall be prescribed and furnished by the Comptroller of Public Accounts and shall set forth the name of the owner, manager, trustee, lessee, receiver, or other person desiring such license, the name of such store or mercantile establishment, the location, including the street number of such store, or mercantile establishment, and such other facts and information as the Comptroller of Public Accounts may require. If the applicant desires to operate, maintain, open or establish more than one such store or mercantile establishment, such applicant shall make application for a licene to operate, maintain, open or establish each such store or mercantile establishment, but the respective stores or mercantile establishments for which the applicant desires to secure licenses may all be listed on one application blank.

It is hereby made the further duty of the Comptroller to collect, supervise, and enforce the collection of all license and application fees that may be due under the provisions of this Act and to that end the said Comptroller is hereby vested with all of the power and authority conferred by this Act. The Comptroller is further authorized and empowered to promulgate rules and regulations to provide for the collection of the amount of license and application fees due under the provisions of this Act and on the effective date of this Act.

Each application shall be accompanied by a filing fee of Fifty (50) cents for each store or mercantile establishment operated or to be operated for the purpose of defraying the cost of the administration of this Act.

Each application shall be signed and sworn to by the applicant as being true and correct, before an officer authorized to administer oaths, and may contain such other information as the applicant may wish to include, or as the Comptroller may require.

Sec. 3. As soon as practicable, after the receipt of any such application, the Comptroller of Public Accounts shall carefull examine such application to ascertain whether it is in proper form and contains the necessary and requisite information. If upon such examination, the Comptroller of Public Accounts shall find that any such application is not in proper form and does not contain the necessary and requisite information, he shall return such application for correction. If an application is found to be satisfactory, and if the filing and license fee as herein prescribed shall have been paid, the Comptroller of Public Accounts shall issue to the applicant a license for each store or mercantile establishment for which an application for a license shall have been made. Each licensee shall display the license so issued in a conspicuous place in the store or mercantile establishment for which such license is issued.

Sec. 4. All licenses shall be so issued as to expire on the 31st day of December of each year. On or before the 31st day of December of each year, every person, agent, received, trustee, firm, corporation, association or copartnership having a license shall apply to the Comptroller of Public Accounts for a renewal license for the calendar year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the Comptroller of Public Accounts. Each such application for a renewal license shall be accompanied by a filing fee of Fifty (50) Cents for each store or mercantile establishment operated or to be operated and by the license fee as prescribed in Section 5 of this Act.

Sec. 5. Every person, agent, receiver, trustee, firm, corporation, association or copartnership opening, establishing operating or maintaining

one or more stores or mercantile establishments within this State, under the same general management, or ownership, shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating or maintaining such stores or mercantile establishments. The license fee herein prescribed shall be paid annually and shall be in addition to the filing fee prescribed in Section 2 and 4 of this Act. Provided that the terms, "store, stores, mercantile establishment or mercantile establishments" wherever used in this Act, shall not include: wholesale and/or retail lumber and building material businesses; or any place or business at which the pricinpal business conducted is the storing, selling or distributing of petroleum products; or any business now paying an occupation tax measured by gross receipts; or any place or places or business used as bona fide wholesale distributing points by manufacturing concerns for distribution of products of their own manufacture only; or any place or places of business used by bona fide processors of dairy products for the exclusive sale at retail of such products.

The license fees herein prescribed shall be as follows:

(1) Upon one (1) store the license fee shall be One Dollar ($1.00).

(2) Upon each additional store in excess of one (1) but not to exceed two (2), the license fee shall be Six Dollars ($6.00).

(3) Upon each additional store in excess of two (2) but not to exceed five (5), the license fee shall be Twenty-five Dollars ($25.00).

(4) Upon each additionl store in excess of five (5) but not to exceed ten (10), the license fee shall be Fifty Dollars ($50.00).

(5) Upon each additional store in excess of ten (10) but not to exceed twenty (20), the license fee shall be One Hundred Fifty Dollars ($150.00).

(6) Upon each additional store in excess of twenty (20) but not to exceed thirty-five (35), the license fee shall be Two Hundred Fifty Dollars ($250.00).

(7) Upon each additional store in excess of thirty-five (35) but not to exceed fifty (50), the license fee shall be Seven Hundred Fifty Dol- ($500.00).

(8) Upon each additional store in excess of fifty (50), the license fee shall be Seven Hundrad Fifty Dollars ($750.00).

Such fees are for the period of twelve months, and upon the issuance of any license after the first day of January of any one year, there shall be collected such fractional part of the license hereinabove fixed as the remaining months in the calendar year (including the month in which such license is issued) bears to the twelve-month period.

Sec. 6. The provisions of this Act shall be construed to apply to every person, agent, receiver, trustee, firm, corporation, copartnership or association, either domestic or foreign, which is controlled or held with others by majority stock ownership or ultimately controlled or directed by one management or association of ultimate management.

Sec. 7. The term "store" as used in this Act shall be construed to mean and include any store or stores or any mercantile establishment or establishments not specifically exempted within this Act which are owned, operated, maintained, or controlled by the same person, agent, receiver, trustee, firm, corporation, copartnership or association, either domestic or foreign, in which goods, wares or merchandise of any kind are sold, at retail or wholesale.

Sec. 8. Any person who, either for himself or as the agent of any person, receiver, trustee, firm, corporation, copartnership or association, shall operate or maintain any store or stores or mercantile establishment or mercantile establishments as defined in this Act without having displayed in a conspicuous place in such store or mercantile establishment the license fee receipt for the current year as required in this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Twenty-five ($25.00) Dollars, nor more than One Hundred ($100.00) Dollars, and each day of such violation shall constitute a separate and distinct offense.

Sec. 9. The expenses incurred by the Comptroller of Public Accounts in the administration of this Act shall not exceed the amount received by him as application fees as herein provided. All monies collected by

the Comptroller of Public Accounts under the provisions of this Act shall be paid by him into the State Treasurer daily as received one-fourth of same shall be credited to the account of the Available School Fund and the remainder shall be credited to the account of the General Fund.

No salary paid in the administration of this Act shall be in excess of the amount of salary provided by the Legislature in General Appropriation Bill for the same or similar services.

There is hereby appropriated the sum of Five Thousand ($5,000.00) Dollars out of any funds in the State Treasury not otherwise appropriated to be used for the purpose of defraying the expenses of the enforcement of this Act.

Sec. 10. The Comptroller of Public Accounts is hereby authorized to employ such clerical assistants as may be necessary to carry out and administer the provisions of this Act, and to prepare such blanks, forms, reports, receipts and any and all other things which may be necessary to provide for the administration of this Act.

Sec. 11. If any section, provision, phrase or clause of this Act should be declared invalid, such invalidity shall not be construed to affect the portions of the Act not so held invalid.

Sec. 12. The fact that the State is badly in need of additional revenue constitutes an emergency and 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.

WOODRUFF.

Senator Van Zandt offered the following amendment to the Woodruff amendment:

Amend Section 5 of Woodruff amendment to H. B. 18, by adding after the word "business" in line 13 of the enrolled bill, the following:

"and/or oil and gas well supplies and equipment dealers."

