Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 7 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 14 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Report.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Education, to whom was referred H. B. No. 51,

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.

COTTEN, Chairman.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

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

H. B. No. 41, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than twelve thousand, seven hundred and fifty-seven (12,757) nor more than twelve thousand, eight hundred (12,300) inhabitants, etc., and declaring an emergency."

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

RAWLINGS, Chairman.

Committee Amendment.

Amend H. B. No. 41, by striking out the words and figures "one thousand ($1,000.00) dollars," and insert in lieu thereof the words and figures "one thousand, eighty ($1,080.00) dollars."

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Education, to whom was referred H. B. No. 65,

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.

COTTEN, Chairman.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,
October 26, 1936.

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

The roll call disclosed a quorum, the following Senators being present.

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

Absent—Excused.

Isbell.	Pace.

Senators Excused.

Senator Pace was excused on account of illness on motion of Senator Cotten.

Senator Isbell was excused on account of important business on motion of Senator Davis.

Prayer by the Chaplain, Rev. B. W. Allen.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion by Senator Hill.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Messages From the Governor.

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

Executive Office,
Austin, Texas, Oct. 26, 1936.

To the Senate of the 44th Legislature:

I ask the consent, advice and confirmation of the Senate to the following appointment:

To be Pilot Commissioner for the Port of Freeport, Texas:

C. E. Watson, of Freeport, Brazoria County.

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

Executive Office,
Austin, Texas, Oct. 21, 1936.

To the Members of the 44th Legislature:

When this Legislature was convened in extraordinary session I submitted to you the subject of providing "further necessary revenue for old age assistance to persons entitled to same under the provisions of said House Bill No. 26 as passed by the 2nd Called Session of the 44th Legislature." Up to this time a so-called "omnibus" tax bill has passed the House and, after certain amendments, has likewise passed the Senate. One of these amendments, introduced by Senator Small, in effect revamps the entire old age Assistance law and has the effect of "deliberalizing" same. It is intended, as I understand, to limit old age assistance to those persons over sixty-five who are actually in need.

The tax bill with this amendment has now been returned to the House; and a point of order was sustained upon the ground, among others, that the Small amendment did not come within the Governor's call. Only five working days are left in this session; and if anything is to be done, it must be quickly.

I am sure you were appalled, as I have been, with the facts and figures presented by the director of the old age assistance commission showing indisputably that ours is the most liberal old age assistance law in the nation. Under it more people are qualifying, and will continue to qualify, to each one thousand inhabitants than any other state in the Union. I think the estimate of 150,000 who will be eligible to qualify for old age assistance benefits under the present law is conservative indeed. Unquestionably, in order for the state to pay one-half of the probable cost of old age assistance to these 150,000 people, even on an average of $8.00 per month to the state's part, fifteen million dollars will be required. I am certain in my own mind that the Federal Government will not match us for any such huge sum of money. Common sense tells us, and I have been so informed by Federal officials, that necessarily there is a limit to the amount which any state can reasonably expect to receive from the Federal Government.

The present tax bill as it passed either House cannot possibly take care of the demands of the 150,000 people who are eligible under the present law. We are up against the most stupendous money raising program any Legislature has ever had. Frankly, unless the law is changed so as to cut down the number of applicants, and thereby the demands upon the public treasury, the taxpayers of this state are faced with a picture so dark it can hardly be painted in words.

You are familiar with my views upon taxation, in which I have heretofore recommended substantial increases in natural resource and industry taxes. As a practical matter, however, it now appears utterly impossible to raise from these sources the amounts of money necessary to adequately finance present and future demands. We want to take care of our needy aged; but it is another thing when it comes to the matter of taking money from industrious and thrifty people to give to people who do not need it. Frankly, unless the present law is deliberalized, I fear the ultimate outcome will be not only increased natural resource and industry taxes but a general sales tax as well. This we cannot afford!

A great deal has been said in the past about what the people intended when they voted this amendment. May I remind you of the record. The

first candidate for Governor to advocate old age assistance in 1934, Mr. McDonald, urged not exceeding $15.00 per month for our aged citizens "who are without sufficient income or relatives to support them." He further said he wanted to see the day come when the road that leads over the hill to the poorhouse will be closed forever.

In the run off campaign I urged the submission of a constitutional amendment to authorize the state to coordinate its program for old age assistance with that of the Federal Government.

Now, the program of the Federal Government does not call for "pensions." It calls for "assistance" to the aged needy. Our constitutional amendment nowhere mentions "pensions." It likewise provides for "assistance" to the needy. In my humble judgment, the people of this state did not intend to authorize payment of public moneys to people who are not actually in need.

In all sincerity, members of the Legislature, I tell you that I am beset with gravest fears for the welfare of our State if the present trend continues. I think it is destructive of human character to give pensions to people who are not in need. I think we will destroy the American spirit and encourage children to be unmindful of the Bibical admonition to honor our fathers and our mothers. I am told that the records of the old age assistance commission disclose many instances of sons and daughters who ask that the state assume the burden of supporting their parents. Instances of property transfers from parents to children are being uncovered from day to day. This is wrong in principle; and the state ought not to be a party to a program that encourages it.

One of the principal difficulties with the present law is the fact that applicants are entitled to own property of stipulated values and have incomes up to a certain amount per year, and yet be eligible for old age assistance if in need. This has created the impression among the people that even though they have the amount of property or the income specified in the statute, yet they are entitled to aid even though they may not be in actual need. These provisions should be stricken out of the law.

It seems to me the time has come for us as patriots to do our duty irrespective of political consequences. It has always been my experience that in the long run doing the right thing was the best politics. We have a golden opportunity to stem the tide of state paternalism. Unless it is done, the tendency will in time develop into a settled policy and, in my judgment, bankrupt the State.

I, therefore, recommend to you deliberalization of the present law under which applicants are entitled to qualify for old age assistance. In general, I favor and would approve the policies of the amendment adopted in the State Senate. I have not submitted this subject to you heretofore because I feared it might jam the machinery and prevent the passage of any kind of tax legislation. I make this recommendation with the fervent hope that during the remaining days of the session we will put our shoulders to the wheel and do this big job for Texas.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Committee Appointed.

The Chair appointed the following committee under Senate Resolution No. 11 to accompany the Governor to New Orleans to attend the conference on Paroled Prisoners:

Senators Collie, Moore, Sanderford.

Bills Signed.

The Chair, Lieutenant Governor Woodul, 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. 5	S. B. No. 17
S. B. No. 25	S. B. No. 16
S. B. No. 24	S. B. No. 30
S. B. No. 21	S. B. No. 26.

Bills and Resolutions.

Senate Resolution No. 23.

By Senator Cotten:

Whereas, Education is the foundation of a democracy; and,

Whereas, The laws regulating education have grown up over a long period of years and there are many discrepancies and deficiencies in such laws; and,

Whereas, In the best interests of an efficient system of public schools it is wise that a study of all school laws be made;

Now, Therefore, Be it Resolved by the Senate:

Section 1. That the President of the Senate be and he is hereby authorized to appoint a committee of five members of the Senate, whose duties shall be to conduct an inquiry into the laws relating to the educational system of Texas and to make a report of such inquiries with such recommendations that to them may be deemed appropriate; such report to be made not later than thirty days after the convening of the regular session of the Forty-fifth Legislature.

Sec. 2. That said Committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours and place or places of meeting and adjourning, and the sessions of said Committee shall be open to the public, except at such times as the Committee, by majority vote, may determine to hold an executive session. The Chairman of said Committee shall be elected by a majority vote of the members of said Committee, and the Committee shall appoint its own secretary and employees, and its sergeant-at-arms.

Sec. 3. Said Committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employees, and it shall be the duty of said Committee to make and keep a record of its investigation.

Sec. 4. That said Committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-fifth Legislature within thirty days of the date same convenes in regular session. The compensation and expenses herein provided for incident to the work of such Committee shall be paid out of the appropriation for mileage and per diem and contingent expenses of the regular and all called sessions of the Forty-fourth Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said Committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said regular and all called sessions of the Forty-fourth Legislature to meet the payment of such per diem and expenses of the members of said Committee, witnesses, fees and other expenses incident to said investigation.

Sec. 5. Said Committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

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

Motion prevailed.

Senate Resolution No. 23 was adopted by the following vote:

Yeas—18.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Rawlings.
Collie.	Regan.
Cotten.	Shivers.
Davis.	Sulak.
Hill.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Nays—7.

DeBerry.	Poage.
Holbrook.	Sanderford.
Hornsby.	Weinert.
Neal.	

Absent.

Redditt.	Stone.

Absent—Excused.

Isbell.	Small.
Pace.	

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. 26, 1936,

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. 67, A bill to be entitled "An Act amending and re-enacting Section 36, House Bill No. 521, Chapter 100, Acts 1935, of the Regular Session, Forty-fourth Legislature, relative to the expenditures for the

administration of House Bill No. 521, and declaring an emergency."

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

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

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

H. B. No. 76, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Red River, County, Texas, and conform the jurisdiction of the District Court of such County to such change, and declaring an emergency."

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

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

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

H. B. No. 83, A bill to be entitled "An Act to amend Section 1, Chapter 12, Senate Bill No. 39, Forty-first Legislature, First Called Session; providing for the exception of the Clear Fork of the Brazos River from the Act, describing the size of the mesh of seines and the length of fish that can be taken; providing for a penalty, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 82.

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

By. Mr. Calvert, et al.:

H. B. No. 82, A bill to be entitled

"An Act to amend Article 1813 of the Revised Civil Statutes of 1925 so as to provide for the appointment of a Special Commissioner to serve in the place of any member of a Court of Civil Appeals, who shall be disabled by illness, or otherwise, and whose disability shall be certified to the Governor by the Chief Justice, or any two members, of a Court of Civil Appeals; providing for the compensation of such Commissioner; and providing for an emergency."

Read and referred to Committee on Civil Jurisprudence.

House Bill No. 83.

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

By Mr. Lanning:

H. B. No. 83, A bill to be entitled "An Act to amend Section 1, Chapter 12, Senate Bill No. 39, Forty-first Legislature, First Called Session; providing for the exception of the Clear Fork of the Brazos River from the Act, describing the size of the mesh of seines and the length of fish that can be taken; providing for a penalty, and declaring an emergency."

Read and referred to Committee on Game and Fish.

House Bill No. 81.

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

By Mr. Jones of Shelby:

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

Read and referred to Committee on Game and Fish:

House Bill No. 80.

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

By Mr. Mauritz:

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

Read and referred to Committee on Game and Fish.

House Bill No. 76.

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

By Mr. Bourne:

H. B. No. 76, A bill to be entitled "An Act to dimish the civil and criminal jurisdiction of the County Court of Red River County, Texas, and conform the jurisdiction of the District Court of such county to such change, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

House Bill No. 75.

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

By Mr. Payne:

H. B. No. 75, A bill to be entitled "An Act declaring a closed season on wild javelina, bear, badger, raccoon and rock squirrel south of the Southern Pacific Railroad in Brewster County, Texas, and providing a penalty for violation of this Act, and declaring an emergency."

Read and referred to the Committee on Game and Fish.

House Bill No. 74.

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

By Mr. Payne:

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

Read and referred to the Committee on Game and Fish.

House Bill No. 68.

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

By Mr. Stinson, et al.:

H. B. No. 68, A bill to be entitled "An Act making it unlawful for any person or persons to fish for, take, catch or attempt to catch any fish in the fresh waters of Dallas County by any net, seine, snag line, trap or any device other than ordinary pole and line, rod and reel, set line, throw line or trot line; etc., and declaring an emergency."

Read and referred to the Committee on Game and Fish.

House Bill No. 67.

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

By Mr. Reed of Dallas:

H. B. No. 67, A bill to be entitled "An Act amending and re-enacting Section 36, House Bill No. 521, Chapter 100, Acts 1935, of the Regular Session, Forty-fourth Legislature, relative to the expenditures for the administration of House Bill No. 521, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Bill and Resolution Signed.

The Chair, Lieutenant Governor Woodul gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolution:

H. B. No. 54. H. C. R. No. 22.

At Ease.

Senator Shivers at 10:24 o'clock moved that the Senate stand at ease subject to the call of the Chair.

Motion prevailed.

The Chair called the Senate to order at 10:25 o'clock.

At 10:26 o'clock Senator Oneal moved that the Senate go into executive session at 10:27 o'clock.

The time having arrived for the executive session, the Senate Chamber was cleared.

After Executive Session.

At 10:33 o'clock a. m., the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

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

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

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointment: To be Pilot Commissioner for the Port of Freeport, Texas:

C. E. Watson, of Freeport, Brazoria County.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that this be in all things confirmed.

ONEAL, Chairman.

Adopted.

Motion to Recess.

Senator Burns moved that the Senate recess until 2 o'clock p. m., today.

Substitute Motion to Stand at Ease.

Senator DeBerry offered a substitute motion that the Senate stand at ease subject to the call of the Chair.

The motion prevailed by the following vote:

Yeas—24.

Beck.	Poage.
Blackert.	Rawlings.
Collie.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Martin.	Stone.
Moore.	Sulak.
Neal.	Weinert.
Nelson.	Westerfeld.
Oneal.	Woodruff.

Nays—4.

Burns.	Hill.
Cotten.	Van Zandt.

Absent—Excused.

Isbell.	Pace.

The motion as substituted was adopted by a viva voce vote.

At 11:19 o'clock a. m., the Chair called the Senate to order.

Privilege Motion.

Senator Redditt received unanimous consent to send up Conference Committee report on H. B. No. 8.

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

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

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

Sirs: We, your Conference Commitee, appointed to adjust the differences between the Senate and House on H. B. No. 8,

Have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said H. B. No. 8 be adopted in the form hereto attached.

SMALL,
HOLBROOK,
MOORE,
DeBERRY,
REDDITT,
On the Part of the Senate.

McKINNEY,
HANKAMER,
GOOD,
On the Part of the House.

H. B. No. 8.

A BILL
To Be Entitled

An Act declaring the purpose of this enactment; providing for the payment of old age assistance benefits, and designating the State Board of Control as the Commission for this purpose; repealing House Bill No. 26, Acts of the Second Called Session of the 44th Legislature; amending Section 3, Chapter 241, Acts 44th Legislature; amending Chapter 241, Acts 44th Legislature; amending Section 21, of Article 1, Chapter 467, Acts Second Called Session of the 44th Legislature; amending House Bill 77, Second Called Session of the 44th Legislature; amending Section 46, Article 1, Chapter 467, Acts of the Second Called Session of the 44th Legislature; amending subsection 5, of Section 1, Chapter 10, Acts of the First Called Session of the 43rd Legislature; amending Articles 7070, 7059, 4769, 7064, Revised Statutes of 1925; amending Article 7060, Revised Statutes of of 1925, as amended by Chapter 34, Acts of the 5th Called Session of the 41st Legislature; amending Section 2, Chapter 162, Acts of the 43rd Legislature, as amended by Section 1, Chapter 12, First Called Session of the 43rd Legislature; amending Articles 4858, and 7047, Revised Civil Statutes of 1925; amending Section 40A, of Article 7047, Revised Statutes of 1925, as amended by Chapter 212, Section 1, Acts of the 42nd Legislature; amending Section 3, Chapter 73, Acts of the 42nd Legislature; levying a tax upon carbon black, and providing for its collection; levying a tax upon coin operated machines, exempting certain classes of machines, providing for the collection of such tax, including penalties; levying a stamp tax upon certain promissory notes, and providing for the collection thereof; levying a tax upon persons, firms, and corporations giving prizes and awards in connection with the operation of certain businesses, and providing for the collection of such tax, with penalties for violation; imposing a tax upon the producers of ore, marble, cinnabar ore, and providing for the collection thereof; levying a tax upon individuals, societies, fraternal benefit societies, associations, or corporations domiciled in Texas transacting the business of life, accident, life and accident, health and accident, insurance; partially repealing Section 17, Chapter 40, Acts of the 41st Legislature, First Called Session; providing penalties for failure to make reports showing the amount of business done by certain individuals, firms and corporations, and prescribing penalties, and prescribing means of collecting same, authorizing the Attorney General to institute injunction proceedings in certain cases, and making it a penal offense for certain individuals to fail to make reports; allocating certain funds to the payment of old age assistance, creating an old Age Assistance Fund; allocating certain funds to General Revenue and to the Available School Fund; prescribing the time when

portions of the Act shall become effective; declaring the Act to be severable; repealing all laws in conflict; making appropriation from General Revenue and providing for the return thereof; making appropriation to pay Old Age Assistance; providing for the issuance of permits to solicitors for the sale of cigarettes, and prescribing fees and penalties in connection therewith; and declaring an emergency.