VAN ZANDT.

Read.

A second reading was called for.

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

Senator Holbrook was recognized.

Senator Holbrook sent up an amendment to a committee substitute to H. B. No. 18.

Point of Order.

Senator DeBerry raised the point of order that the amendment was out of order as it amended the committee substitute and not the Woodruff amendment, as amended, which amendment was before the Senate.

The Chair sustained the point of order.

Previous Question.

Senator DeBerry moved to order the previous question on the Woodruff amendment, as amended by Senator Van Zandt.

Point of Order.

Senator Rawlings raised the point of order that the motion to order previous question was out of order because Senator Holbrook had the floor and yielded to Senator DeBerry to raise a point of order and Senator DeBerry did not have the floor for the purpose of making a motion.

The Chair overruled the point of order.

The motion was duly seconded.

The motion prevailed by the following vote:

Yeas—13.

Blackert.	Nelson.
Burns.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Shivers.
Hill.	Woodruff.
Martin.	

Nays—11.

Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Neal.	Stone.
Rawlings.	Van Zandt.
Redditt.	

Present—Not Voting.

Isbell.

Absent.

Collie. Westerfeld.
Sulak.

Absent—Excused.

Beck. Moore.
Fellbaum.

The Woodruff amendment as amended was adopted by the following vote:

Yeas—16.

Blackert. Oneal.
Burns. Pace.
Cotten. Regan.
Davis. Sanderford.
Hill. Shivers.
Holbrook. Stone.
Martin. Van Zandt.
Nelson. Woodruff.

Nays—9.

DeBerry. Poage.
Hopkins. Rawlings.
Hornsby. Redditt.
Isbell. Small.
Neal.

Absent.

Beck. Westerfeld.
Collie.

Absent—Excused.

Fellbaum. Sulak.
Moore.

Amendment No. 2-A..

Amend H. B. No. 18 as amended, page 5, Section 5, line 33, by inserting after the word "business" and the semi-colon the following:

"engaged exclusively in the sale of lumber and building material."

POAGE.

Read and adopted.

Amendment No. 1-A.

Amend H. B. No. 18 as amended, as follows:

Line 37, page 5, by adding between the words "wholesale" and "distributing," the word "or retail."

POAGE.

Read.

Motion to Table.

Senator Shivers moved to table the amendment by Senator Poage.

Senator Shivers withdrew the motion to table.

Senator Small was recognized.

Senator Small yielded to Senator Hornsby.

H. C. R. No. 15.

Senator Hornsby asked unanimous consent to suspend the regular order of business to take up H. C. R. No. 15.

Unanimous consent was granted.

H. C. R. No. 15.

The Chair laid before the Senate the following resolution:

H. C. R. No. 15, "Suspending Rules 22 and 23 of the Joint Rules of the House and Senate for the purpose of taking up and considering House Bills Nos. 100 and 121."

Amend H. C. R. No. 15 by adding in the last line thereof after the word "disposed of" the following: "in the House of Representatives only."

POAGE.

Read and adopted.

Senator Hornsby moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed.

H. C. R. No. 15 as amended was adopted by viva voce vote.

Senate Bill No. 19.

Senator Woodruff moved that the Senate do concur in House amendments to S. B. No. 19.

Senator Woodruff withdrew his motion.

Senator Small moved that the Senate do not concur in the House amendments to S. B. No. 19, but that a Conference Committee be appointed to adjust the differences between the House and the Senate.

The motion prevailed by viva voce vote.

Conference Committee

The Chair appointed the following as conferees on the part of the Senate and S. B. No. 19:

Senators Woodruff, Small, Regan, Beck and Redditt.

Senate Bill No. 8.

Senator Rawlings moved that the Senate do concur in House amendments to S. B. No. 8.

The motion prevailed by the following vote:

Yeas—26.

Blackert.	Pace.
Burns.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Sulak.
Neal.	Van Zandt.
Nelson.	Westerfeld.
Oneal.	Woodruff.

Nays—2.

Collie.	Holbrook.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

House Bill No. 18.

The question recurred on the adoption of the Poage amendment 1-A to H. B. No. 18.

The amendment was adopted by the following vote:

Yeas—14.

Cotten.	Nelson.
Holbrook.	Poage.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Isbell.	Regan.
Martin.	Small.
Neal.	Stone.

Nays—12.

Blackert.	Sanderford.
Burns.	Shivers.
Collie.	Sulak.
Davis.	Van Zandt.
DeBerry.	Westerfeld.
Hill.	Woodruff.

Present—Not Voting.

Oneal.	Pace.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Amendment No. 4-A.

Amend H. B. No. 18 as amended as follows:

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

POAGE.

Read and adopted.

Amendment No. 3-A.

Amend H. B. No. 18, as amended, page 5, line 33, by striking out the words: "or any place or business at which the principal business conducted is the storing, selling or distributing of petroleum products," and inserting in lieu thereof the following: "or any place or business engaged exclusively in the sale of gasoline and other petroleum products."

POAGE.

Read.

Amendment 3-A was adopted by the following vote:

Yeas—16.

Blackert.	Nelson.
Burns.	Pace.
Cotten.	Poage.
DeBerry.	Redditt.
Hill.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Martin.	Woodruff.

Nays—12.

Collie.	Rawlings.
Davis.	Regan.
Hopkins.	Sanderford.
Isbell.	Shivers.
Neal.	Small.
Oneal.	Stone.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Amend House Bill 18 as amended by adding thereto a new section at the end of Section 5 to be known as Section 5(a) to read as follows:

"Every person, agent, receiver, trustee, firm, corporation, association and/or copertnership opening, establishing, operating and/or maintaining one or more stores or mercantile establishments within this State under the same general management and/or ownership and selling therein any equipment or appliances operated and/or used in connection with any electrical current and/or natural gas and/or artificial gas whether the same be in connection with the sale of electrical current and/or natural gas and/or artificial gas or not and whether such person, firm, agent, receiver, trustee, corporation, association and/or co-

partnership be also engaged in the business of furnishing some public utility services or not shall pay the license fees hereinabove prescribed for the privilege of opening, establishing, operating and/or maintaining such stores or mercantile establishments. The license fee herein prescribed is applicable to this section shall be paid annually and shall be in addition to the filing fee prescribed in Sections 2 and 4 of this Act. The license fee herein prescribed and applicable to this Section shall be as follows:

(1) Upon one (1) store the license fee shall be One Dollar ($1.00).

(2) Upon each additional store in excess of one (1) but not to exceed two (2), the license fee shall be Six Dollars ($6.00).

(3) Upon each additional store in excess of two (2) but not to exceed five (5), the license fee shall be Twenty-five Dollars ($25.00).

(4) Upon each additional store in excess of five (5) but not to exceed ten (10), the license fee shall be Fifty Dollars ($50.00).

(5) Upon each additional store in excess of ten (10) but not to exceed twenty (20), the license fee shall be One Hundred Fifty Dollars ($150.00).