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

Article I.

Section 1. It is hereby declared to be the intention and purpose of the Legislature by and through the enactment of this Act to provide, in part, for the payment of old age assistance benefits, by raising revenues for such purpose and by delimiting the class of persons who shall be eligible for old age assistance benefits. It is recognized by the Legislature that it is impracticable to pay benefits to persons over sixty-five (65) years of age, except those who are in necessitous circumstances; in order that the needy aged may be cared for, it is necessary that the State have funds on hand to meet the accruing obligations therefor. In order to accomplish this purpose, the Legislature declares that it is necessary to accomplish two incidental objectives, namely: (1) the number of persons receiving old age assistance benefits must be decreased, and (2) in addition, more revenues must be provided for the purposes of paying such benefits. The accomplishment of this object is the purpose of this Act.

Article II.

Section 1. Subject to the provisions of this Act, needy persons residing in Texas over the age of sixty-five years who are in necessitous circumstances shall be entitled to financial assistance from the State of Texas.

Sec. 2. In addition to the duties now imposed by law, the State Board of Control is hereby charged with the duty of administering this Act, and, for the purpose of administering the provisions of this Act, the State Board of Control shall be known as and shall constitute the Texas Old Age Assistance Commission. Whenever the word "commission" is used in this Act, it shall mean the Texas Old Age Assistance Commission, which shall be composed of the members of the Board of Control. As members of the Texas Old Age Assistance Commission each member of the Board of Control shall be compensated, in addition to the compensation they now receive by law, on the basis of One Thousand Two Hundred ($1,200.00) Dollars per year, which shall be paid in equal monthly installments out of the Old Age Assistance Fund herein created. The members of the Commission shall be entitled to all reasonable and necessary expenses incurred in the discharge of official duties, such allowance, however, not to exceed the sum fixed by law for other State officials in the discharge of similar duties.

Sec. 3. The Commission may grant financial aid to any needy person who is in necessitous circumstances provided such person

(a) Has attained the age of sixty-five (65) years;

(b) Is a citizen of the United States;

(c) Has resided in the State of Texas for five (5) years or more within the last nine (9) years preceding the date of his application for assistance, and has resided in the State of Texas continuously for one year immediately preceding the application. The terms "residence", "residing" and "resided" as used in this Act shall denote actual physical presence within this State as distinguished from the word "domicile" and the word "residence" as used in their broader meaning.

(d) Is not at the time of receiving such aid an inmate of any public or private home for the aged, or any public or private institution of a custodial, correctional, or curative character, provided, however, that aid may be granted to persons temporarily confined in private institutions for medical or surgical care;

(e) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for such aid;

(f) Is not an habitual criminal or an habitual drunkard;

(g) Is unable to support himself

and has no husband or wife able to furnish him or her with support, and has no other means of support.

Sec. 4. In determinig the eligibilty of an applicant for assistance under this Act, it shall be the duty of the Commission to consider and take into account all facts and circumstances surrounding the applicant, including his earning capacity and his opportunity to obtain support from other sources, and if from all the facts and circumstances the applicant does not appear to be in a needy and necessitous condition, assistance shall be denied. In calculating income and resources of the applicant, the Commission shall take into account all money received by gift, devise or descent.

Sec. 5. On the effective date of this Act each member of the Texas Old Age Assistance Commission created under the provisions of House Bill No. 26, Acts Second Called Session of the Forty-fourth Legislature, and each agent, officer and employee of said Commission, shall deliver to the Board of Control all furniture, fixtures, files, books, records, accounts, data and equipment belonging to the State of Texas or appertaining to his office or employment and the Board of Control shall receive and receipt for same. Each member, agent, and officer of said Commission shall pay over to the officer lawfully authorized to receive the same all money coming into his hands as such and shall also deliver to said Board of Control the possession of the offices and premises occupied by said Commission.

Sec. 6. (a) On the effective date of this Act the Board of Control, acting as the Texas Old Age Assistance Commission, shall select and appoint an Executive Director of the Texas Old Age Assistance Commission, who shall be not less than thirty-five (35) years of age at the date of his appointment, who is a resident citizen of the State of Texas and who shall have resided within the State for at least ten (10) years preceding the date of his appointment, who shall not be an occupant of any elective State office at the time of his appointment nor have occupied any elective State office during the six (6) months next preceding the date of his said appointment, and who shall be paid an annual salary of Five Thousand ($5,000.00) Dollars in equal monthly installments. The said Old Age Assistance Commission shall also appoint a Chief Auditor who shall be paid an annual salary of Four Thousand ($4,000.00) Dollars in equal monthly installments. The Executive Director and the Chief Auditor shall make and execute a bond in form prescribed by the Attorney General, payable to the Governor of Texas, in the sum of Thirty Thousand ($30,000.00) Dollars, conditioned upon their faithful performance of the duties imposed upon them by law. The premium on such bonds shall be paid out of the funds herein appropriated for operating expenses, and any recovery on such bonds shall inure to the benefit of the Old Age Assistance Fund.

(b) The Executive Director, under the direction of the Old Age Assistance Commission, shall be the chief administrative officer of said Commission, and as such shall be responsible for the proper and economical administration of the affairs of such Commission. He shall have the power and authority, with the consent and approval of a majority of the members of the Commission, to select, appoint and discharge such assistants, clerks, stenographers, auditors, bookkeepers and clerical assistants as may be necessary in the administration of the duties imposed upon such Commission within the limits of the appropriations that may be made for the work of said Commission; salaries of all such employees shall be fixed by the Commission in keeping with salaries paid other State employees performing similar work and holding similar positions. The Commission is authorized to require bond or bonds from any and all of its employees in such amounts as it may designate, and in such form as may be prescribed by the Attorney General, whenever in its discretion such bonds may be deemed necessary and advisable, and the premiums on such bond or bonds shall be paid out of the Texas Old Age Assistance Fund.

(c) The Commission shall provide for the holding of hearings in all appeals by applicants for aid or assistance where such aid or assistance has been denied by the local administrative agency to which application was made; provided that such hearings

may be conducted by any one of the members of the Commission or for any employee designated by the Commission to hold the same. When such hearings are conducted by less than a majority of the Commission or by any employee, a transcript of all testimony taken shall be prepared and filed with the Commission and any order therein must be signed by a majority of the Commission.

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

(e) The Commission shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and comply with such provisions as said Social Security Board may from time to time find necessary to assure the correctness and verification of such reports.

Sec. 7. The Commission shall have full power and authority to provide such method of local administration in the various counties and districts of Texas as it deems advisable, and shall provide such personnel as may be found necessary for carrying out in an economical way the administration of this Act; provided, however, that all employees of the Commission shall have been residents of the State of Texas for a period of at least four (4) years next preceding their employment.

Sec. 8. The expenses of administering this Act shall never exceed five per cent (5%) of the total amount expended for Old Age Assistance; provided, however, that the Commission is empowered to accept any funds appropriated and allocated to the State of Texas for administrative expense by the Federal government or the Social Security Board, and same may be expended for administrative purposes in addition to that allowed for administrative purposes out of State funds expended.

Sec. 9. Any person over the age of sixty-five (65) years may present or mail an application in writing for an old age assistance grant to the local administrative agency designated by the Commission to recieve the same. Such application shall be upon forms prescribed by the Commission, shall be duly sworn to before some officer authorized by the laws of this State to administer oaths, and shall contain such information as may be required by the Texas Old Age Assistance Commission, and such application shall state that it is made for old age assistance under the provisions of H. B. 8, Acts, 44th Legislature, Third Called Session. The Texas Old Age Assistance Commission may accept any applications for assistance that have been heretofore filed with the Texas Old Age Assistance Commission created by H. B. 26, Acts, 44th Legislature, Second Called Session, under the provisions of that Act, if it appears to the said Commission that such applications satisfy the provisions of this Act; provided, however, that the Commission shall be authorized to require the filing of a new application in any or all of such cases.

Sec. 10. Upon the filing of such application for aid or assistance, it shall be the duty of the local administrative agency in the county or district in which such application is made to investigate, or cause to be investigated in the manner required by the Commission, such sworn statements appearing in such application to determine the truth or falsity of statements therein contained, said agency having the power and authority to compel the attendance of witnesses, adminster oaths, and compel the production by subpoenas duces tecum of books and records and the furnishing of such other affidavits and information as it may deem necessary and advisable. After an examination of the application and such investigation as to the truth or falsity of the statements contained therein as may be deemed necessary, the local agency shall enter an order upon such application either granting the same in whole or in part, or denying the same, and a copy of such order shall be furnished to the applicant and a copy to the Commission, provided, that nothing herein shall be construed as denying or interfering with the right of the Commission to review such order prior to the entering thereof and require any modification not inconsistent with the law and the rules and regulations of the Commission. Any applicant who is dissatisfied with the order made by the local administrative agency shall have

the right to appeal to the Commission by giving written notice of such dissatisfaction to said Commission. When the Commission has been notified of the dissatisfaction of any applicant with an order made by a local agency, it shall command the local agency to transmit to the Commission the originals or certified copies of all records, affidavits, instruments, testimony or other evidence taken in connection with such application. The Commission shall make a full and complete examination of the record before it and if, after such examination, it is of the opinion that the aid or assistance should be allowed or increased, it shall enter an order allowing or increasing the assistance or aid to the applicant and shall forward a copy of this order to the applicant and a copy thereof to the local administrative agency. If after examining the records before it, the Commission is of the opinion that aid or assistance should not be awarded to the particular applicant or that the amount thereof as awarded by the local agency should not be increased, the Commission shall set the matter down for hearing and shall give written notice of the time and place of such hearing to the applicant, at which hearing the applicant shall have the right to appear in person and testify, or to present any other evidence or testimony written or otherwise, to sustain his application. As soon after such hearing as possible and practicable, the Commission shall enter a final order on such application, mailing a copy thereof to the applicant and a copy to the local administrative agency, from which said final order there shall be no right of appeal.

Sec. 11. (a) The amount of old age assistance or aid from State funds that may be paid to any applicant, who has qualified under the terms of this Act, shall never exceed the sum of Fifteen ($15.00) Dollars per month, and in addition thereto such funds as the Federal government may appropriate and allocate to the State of Texas from time to time shall be distributed among recipients of assistance in like manner as State Funds are paid under the terms of this Act; provided, that in no case shall such aid or assistance be in an amount which, when added to the income of the applicant from all other sources, including income from property and from the State and Federal government, shall exceed a total of Thirty ($30.00) Dollars per month; provided that the assistance granted herein shall be granted in such amounts as will provide reasonable subsistance not incompatible with good health and decency.

(b) For the purpose of paying the aid and assistance to needy citizens of Texas herein provided for, and for the purpose of defraying the expenses of administering this act, there is hereby created and established a special fund in the Treasury of the State of Texas, to be kept by the State Treasurer separate and apart from all other funds, and to be known as the "Texas Old Age Assistance Fund," and for the purposes above set out there is hereby appropriated out of such fund the sum of Seven Million ($7,000,000.00) Dollars, or so much thereof as may be necessary, for the fiscal year ending August 31, 1937. Provided that if the fund is insufficient to pay all grants in full, the same shall be paid pro rata based on the amount granted to each recipient.

(c) There is hereby appropriated to the Commission out of the General Revenue Fund of the State of Texas the sum of Fifty Thousand ($50,000.00) Dollars, or so much thereof as may be necessary, for the purpose of setting up the administrative machinery, and for the purpose of receiving, classifying and reclassifying applications and pending grants. For the purpose of paying the additional expenses placed upon the Comptroller of Public Accounts under the provisions of this Act, including the purchase of equipment and supplies, printing of warrants and stationery, office space, and any other expenses necessary in carrying out the provisions of this Act, there is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, the sum of Fifteen Thousand ($15,000.00) Dollars or so much thereof as may be necessary, for the current fiscal year of the present biennium to the Comptroller of Public Accounts, provided that any salaries paid against this appropriation shall not exceed the salaries for similar positions now authorized under the General Ap-

propriations Bill. For the purpose of paying the additional expenses placed upon the State Treasurer under the provisions of this Act, including the purchase of equipment and supplies, printing of stationery and other expenses necessary in carrying out the provisions of this Act, there is hereby appropriated the sum of Ten Thousand ($10,000.00) Dollars, or so much thereof as may be necessary, for the current fiscal year of the present biennium, to the State Treasurer, provided that any salaries paid against this appropriation shall not exceed the salaries for similar positions now authorized under the General Appropriations Bill.

(d) It is further expressly provided that all sums of money paid out of the General Fund of the Treasury of the State of Texas under the provisions of this Section shall be repaid to such General Fund out of the first moneys accruing to the benefit of the Texas Old Age Assistance Fund, and the Treasurer of the State of Texas is expressly directed to transfer an amount from such Texas Old Age Assistance Fund to the General Revenue Fund equal to the amount expended from the amounts herein appropriated from such General Revenue Fund.

Sec. 12. (a) It shall be the duty of the Commission to review and examine the applications of all persons to whom grants of assistance have heretofore been made under the provisions of H. B. No. 26, Acts, Forty-fourth Legislature, Second Called Session, and to determine, under the provisions of this Act, the eligibility of such applicants for Old Age Assistance; provided that the Commission shall be authorized to promulgate and adopt such rules and regulations as may be necessary immediately to make grants of assistance to such of those persons as may be eligible under the provisions of this Act. All of such persons who have been heretofore receiving Old Age Assistance under the provisions of H. B. No. 26, Acts of the Forty-fourth Legislature, Second Called Session, who shall not be found to be immediately eligible under such procedure as may be adopted by the Commission under the provisions of the preceding sentence herein, shall be investigated in the manner prescribed by Section 10 of this Act.

Whenever it is found, by investigation of the local administrative agency, or otherwise, that assistance has been granted to any person who is not eligible therefor, the Executive Director shall immediately order such assistance terminated and shall furnish a copy of such order to the applicant and a copy to the local administrative agency, and from such order the applicant shall have the right to appeal to the Commission, and when assistance to any person has been terminated, no further payments shall be made to such person until the Board shall have determined on appeal that such payments be resumed.

(b) The provisions of this Act providing for Old Age Assistance shall not be construed as a vested right in the recipient of Old Age Assistance.

(c) An Old Age Assistance grant shall be absolutely inalienable by any assignment, power of attorney, sale, charge, or execution or other legal process, and in case of bankruptcy the assistance shall not pass through any trustee or other person acting on behalf of creditors.

(d) The Commission is authorized to accept on behalf of the Old Age Assistance Fund any gifts, deeds or bequests of any money or other property, the proceeds of which shall accrue to the benefit of the Old Age Assistance Fund. In making such gifts or contributions the donor shall attach no conditions whatever. The sole management and disposition of the property so received shall be in the Commission.

Sec. 13. (a) All old age assistance benefits provided for under the terms of this Act shall be paid by vouchers or warrants drawn by the State Comptroller on the Texas Old Age Assistance Fund; for the purpose of permitting the State Comptroller properly to draw and issue such vouchers or warrants, the Texas Old Age Assistance Commission shall furnish the Comptroller with a list or roll of those entitled to assistance from time to time, together with the amount to which each recipient is entitled. When such vouchers or warrants have been drawn, they shall be delivered to the Executive Di-

rector of the Texas Old Age Assistance Commission, who in turn shall supervise the delivery of the same to the persons entitled thereto.

(b) The Commission shall furnish monthly to the county clerk of each county a list showing the names of all persons in such county receiving old age assistance and the amount thereof. Such list shall be a public record in such county and as such shall be available for public inspection at all reasonable hours.

Sec. 14. On the effective date of this Act, the State Treasurer shall transfer all funds to the credit of the Texas Old Age Assistance Fund created by House Bill No. 26, Acts Second Called Session, Forty-fourth Legislature to the Texas Old Age Assistance Fund created by virtue of this Law.

Sec. 15. All grants of assistance or aid from the Federal government and its agencies shall not be considered as a part of the State assistance herein granted, but shall be regarded as a separate grant of assistance or aid.

Sec. 16. Every assistance granted under the provisions of this Act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing Act that may be hereafter enacted, and no recipient under this Act shall have any claim for compensation or otherwise by reason of his assistance being affected in any way by such amending or repealing Act.

Sec. 17. Whenever in this Act the masculine pronoun is used, it shall be held to include the feminine pronoun also.

Sec. 18. If any recipient under this Act is convicted of any crime, misdemeanor or felony, or other offenses, punishable by imprisonment for a period of six (6) months or longer, such fact shall be reported to the Old Age Assistance Commission and the said Commission may direct that payments to such recipient be defaulted and withheld for such period.

Sec. 19. It shall be unlawful for any attorney at law or attorney in fact, or any other person, firm or corporation whatsoever, representing any applicant for old age assistance or aid in this State to charge a fee for his services in excess of Ten ($10.00) Dollars in aiding or representing any such applicant before the Old Age Assistance Commission or for any other services in aiding such applicant to secure an old age assistance grant. It shall likewise be unlawful for any person, firm or corporation to advertise, hold himself out or solicit the procurement of old age assistance or aid. Any person violating this Section of this Act shall be punished by a fine not to exceed Five Hundred ($500.00) Dollars, or by confinement in the county jail for a period of not to exceed thirty (30) days, or by both such fine and imprisonment. Where any firm, association, or corporation is found to be guilty of a violation of the provisions of this Section the offending act of such firm, association or corporation shall be deemed to be the act of the president, general manager, or other managing official of such firm, association, or corporation, and such official shall be subject to the same penalties as herein provided for other persons.

Sec. 20. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 21. If any section, subsection, paragraph, clause or sentence in this Act is declared to be unconstitutional, the same shall not affect the remaining portions of this Act.

Sec. 22. Section 10 of H. B. No. 26, Chapter 472, Acts Second Called Session, Forty-fourth Legislature, is hereby expressly repealed. The Commission, together with the Comptroller and the Treasurer, shall convert into cash all securities in which the funds of the Permanent Old Age Pension Fund have heretofore been invested, and all funds and moneys which have heretofore been deposited to the credit of the Permanent Old Age Pension Fund are hereby appropriated to the Texas Old Age Assistance Fund.

Article III.

Section 1. That Section 3, Chapter 241, Acts of the Regular Session of the Forty-fourth Legislature, page 575, be so amended as hereafter to be and read as follows:

"Sec. 3. A 'Cigarette Tax Stamp Board' composed of the Board of Control of this State, designated

hereafter as the 'Board', is hereby created and the said Board shall be and is hereby required to design and have printed or manufactured new cigarette tax stamps of such size and denominations and in such quantities as may be determined by the said Board. The stamps shall be so manufactured as to render them easy to be securely attached to each individual package of cigarettes; provided that a different and separate serial number or combination letter and number may be assigned to and printed on the margin of each sheet of stamps, or other methods of identification be adopted as the Board may decide. The printing or manufacturing of the stamps shall be awarded by competitive bid and the contract shall be awarded to the person submitting the lowest and best bid that will afford the greatest and best protection to the State in the enforcement of the provisions of this Act.

"The Board acting through the Treasurer shall, upon receipt of the stamps hereinabove authorized to be printed or manufactured, designate the date of issue of the new design of stamps by issuing a proclamation as hereinafter provided. Provided that the stamps shall be affixed by the distributor on each individual package of cigarettes that will be handled, sold, distributed, or used; that said stamps shall be supplied by said Treasurer to all distributors holding a permit in the State at a discount of two and one-half (2 1-2) per cent from the face value; that every distributor shall cause to be affixed to every individual package of cigarettes on which a tax is due, stamps of an amount equaling the tax due thereon, before any such distributor sells, offers for sale, or consumes, or otherwise distributes or transports the same.

"From the effective date of this Act, one-third of the net revenue derived from the Act levying the Cigarette Tax shall be credited to the Available School Fund of the State of Texas, and two thirds shall be credited to the Texas Old Age Assistance Fund.

"The Board is hereby authorized to change the design of the stamps as often as it may deem such change necessary to the best enforcement of the provisions of this Act, and the Treasurer is hereby required to redeem at face value any unused cigarette tax stamps lawfully issued, prior to such change in the design, which are in the possession of any bona fide owner, by exchanging at face value cigarette tax stamps of the new design. Provided that whenever a change is made in the design of the stamps every person holding stamps of the old design shall be required to send them to the Treasurer for exchange at face value for stamps of the new design. Such exchange shall be made within sixty (60) days after the date of issue of the new design of stamps and it shall be unlawful for any person to have in his possession any stamps of an old design after sixty (60) days from the date of issue of any new design; provided it shall be unlawful for any person to sell, offer for sale, or possess for the purpose of sale, cigarettes to which stamps of the old design are affixed after sixty (60) days from the date of issue of a new design; provided further, that after sixty (60) days from the date of issue of any new design of stamps the old design shall be void and cigarettes with stamps of the old design affixed to the individual package shall, for the purpose of the enforcement of the provisions of this Act, be considered as cigarettes without stamps affixed thereto. It shall be the duty of the Treasurer upon receipt of any new design of stamps authorized to be printed by the Board to designate the date of issue of such new design by the issuance of a proclamation and the date of such proclamation shall be the date of issue of the new design of stamps.

"Any person who shall have in his possession any cigarette tax stamps of an old design after sixty (60) days from the date of issue of a new design of stamps shall be guilty of a felony and shall be punished as set out in Section 26 of this Act.

"Provided that any cigarette tax stamps may be exchanged only when proof satisfactory to said Treasurer is furnished that any stamps offered to said Treasurer in exchange were property purchased and paid for by the person offering to exchange such stamps; provided further, that

stamps which are effaced or mutilated in any manner may be refused for acceptance in exchange by said Treasurer.

"The Treasurer shall keep a record of all stamps sold by him or under his direction, of all stamps exchanged by him and of all refunds made on stamps purchased.

"Orders for cigarette tax stamps shall be sent direct to the Treasurer and it shall be the duty of the Treasurer to invoice the stamps ordered to the purchaser upon a form invoice to be prescribed by the Treasurer, which invoice shall be issued in triplicate and numbered consecutively. The invoice shall show the date of sale, the name and address of purchaser, the number of stamps and their serial numbers, the denomination and value of stamps so purchased. The invoice shall be signed by the Treasurer and the original sent with stamps to the purchaser; the duplicate of the invoice shall be sent to the Comptroller and the triplicate kept by the Treasurer; provided further, that the purchaser of said stamps shall hold the said invoice for a period of two (2) years for inspection at all times by the Comptroller and the Attorney General. No stamp affixed to a package of cigarettes shall be cancelled by any letters, numeral or any other mark of identification or otherwise mutilated in any manner that will prevent or hinder the Comptroller in making an examination as to the genuineness of said stamp.

"Stamps in unbroken sheets of one hundred (100) stamps may be exchanged, with the Treasurer only, for stamps of a different denomination. Provided further, that the Treasurer shall be authorized to make refunds on unused stamps in unbroken sheets of not less than one hundred (100) stamps each to the person who purchased said stamps only when proof satisfactory to said Treasurer is furnished that any stamps upon which a refund is requested were properly purchased from said Treasurer and paid for by the person requesting such refund. Such refund shall be made from revenue derived from this Act before such revenue is allocated as herein provided."

Sec. 1a. That Chapter 241, Acts of the Regular Session of the Forty-fourth Legislature, be amended by adding a new section to be known as Section 8A:

"Sec. 8A. No individual shall offer for sale or solicit any order in this State for the sale of any cigarettes for shipment to points within this State, for his own account or for the account of any person, firm, association or corporation, unless and until such person or individual shall have first filed an application for and obtained from the State Comptroller a solicitor's permit. Such permit shall authorize the permittee to solicit orders for the sale of cigarettes and shall set forth the name and address of the vendor and/or employers whom the solicitor represents, and such solicitor shall not represent any vendor, and/or employers whose name does not appear upon such permit. The fee for such permit shall be One ($1.00) Dollar per year or part thereof, and the permit shall be issued for the calendar year, beginning January 1, 1937, at which time this Section of this Act shall become effective. Such permittee shall, on the fifth (5th) day of each month, file with the Comptroller, on proper forms to be supplied him by said official, copies of all orders solicited by him in the State during the preceding calendar month for cigarettes, said copies to show the quantity and kind of cigarettes ordered, by whom ordered, from what person, firm or corporation ordered, the full name and correct address of purchaser, the date said cigarettes were ordered and any other information which may be required by the Comptroller; and the failure of such permittee to comply with the provisions hereof shall subject him to the forfeiture of his permit, after five (5) days notice and opportunity to be heard by the Comptroller of Public Accounts. No new permit shall be issued for a period of one (1) year to anyone whose permit has been forfeited, except in the discretion of the Comptroller.

"If any person shall offer for sale or solicit any order in this State for the sale of cigarettes for shipment to a point within the State, without then and there having a valid solicitor's permit, he shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five Dollars ($25)

nor more than Two Hundred Dollars ($200.00)."

Sec. 2. That Article 2, Section 5, Chapter 467, Acts of the Forty-fourth Legislature, Second Called Session, shall be amended so as to read hereafter as follows:

"Before any license required by this Article shall be issued, the license fee required therefor shall be paid to the Assessor and Collector of Taxes of the county where such license is issued for the use and benefit of the Old Age Assistance Fund of the State of Texas. Such funds shall be transmitted to the Comptroller of the State and by him delivered to the State Treasurer to be placed to the credit of the Old Age Assistance Fund. Annual fees required for license authorized by this Article shall be as follows:

"(a) For a license authorizing the manufacture and sale by a manufacturer, $500.00.

"(b) For a general distributor, $200.00.

"(c) For a local distributor, $50.00.

"(d) For a license authorizing the sale of beer by retail dealer for consumption on or off the premises where sold, $25.00.

"(e) For a license authorizing the sale of beer by retail dealer in the original container direct to the consumer, but not for resale, and not to be consumed on the premises where sold, $10.00.

"(f) Any license issued under the terms of this Article authorizing the manufacture, distribution and sale of beer shall terminate one year from the date issued, and no license shall be issued for a longer term than one year. Any such license may be renewed by written application of the licensee filed with the Assessor and Collector of Taxes of the county of the licensee's residence, not more than thirty (30) days prior to the date of expiration of any license held by him. Such application shall be in writing, signed by the applicant and contain full and complete information as set out and required in the original application upon which such original license was issued, accompanied by a fee of Two ($2.00) Dollars, which said sum of Two ($2.00) Dollars shall be in addition to the amounts in this Article required to be paid for annual licenses, as a renewal fee charge. Such sum so paid as renewal fee charges shall be deposited in the county treasury by the respective assessors and collectors of taxes as fees of office and be so accounted for by them respectively. Upon the presentation of such application for renewal of license, together with the sums required by this Article for an annual license, plus the said renewal fee of Two ($2.00) Dollars, it shall be the duty of the assessor and collector of taxes to forthwith issue such renewal license upon the form to be prescribed by the Texas Liquor Control Board; provided, however, that no applicant for a license under the terms of this Article shall be required to pay at any one time more than the annual fees required for licenses hereunder and the renewal fee of two ($2.00) Dollars herein provided; but such applicant shall always be required to pay such fees in advance.

"(g) No manufacturer, general distributor, local distributor or retail dealer shall carry on such business at more than one place under the same license, but a separate license must be obtained for each place of business, nor shall any license be voluntarily assigned more than once, but before any assignee of such license can engage in business thereunder, he or they shall comply with the provisions of this Article governing the manufacture, sale and distribution of beer as required of original licensee, and provided further that the sale of such license, whether in the name of the original licensee or assignee, may be made under execution or foreclosure of mortgage and the holder of such license under execution or foreclosure shall have the right to surrender such license to the State or county which issued the tax receipt, which is the basis thereof, and shall receive therefor the pro rata unearned portion of such license, and appropriation of such funds as may be required for such refunds is hereby authorized, provided that should such original licensee or his assignee desire to change the place designated in said license he may do so by applying to the County Judge as in the case of the original application for license as herein provided. No licensee shall obtain any

refund upon the surrender or non-use of any license for the maunfacture, sale, or distribution of beer.

"(h) The Commissioners' Court of each county in this State shall have the power to levy and collect from every person that may be licensed hereunder in said county a license fee equal to one-half of the State fee; and the city or town wherein the license is domiciled shall have the power to levy and collect a license fee not to exceed one-half of the State fee, but no other fee or tax shall be levied by either. But nothing herein contained shall be construed as preventing the levying, assessing and collecting general ad valorem taxes on the property of said persons, individuals, partnerships or corporations so licensed.

"(i) There is hereby provided a 'Temporary License' authorizing the sale by a rental dealer of beer for consumption on or off the premises where sold. The fee for such 'Temporary License' shall be Five ($5.00) Dollars. Such licenses shall be issued by the assessor and collector of taxes upon application approved by the County Judge, but no such permit shall be issued to any person who does not hold a license as provided in subsection (d) of this Section, and no such permit shall authorize the sale of beer at any point outside the county where same is issued. Any such temporary license shall expire at the end of the fourth day after the date the same is issued. Fees collected upon the issuance of such temporary licenses shall be retained by the county and no other fees shall be charged for such licenses; and no refund shall be allowed upon the surrender or non-use of any such license. The County Judge shall issue such licenses only for the sale of beer at picnics, celebrations, or similar events, and may refuse to issue such license if in his judgment the issuance of the license would in any manner be detrimental to the public."

Sec. 3. That Section 21 of Article 1, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, page 1795, be so amended as hereafter to be and read as follows:

"There is hereby levied and imposed in addition to the other fees and taxes levied by this Act the followings:

"(a) A tax of Ninety-six (96) cents per gallon on each gallon of spirituous alcoholic liquor, sold or offered for sale in this State; provided the minimum tax on any package of spirituous alcoholic liquor shall be six (6) cents.

"(b) A tax of ten (10) cents on each gallon of still wine that does not contain over fourteen (14) per cent alcohol by volume sold or offered for sale in this State.

"(c) A tax of twenty (20) cents on each gallon of still wine containing more than fourteen (14) per cent and not more than twenty-four (24) per cent of alcohol by volume sold or offered for sale in this State.