(6) Upon each additional store in excess of twenty (20) but not to exceed thirty-five (35), the license fee shall be Two Hundred Fifty Dollars ($250.00).

(7) Upon each additional store in excess of thirty-five (35) but not to exceed fifty (50), the license fee shall be Five Hundred Dollars ($500.00).

(8) Upon each additional store in excess of fifty (50), the license fee shall be Seven Hundred Fifty Dollars ($750.00).

Such fees are for the period of twelve (12) months, and upon the issuance of any license after the 1st day of January of any year, there shall be collected such fractional part of the license hereinabove prescribed as the remaining months in the calendar year (including the month in which such license is issued) bears to the twelve (12) months period, provided, however that should this Section 5 (a) and/or any part thereof be for any reason declared void, unconstitutional and/or invalid, such invalidity shall never be construed so as to affect any other Section or Subsection, part or portion of this Act and shall in no wise affect Section 5 hereof but it is the Legislative intent that all of the remainder of this Act should remain in full force and effect in spite of any invalidity of this Section 5 (a) and/or any part thereof and the Legislature would have imposed the tax imposed in Section 5 hereof regardless of the validity or invalidity of Section 5 (a) and/or any part thereof.

POAGE.

Read.

Senator Oneal sent up the following amendment to the Poage amendment:

Amend H. B. No. 18 as amended by adding at the end of the Poage amendment the following:

"This section shall be construed as a limitation upon the exception in Section 5 hereof of business now paying an occupation tax measured by gross receipts."

ONEAL.

Read.

Point of Order.

Senator Van Zandt raised the point of order that this amendment makes the whole matter unconstitutional because it ties an exception in one Section to a tax in another, therefore is discriminatory and void in its entirety.

The Chair overruled the point of order.

The amendment was adopted by the following vote:

Yeas—18.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Hill.	Shivers.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Nelson.	Woodruff.

Nays—10.

Davis.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Martin.	Stone.
Neal.	Van Zandt.

Absent.

Beck.

Absent—Excused.

Fellbaum. Moore.

On motion of Senator Poage the amendment as amended was adopted by viva voce vote.

Senator Holbrook was recognized.

Senator Holbrook sent up the following amendment:

Amend H. B. 18 as amended by adding a new section after Section 2 to be known as Section 2 A.

Sec. 2 A. Sub. The following words, terms and phrases as used in this Act are hereby defined as follows:

(1) "Person" shall mean and include every individual, firm, association, joint stock company, syndicate, copartnership, corporation, trustee, agency and receiver and every other legal entity, natural or artificial.

(2) "Comptroller" shall mean the Comptroller of Public Accounts of the State of Texas.

(3) The term "tax year" or "taxable year" shall mean either the calendar year or the taxpayers' fiscal year when permission is obtained from the Comptroller to use the same as the tax period in lieu of the calendar year.

(4) The term "gross proceeds" shall mean the amount received in money, credits, property, or any other thing of value in consideration of sales at retail in this State, without any deduction on account of the cost of the property sold, the cost of materials used, labor costs, interest, discount or any other expenses whatsoever, and without any deduction for losses. Credits or refunds for returned goods may be deducted. Such term shall not include however the amount received from the resale of second-hand or used articles, taken in part payment in the sale of new articles, or the resale articles repossessed by the vendor, if and when a separate record is kept of all such transactions in such manner as may be prescribed by the Comptroller, it being the purpose herein that the used article accepted as part payment for a new article be excluded from the gross sales taxable and that articles repossessed by the vendor and resold be excluded. In such cases however the sale of the new article shall be reported as hereinafter provided at full gross sales price, including the value of the used or second-hand articles taken in part payment. The term "gross income" shall be synonymous with the term "gross proceeds."

(5) The term "business" when used in this Act shall include all acticities or Acts engaged in or caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, including sub-activities producing marketable commodities used or consumed in the main business activity, each such sub-activity to be considered business engaged in.

(6) The term "sale at retail" or "retail Sale" shall mean any transaction, transfer, exchange or barter by which is transferred for a consideration the ownership of any personal property, thing, commodity, or substance, and shall include the furnishing or selling for a consideration any of the substances, things or services hereinafter designated, when such transfer, exchange or barter is made or when such service is furnished in the ordinary course of the transferer's business and is made to the transferee for consumption or use or for any other purpose than for resale, The term "sale at retail" or "retail sale" shall not include the isolated or occassional sale or tangible personal property, substance or thing by a person not engaged in such business. The test of a sale at retail is whether the sale is to a consumer for use and not for resale. Sales of goods which, as ingredients or constituents go into or form a part of tangible personal property for resale by the buyer, are not included within the meaning of said term. Said terms shall not include exchange or transfers of commodities, articles or substances sold for manufacturing or industrial purposes, and the following shall be the test of whether or not the subject matter of the sale is to be used for manufacturing or industrial purposes: If the subject matter of the sale is to be added to the fixed capital investment of the purchases the same shall be deemed retail sale, but if the same is not to be added to the fixed capital investment of the purchaser but is to be used or consumed in processing or manufactur-

ing other articles, commodities or substance the same shall not be deemed to be a sale at retail. Conditional sales are included within this definition.

(7) The term "jobbing" and the term "wholesale" shall mean the sale of commodities, articles, or substances to persons for the sole purpose of being resold to other jobbers or wholesalers or to consumers or users, and such term shall include sales of commodities, articles or substances to be used in industry and not to become a part of the fixed capital investment of the industry purchasing same.

(8) Retail business means the business of making sales at retail, and furnishing the services hereinafter enumerated.

Sec. 2. Within thirty days after the effective date of this act every person desiring to engage in or continue in any business, trade or calling taxable under this act, unless hereinafter specifically exempted from the provisions hereof, shall register with the Comptroller; and persons having chain or branch establishments or branch offices shall register each such branch establishment or branch office separately.

Sec. 3. Any person required under this act to register shall report to the Comptroller at the time of registration the approximate amount of his gross sales or gross income or gross receipts for the twelve months' period next preceding, and shall furnish under oath such other information as may be required under the rules established by the Comptroller.

Upon rectipt of the above information the Comptroller shall index the person so registering as a taxpayer and shall classify him on a monthly, quarterly or annual basis in accordance with the provisions of this act. On request the Comptroller may furnish registration blanks to persons desiring to register but failure on the part of the Comptroller to furnish such blanks shall not constitute an excuse for failure to register.

Sec. 4. When any applicant for registration shall have complied with the provisions of the preceding section the Comptroller shall issue to the applicant a certificate which shall state that the holder thereof is registered and is entitled to engage in or continue in the business designated by cush applicant at the time of registration. The Comptroller shall collect for each certificate so issued the sum of One Dollar ($1.00), which shall be deposited in the same fund and handled in like manner as the taxes collected under this act, as hereinafter provided. All such certificates so issued shall expire on the 31st day of August following the issuance thereof, and before the first day of July of each year the Comptroller shall furnish on request uniform application blanks and certificates to be used for the succeeding year, and all persons required to register hereunder shall make a sworn application to the Comptroller on the form furnished for that purpose and pay to the Comptroller the sum of One Dollar ($1.00), whereupon the Comptroller shall issue a new certificate effective until the 31st day of August of the year following.