"(d) A tax of fifty (50) cents on each gallon of still wine containing alcohol in excess of twenty-four (24) per cent by volume, sold or offered for sale in this State.

"(e) A tax of twenty-five (25) cents on each gallon of natural sparkling wines sold or offered for sale in this State.

"(f) A tax of twenty-five (25) cents on each gallon of artifically carbonated wine sold or offered for sale in this State.

"(g) A tax of fifteen (15) cents on each gallon of malt liquor containing alcohol in excess of four (4) per cent by weight sold or offered for sale in this State.

"The tax herein levied shall be paid by affixing stamps on each bottle or container of liquor. Said stamps shall be affixed in strict accordance with any rule or regulation promulgated in pursuance of this Act.

"It shall be the duty of the holder of distiller's, rectifier's, brewer's, wholesaler's, beer and wine wholesalers and winery permits to affix said stamps on each bottle or container of liquor and to cancel the same by writing or printing thereon his name except as otherwise herein provided. In the case of wines the stamp shall be affixed to the original container and no further stamps shall be required if a portion or the whole of said contents of said original container be removed for resale as provided for in this Act. In case any bottle containing liquor be enclosed in a sealed container the affixing and cancellation of said stamps may be governed by rules and regulations promulgated hereunder that may

allow for the affixing of said stamps to such container; provided, further, that the stamps shall be affixed in such manner that their removal will require continued application of steam or water. Every holder of a wholesaler's permit shall, upon a receipt of a shipment of liquor for sale within this State, under the provisions of this Act, within twenty-four (24) hours after receiving the same and before it is offered for sale, prepare a true invoice thereof and give such other information in respect thereto as may be required by rules and regulations.

Any holder of a wholesaler's permit, a distiller's permit, rectifier's permit, beer and wine wholesaler's permit, winery permit, or a brewer's permit, having in possession any liquor intended for shipment to any place without the State, shall keep such liquors in a separate compartment from that of liquors intended for sale within the State so that the same may be easily inspected and shall attach to each such package of liquor so intended for shipment without the State a stamp of the kind and character that shall be required by proper rule or regulation denoting that the same is not intended for sale within the State. When such liquors are so kept and so stamped no tax on account thereof shall be charged. For defraying the expenses thereof, a charge of the sum of twenty-five (25) cents shall be made for every such stamp. All such permittees authorized to transport liquor beyond the boundaries of this State shall furnish to the Board duplicate copies of all invoices for the sale of such liquors within twenty-four (24) hours after such liquors have been removed from their place of business.

"Provided that the tax herein levied shall apply and attach to all liquors which shall be in storage or in the possession of any person in this State and provided further that all persons having possession of any liquor shall on the effective date hereof render and submit to the Texas Liquor Control Board at Austin, Texas, a true and correct sworn inventory of all such liquors, setting forth in detail the size of containers and the quantity thereof. Such inventory is to be placed in the United States mail addressed to the Texas Liquor Control Board within twenty-four (24) hours of the effective date hereof and a true, correct and exact copy thereof is to be retained by the person making such report. Failure or refusal to render such inventory shall be deemed sufficient grounds for the cancellation of any permit or license by the Board and in addition thereto any such person shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred ($100.00) Dollars, nor more than One Thousand ($1,000.00) Dollars, or by imprisonment in the county jail for any term not more than one year or by both such fine and imprisonment.

"It is further provided that the State Treasurer shall have printed and available on demand, tax stamps of such values as will enable any person having possession of liquors with legal and valid Texas tax stamps affixed, of a lower rate of assessment than is herein provided to affix an additional stamp on each container so that the added amount of tax paid as represented by such additional stamp together with the one originally affixed will equal the amount of tax herein levied. Any person who has in his possession any liquors, to the containers of which the proper tax stamps have not been affixed shall be deemed guilty of a misdemeanor and be subjected to the penalties as prescribed in Section 43, Article 1, House Bill No. 77, Second Called Session of the Forty-fourth Legislature, and in addition thereto the Board may cancel after notice and hearing the permit of such person independent of the trial of the criminal case."

Sec. 3a. That Section 43, Article 1, House Bill No. 77, Second Called Session of the Forty-fourth Legislature, be so amended as hereafter to read as follows:

"Sec. 43. If a person shall have in his possession within this State any liquors not contained in a container to which is affixed a stamp or other valid evidence showing the payment of the tax on such liquor due to the State of Texas when such stamp is required to be affixed by law he shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred ($100.00) Dollars nor more than One Thousand ($1,000.00) Dollars, or be confined in the county jail not more than one year or by both such fine and imprisonment."

Sec. 3b. The provisions of Sections 3 and 3a shall be effective and become law at twelve o'clock midnight of November 30, 1936.

Sec. 3c. That Section 46, Article 1, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature be and the same is hereby amended so as to read hereafter as follows:

Sec. 46. Receipts from the sale of stamps provided for under Article 1 of this Act shall be deposited in the State Treasury as follows: One-fourth (1/4) to the credit of the Available School Fund, and three-fourths (3/4) to the credit of the Texas Old Age Assistance Fund. Receipts derived from the sale of permits provided for under Article 1, in their entirety, be deposited to the credit of the Texas Old Age Assistance Fund."

Sec. 4. The following words, terms and phrases as used in this Act are hereby defined as follows:

(a) The term "Owner" as used herein shall mean and include any person, individual, firm, company, association or corporation owning or having the care, control, management or possession of any "coin-operated machine" in this State.

(b) The term "Operator" as used herein shall mean and include any person, firm, company, association or corporation who exhibits, displays or permits to be exhibited or displayed, in his or its place of business or upon premises under his or its control, any "coin-operated machine" in this State.

(c) The term "Coin-operated machine" as used herein shall mean and include every machine or device or devices of any kind or character which is operated by or with coins, or metal slugs, tokens or checks, "Merchandise or music coin-operated machines" and "skill or pleasure coin-operated machines" as those terms are hereinafter defined, shall be included in such terms.

(d) The term "Merchandise or Music coin-operated machine" as used herein shall mean and include every coin-operated machine of any kind or character, which dispenses or vends or which is used or operated for dispensing or vending merchandise, commodities, confections or music and which is operated by or with coins or metal slugs, tokens or checks. The following are expressly included within said term: candy machines, gum machines, sandwich machines, handkerchief machines, sanitary drinking cups, phonographs, pianos, graphophones, radios, and all other coin-operated machines which dispense or vend merchandise, commodities, confections or music.

(e) The term "skill or pleasure coin-operated machines" as used herein shall mean and include every coin-operated machine of any kind or character whatsoever, when such machine or machines, dispense or are used or are capable of being used or operated for amusement or pleasure or when such machines are operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of "merchandise or music" or "Service" exclusively, as those terms are defined herein. The following are expressly included within said term: marble machines, marble table machines, marble shooting machines, miniature race track machines, miniature football machines, miniature golf machines, miniature bowling machines, and all other coin-operated machines which dispense or afford skill or pleasure. Provided that every machine or device of any kind or character which dispenses or vends merchandise, commodities or confections or plays music in connection with or in addition to such games or dispensing of skill or pleasure shall be considered as skill or pleasure machines and taxed at the higher rate fixed for such machines.

(f) The term "service coin-operated machines" shall mean and include pay toilets, pay telephones and all other machines or devices which dispense service only and not merchandise, music, skill or pleasure.

1. Every "owner" as that term is hereinabove defined, who owns, controls, possesses, exhibits, displays, or who permits to be exhibited or displayed in this State any "coin-operated machines" as that term is defined herein, shall pay and there is hereby levied on every coin-operated machine as defined in this Act, except such as are exempted herein, an annual occupation tax determined by the following schedule:

Series "1" (a) For each "merchandise or music coin-operated ma-

chine" as that term is hereinabove defined, a fee of Twenty ($20.00) Dollars, where the coin, fee or token used, or which may be used, in the operation thereof is one of the value in excess of Five (5) Cents, or represents a value in excess of Five (5) Cents.

And (b) a fee of Ten ($10.00) Dollars where the coin, fee or token used, or which may be used, in the operation thereof is one of the value in excess of One (1) Cent and not exceeding Five (5) Cents or represents a value in excess of One (1) Cent and not exceeding Five (5) Cents.

Series "2" (a) For each "skill or pleasure coin-operated machine" as that term is hereinabove defined, a fee of Sixty ($60.00) Dollars where the coin, fee or token used, or which may be used, in the operation thereof is one of the value in excess of Five (5) Cents, or represents a value in excess of Five (5) Cents.

And (b) a fee of Thirty ($30.00) Dollars where the coin, fee or token used, or which may be used, in the operation thereof, is one of the value in excess of One (1) Cent and not exceeding Five (5) Cents or represents a value in excess of One (1) Cent and not exceeding Five (5) Cents.

Provided that nothing herein shall prevent the "operator" of such machines from paying the tax levied in this Act for the account of the "owner" but the payment of such tax by such operator or other person shall not relieve the owner from the responsibility of complying with all provisions of this Act including the keeping of the records required herein.

2. Gas meter, pay telephones, pay toilets, and cigarette vending machines which are now subject to an occupation or gross receipts tax and "service coin-operated machines" as that term is defined, are expressly exempt from the tax levied herein, and the other provisions of this Section.

3. Every coin-operated machine subject to the payment of the tax levied herein, and upon which the said tax has not been paid as provided herein, is hereby declared to be a public nuisance, and may be seized and destroyed by the Comptroller of Public Accounts, his agents, or any law enforcing agency of this State as in such cases made and provided by law for the seizure and destruction of common nuisances.

4. (a) Any person who shall invoke the power and remedies of injunction against the Comptroller of Public Accounts of the State of Texas to restrain or enjoin him from enforcement of the collection of the tax levied herein upon any grounds for which an injunction may be issued, shall file such proceedings in a court of competent jurisdiction in Travis County, Texas, and venue for such injunction is hereby declared to be in Travis County, Texas.

(b) Before any restraining order or injunction shall be granted against the Comptroller of Public Accounts of the State of Texas to restrain or enjoin the collection of the taxes levied herein the applicant therefore shall pay into the suspense account of the State Treasury all taxes, fees and assessments then due by him to the State and the application for restraining order or injunction shall reflect said fact of payment under oath of the applicant, his agent, or attorney. Provided that said applicant shall keep for the inspection at all times of the Attorney General and the Comptroller of Public Accounts of this State or their authorized representatives, a well-bound book record, showing all coin-operated vending machines possessed and in operation during the pendency of such restraining order or injunction. Such book record shall show the make and kind of machine, the serial number, the date such machine was put in operation, and the location and serial number of each and every machine possessed or operated within the State. Provided further that said applicant shall make and file with the Comptroller of Public Accounts daily, excluding Sundays and legal holidays, a report on a form to be prescribed by said Comptroller, showing the ownership, make and kind, and the serial number of every such machine operated by said applicant within this State. Said report shall also show the county, city, and location within the city and county of each machine and the date such machine was placed in operation. In the event the location or ownership of any machine is

changed such information shall be included in said report. Said application and temporary injunction or restraining order shall be immediately dismissed and dissolved after hearing if said applicant fails, at any time before the case shall have been finally disposed of by the Court of last resort, to keep the records or make and file the reports required herein or to pay daily, excluding Sundays and legal holidays, into the suspense account of the Treasurer all taxes, fees and assessments due and thereafter becoming due, and such taxes shall be paid before such machines are operated, exhibited or displayed for operation within this State. The Comptroller of Public Accounts of this State, or his authorized representatives, may file in the Court granting such injunction an affidavit that said applicant has failed to comply with the provisions of this Act or has violated the same. Upon the filing of said affidavit, the Clerk of said Court shall issue notice to the said applicant to appear before such Court upon the date named therein, which shall be within five (5) days from service of such notice or as soon thereafter as the Court can hear the same, to show cause why such injunction should not be dismissed, which notice shall be served by the Sheriff of the county in which applicant resides or any other peace officer in this State. In the event the injunction is finally dissolved or dismissed all taxes, fees and assessments, paid into the suspense account of the Treasurer under the provisions of this Act shall be paid to the funds to which such taxes, fees and assessments are allocated. If the final judgment maintains the right of applicant to a permanent injunction to prevent the collection of such taxes the funds so deposited shall be refunded by the Treasurer to said applicant.

No person, firm, association or corporation required to pay the taxes levied herein to the State may receive or take advantage of any benefit of any restraining order or injunction against the Comptroller of Public Accounts, to restrain the collection of the tax levied herein except such person, firm, association or corporation as may have applied for said injunction. All other persons not securing an injunction shall pay to the Comptroller of Public Accounts all taxes, fees and assessments due by him under the provisions of this Act and said restraining order or injunction shall, in no way, interfere with or impair the power of the Comptroller of Public Accounts of this State to collect and enforce the payment of the taxes, fees, and assessments involved in any litigation from taxpayers not parties to the restraining order or injunction. Provided further, that no court shall entertain or hear any restraining order or injunction nor shall any restraining order or injunction be granted in behalf of any class or group unless and until each and every member of such class and/or group shall have been made a party to the cause of action, and shall have paid or deposited the taxes as hereinbefore provided.

5. (a) For the purpose of enabling the Comptroller to determine the tax liability of the owners or operators of coin-operated vending machines in this State, or whether a tax liability has incurred, every individual, company, corporation, and/or association who owns, operates or displays any coin-operated machine in this State shall have a separate and different serial number stamped by indenture into the stationary wood or metal of each machine in a manner that such serial number cannot be removed or transferred to another machine, and such serial number shall be shown on the application for a license or permit and on the license or permit issued. If any person shall indent the same serial number on more than one machine or shall exhibit, display or have in his possession within this State any coin-operated machine with the license or permit of the Comptroller attached thereto and bearing the wrong serial number or a license or permit bearing a different serial number from the serial number stamped by indenture on said machines, he shall be guilty of a misdeameanor and punished as set out in subsection 11 of this section. The possession, exhibition or display of more than one machine bearing the same serial number operated under the same management or ownership, shall be prima facie evidence that the owner of such machines indented the same serial number on each machine for the

purpose of evading payment of the tax levied herein.

(b) Provided further, the license or permit issued by the Comptroller to evidence the payment of the tax levied herein shall be securely attached to the machine in a manner that will require continued application of steam and water to remove the same.

6. (a) The Comptroller of Public Accounts shall have the authority to make and publish rules and regulations, not inconsistent with this Act or the other laws or the Constitution of this State or of the United States, for the enforcement of the provisions of this Act and the collection of the revenues hereunder.

(b) If any individual, company, corporation or association who owns, operates, exhibits or displays any coin-operated machine in this State, shall violate any provision of this Act or any rule and regulation promulgated hereunder, the Comptroller of Public Accounts shall have the power and authority to forfeit all licenses or permits issued to any of the foregoing persons by giving written notice, stating the reason justifying such forfeiture and the same shall be forfeited five (5) days from date of such notice. No new licenses or permits shall be issued within a period of one (1) year to any one whose licenses or permits have been forfeited, except at the discretion of the Comptroller of Public Accounts. If the licenses or permits of any individual, company, corporation, or association owning, operating or displaying coin-operated machines in this State is forfeited, such individual, company, corporation, or association shall not operate, display or permit to be operated or displayed such machines until the licenses or permits are reinstated or until new licenses or permits are granted.