Such certificates issued by the Comptroller shall be prominently displayed by the holder thereof in his place of business during the duration of the term for which the certificate was issued. In case of a person owning or operating more than one place of business within this State such person must procure and publicly display a certificate for each and every location where his business is transacted.

Sec. 5. No person shall be permitted to engage in any business, pursuit, calling or trade such as is taxable hereunder without having first procured from the Comptroller the certificate above provided for. Any person failing to procure or display such certificate shall be deemed to be guilty of a misdemeanor and upon conviction shall be punished by a fine not less than Five Dollars ($5.00) nor more than One Thousand Dollars ($1,000.00), each day of such failure to constitute a separate offense. When it is brought to the attention of the Comptroller that any such person has failed to procure or display the prescribed certificate the Comptroller shall certify such fact to the Attorney General, who may file a suit in a district court of Travis County, Texas, to enjoin the person or persons so offending from continuing in business until such certificate has been procured and displayed.

Sec. 6. Within sixty (60) days after the effective date of this act

the Comptroller shall make and prepare a list enumerating the certificate holder in alphabetical order, together with a number of index purposes, giving the address of the place of business and the name of the person owning or conducting the business authorized by each certificate and stating whether the tax collection will be on a monthly, quarterly or annual basis. A copy of such list shall be furnished forthwith to the State Treasurer.

Sec. 7. Beginning on the first day of the month immediately following the expiration of thirty days after the effective date of this act there is hereby levied and there shall be collected an annual gross proceeds tax, measured by the value of business done, against the person or persons conducting the following named businesses, on account of the business activities and in the amounts which result by the application of rates against values, gross income or gross proceeds of sale, as the case may be, as follows:

(1) Upon every person engaging or continuing within this State in the business of mining and producing for sale, profit or commercial use any natural resources such as salt, building stone, coal, helium, shell, sand, gravel or other mineral products, or felling or producing timber for sale, profit or commercial use, there is hereby levied and shall be collected a tax of three per cent on the gross proceeds of sales of such persons where such products are sold at retail. The provisions of this act shall not apply however to the sales of any mineral upon which a severance or gross production tax is now levied by the laws of this State.

The actual freight paid by the taxpayer on such mineral products or timber to place of delivery shall be deducted from the gross proceeds of sale if and when the same is sold on a delivered price.

In determining value, however, with regard to sales from or to another affiliated person or persons, or under oath circumstances where the relation between the buyer and seller is such that the gross proceeds from the sale are not indicative of the value of the subject matter of the sale, the Comptroller shall prescribe uniform and equitable rules for determining the value upon which such occupation tax is levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by other taxpayers where no common interest exists between the buyer and seller, but otherwise under similar circumstances and conditions.

(2) Upon every person engaging or continuing within this state in a retail business of any character selling any article, commodity or substance except those hereinafter expressly excepted, there is hereby levied and shall be collected a tax of three per cent of the gross proceeds of all such retail sale. Any person selling both at wholesale and at retail shall pay the tax only on the gross proceeds of sales made at retail if his books are kept so as to show separately the gross proceeds of sales of each business; otherwise he shall pay the tax as if all of his sales were made at retail.

All sales of admittance or admission to athletic contests, theatres, both motion picture and stage performances, circuses, carnivals, dance halls and other places of amusement shall be deemed retail business within the meaning of this section and shall be taxable.

The furnishing of the following services shall be deemed to be sales at retail and shall be taxable: The washing and greasing of automobiles and furnishing materials therefor; storing automobiles for hire, mechanical work and repairs on automobiles and all other machines; hairdressing, manicuring; all barber work; cleaning, pressing and dying, laundry services; photostatic and blue print services; sign painting.

There are specifically exempted however from the tax levied by this section gross proceeds from sales of the following necessities of life:

(a) The following foods selling for less than twenty-five cents per pound: Flour, meat, lard, sugar, soda, baking powders, salt, meal, milk, butter, eggs, fresh fish, fresh or dried vegetables when sold in bulk and when the same have not been processed in any manner.

(b) All medicines necessary for the preservation of the public health, but no medicine shall be exempt unless the same be defined in the United States Pharmacopoeia.

(c) Electric power, water, and natural gas.

(3) Upon every person engaging or continuing within this state in the business of preparing and selling abstracts of title or certificates of title, title guaranties and title insurance, for whatever purpose such abstracts of title, certificate of title, title guaranty or title insurance may be used, there is hereby levied and shall be collected a tax of three per cent upon the gross proceeds received by such persons or persons in the aforesaid business.

(4) Upon every person engaging or cintinuing within this state in the business of contracting to erect, build, construct, repair or maintain any building, house, bridge, paving, roadway, walk, railroad, excavation of any character, embankments of any character and dams, there is hereby levied and shall be collected a tax of three per cent upon the gross proceeds received by such person in the aforesaid business.

(5) Upon every person engaging or continuing within this state in the business of inn-keeping, which shall include the operation of hotels and restaurants, either separately or in conjunction with each other, there is hereby levied and shall be collected a tax of three per cent of the gross proceeds received by such person in such business.

Sec. 8. There shall be excepted and exempted from the gross income or gross proceeds taxed by this act so much thereof as shall be derived from the following transactions:

(1) Articles, commodities and things sold to the government of the United States and its agencies.

(2) Articles, commodities and things sold to the State of Texas and its agencies and to the various counties, districts and municipalities of this State and their agencies.

(3) Sales at retail in interstate and foreign commerce only to the extent that the same are free from taxation under the Constitution of the United States of America.

(4) Premiums paid to and collected by all insuranme companies.

(5) The gross proceeds earned by building and loan associations, banks and mutual savings bank, not having a capital stock represented by shares and which are operated exclusively for the benefit of depositors.

(6) The gross proceeds inuring to labor, agricultural and horticultural societies and organizations not operated for profit.

(7) Sales, made in the original state or condition of preparation for sale, of livestock, poultry and other products of the farm, ranch, grove and garden, only where such sales are made by the producer, or by members of his immediate family, or by bona fide employees of the producer. This exemption and exception however shall not obtain in favor of commission agents or brokers selling such products upon commission or upon a contingent interest therein.

(8) The gross proceeds inuring to cemetery associations and companies which are organized and operated exclusively for the benefit of their members.

(9) The gross income or proceeds inuring to fraternal benefit societies, orders or associations operating under the lodge system where such societies or associations are operated for the exclusive benefit of the members thereof. This exception and exemption shall obtain in favor of the gross proceeds from policies of insurance providing for the payment of death, sickness, accident or other benefits to the members of such societies, orders or associations or to their dependents.

(10) The gross incomes of associations or societies organized and operated exclusively for religious, charitable, scientific or educational purposes.

(11) The gross income of business leagues, chambers of commerce, boards of trades, civic leagues and organizations operated exclusively for the benefit of the community in which the same operate and for the promotion of social welfare. Provided, however, that this exception or exemption shall obtain only where such corporations, associations or societies are not organized or operated for profit and no part of whose income inures to the benefit of any private stockholder or individual.