7. The Comptroller of Public Accounts of this State is hereby authorized, ordered and directed to collect, and issue licenses or permits for the payment of the tax levied herein and to employ all the agencies of the law available to him for the enforcement of the provisions of this Act. Provided, however, that where the tax, as now levied under the provisions of Chapter 116, Acts of the First Called Session of the Forty-third Legislature as amended by Chapter 354, Acts of the Regular Session of the Forty-fourth Legislature, upon coin-operated vending machines, has been paid at the time of the taking effect of this Act, then, and in that event, the said Comptroller of Public Accounts is authorized and empowered to make proper adjustment thereof, by crediting pro rata, upon the annual basis, any unearned tax, to the payment of the tax hereby levied. Provided further, that Ten Thousand ($10,000.00) Dollars of the funds derived under the provisions of this Act shall be set aside annually in a special fund subject to the use of the Comptroller and so much of said fund as may be necessary shall be expended for the printing of applications, licenses and permits and for the administration and enforcement of the provisions of this Act and so much of the proceeds of said fund shall be and the same is hereby appropriated for said purposes, same to be paid as needed; any unexpended portion of said fund so specified shall at the end of the biennium be paid in the proper proportion to the funds to which the tax levied herein is apportioned. Provided, however, that any salaries so here authorized to be paid shall not exceed in any particular the amount specified in the general appropriation bill passed at the Forty-fourth Legislature, Regular Session, for the same, similar or like services.

8. Nothing herein shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or coin-operated machine, the keeping, exhibition, operation, display or maintenance of which is now illegal or in violation of any Article of the Penal Code of this State or the Constitution of this State.

9. Every "owner" of one or more coin-operated machines in this State shall keep for a period of two (2) years for the inspection at all times by the Attorney General and Comptroller of Public Accounts of this State, or their authorized representatives, a complete book record in a well-bound book of each and every such machine purchased, received, possesed, handled, exhibited or displayed in this State. Such record shall be kept at a permanent address which address shall be designated on

the application for permit and shall include the following information: The make, kind and serial number of each such machine, the date acquired or received in Texas, the date placed in operation, the location or locations of each machine by serial number, including county, city, street and/or rural route number, the date of each and every change in location, the name and complete address of each and every operator together with the serial numbers of the machines operated by such operator, the full name and address of the owner, or if other than an individual the principal officers or members thereof and their addresses. Such information shall be shown completely and separately for each and every machine. The Comptroller of Public Accounts shall be authorized and it shall be his duty to forfeit all licenses; permits of every owner failing to keep such records or failing to present such records for inspection at any time upon demand by said Comptroller of Public Accounts or his authorized representatives.

10. If any "owner" of a coin-operated machine within this State shall (a) deliver to or permit to be delivered to any "operator" a coin-operated machine without a valid license or permit issued by the Comptroller of Public Accounts of this State being attached thereto, or (b) permit any coin-operated machine under his control to be operated, exhibited or displayed within this State without said license or permit being attached thereto, or (c) if any person shall exhibit, display or have in his possession within this State any coin-operated machine without having annexed or attached thereto a license or permit issued by the Comptroller of Public Accounts of this State showing the payment of the tax due thereon for the current year, or (d) shall exhibit, display or have in his possession in this State any coin-operated machine without a serial number stamped by indenture into the wood or metal of said coin-operated machine, or (e) if any person shall exhibit, display or possess any coin-operated machine in this State with a license or permit attached thereto and bearing a different serial number from the serial number stamped by indenture on the machine to which said permit is attached, or (f) if any person required to keep records of coin-operated machines in this State shall falsify such records, or (g) shall fail to keep such records, or (h) shall refuse or fail to present such records for inspection upon the demand of the Comptroller of Public Accounts or his authorized representatives, or (i) if any person in this State shall use any artful device or deceptive practice to conceal any violation of this Act, or (j) mislead the Comptroller of Public Accounts or his authorized representatives in the enforcement of this Act, or (k) if any person in this State shall fail to comply with the provisions of this Act, or violate the same, or (l) if any person in this State shall fail to comply with the rules and regulations promulgated by the Comptroller of Public Accounts, or violate the same, he shall forfeit to the State as a penalty, the sum of not less than Twenty-five ($25.00) Dollars nor more than Five Hundred ($500.00) Dollars. Each day's violation shall constitute a separate offense and incur another penalty, which if not paid shall be recovered in a suit by the Attorney General of this State in a Court of competent jurisdiction in Travis County, Texas, or any Court having jurisdiction.

11. (a) If any person shall exhibit, display or have in his possession within this State any coin-operated machine without having annexed or attached thereto a valid license or permit issued by the Comptroller of Public Accounts of this State showing the payment of the tax due thereon for the current year, or (b) shall exhibit, display or have in his possession in this State any coin-operated machine without a serial number stamped by indenture into the wood or metal of said coin-operated machine, or (c) if any person shall exhibit, display or possess any coin-operated machine in this State with a license or permit attached thereto bearing a different serial number from the serial number stamped by indenture on the machine to which said permit is attached, or (d) if any person required to keep records of coin-operated machines in this State shall falsify such records, or (e) shall fail to keep such records, or (f) shall refuse or fail to present such records

for inspection upon the demand of the Comptroller of Public Accounts or his authorized representatives, or (g) if any person in this State shall use any artful device or deceptive practice to conceal any violation of this Act, or (h) mislead the Comptroller of Public Accounts or his authorized representatives in the enforcement of this Act, or (i) if any person in this State shall fail to comply with the provisions of this Act, or violate the same, or (j) if any person in this State shall fail to comply with the rules and regulations promulgated by the Comptroller of Public Accounts, or violate the same, he shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Twenty-five ($25.00) Dollars nor more than Two Hundred ($200.00) Dollars.

12. Provided that the Comptroller of Public Accounts, or his authorized representatives, in lieu of seizing any coin-operated machine upon which the tax has not been paid as provided in Subsection (3) herein, may seal such machine in a manner that will prevent further operation. Whoever shall break the seal affixed by said Comptroller or his authorized representatives, or whoever shall exhibit or display any such coin-operated machine after said seal has been broken, or shall permit to be exhibited or displayed in his place of business any coin-operated machine after said seal has been broken shall be guilty of a misdemeanor and upon conviction shall be punished as set out in Subsection 11 of this Section.

13. Except as herein provided in this Act, one-fourth of the net revenue derived from this Act shall be credited to the Available School Fund of the State of Texas and three-fourths of the net revenue derived from this Act shall be credited to the Old Age Assistance Fund of this State. Provided that all counties and cities within this State may levy an occupation tax on coin-operated machines in this State in an amount not to exceed one-half of the State tax levied herein.

14. That all occupation taxes, penalties and interest accruing to the State of Texas by virtue of any of the reenacted or repealed provisions as set out in this Act before the effective date of this Act shall be and remain valid and binding obligations to the State of Texas for all taxes, penalties, and interest accruing under the provisions of prior or pre-existing laws, and all such taxes, penalties and interest now or hereafter becoming delinquent to the State of Texas before the effective date of this Act are hereby expressly preserved and declared to be legal and valid obligations to the State.

The passage of this Act shall not affect offenses committed, or prosecutions begun, under any pre-existing law, but any such offenses or prosecutions may be conducted under the law as it existed at the time of the commission of the offense.

15. If any section, subdivision, paragraph, sentence, clause or word of this Act be held invalid or unconstitutional, the remaining portions of same shall, nevertheless, be valid; and it is declared that such remaining portions would have been enacted, notwithstanding such unconstitutional portion thereof.

16. That Chapter 116, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 354, Acts of the Regular Session of the Forty-fourth Legislature, and all laws and parts of laws that conflict herewith are in all things repealed.

17. The revenues derived under and by virtue of the tax levied in this section shall be credited one-fourth (¼) to the Available School Fund and three-fourths (¾) to the Texas Old Age Assistance Fund, credited by the Treasurer.

Sec. 5. That subsection 5, of Section 1, Chapter 10, Acts of the First Called Session of the Forty-third Legislature, be and the same is hereby so amended and re-enacted as to hereafter read as follows:

"Subsection 5. Any person or persons, association or incorporation desiring to conduct racing of horses in Texas and to use in connection therewith the said certificates system, as in this Act authorized, shall make application in writing to the Racing Commission for license so to do. On the filing of such application, the Commission shall promptly cause to be published in a newspaper of general circulation in the county where the license to conduct racing is sought, and if there be no such newspaper in such county, then in a newspaper of general circulation

in the nearest county, a brief notice of the contents of the application. If the newspaper used shall be a daily paper, then there shall be three (3) insertions of such notice four (4) days apart. If the newspaper used be a weekly paper, then in two successive issues thereof. The expense of such publication shall be paid by the applicant, and the Commission shall have the right to require from the applicant a deposit with it of the estimated amount prior to the making of such publications.

"On the completion of such publication, and if there shall be opposition to the granting of such application, the Commission shall set a hearing on the application and give written notice to all interested parties of the time and place of the hearing, allowing reasonable time and opportunity for interested parties to be so heard.

"The application shall be acted on by the Commission within not exceeding twenty (20) days from the completion of the giving of such notice unless for good cause the Commission shall postpone action thereof. The application shall be finally acted on by the Commission within not exceeding sixty (60) days from the date of the filing of the application.

"The application shall state the days on which such racing is desired to be conducted; it shall describe the place and race track or course at which the races are to be conducted; it shall be in such form and supply such facts as the Commission shall prescribe, and such application shall be verified. If the applicant is eligible to receive a license under the provisions of this law, it shall be the duty of the Racing Commission to fix the racing days as it determines shall be allotted to such applicant, and the Commission shall issue a license for the holding of the meeting or meetings so sought to be held. The license issued shall describe the place and track or race course at which the licensee is authorized to hold such meeting or meetings, and the authority conferred in any one license shall be limited to a twelve (12) months period from the date of the license; provided, however, the Commission may in its discretion for good cause, to be shown in writing by the applicant, issue such license for a three (3) year period from the date thereof. The rights granted by the license shall not be assignable, except on application to the Commission for authority so to do, and the permission of the Commission obtained.

"The licensee shall pay to the Commission in advance, as a condition of granting of the license, a license fee for each race meeting authorized to be held, the amounts respectively thus stated, to-wit:

"If a race meet is to be conducted in a city or town of a population not exceeding three thousand (3,000) inhabitants, or within fifteen (15) miles thereof, such license fee shall be One Hundred ($100.00) Dollars; if in a city of more than three thousand (3,000) and not exceeding ten thousand (10,000) inhabitants, or within fifteen (15) miles thereof, such license fee shall be the sum of Two Hundred ($200.00) Dollars; if in a city of more than ten thousand (10,000) and not exceeding twenty thousand (20,000) inhabitants, or within fifteen (15) miles thereof, such license fee shall be the sum of Five Hundred ($500.00 Dollars; if in a city of more than twenty thousand (20,000) and not exceeding fifty thousand (50,000) inhabitants, or within fifteen (15) miles thereof, such license fee shall be the sum of One Thousand ($1,000.00) Dollars; if in a city of more than fifty thousand (50,000) and not exceeding one hundred thousand (100,000) inhabitants, or within fifteen (15) miles thereof, such license fee shall be the sum of Fifteen Hundred ($1,500.00) Dollars; and if in a city of more than one hundred thousand (100,000) inhabitants, or within twenty-five (25) miles thereof, such license fee shall be the sum of Two Thousand ($2,000.00) Dollars; such population to be determined by the last preceding census of the United States.

"The license fees so received by the Racing Commission shall be promptly remitted to the Treasurer of the State of Texas through the State Comptroller of Public Accounts, and shall become and be a part of the Special Racing Fund hereinafter mentioned.

"Cancellation, for any cause authorized under this Act, shall not entitle the licensee to a refund of the fee or any part thereof paid for such license.

"The Commission may within its discretion limit the issuance of licenses to one per county in any one calendar year.

"The license issued shall expressly

provide that the licensee shall, in addition to the license fees paid, remit to the Treasurer of the State of Texas, through the State Comptroller, at the end of each racing meet, or sooner if directed by the Racing Commission, such amounts as are hereinafter provided, received as commission or compensation by the licensee, as authorized by this Act. This fund, when received by the Treasurer, shall be held by him and credited as a Special Racing Fund.

"The expenses incurred and authorized by virtue of this Act shall be payable out of the Special Racing Fund, not otherwise, and so much thereof as may be necessary is hereby appropriated and all amounts shall be paid upon accounts approved by the Chairman of the Racing Commission and warrants drawn against said fund by the Comptroller on the State Treasury.

"The Treasurer of the State of Texas, in December of each year, shall make a complete statement of the amount he has received within the calendar year under the provisions of this Act. After there shall have been charged against this fund the theretofore paid out operating expenses of the Racing Commission in that year as herein authorized, and the additional amount which the Racing Commission shall estimate as being required to be paid out in that year, and, in addition thereto, such amount as the said Racing Commission shall estimate as the expenses for the operating of the Commission for the next succeeding calendar year, the amount then remaining in this fund shall be held for and disbursed thus, viz:

"After providing for the operating expenses of the Racing Commission as aforesaid, an amount equal to twenty-five per cent (25%) of the funds remaining in the Special Racing Fund shall by the Treasurer of the State of Texas be paid into and credited to the State Available School Fund of Texas as provided by the Constitution of the State of Texas. An amount equal to twenty per cent (20%) of the funds then remaining in the Special Racing Fund shall be used by the Board of Control of the State of Texas to purchase, transport, and deliver for distribution well-bred and approved stallions and jacks throughout the State of Texas, and in connection therewith, defray the actual reasonable expense incident to the purchase, transportation and maintenance of such animals, in order thereby to promote the breeding of better livestock in the State of Texas: After deducting from said Special Racing Fund the operating expenses of the Racing Commission as aforesaid, and after deducting from said Special Racing Fund the said twenty-five per cent (25%) going to the State Available School Fund and after deducting the said twenty per cent (20%) to be used by the Board of Control of the State of Texas as aforesaid, the balance remaining in said Special Racing Fund, so far as it may be required, shall be used for the payment of the appropriations by the Legislature for the support and maintenance of the State Department of Agriculture as said appropriations for the Department shall be fixed and allowed by the Legislature of the State of Texas from time to time. It is further provided that any excess left in the Special Racing Fund shall be by the State Treasurer transferred to and become a part of the 'Texas Old Age Assistance Fund.'

"Subsection 5a. The licensee shall keep an accurate record of all receipts and disbursements during any racing meet authorized by the Texas Racing Commission to be conducted by said licensee, which books and records shall at all reasonable times be open to inspection of the Comptroller of Public Accounts of the State of Texas, and to the Texas Racing Commission or its duly qualified agents; and at the close of each racing meet held by such licensee, or sooner if directed by the Racing Commission, he shall remit to the Treasurer of the State of Texas through the Texas Racing Commission as follows: Where the pari-mutuel turnover is not more than One Hundred Thousand ($100,000.00) Dollars, one-fourth (¼) of the ten (10%) per cent deducted by such licensee from the contributions of purchasers of certificates on horses to run first, second, and/or third in any given race; and where the pari-mutuel turnover is more than One Hundred Thousand ($100,000.00) Dollars for any such meet, thirty (30%) per cent of the ten (10%) per cent deducted by such licensee from the contributions of purchasers of certificates on horses

to run first, second, and/or third in any given race. In addition to the above tax, there is also levied a tax of one (1%) per cent upon the gross amount received from the sale of pari-mutuel tickets, which sum shall be deducted by the licensee and remitted to the State Treasurer in the same manner as are remitted the other taxes herein provided for. One-fourth (¼) of the revenue from said gross receipts tax shall be credited to the Available School Fund, and three fourths (¾) shall be credited to the Old Age Assistance Fund. Said one (1%) per cent gross receipts tax shall be in addition to the ten (10%) per cent 'take' deducted by the licensee. The licensee is hereby constituted trustee for the State of Texas to collect and remit the sums provided herein, and such sums shall constitute and be a trust fund belonging to the State of Texas. Failure of any person to collect and remit any sums prescribed herein in accordance herewith shall constitute the offense of embezzlement, and upon conviction thereof, such person shall be punishable therefor as the law prescribes.

"Subsection 5b. This Section shall become effective December 1, 1936.

"Subsection 5c. All laws or parts of laws in conflict herewith are expressly repealed."

Sec. 6. Every person, firm, association of persons, or corporation owning or operating any place of amusement which charges a price or fee for admission, including exhibitions in theatres, motion picture theatres, opera halls, and including horse racing, dog racing, motorcycle racing, automobile racing and like contests and exhibitions, and including dance halls, night clubs, skating rinks and any and all other places of amusements not prohibited by law, shall file with the State Comptroller a quarterly report on the 25th day of January, April, July and October for the quarter ending on the last day of the preceding month; said report shall show the gross amount received and the price or fee for admission; (provided, however, theatres, motion picture theatres, operas, and other like amusements where the admission charge is less than Fifty-one (51) cents per person, and where no tax is due hereunder, shall be relieved from the filing of a report and the payment of a tax levied under the provisions of this section). Said person, firm, association of persons, or corporation, at the time of making such report, shall pay to the Treasurer of this State a tax in rates and amounts as follows:

1. A tax of One (1) Cent on each Ten (10) Cents or each fractional part thereof paid as admission to theatres, motion picture theatres, operas and like amusements where the admission charged is in excess of Fifty-one (51) Cents per person.

2. A tax of One (1) Cent on each Ten (10) Cents or each fractional part thereof paid as admission to horse racing, dog racing, motorcycle racing, automobile racing and like mechanical or animal contests and exhibitions. This subsection shall be effective on December 1, 1936.

3. A tax of One (1) Cent on each Ten (10) Cents or fractional part thereof paid as admission to dance halls, night clubs, skating rinks and any and all other like places of amusements, contests and exhibitions.

4. On amounts paid for admission by season ticket, subscription or lease for admission to any place of amusement, a tax equivalent to Ten (10) per centum of the amount paid therefor, provided a single admission to the place of amusement would be subject to taxation under the foregoing provisions.

5. On all passes or complimentary tickets to any place of amusement where a tax on admissions is levied under this Section of this Act a tax equivalent to One (1) Cent on each Ten (10) Cents or each fractional part thereof charged as admission where the admission charge to such place of amusement is in excess of Fifty-one (51) Cents per person.

6. All the revenues derived under and by virtue of this Section shall be credited by the Treasurer, one-fourth (¼) to the Available School Fund and three-fourths (¾) to the Texas Old Age Assistance Fund.

Article IV.

Section 1. That Article 7070, Revised Civil Statutes, 1925, be and the same is hereby amended so as to read hereafter as follows:

"Article 7070. (a) Each individual, company, corporation or association owning, operating, managing or controlling any telephone line or lines or any telephones within this State, and charging for the use of the same, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller, under oath of the individual or of the president, treasurer or superintendent of such company, corporation or association, showing the gross amount received from all business within this State during the preceding quarter in the payment of charges for the use of its line or lines, telephone and telephones, and from the lease or use of any wires or equipment within this State during said quarter. Said individuals, companies, corporations, and associations, at the time of making said report, shall pay to the State Treasurer, and there is hereby levied upon said individuals, companies, corporations, and associations, an occupation tax for the quarter beginning on said date, equal to one and one-half per cent (1 1/2%) of the gross receipts, as shown by said report, received from doing business outside of incorporated cities and towns and within incorporated cities and towns of less than two thousand five hundred (2,500) inhabitants according to the last preceding Federal census; an occupation tax for the quarter beginning on said date, equal to one and three-fourths per cent (1¾%) of said gross receipts, as shown by said report, received from doing business within incorporated cities and towns of more than two thousand five hundred (2,500) inhabitants and not more than ten thousand (10,000) inhabitants according to the last preceding Federal census; an occupation tax for the quarter beginning on said date, equal to two per cent (2%) of said gross receipts, as shown by said report, received from doing business within incorporated cities and towns of more than ten thousand (10,000) inhabitants according to the last preceding Federal census.

"(b) No city or other political subdivision of this State by virtue of the tax imposed by this Article shall have the right to impose any occupation tax on any person, corporation, or association required to pay the occupation tax under the same; and provided further, that nothing in this article shall be construed as prohibiting a city from imposing local franchise taxes on the companies required to pay the tax levied in this article."

Sec. 2. That Article 7059, Revised Civil Statutes, 1925, be and the same is hereby amended so as to read hereafter as follows:

"Article 7059. Each individual, company, corporation or association owning, operating, controlling or managing any telegraph lines in this State, or owning, operating, controlling or managing what is known as wireless telegraph stations, for the transmission of messages or aerograms and charging for the transmission of such messages or aerograms, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller under oath of the individual, or of the president, treasurer or superintendent of such companies, corporations or associations, showing the gross amount received from all business within this State during the preceding quarter, in the payment of telegraphic or aerographic charges, including the amount received on full rate messages and aerograms and half rate messages and aerograms, and from the lease or use of any wires or equipment within the State during said quarter. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of this State an occupation tax for the quarter beginning on said date equal to three and three-fourths per cent (3¾%) of said gross receipts as shown by said report.

"No city or other political subdivision of this State by virtue of the tax imposed by this article shall have the right to impose any occupation tax on any individual, company, corporation or association required to pay the occupation tax under the same; and provided further, that nothing in this article shall be construed as prohibiting a city from imposing local franchise taxes on the companies required to pay the tax levied in this article."

Sec. 3. That Article 7060, Revised Civil Statutes of 1925, as amended Chapter 34, Acts Fifth Called Session, Forty-first Legisla-

ture, being the same, is hereby amended so as to read hereafter as follows:

"Article 7060. Each individual, company, corporation or association, owning, operating or managing or controlling any gas, electric light, electric power or water works, or water and light plant, located within any incorporated town or city in this State, and used for local sale and distribution in said town or city, and charging for such gas, electric lights, electric power or water, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller under oath of the individual or of the president, treasurer or superintendent of such company, corporation or association showing the gross amount received from such business done in each such incorporated city or town within this State in the payment of charges for such gas, electric lights, electric power or water for the quarter next preceding. Said individual, company, corporation or association, at the time of making said report for any such incorporated town or city of twenty-five hundred (2500) inhabitants and less than ten thousand (10,000) inhabitants, according to the last United States Census next preceding the filing of said report, shall pay to the Treasurer of this State an occupation tax for the quarter beginning on said date equal to seven-tenths of one per cent (0.7 of 1%) of said gross receipts, as shown by said report; and for any incorporated town or city of ten thousand (10,000) inhabitants or more, according to the last United States Census next preceding the filing of said report, the said individual, company, corporation or association, at the time of making said report, shall pay to the Treasurer of this State an occupation tax for the quarter beginning on said date an amount equal to one and three-eighths per cent (1⅜%) of said gross receipts, as shown by said report. Nothing herein shall apply to any such gas, electric light, power or water works or water and light plant within this State owned and operated by any city or town, nor to any county or Water Improvement or Conservation District. Nothing herein shall be construed to require payment of the tax on gross receipts herein levied more than once on the same commodity, and where the commodity is produced by one individual, company, corporation or association, and distributed by another, the tax shall be paid by the distributor alone.

"No city or other political subdivisions of this State by virtue of the tax imposed by this article shall have the right to impose any occupation tax on any individual, company, corporation or association required to pay the occupation tax under the same; and provided further, that nothing in this article shall be construed as prohibiting a city from imposing local franchise taxes on the companies required to pay the tax levied in this article."

Sec. 4. That Section 2 of Chapter 162, Acts 43rd Legislature, Regular Session, as amended by Section 1, Chapter 12, Acts 1st Called Session of the Forty-third Legislature, shall be amended to hereafter read as follows:

"Sec. 2. (1) There is hereby levied an occupation tax on oil produced within this State of two and three-quarters (2¾) cts per barrel of forty-two (42) standard gallons. Said tax shall be computed upon the total barrels of oil produced or salvaged from the earth or waters of this State without any deductions, and shall be based upon tank tables showing one hundred per cent (100%) of production and exact measurements of contents. Provided, however, that the occupation tax herein levied on oil shall be two and three-quarters (2¾) per cent of the market value of said oil whenever the market value thereof is in excess of One ($1.00) Dollar per barrel of forty-two (42) standard gallons. The market value of oil, as that term is used herein, shall be the actual market value thereof, plus any bonus or premiums, or other things of value paid therefor or which such oil will reasonably bring, if produced in accordance with the laws, rules and regulations of the State of Texas.

"(2) The tax hereby levied shall be a liability of the producer of oil and it shall be the duty of such producer to keep accurate records of all oil produced, making monthly reports under oath as hereinafter provided.

"(3) The purchaser of oil shall pay the tax on all oil purchased and

deduct tax so paid from payment due producer or other interest holder, making such payments so deducted to the Comptroller of Public Accounts by legal tender or cashier's check payable to the State Treasurer. Provided, that if oil produced is not sold during the month in which produced, then said producer shall pay the tax at the same rate and in the manner as if said oil were sold.

"(4) The tax levied herein shall be paid monthly on the 25th day of each month on all oil produced during the month next preceding by the purchaser or the producer as the case may be, but in no event shall a producer be relieved of responsibility for the tax until same shall have been paid, and provided, in event the amount of the tax herein levied shall be withheld by a purchaser from payments due a producer and said purchaser fails to make payment of the tax to the State as provided herein the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest which may have accrued by failure to make payments and shall be entitled to reasonable attorney fees and court costs incurred by such legal action.

"(5) Provided, that unless such payment of tax on all oil produced during any month or fractional part thereof shall be made on or before the 25th of the month immediately following, such payment shall become delinquent and a penalty of ten per cent (10%) of the amount of the tax shall be added; such tax and penalty shall bear interest at the rate of six per cent (6%) per annum from date due until date paid.

"(6) The tax herein levied shall be borne ratably by all interested parties, including royalty interests, and producers and/or purchasers of oil are hereby authorized and required to withhold from any payment due interested parties, the proportionate tax due.

"(7) The taxes herein provided for, when paid shall be, and hereby are, allocated as follows, to-wit:

One-half of said tax when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the Public School Fund, and one-half of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be placed to the credit of the General Fund of the State."

Sec. 5. That Article 7064, Revised Civil Statues of 1925, be amended so as to hereafter read as follows:

"Article 7064. Insurance Companies. Every insurance corporation, Lloyds, or reciprocals, and any other organization or concern transacting the business of fire, marine, marine inland, accident, credit, title, live stock, fidelity, guaranty, surety, casualty, or any other kind or character of insurance other than the business of life insurance, within this State, and other than fraternal benefit associations, at the time of filing its annual statement, shall report to the Commissioner of Insurance the gross amount of premuims received in the State upon property, and from persons residing in this State during the preceding year, and each of such insurance carriers shall pay an annual tax upon such gross premium receipts as follows: Shall pay a tax of three and twenty-five hundredths per cent (3.25%), provided, that any such insurance carriers doing two or more kinds of insurance business herein referred to shall pay the tax herein levied upon its gross premiums received from each of said kinds of business; and the gross premium receipts where referred to in this law are understood to be the premiums recepits reported to the Commissioner of Insurance by the insurance carriers, less return premiums paid policyholders, and the premium paid for re-insurance in companies authorized to do business in this State. Upon receipt by him of sworn statements, showing the gross premium receipts by such insurance carriers, the Commissioner shall certify to the State Treasurer the amount of taxes due by each insurance carrier, which tax shall be paid to the State Treasurer on or before the first of March following, and the receipt of the Treasurer shall be evidence of the payment of such taxes. No such insurance carrier shall receive a permit to do business in this State until such taxes are paid. If any such insurance carrier shall have as much as one-fourth of its entire assets, as shown by said sworn statement, invested in any or all of the following securities: Real estate in this State, bonds of this State or of

any county, incorporated city or town of this State, or other property in this State in which by law such insurance carriers may invest their funds, then the annual tax of any such insurance carriers shall be one and one-fourth per cent (1¼%) of its said gross premium receipts; and if any such insurance carrier shall invest as aforesaid as much as one-half of its assets, then the annual tax of such insurance carrier shall be five-eights of one per cent (⅝ of 1%) of its gross premium receipts, as above defined. No occupation tax shall be levied on insurance carriers, herein subjected to a gross premium receipt tax, by any county, city, or town. All mutual fraternal benevolent associations, now or hereafter doing business in this State under the lodge system and on the assessment plan, whether organized under the laws of this State or a foreign State or county, are exempt from the provisions of this Article. The taxes aforesaid shall constitute all taxes and license fees collectible under the laws of this State against any such insurance carriers and no other occupation or other taxes shall be levied on or collected from any insurance carrier by any county, city or town, but this law shall not be construed to prohibit the levy and collection of State, county, and municipal taxes upon the real and personal property of such carrier. Purely co-operative or mutual fire insurance companies carried on by the members thereof solely for the protection of their own property, and not for profit, shall be exempt from the provisions of this law; however, foreign assessment life and casualty companies admitted to do business in Texas, under Chapter 5, Title 78, R. S. 1925, shall also pay taxes under and in accordance with the provisions of this Article."

Sec. 5a. Sec. 17. Chapter 40, Acts 41st Legislature, First Called Session, as it relates to payment of taxes, is hereby repealed.

Sec. 5b. That a new Article be added to Chapter 2, Title 122, Revised Civil Statutes, to be called Article 7064a, to read as follows:

"Article 7064a. Every group of individuals, society, fraternal benefit society, association, or corporation domiciled in the State of Texas transacting the business of life, accident, or life and accident, health and accident insurance for profit, or for mutual benefit or protection, shall at the time of filing its annual statement, report to the Commissioner of Insurance the gross amount of premiums received from or upon the lives of persons residing or domiciled in this State during the preceding year and each of such groups of individuals, society, fraternal benefit society, association, or corporation shall pay an annual tax of one-half of one per cent (½ of 1%) of such gross premium receipts, provided, however, that this tax shall not apply to local mutual aid associations. If any such group of individuals, society, fraternal benefit society, association, or corporation does more than one kind of insurance business, then it shall pay the tax herein levied upon the gross premium from each kind of insurance written; the provision of this Act shall not apply to fraternal insurance organizations or societies that limit their membership to one occupation. The report of the gross premium receipts shall be made upon the sworn statement of two principal officers. Deductions from the gross premium receipts shall be allowed any group of individuals, society, fraternal benefit society, association, or corporation for premiums paid for re-insurance in companies authorized to do business in Texas, and the acquisition costs of the first year's premiums. Upon receipt by him of the sworn statements above provided for, the Commissioner shall certify to the State Treasurer the amount of taxes due by each of such group of individuals, society, fraternal benefit society, association or corporation, which tax shall be paid to the State Treasurer on or before the first of March following and the receipt of the Treasurer shall be evidence of the payment of such taxes. No such group of individuals, fraternal benefit society, association, or corporation shall receive a permit to do business until such taxes are paid. The taxes aforesaid shall constitute all taxes and license fees collectible under the laws of this State against any such insurance organizations and no other occupation or other taxes shall be levied or collected by any county, city or town except State, county and municipal ad valorem taxes upon the real and personal property of such insurance organizations."