(12) The gross proceeds of all policies of life insurance paid by reason of the death of the insured.

Sec. 9. Any taxpayer liable for taxes under the provisions of this act shall be entitled to deduct from the taxes payable by him hereunder

all sums paid by him during the taxable period as occupation taxes under any other statute of this state, whether measured by gross receipts or otherwise. It is expressly provided that the existing laws fixing occupation, excise or gross receipts taxes on the sale of cigarettes, gasoline and alcoholic beverages and liquors and fixing severance or gross production taxes on sulphur, oil and gas shall remain in full force and effect and said products are not intended to be included within the provisions of this act.

Sec. 10. Any person engaged in making both sales at retail and at wholesale must file a return showing the amount of sales made at retail and, separately, the amount of sales made at wholesale.

Sec. 11. The taxes levied hereunder shall be due and payable in monthly installments on or before the 15th day of the month next succeeding the month in which the tax accrues. The taxpayer shall, on or before the 15th of each month, make out a return showing the amount of tax for which he is liable for the preceding month and shall mail such return, together with a remittance for the amount of tax due by him, in the form hereinafter provided, to the office of the Comptroller. Such monthly return shall be signed by the taxpayer or his duly authorized agent but need not be verified by oath. Any person taxable under this act who has made cash and credit or installment sales shall report all sales made by him and shall monthly pay the tax on cash sales, but may pay the tax accruing on credit or installment sales in the month next succeeding the date when such credit accounts are paid. However, in any event the tax must be paid on such credit sales within twelve months after the date of such sales, whether such accounts are then paid or not. In the case of installment sales the taxpayer shall report the same and pay the tax thereon at the taxpaying date in the month next succeeding the date when any installment is paid, but in any event the tax shall be paid on all such installments within sixty days after the same shall have become due, whether the installment has been paid or not.

Sec. 12. Persons liable for taxes under this act shall report all sales at retail, whether such sales are taxable or not, and in computing the tax due and owing by them they shall be allowed to deduct from their total gross proceeds or gross incomes the gross proceeds of sales of commodities or services exempted from taxation by this act as a credit and shall pay the taxes prescribed on the balance of such total gross proceeds or income remaining after the deduction of the gross proceeds of untaxed articles or services.

Sec. 13. Whenever the total tax for which any person is liable under this act does not exceed the sum of Ten Dollars ($10) for any month he shall so inform the Comptroller and in lieu of the monthly return and remittances required herein he may make a quarterly return and remittance which shall be made on or before the 15th day of the month succeeding the end of the quarter for which the tax is due. When the total tax for which any person is liable under this act does not exceed the sum of Ten Dollars ($10) in each quarter year, he shall inform the Comptroller of such fact but shall not be required to make either a monthly or quarterly return and remittance, but in lieu thereof shall make an annual return and remittance, under such rules and regulations as the Comptroller may prescribe, such annual return and remittance to be made on or before the 30th day of the month next succeeding the end of the tax year for which the tax is due.

Sec. 14. The Comptroller, for good cause, may extend the time for making any return and remittance due under this act but in no event shall such extension of time be for a period longer than thirty (30) days after the due date of the return and remittance.

Sec. 15. The Comptroller shall prescribe forms for the making of the monthly, quarterly and annual returns and remittances required by this act.

Sec. 16. On or before thirty (30) days after the end of the tax year, each person liable for the payment of the tax under this act shall make a return showing gross proceeds of sales or gross income of business and shall compute the amount of tax chargeable against him in accordance with the provisions of this act and shall deduct the amount of

monthly or quarterly payments theretofore made during such taxable year, if any. Such return shall be verified by the oath of the taxpayer, if made by an individual, or by the oath of the president, vice-president, secretary or treasurer if made on behalf of a corporation. If made on behalf of a partnership, joint venture, association, trust estate or any group or combination, acting as a unit, or by any other entity, the same shall be made by any individual delegated by such taxpayer. If for any reason it is not practicable for the individual taxpayer to make the oath the same may be made by any duly authorized agent. The Comptroller, for good cause shown, and upon application of any taxpayer, may extend the time for making the annual return and may grant such reasonable additional time within which to make the same as he may deem advisable, not to exceed sixty (60) days.

Sec. 17. Every fifth day the Comptroller shall pay into the State Treasury all moneys collected under this act during the preceding five (5) days. The State Treasurer shall place the same to the credit of the various funds in the manner and proportion hereinafter provided.

Sec. 18. As soon as practicable after return required by this act is filed, the Comptroller shall examine it. It it then appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be recomputed. If the amount already paid exceeds that which should have been paid as recomputed, the excess so paid shall be immediately returned to the taxpayer in accordance with the provisions of this act. If the amount already paid is less than the amount which should have been paid, the difference, to the extent not covered by any credits under this act, to gether with interest thereon at the rate of one-half on one per cent per month from the time the tax was due, shall be paid upon notice and demanded by the Comptroller. If any part of the deficit, due to neglect or intentional disregard of authorized rules and regulations with knowledge thereof but without intent to defraud, there shall be added as damage ten per cent of the total amount of the deficit, and the tax and interest in such cases shall be collected at the rate of ten per cent per annum on the amount of such deficit from the time the same was due, which interest and damages shall become due and payable on notice and demand by the Comptroller. If it be found that any part of the deficit occured by reason of fraud with intent to evade the tax then there shall be added as damages not more than 100% of the total amount of the deficit and in such cases the whole amount of the tax unpaid, including charges so added, shall become due and payable upon notice and demand by the Comptroller and an additional ten per cent per annum on the tax shall be added from the date such tax was due and unpaid.

Sec. 19. It shall be the duty of every person engaging or continuing in this State in any business subject to the provisions of this act to keep and preserve suitable records of the gross income or gross proceeds of sales of such business, and such other books of account and records as may be necessary to determine the amount of tax for which he is liable under the provisions of this Act. It shall be the duty of every such person to keep and preserve for a period of two (2) years all invoices of goods and merchandise purchased for resale and all such books, invoices and other records shall be open for examination at all times to the Comptroller or his duly authorized agents.

Sec. 20. If no return is made when due by any taxpayer required to make returns as provided herein, the Comptroller shall give written notice by registered mail to such taxpayer to make such return within thirty (30) days from the date of such notice, and if such taxpayer shall fail or refuse to make such returns as he may be required to make in such notice, then such returns shall be made by the Comptroller from such information available, and such returns shall be prima facie correct for the purposes of this act and the amount of tax shown due thereby shall be a lieu against all of the property of the taxpayer subject to execution until discharged by payment. If payment be not made within thirty (30) days after demand therefor by the Comptroller, there shall be added not more than 100% thereof as damages, together

with interest at the rate of one-half of one per cent per month on the tax from the time such tax was due. However if such tax be paid within thirty (30) days after notice by the Comptroller, there shall be added only ten per cent as damages, together with interest at the rate of one-half of one per cent per month from the time such tax was due until paid. It shall be within the discretion of the Comptroller to remit any penalties for the first offense upon payment of the tax due.

Sec. 21. The tax imposed by this Act shall be a lieu upon the property of any person subject to the provisions hereof, who shall sell out his business or stock of goods, or shall quit business, and such person shall be required to make out a return upon such form as may be prescribed by the Comptroller within thirty (30) days after the date of the sale of his business or stock of goods, or the date of his cessation of business, and his successor in business shall be required to withhold sufficient of the purchase money to cover the amount of taxes due and unpaid until such time as the former owner shall produce a receipt form the Comptroller showing that the taxes have been paid on a certificate that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided, and the taxes shall be due and unpaid after the thirty (30) days period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner.

Sec. 22. Any person improperly charged with any tax and required to pay the same may recover the amount paid, together with legal interest, in a suit against the Comptroller in any court of competent jurisdiction in Travis County, and permission is hereby granted any such taxpayer to file such a suit. It shall not be necessary for the taxpayer to protest the payment of the tax or to make demand for a refund thereof in order to maintain such suit. In any suit to recover taxes paid or to collect taxes the court shall adjudge costs to such extent and in such manner as may be deemed equitable. Either party to such suit shall have the right of appeal in accordance with the laws governing appeals in other civil cases. In the event a final judgment is rendered in favor of the taxpayer in a suit to recover illegal taxes, then it shall be the duty of the Comptroller upon receipt of a certified copy of such final judgment to pay such judgment, interest and costs. It shall be the duty of the State Treasurer to honor the Comptroller's warrant therefor and to pay the same out of the special fund hereinafter created and provided for.

Sec. 23. No injunction shall be awarded by any court or judge to restrain the collection of the taxes imposed by this Act or to restrain the enforcement of the same.

Sec. 24. Any tax due and unpaid shall constitute a debt to the State of Texas and may be collected by a suit in any court of competent jurisdiction in Travis County, Texas, or in the county of the taxpayer's residence, at the option of the Attorney General, which remedy shall be in addition to all other existing remedies. Any such unpaid tax shall constitute a lieu upon all of the property of the taxpayer subject to execution. All unpaid taxes shall bear interest at the rate of one-half of one per cent per month if paid not later than thirty days after due date. Taxes past due more than thirty days shall bear interest at the rate of ten per cent per annum. The lien herein provided for taxes shall also secure all penalties and interest due by any taxpayer.

Sec. 25. Whenever any person shall fail and refuse to make the returns and pay the taxes as herein provided it shall be the duty of the Comptroller to certify such fact to the Attorney General who shall bring suit in a district court of Travis County, Texas, for an injunction to restrain the person so delinquent from further engaging in the business for which he has been granted a certificate until he shall have paid such taxes as he may be found to owe. The assessment of taxes herein made, and the returns thereof herein required, shall be for the calendar year beginning January first and ending December 31st. However, if any taxpayer in transacting his business keeps the books reflecting the same on a basis other than the calendar year, he may, with the consent of the Comptroller,

make his annual returns and pay taxes for the year covering his accounting period as shown by the method of keeping the books of his business.

Sec. 26. No city, county or other tax-levying unit of government within this State shall levy any tax by virtue of the provisions of this Act.

Sec. 27. All remittances of taxes imposed by this Act shall be made to the Comptroller by bank draft, check, cashier's check, money order or in cash. The Comptroller shall issue his receipt for all remittances when requested. However, no remittance other than cash shall be a final discharge of liability for the tax herein assessed and levied unless and until it has actually been paid in cash to the Comptroller or State Treasurer.

Sec. 28. At the end of each month the State Auditor shall carefully check the books and records of the Comptroller relating to the taxes herein levied and collected and shall verify the amounts paid or to be paid into the State Treasury.

Sec. 29. The Comptroller shall keep full and accurate record of all moneys received by him and how disbursed. He shall preserve for a period of three years all returns filed with him.

Sec. 30. Neither the Comptroller nor any of his office assistants or agents shall divulge the gross income or gross proceeds of any person or the amount of tax paid by any person as shown by the returns filed under this Act, except in some judicial proceeding to which the State is a party. The Comptroller, however, may impart such information as may be necessary to the Governor or to the Attorney General or to any other officer of the State charged with the enforcement of the provisions of this Act.

Sec. 31. The Secretary of State shall withhold the issuance of any certificate of dissolution or withdrawal of any corporation until a receipt of a notice from the Comptroller to the effect that all taxes levied under this Act have been paid, if any such corporation is a taxpayer under the terms of this Act, or until he shall be notified by the Comptroller that the applicant for such certificate is not subject to pay a tax hereunder.

Sec. 32. It shall be unlawful for any person to fail or refuse to make any return provided for in this Act, or to make any false or fraudulent return or false statement in any return with intent to defraud the State, or to avoid the payment of the tax or any part thereof; and it shall be unlawful for any person to aid or abet another in any attempt to evade the payment of the tax or any part thereof, or for any officer or agent of a corporation to make or permit to be made any false return or false statement with intent to evade the payment of any tax. It shall likewise be unlawful for any person to fail or refuse to permit the examination of any book, paper or any other data by the Comptroller or his duly authorized agents as required by this act; or to refuse or fail to permit the inspection or appraisal of any property by the Comptroller or any duly authorized agent. It shall likewise be unlawful for any person to refuse to offer testimony or produce any record as required in this act.

Sec. 33. Any person violating any of the provisions of the foregoing sections shall be guilty of a misdemeanor and upon conviction shall be punished by fine of not more than Five Hundred ($500.00) Dollars.

Sec. 34. In case of the violation of the provisions of this act the Comptroller may decline to prosecute any person for the first offense committed by such person if, in the judgment of the Comptroller, such violation is not willful or flagrant.

Sec. 35. It shall be the duty of the Comptroller to enforce and administer all of the provisions of this act relating to tax returns and the ascertainment, assessment and collection of the taxes imposed hereunder, and it shall be the duty of the Attorney General and of every county and district attorney in this State to assist the Comptroller in the enforcement of this act when called upon so to do. No district or county attorney however shall receive any fee or compensation for services rendered in enforcing this act, other than the regular salary received by such officer.

Sec. 36. The Comptroller shall, from time to time, promulgate such rules and regulations not inconsistent with this act for the making of returns and for the ascertain-

ment, assessment and collection of the tax imposed hereunder as he may deem necessary; and upon request the Comptroller shall furnish any taxpayer with a copy of such rules and regulations. The Comptroller shall likewise cause forms to be printed for the making of returns and remittances and shall furnish the same to taxpayers upon request.