Sec. 5c. That Article 4769 of the

Revised Civil Statutes of 1925 be amended so as to hereafter read as follows:

"Article 4769. Report Showing Gross Receipts. Each life insurance company not organized under the laws of this State, transacting business in this State, shall annually, on or before the first day of March, make a report to the Commissioner, which report shall be sworn to by either the president or vice president and secretary or treasurer of such company, which shall show the gross amount of premiums collected during the year ending on December 31, preceding, from citizens of this State upon policies of insurance. Each such company shall pay annually an occupation tax equal to three and three-fourths (3¾%) per cent of such gross premium receipts. When the report of the investment in Texas securities, as defined by law, of any such companies as of December 31 of any year shall show that it has invested on said date as much as thirty per cent (30%) of its total Texas reserves as defined by law, in promissory notes or other obligations secured by mortgage, deed of trust, or other lien on Texas real estate and/or in loans to residents or citizens of Texas secured by the legal reserve on the respective policies held by such borrowers, the rate of occupation tax shall be reduced to three and one-fourth per cent (3¼%); and when such report shall show that such company has so invested on said date as much as sixty per cent of its total Texas reserve, the rate of such occupation tax shall be reduced to two and nine-tenths per cent (2.9%); and when such report shall show that such company has so invested, on said date, as much as seventy-five per cent of its total Texas reserve, the rate of such occupation tax shall be reduced to two and five-tenths per cent (2.5%). All such companies shall, in any event, make the investments in Texas securities in proportion to the amount of Texas reserves as required by law. Such occupation taxes shall be for and on account of the business transacted within this State during the calendar year in which such premiums were collected, or for that portion thereof during which the company shall have transacted business in this State. This Act shall not in any manner affect the obligation for the payment of any taxes that have accrued and that are now due or owing, but the obligation as now provided by law for the payment of such taxes shall continue in full force and effect."

Sec. 5d. Amend Article 4858, Revised Civil Statutes, 1925, so that it shall hereafter read as follows:

"Article 4858: Taxation: Except as to premium on gross receipt taxes levied by this Article or other provisions of laws of this State, fraternal benefit societies organized or licensed under this chapter are hereby declared to be exempt from all and every State, county, municipal and school district taxes other than taxes on real estate and office equipment when same is used for other than lodge purposes, inasmuch as such societies are charitable and benevolent institutions.

"Each fraternal benefit society not organized under the laws of this State but transacting business in this State shall, when it makes its annual report to the Commissioner, make a report, which shall be sworn to by two executive officers of the society, showing the total amount of premiums or contributions made to the society for or on account of its policies or beneficial certificates, providing for death or other disability benefits, during the year ending December 31st, preceding, for or on the lives of citizens of this State. Each such society or association shall pay annually at the time of making such report, an occupation tax equal to three and three-quarter (3.75%) per cent of such total contributions. At the time of making the report, as above required, each society or association shall also file a report showing the amount of the reserve accumulated and on hand with respect to its beneficial certificates on the lives of citizens or residents of this State. Each society or association shall also show in such report the amount it has invested in Texas securities as that term is defined in Chapter 4, Title 78, Revised Civil Statutes, 1925, and amendments thereto. When such report shall show that on December 31st, preceding, such society or association had invested as much as thirty per cent of the reserves above mentioned

in promissory notes or other obligations secured by mortgage, deed of trust or other lien on Texas real estate and/or in loans to Texas citizens or residents secured solely by the legal reserve on the respective policies or certificates held by such borrowers, the rate of such tax shall be reduced to three and one-quarter per cent (3.25%) and when such report shall show that as much as sixty per cent of such reserve has been so invested the rate of such tax shall be reduced to two and nine-tenths per cent (2.9%), and when such report shall show that as much as seventy-five per cent of such reserve has been so invested the rate of such tax shall be reduced to two and one-half per cent (2.5%). No such society or association shall receive a license or permit to do business for the year in which such tax is due until same has been paid."

Sec. 6. That Section 40A of Article 7047, Revised Civil Statutes, 1925, as amended by Acts 1931, Forty-second Legislature, page 355, Chapter 212, Section 1, be and the same is hereby amended so as to read hereafter as follows:

"40A. Sulphur producers: Each person who owns, controls, manages, leases, or operates, any sulphur mine, or mines, wells or shafts, or who produces sulphur by any method, system, or manner within this State shall make quarterly on the first day of January, April, July and October of each year a report to the Comptroller sworn to by such person before an officer authorized to administer oaths in this State, or if such person be other than an individual, sworn to by its president, secretary, or other duly authorized officer, on such forms as the Comptroller shall prescribe, showing the total amount of sulphur produced within this State by said person during the quarter next preceding; and at the time of making said report shall pay to the Treasurer of this State as occupation tax for the quarter ending on said date an amount equal to One Dollar and Three Cents ($1.03) per long ton, or fraction thereof, of all sulphur produced by said person within the State of Texas during said quarter. Should any person subject to the occupation tax herein levied begin business after the beginning of a quarter, the amount of tax which such person or concern shall pay for the first quarter immediately succeeding the quarter in which the business was begun shall be ascertained by taking the total number of tons produced within the last quarter, dividing the same by the number of days such person or concern was engaged in the business during said preceding quarter and multiplying the quotient by ninety, and multiplying the product by One Dollar and Three Cents ($1.03). Said tax shall be in lieu of the tax imposed by H. B. No. 2, Chapter 74, Acts of the 5th Called Session of the 41st Legislature, but said tax shall be paid in the same manner, subject to the same penalties, and under the same conditions as provided in said Act, except that fifty-five cents (55¢) of said funds shall go into the available School Fund and the remainder to the General Fund."

Sec. 7. Amend Article 7047, Revised Civil Statutes, 1925, by adding a new section which shall be known as Section 45, and read as follows:

Sec 45. (a). There is hereby levied an occupation tax on every person in this State manufacturing or producing carbon black; said tax to be one-twelfth of one cent per pound on all carbon black produced or manufactured where the market value is four cents per pound or less and three (3%) per cent of the value of all carbon black produced or manufactured where the average market value is in excess of four cents per pound. The market value of carbon black, as that term is herein used, shall be the actual market value thereof plus any bonus or premium or other thing of value paid therefor, or the actual value which carbon black does reasonably bring in the due course of trade.

(b). The tax herein imposed shall be due and payable at the office of the Comptroller at Austin on the twenty-fifth day of each succeeding month, based on the business done the preceding calendar month, and on or before said date such manufacturer or producer shall make and deliver to the Comptroller a verified report showing all carbon black manufactured, produced and sold upon which a tax accrues, and such other information as the Comptroller may require.

(c). A complete record of the business done, together with any other information the Comptroller may require, shall be kept by such distributor; which said record shall be open to the Comptroller, Attorney General, Auditor and their representatives; the Comptroller shall adopt rules and regulations for the enforcement hereof.

(d). In the event any person engaged in the business of producing or manufacturing carbon black in this State shall become delinquent in the payment of taxes herein imposed, the Attorney General may enjoin such person from producing or manufacturing carbon black until the delinquent tax is paid, and the venue of any such suit for injunction is hereby fixed in Travis County.

(e). If any person shall violate any of the provisions hereof, he shall forfeit to the State of Texas as a penalty not less than Twenty-five Dollars ($25.00), nor more than One Thousand Dollars ($1,000.00) for each violation and each day's violation shall constitute a separate offense. If any person shall fail to pay said tax promptly, he shall forfeit two per cent (2%) thereof as penalty, and after the first twenty days he shall forfeit an additional eight per cent (8%). Delinquent taxes shall draw interest at the rate of eight per cent (8%) from due date. The State shall have a prior lien for all delinquent taxes, penalties and interest, on all property used by the producer or manufacturer in his business of manufacturing and producing carbon black.

(f). The term "Carbon Black" as herein used includes all black pigment produced in whole or in part from natural gas, casing head gas or residue gas by the impinging of a flame upon a channel disk or plate, and the tax herein imposed shall reach all products produced in such manner.

Sec. 8. That Section 3, of Chapter 73, Acts of the Forty-second Legislature, be and the same is hereby amended so as to read as follows:

"Sec. 3. A tax shall be paid by each such producer on the amount of gas produced and saved within this State, and on gas imported into the State, upon the first sale thereof in intrastate commerce upon the following basis:

"A tax equivalent to three per cent (3%) of the market value of the total amount of gas produced and saved within this State, or sold, if imported into this State, at the actual market value thereof, as and when produced. Provided, however, that if any gas is imported into this State from another State, in which latter State a severance, occupation or excise tax is imposed, the person importing such gas shall not be required to pay another tax thereon under the provisions of this Act.

"The tax hereby levied shall be a liability of the producer of gas and it shall be the duty of such producer to keep accurate records of all gas produced, making monthly reports under oath as hereinafter provided.

"The purchaser of gas shall pay the tax on all gas purchased and deduct tax so paid from payment due producer or other interest holder, making such payments so deducted to the Comptroller of Public Accounts by legal tender or cashier's check payable to the State Treasury.

"Provided, that if gas produced is not sold during the month in which produced, then said producer shall pay the tax at the same rate and in the manner as if said gas were sold.

"The tax herein levied shall be paid monthly on the 25th day of each month on all gas produced during the month next preceding by the purchaser or the producer as the case may be, but in no event shall a producer be relieved of responsibility for the tax until same shall have been paid; and provided, in event the amount of the tax herein levied shall be withheld by a purchaser from payments due a producer and said purchaser fails to make payment of the tax to the State as provided herein, the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest which may have accrued by failure to make payments and shall be entitled to reasonable attorney fees and court costs incurred by such legal action."

Sec. 9. (a) Except as herein otherwise provided, there is hereby levied and assessed a tax of Ten (10) cents on each One Hundred ($100.00) Dol-

lars or fraction thereof, over the first Two Hundred ($200.00) Dollars, on all notes and obligations secured by chattel mortgage, deed of trust, mechanic's lien contract, vendor's lien, conditional sales contract and all instruments of a similar nature which are filed or recorded in the office of the County Clerk under the Registration Laws of this State; providing that no tax shall be levied on instruments for an amount of Two Hundred ($200.00) Dollars or less. After the effective date of this Act, except as hereinafter provided, no instrument creating a lien of any character to secure the payment of money, or reserving title to any property until the purchase price thereof shall have been paid, shall be filed or recorded by any County Clerk in this State until there has been affixed to such instrument stamps in accordance with the provisions of this section; and providing further that the provisions of this section shall not apply to renewals or extensions of any notes or obligations, and specifically shall not apply to refunding or existing bonds or obligations. And providing further this section shall not apply to notes and obligations or instruments securing same taken by or on behalf of the United States or any corporate agency or instrumentality of the United States Government in carrying out a governmental purpose as expressed in any Act of the Congress of the United States.

(b) Payment of the tax hereby levied shall be evidenced by affixing the stamps herein provided for to all instruments included within the provisions of subdivision (a) of this section, and it shall be the duty of the State Treasurer to have engraved or printed the stamps necessary to comply with this section, and to sell the same to all persons upon demand and payment therefor. The stamps shall be of such design and denominations as to the Treasurer shall seem proper, and shall show the amount of the tax, the payment of which is evidenced thereby, and shall contain the words "Note Stamp." The State Treasurer shall be respsonsible for the custody and sale of such stamps and for the proceeds therefrom under his official bond.

Sec. 10. (a) Every person, firm, or corporation conducting a theatre, place of amusement, or any business enterprise in connecting with the operation of which a prize in the form of money or something of value is offered or given to one or more patrons of such theatre, place of amusement, or business enterprise, and not given to all patrons thereof paying the same charge for any certain service, commodity, or entertainment, shall make a verified monthly report on the 25th day of each month to the Comptroller of Public Accounts of the State of Texas, showing the amount of money so given in prizes, and the value of all prizes or awards so given in connection with such business during the next preceding month.

(b) There is hereby levied a tax equal to twenty per cent (20%) of the value of all such money, prizes, and awards given in connection with the operation of each and all of the foregoing business enterprises, and at the time of making the report to the Comptroller of Public Accounts, the owner or operator of any such business shall pay to the State Treasurer such tax upon the total amount of money, prizes, and awards so given during the next preceding month. The tax herein levied shall be a joint liability of the owner and operator of such business, and, in the event any person engaged in any business operated in the manner hereinabove mentioned shall fail or refuse to pay said tax on or before the 25th day of each month, he shall forfeit to the State of Texas not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) for each violation, and each day's delinquency shall constitute a separate offense. The State of Texas shall have a prior lien for all delinquent taxes and penalties on all property used by the owner or operator of any such business, and the Attorney General of the State of Texas may file suit for the collection of such tax and penalties in any District Court of Travis County, Texas, and for the foreclosure of such lien, and may enjoin the operation of any such business until such tax is paid.

(c) Any person managing or controlling any business enterprise required to file a report under paragraph one hereof, who shall fail or refuse to file such report on or before the 25th day of each month, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by

fine of not less than Twenty-five ($25.00) Dollars nor more than One Hundred ($100.00) Dollars, and such punishment shall be in addition to the civil penalties herein provided for.

(d) The provisions of this Section shall not apply to enterprises operating under Chapter 10 of the Acts of the 43rd Legislature, First Called Session, and all amendments thereto, and nothing in this Section contained shall be construed to legalize or authorize the operation of any contest, practice or device now prohibited by law.

Sec. 11. (a) There is hereby levied an occupation tax upon the commercial producers of the following natural resources engaged in producing and severing from the soil and/or waters the following natural resources: ores, marble, and cinnabar ore. The tax levied is predicated upon the quantity severed and produced and shall be paid at the following rates:

1. On ores, 5¢ per ton of 2000 lbs.
2. On marble, 10¢ per ton of 2000 lbs.
3. On cinnabar ore, 10¢ per ton of 2000 lbs.

(b) The tax imposed under the provisions of this Section shall be the primary liability of any person, firm, association, company or corporation owning, controlling, managing or leasing any natural resources who produces in any manner any of the natural resources upon which a tax is imposed herein by taking such natural resources from the earth or waters of this State. The producer of any of the natural resources upon which a tax is imposed under the provisions of this Section shall make such tax payments to the Treasurer of this State, as provided for by the other provisions of this Act.

(c) Each person, firm, association, company, or corporation who produces the natural resources on which a tax is imposed under the provisions of this Section shall make quarterly on the first days of January, April, July and October of each year a report to the Comptroller, sworn to by such person, before an officer authorized to administer oaths in this State or if such person be other than an individual, so sworn to by its president, secretary, or other duly authorized officer, on such forms as said Comptroller shall prescribe, showing the total quantity of natural resources produced by said producer during the quarter next preceding the date of the report, the county in which the natural resources are produced, the correct description of the properties from which the natural resources are produced, the correct name and address of the first purchaser of said natural resources, and the price received therefor, and such other information as the Comptroller may require, and at the time of making and filing said report, shall pay to the Treasurer of this State an occupation tax for the quarter ending on said date in amounts as imposed under the provisions of this Section.

(d) The term "commercial producer" is hereby defined as any person, firm, association, company or corporation which severs or produces any ores, marble, or cinnabar ore in excess of one thousand tons during any one calendar year.

(e) For the tax, penalties and interest herein provided for, the State shall have a prior and preferred lien on all such natural resources. Said lien shall extend to and be enforceable against any property, either real or personal or both, owned by any person or persons made liable for the taxes herein levied, which property is not exempt from forced sale by reason of existing law or the Constitution of this State.

The reports required to be filed herein shall be filed not later than twenty-five (25) days after the quarter for which the tax herein levied is payable.

Sec. 12. All revenues derived and collected under the provisions of this Act, except where otherwise specifically allocated, shall be deposited one-fourth (1/4) to the credit of the Available School Fund, and the remainder to the credit of the General Revenue Fund of the State.

Article V.

Section 1. If any provision or section of this Act is held unconstitutional or invalid, the same shall not operate to defeat the whole Act, but all other parts shall stand and remain in full force and effect.