Sec. 37. The Comptroller or his authorized representatives may examine any books, papers, records, or any other data belonging to or in the possession of any taxpayer, bearing upon any return made by such taxpayer, or for the purpose of making a return where none has been made, and may require the attendance of any person as a witness and may take his testimony with respect thereto, with power to administer oaths to such person or persons. If any person summoned as a witness shall fail to obey any summons to appear before the Comptroller or his authorized agent, or shall refuse to testify or answer any material question or to produce any book, record, paper or other data when required to do so, such failure or refusal shall be reported to the Attorney General or to the county or district attorney of the county in which such person is summoned to testify, who shall thereupon apply to the judge of the district court of such county, upon proof by affidavit of the fact, for a rule or order returnable in not less than two nor more than five days directing such witness to show cause before the judge who made the order, or any other district judge of said county, why he should not be punished for contempt. Upon the return of such order the judge before whom the matter shall come on for hearing shall examine under oath such witness or person and such person shall be given an opportunity to be heard. If the judge shall determine that such person has refused, without reasonable cause or legal excuse to answer such summons, or to be examined or answer a legal and pertinent question, or to produce a book, record or paper or any other data which he has been ordered to bring or produce, he may forthwith punish the offender as for contempt of court. Subpoenas shall be served and witness fees and mileage paid as in civil cases in the district court in the county to which such witness shall be called. Witnesses subpoenaed at the instance of the Comptroller and his representatives shall be paid their fees and mileage by the Comptroller out of the special fund hereinafter created.

Sec. 38. There is hereby created a special fund known as the "Gross Proceeds Tax Enforcement Fund." One-half of one per cent of all moneys collected under the provisions of this Act shall be applied by the Comptroller to such Enforcement Fund and shall be used to carry out the enforcement of this Act. All assistants, clerks and stenographers hired in connection with the enforcement hereof shall be paid out of said fund and all expenses, witness fees anl officers fees shall be paid out of said fund.

Sec. 39. There is hereby created a special state fund to be known as the "Old Age Pension Fund." Three fourths of the money collected under the provisions of this amendment shall be placed by the State Treasurer to the credit of the "Old Age Pension Fund," and shall be used only for the purpose of paying Old Age Assistance or pension warrants. One fourth of the money collected under the provisions of this Amendment shall be placed to the credit of the Available School Fund.

Sec. 40. One fourth of all occupation taxes collected by the State of Texas on cigarettes, crude petroleum, sulphur, beer and malt liquors shall be placed to the credit of the Available School Fund, and three fourths of said taxes collected shall be placed to the credit of the General Revenue fund of this state. All laws or parts of laws in conflict with the provisions of this section are hereby repealed.

HOLBROOK.

Pending

Senate Resolution No. 19.

Whereas, The Hon Jas. V. Allred, Governor of Texas, is now in the gallery of the Senate,

Be It Resolved, That he be invited to the floor and that a committee of three be appointed by the President of the Senate and instructed to escort the distinguished Governor to the speaker's stand.

RAWLINGS.

Read and adopted.

The Chair appointed Senators Rawlings, DeBerry and Oneal to escort Governor Allred to the platform.

Senator Holbrook yielded to Senator Woodruff who received unanimous consent to take up H. C. R. No. 14.

H. C. R. No. 14.

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

H. C. R. No. 14, "Authorizing the State Highway Department to loan to the City of Pilot Point and County of Denton certain paving equipment."

H. C. R. No. 14 was adopted by viva voce vote.

Senator Holbrook yielded to Senator Hornsby who received unanimous consent to send up the following bill:

Senate Bill No. 63.

By Senator Hornsby:

S. B. No. 63, A bill to be entitled "An Act amending Section 3 of the Lower Colorado River Authority Act, being Chapter 7 of the Acts of the Fourth Called Session of the forty-third Legislature, so as to provide that Directors of the Lower Colorado River Authority shall receive fees and expenses for attending meetings of the board and attending to other business of the authority; fixing the amount of such fees; making an appropriation to said authority; and declaring an emergency."

Read and referred to Committee on Mining, Irrigation and Drainage.

Senate Bill No. 64.

Senator Holbrook yielded to Senator Collie who received unanimous consent to suspend the regular order to send up the following bill:

By Senator Collie:

S. B. No. 64, A bill to be entitled "An Act creating the Leon River Flood Control District, a conservation and reclamation district, to be a governmental agency, body politic and corporate; prescribing and limiting the powers, rights, privileges, functions, and liabilities of such District, and prescribing the manner of their exercise; making an appropriation; declaring the Act to be severable; and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Motion to Take Up.

Senator Holbrook asked unanimous consent to suspend the regular order and take up H. B. No. 114.

Objection was heard.

Senator Holbrook yielded to Senator Cotten for a privileged motion.

Senate Bill No. 51.

Senator Cotten moved that the Senate do concur in House amendments to S. B. No. 51.

The motion prevailed by the following vote:

Yeas—28.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Senator Holbrook yielded to Senator Hill.

Motion to Recess.

Senator Hill at 5:30 o'clock p. m. moved that the Senate recess until 9 o'clock a. m. Thursday.

Senator Burns moved that the Senate recess until 8 o'clock tonight.

Senator Rawlings moved that the Senate adjourn until 10 o'clock a. m. Thursday.

Senator Rawlings yielded to Senator Small.

Senator Small received unanimous consent to take up H. B. No. 101.

House Bill No. 101.

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

By Mr. Leonard:

H. B. No. 101, A bill to be entitled "An Act granting aid to the property in and inhabitants of Hidalgo

County, Texas, and to Hidalgo County made necessary by reason of its location on the Gulf Coast and by reason of calamitous overflows, floods, storms and freezes which cause great destruction of property and loss of life; remitting, releasing, granting and donating to the property in and inhabitants of said county and to Hidalgo County all State ad valorem taxes levied or to be levied on property in said county, including the rolling stock of railroads and three-fourths of the State occupation taxes, for the years 1924 to 1948, both inclusive; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

Amend H. B. No. 101 by inserting after the word taxes in the first line of Section 3 thereof, the following: "for general revenue purposes."

SMALL.

Read and adopted.

Amend H. B. No. 101 by adding and inserting after the word taxes in the first line of Section 1 thereof, the following: "for general revenue purposes."

SMALL.

Read and adopted.

Amend the caption of H. B. No. 101 by adding and inserting after the word taxes in line 8 thereof, the following: "for general revenue purposes."

Read and adopted.

SMALL.

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

NEAL.

Read and adopted.

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

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

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

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 101 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—21.

Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Woodruff.
Nelson.	

Nays—7.

Collie.	Pace.
DeBerry.	Poage.
Hill.	Westerfeld.
Oneal.	

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Senator Holbrook received unanimous consent to suspend the regular order of business and take up H. B. No. 114.

House Bill No. 114.

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

By Messrs. Mauritz and Hill:

H. B. No. 114, A bill to be entitled "An Act to aid Wharton County comprising one district and that portion of Matagorda County embraced in Commissioners' Precincts Numbers

One, Two and Four as described in the minutes of the commissioners' court of said county, comprising another district for the remaining portion of the period of time covered by the release of taxes to said district as made by Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions, page 102 to 105 (Senate Bill No. 54) by donating and appropriating to said districts all the State ad valorem taxes levied and collected in said districts for general State purposes on all property, both real and personal, in said districts for the purpose of creating a fund for the payment of interest upon and creating a sinking fund for that certain issue or issues of bonds that were voted and issued under the authority of Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions, and declaring an emergency."

Amendment No. 1.

Amend H. B. No. 114 by adding in Section 1 of the bill, after the word "taxes," the following: "levied for general State purposes."

HOLBROOK.

Read and adopted.

Amendment No. 2.

Amend H. B. No. 114 by adding in Section 3 of the bill, after the word "taxes" the following: "levied for general State purposes."

HOLBROOK.

Read and adopted.

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

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

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

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 114 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Cotten.
Burns.	Davis.
Collie.	DeBerry.
Hill.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Isbell.	Shivers.
Martin.	Small.
Neal.	Stone.
Nelson.	Sulak.
Oneal.	Van Zandt.
Pace.	Westerfeld.
Poage.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—21.

Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Woodruff.
Nelson.	

Nays—7.

Collie.	Pace.
DeBerry.	Poage.
Hill.	Westerfeld.
Oneal.	

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Senator Van Zandt asked unanimous consent to change his vote to "aye" so that the bill could go into immediate effect.

Bills Signed.

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

S. B. No. 25.
S. B. No. 36.
S. B. No. 45.

Recess.

Senator Poage moved that the Senate recess until 10:05 o'clock a. m. Thursday.

The motion prevailed by viva voce vote.

APPENDIX

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Oct. 8, 1935.
Hon. Walter F. Woodul, President of the Senate.
Sir: We, your Committee on Engrossed Bills have had S. B. No. 41 carefully examined and compared and find same correctly engrossed.
DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 8, 1935.
Hon. Walter F. Woodul, President of the Senate.
Sir: We, your Committee on Engrossed Bills have had S. B. No. 50 carefully examined and compared and find same correctly engrossed.
DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.
Sir: We, your Committee on Engrossed Bills, have had S. C. R No. 4 carefully examined and compared and find same correctly engrossed.
DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.
Sir: We, your Committee on Enrolled Bills, have had S. B. No. 25 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.
Sir: We, your Committee on Enrolled Bills, have had S. B. No. 36 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.
Sir: We, your Committee on Enrolled Bills, have had S. B. No. 45 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.
Sir: We, your Committee on Enrolled Bills, have had S. B. No. 50 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.
Sir: We, your Committee on State Affairs, to which was referred
H. B. No. 1, A bill to be entitled "An Act defining the term 'open saloon'; creating a Board of Liquor Control; prescribing rules and regulation, the right of local option; prescribing permits, and otherwise regulating the sale of the various liquors mentioned in this Act; defining terms; prescribing punishments; providing a saving clause, and declaring an emergency."
Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.
PACE, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.
Sir: We, your Committee on State Affairs, to which was referred
H. B. No. 52, A bill to be entitled "An Act amending Subdivision (h) Section 5, Chapter 116, Acts Forty-third Legislature, and declaring an emergency."
Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed..
PACE, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.
Hon. Walter F. Woodul, President of the Senate.
Sir: We, your Committee on State Affairs, to which was referred
H. B. No. 101, A bill to be entiled "An Act granting aid to the property in and inhabitants of Hidalgo County, Texas, and to Hidalgo County, made necessary by reason of its location

on the Gulf Coast and by reason of calamitous overflows, floods, storms and freezes which cause great destruction of property and loss of life; remitting, releasing, granting and donating to the property in and inhabitants of said county and to Hidalgo County all State ad valorem taxes levied or to be levied on property in said county, including the rolling stock of railroads and three-fourths of the State occupation taxes, for the years 1924 to 1948, both inclusive; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

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

PACE, Chairman.

Committee Room,
Austin, Texas, Oct. 8, 1935.

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

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

H. B. No. 114, A bill to be entitled "An Act to aid Wharton County comprising one district and that portion of Matagorda County embraced in Commissioners' Precincts Numbers One, Two and Four, as described in the minutes of the commissioners' court of said county, comprising another district for the remaining portion of the period of time covered by the release of taxes to said district as made by Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions, Pages 102 to 105 (Senate Bill No. 54) by donating and appropriating to said districts all the State ad valorem taxes levied and collected in said districts for general State purposes on all property, both real and personal in said district for the purpose of creating a fund for the payment of interest upon and creating a sinking fund for that certain issue or issues of bonds that were voted and issued under the authority of Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions and declaring an emergency."

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

PACE, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.

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

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

H. C. R. No. 14, "Relating to the authorization of the use of certain highway equipment on the streets of the town of Pilot Point, Texas."

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

PACE, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.

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

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

S. B. No. 49, A bill to be entitled "An Act providing for the employment by the Commissioner of the General Land Office of the State of Texas of two additional clerks to be designated as Research and Sales Clerks, one of whom shall be a licensed lawyer and the other experienced in Land Office work, to assist him in ascertaining vacant areas of land belonging to the Public Free School Fund of Texas, and disposing of such areas, and to compile a record and assembled information for the State Board of Education; the salaries of said clerks; and declaring an emergency."

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

REDDITT, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.

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

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

S. B. No. 52, A bill to be entitled "An Act appropriating One Hundred Twelve Thousand ($112,000.00) Dollars for the purpose of constructing and equipping a library building on the campus of the North Texas State Teachers College at Denton, Texas,

under certain conditions and requirements, and declaring an emergency."

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

REDDITT, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.

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

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

S. B. No. 56, A bill to be entitled "An Act making appropriation for the construction and equipment of a coastal and marine biological laboratory on the coast of Texas as a part of the department of biology of the Texas College of Arts and Industries; providing for its maintenance, and declaring an emergency."

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

REDDITT, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.

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

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

S. B. No. 59, A bill to be entitled "An Act to appropriate money to pay judgment for the sum of $2,627.51 against the State of Texas in favor of Alton E. Stewart in Cause No. ..... in the 126th District Court of Travis County, and declaring an emergency."

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

REDDITT, Chairman.

Committee Room,
Austin, Texas, Oct. 9, 1935.

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

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

S. B. No. 62, A bill to be entitled "An Act creating the Pease River Flood Control District, a conservation and reclamation district, to be a governmental agency, body politic and corporate; prescribing and limiting the powers, rights, privileges, functions, and liabilities of such District, and prescribing the manner of their exercise; making an appropriation; declaring the Act to be severable; and declaring an emergency."

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

REDDITT, Chairman.

FIFTEENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
October 10, 1935.

The Senate met at 10:05 o'clock a. m., pursuant to recess, and was called to order by President Pro Tempore, Will M. Martin.

House Bill No. 18.

Pending business was House Bill No. 18, with pending amendment by Senator Holbrook.

Message From the House.

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

Hall of the House of Representatives,
Austin, Texas, Oct. 9, 1935.

Hon. Will M. Martin, President Pro Tem. of the Senate.

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

S. B. No. 16, A bill to be entitled "An Act defining and prohibiting the open saloon and providing penalties for the violation thereof and declaring an emergency."

(With amendments.)

H. B. No. 130, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand Dollars ($50,000.00) or so much thereof as may be necessary, out of the General Revenue of the State of Texas, to pay the per diem of members, officers, and employees and to pay contingent expenses of the First Called Session of the Forty-fourth Legisla-