Sec. 2. The fact that additional moneys are required by the State of Texas for immediate expenditure in order to continue payments of Old Age Assistance grants in this State creates an emergency and imperative public necessity that the Constitutional pro-

vision requiring bills to be read on three several days in each House be suspended and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

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 Representatves,
Austin, Texas, Oct. 26, 1936.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 65, and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses.

The following are appointed as conferees on the part of the House:

Messrs. Alsup, Hunt, Harris of Archer, Jones of Shelby, Fox of Williamson.

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

House Bill No. 65.

Senator Hill moved that the Senate grant the request of the House for the appointment of a Conference Committee on H. B. No. 65.

The motion prevailed.

Conference Committee Appointed.

The Chair appointed the following conferees on H. B. No. 65:

Senators Hill, Burns, Beck, Blackert and Poage.

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. 26, 1936.
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 resoultions:

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

H. C. R. No. 25, Permitting Mr. Charles Berkley Norman to temporarily place a picture in the Capitol.

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

S. C. R. No. 12, Relating to the payment of warrants issued by towns and cities.

(With amendment.)

S. C. R. No. 13, Relating to several State Departments cooperating with Rural Electrification Administration.

Point of order on the following bill was sustained by the Speaker because the contents did not come within the Governor's call:

S. B. No. 12, A bill to be entitled "An Act defining certain words, terms and phrases; providing that before any restraining order or injunction shall be issued to restrain the collection of certain special taxes, fees and penalties, the applicant therefor shall pay into the Registry of the Court all taxes, fees and penalties then due and thereafter becoming due during the pendency of said injunction; etc., and declaring an emergency."

The House has passed the following bill:

S. B. No. 3, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory Board of Equalization; and which are insufficient and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the Boards of Equalization acting for any such school districts, which are irregular or insufficient because the reports of such equalizations were

adopted and accepted orally, or by other informal action; and the acts of making such equalization were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective; and providing further that this Act shall not validate any valuation placed upon property by any Board of Equalization or any tax assessor where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character, or at a greater percentage of its value than other property assessed for taxation, and declaring an emergency."

(With amendments.)

The House has concurred in Senate Amendment to H. B. No. 41 by a vote of 116 yeas and 2 nays.

The House has concurred in Senate amendment to House Bill No. 51 by a vote of 118 yeas and 3 nays.

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

Previous Question.

Senator Regan moved the previous question of the adoption of the Conference report on H. B. No. 8.

The motion was duly seconded and failed of adoption by the following vote:

Yeas—9.

Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Small.
Moore.	Weinert.
Rawlings.	

Nays—18.

Beck.	Oneal.
Blackert.	Poage.
Burns.	Sanderford.
Collie.	Shivers.
Cotten.	Stone.
Davis.	Sulak.
Hill.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.

Present—Not Voting.

DeBerry.

Absent—Excused.

Isbell.	Pace.

Substitute Motion.

Senator Burns made a substitute motion that the Senate do not concur in the Conference Committee report on H. B. No. 8, and that the Conference Committee be instructed to take out of said H. B. No. 8 all of Articles 1 and 2, which pertains to the deliberation of pension law.

Point of Order.

Senator Rawlings raised the point of order that the Conference Committee cannot be instructed after their appointment.

The Chair sustained the point of order.

Senator Burns moved that the Senate do not concur in Conference Committee report.

Motion to Table.

Senator Moore moved to table the Burns substitute motion.

The motion prevailed by the following vote:

Yeas—17.

Beck.	Oneal.
Blackert.	Poage.
DeBerry.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Small.
Moore.	Stone.
Neal.	Weinert.
Nelson.	

Nays—11.

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

Absent—Excused.

Isbell.	Pace.

Substitute Motion.

Senator Collie sent up the following substitute motion:

Motion to Reject and Rewrite Conference Report.

Mr. President:

I move that the Conference Committee report on H. B. No. 8, which has just reached the Senate for consideration, be rejected and the committee be instructed as follows:

Amend Section 7 of the report after the word "advisable," in line 3, by inserting the following: "including the county commissioners' court";

That all of the language after the words "social security board," in line 6, Section 8, be stricken from the report;

That all of the provisions of Subsection (a) of Section 11, after the words "per month," in line 12, be stricken from the report, and a provision made that the recipients of such aid shall receive equal and uniform grants;

That Section 4 be amended, defining the term "needy and necessitous condition" so that a definite status of eligibility for old age assistance may be fixed and no discriminations made in the classification of such aged citizens in need, to be defined in this section;

That Section 16 of the report be stricken and eliminated;

That the word "net" be inserted in Subsection (a), Section 11, 9th line, between the words "the" and "Income," so that the reference will mean "net income";

That other sections of the bill in conflict with any of these provisions be eliminated or made to conform to the changes herein specified;

That the committee be directed to report back to the Senate not later than 8 o'clock p. m., today, October 26, 1936.

COLLIE,
WOODRUFF.

Point of Order.

Senator DeBerry raised the point of order that the Conference Committee cannot be instructed after appointment.

The Chair sustained the point of order.

Previous Question.

Senator Rawlings moved that the Senate order the previous question on the adoption of the Conference Committee report on H. B. No. 8.

The motion was duly seconded.

The motion failed by the following vote:

Yeas—10.

Holbrook.	Moore.
Hornsby.	Neal.
Martin.	Rawlings.
Redditt.	Small.
Regan.	Weinert.

Nays—17.

Beck.	Poage.
Blackert.	Sanderford.
Burns.	Shivers.
Collie.	Stone.
Cotten.	Sulak.
Davis.	Van Zandt.
Hill.	Westerfeld.
Nelson.	Woodruff.
Oneal.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Isbell.	Pace.

Substitute Motion.

Senator Van Zandt sent up a substitute motion:

I move that the Free Conference report be rejected and that a new committee be appointed and that said committee as appointed be instructed as follows, to-wit:

(1) That Articles 1 and 2 of H. B. No. 8 be deleted;

(2) That fraternal insurance tax be deleted;

(3) That gross receipts on stock exchanges be included;

(4) That the tax on bill boards, etc., be revised and included;

(5) And that additional taxes be provided for so that the total provided in H. B. No. 8 will approximate $15,000,000 annually for old age assistance.

VAN ZANDT.

Point of Order.

Senator Moore raised the point of order that a motion for a new conference committee had been tabled.

The Chair overruled the point of order.

Motion to Table.

Senator Oneal moved to table the Van Zandt substitute motion.

The motion prevailed by the following vote:

Yeas—19.

Beck.	Holbrook.
Blackert.	Hornsby.
Davis.	Martin.
DeBerry.	Moore.

Neal.	Regan.
Nelson.	Sanderford.
Oneal.	Small.
Poage.	Stone.
Rawlings.	Weinert.
Redditt.	

Nays—9.

Burns.	Sulak.
Collie.	Van Zandt.
Cotten.	Westerfeld.
Hill.	Woodruff.
Shivers.	

Absent—Excused.

Isbell.	Pace.

Senator Hill sent up the following motion:

That the Senate do not concur in the Conference Committee report on H. B. No. 8; that a new committee be appointed with instructions that such committee alter, amend and rewrite Articles 7064A and 4858 so as to exempt all fraternal benefit societies from the provisions of the bill.

HILL,
COTTEN,
DAVIS.

Motion to Table.

Senator DeBerry moved to table the Hill motion.

The motion prevailed by the following vote:

Yeas—15.

DeBerry.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.
Neal.	Stone.
Oneal.	Weinert.
Poage.	

Nays—13.

Beck.	Nelson.
Blackert.	Shivers.
Burns.	Sulak.
Collie.	Van Zandt.
Cotten.	Westerfeld.
Davis.	Woodruff.
Hill.	

Absent—Excused.

Isbell.	Pace.

Reason for Vote.

Senator Holbrook asked to be recorded as follows:

Being a member of the Senate Conference Committee on H. B. No. 8, I opposed, as a member of said committee, placing a tax on fraternal insurance. The majority of the committee did not agree with me; hence I voted on roll call in the Senate to send back to the committee, for this reason no change would be made and the whole bill would probably be defeated.

HOLBROOK.

Senator Sanderford sent up the following motion:

That the conference report be rejected, and that it be made known to the committee that the Senate of Texas would favor a new section to H. B. No. 8, levying a 1% sales tax to be allocated to the Old Age Pension Fund.

SANDERFORD.

Point of Order.

Senator DeBerry raised the point or order that the motion was out of order because a committee that is already out cannot again be instructed.

The Chair sustained the point of order.

Senator Hill sent up the following motion:

That the Senate do not concur in the Conference Committee report; that a new Conference Committee be appointed; that the new committee be instructed to strike out the Small deliberization section and strike out all taxes on fraternal benefit societies.

HILL,
COTTEN.

Motion To Table.

Senator DeBerry moved to table the Hill Motion.

The motion prevailed by the following vote:

Yeas—18.

Beck.	Oneal.
Blackert.	Poage.
Collie.	Rawlings.
DeBerry.	Redditt.
Holbrook.	Regan.
Hornsby.	Sanderford.
Moore.	Small.
Neal.	Stone.
Nelson.	Weinert.

Nays—10.

Burns.	Shivers.
Cotten.	Sulak.
Davis.	Van Zandt.
Hill.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Isbell.	Pace.

Substitute Motion.

Senator Collie sent up the following substitute motion:

Motion to Reject and Rewrite Conference Report.

Mr. President:

I move that the Conference Committee report on H. B. No. 8, which has just reached the Senate for consideration, be rejected and a new committee appointed and that such committee be instructed as follows:

Amend Section 7 of the report after the word "advisable," in line 3, by inserting the following: "including the county commissioners' court";

That all of the language after the words "social security board," in line 6, Section 8, be stricken from the report;

That all of the provisions of Subsection (a) of Section 11, after the words "per month," in line 12, be stricken from the report, and a provision made that the recipients of such aid shall receive equal and uniform grants;

That Section 4 be amended, defining the term "needy and necessitous condition" so that a definite status of eligibility for old age assistance may be fixed and no discriminations made in the classification of such aged citizens in need, to be defined in this section;

That Section 16 of the report be stricken and eliminated;

That the word "net" be inserted in Subsection (a), Section 11, 9th line, between the words "the" and "Income," so that the reference will mean "net income";

That other sections of the bill in conflict with any of these provisions be eliminated or made to conform to the changes herein specified;

That the committee be directed to report back to the Senate not later than 8 o'clock p. m. today, October 26, 1936.

COLLIE,
WOODRUFF.

Previous Question.

Senator Oneal moved the previous question on the Collie substitute motion.

The previous question was ordered by the following vote:

Yeas—14.

Davis.	Nelson.
DeBerry.	Oneal.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Small.
Neal.	Weinert.

Nays—13.

Beck.	Shivers.
Burns.	Stone.
Collie.	Sulak.
Cotten.	Van Zandt.
Hill.	Westerfeld.
Poage.	Woodruff.
Sanderford.	

Present—Not Voting.

Blackert.

Absent—Excused.

Isbell.	Pace.

Verification of Vote.

Senator Hill called for a verification of the vote which ordered the previous question.

The verification showed the roll call to be correct.

The question recurred on the substitute motion of Senator Collie, which was lost by the following vote:

Yeas—11.

Burns.	Shivers.
Collie.	Stone.
Cotten.	Sulak.
Hill.	Westerfeld.
Martin.	Woodruff.
Sanderford.	

Nays—16.

Beck.	Holbrook.
Blackert.	Hornsby.
Davis.	Moore.
DeBerry.	Nelson.

Oneal.	Regan.
Poage.	Small.
Rawlings.	Van Zandt.
Redditt.	Weinert.

Absent.

Neal.

Absent—Excused.

Isbell. Pace.

The question recurred on the original motion to adopt the Conference Committee report.

The Conference Committee report was adopted by the following vote:

Yeas—23.

Beck.	Nelson.
Blackert.	Oneal.
Collie.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hornsby.	Small.
Isbell.	Stone.
Martin.	Van Zandt.
Moore.	Weinert.
Neal.	

Nays—6.

Burns.	Sulak.
Cotten.	Westerfeld.
Shivers.	Woodruff.

Absent—Excused.

Pace.

S. C. R. No. 16.

Senator Poage received unanimous consent to send up the following resolution:

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

Senators Poage, Collie, Woodruff, Westerfeld, Davis, Sulak, Van Zandt, Cotten, Hill, Burns, Oneal, Holbrook, Martin, Redditt, and Shivers.

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

The motion prevailed.

S. C. R. No. 16 was read and adopted.

Motion Not to Concur.

Senator Hill moved that the Senate do not concur in House amendments to S. B. No. 3, and asked that a conference committee be appointed.

The motion prevailed.

Conference Committee Appointed.

The Chair appointed the following conferees on S. B. No. 3:

Senators Hill, Beck, Isbell, Cotten and Shivers.

Resolutions Referred.

H. C. R. No. 24.

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

By Mr. Leonard:

H. C. R. No. 24, Making available the remaining of the appropriation from the original appropriation to be used by the Secretary of State to defray expenses of printing and distribution of laws and journals of Forty-fourth Legislature, making it available until August 31, 1937.

Read and referred to Committee on Finance.

H. C. R. No. 25.

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

By Mr. Crossley:

H. C. R. No. 25, Permitting Mr. Charles Berkley Norman to temporarily place a picture in the Capitol.

Read and referred to Committee on State Affairs.

H. C. R. No. 26.

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

By Mr. Davisson:

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

Read and referred to Committee on Highways and Motor Traffic.

Motion to Concur.

On motion of Senator Regan the Senate concurred in House Amendments to S. C. R. No. 12 by the following vote:

Yeas—28.

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

Absent—Excused.

Isbell.	Pace.

Motion to Concur.

On motion of Senator Small the Senate concurred in House amendments to Senate Bill No. 20 by the following vote:

Yeas—28.

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

Absent—Excused.

Isbell.	Pace.

Senate Resolution No. 24.

By Senator Cotten:

Whereas, The great daily papers of this State and nation on Sunday October 25, 1936, told in reams and columns of space about the great conflict now going on in Spain; millions of readers throughout the English speaking world read with bated breath of a famous divorce suit pending in England; Loyal Democrats followed the speaking itinerary of our own great President Franklin Delano Roosevelt; six million Texans waited with hope and mingled fear for the report of the conference on the now famous Omnibus Bill; and

Whereas, The Honorable Robert B. Anderson, the able and distinguished Tax Commissioner of this State, is even at this late date completely unaware of these recorded news items for on that same date a baby boy was born whose name is James Richard Anderson:

"He is so little to be so large!

Why, a train of cars, or a whaleback barge couldn't carry the freight of the monstrous weight of all his qualities good and great."

Therefore be it Resolved, That the Senate of Texas, now in session, extend our joyous congratulations to the mother and father of this young son; that the Secretary of the Senate be and is hereby authorized and directed to send an enrolled copy of this resolution to Mr. and Mrs. Anderson; that a copy be printed in the Journal.

Be it further Resolved: That Master James Richard Anderson be adopted as Junior Mascot of the Third Called Session of the Forty-fourth Legislature.

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

The motion prevailed.

Read and unanimously adopted.

Recess.

On motion of Senator Redditt at 1:49 o'clock p. m. the Senate recessed until 4 o'clock p. m.

After Recess.

The Chair, President Pro Tem. Roy Sanderford, called the Senate to order at 4 o'clock p. m.

House Bill No. 81.

Senator Hill received unanimous consent to take up H. B. No. 81.

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

By Mr. Jones of Shelby:

H. B. No. 81, A bill to be entitled "An Act providing a sixty-day open

season for the taking of wild coon, o'possum, and mink in Shelby County, Texas, which period shall be from December first of each year to February first of the following year; and providing open season during the month of December of each year for the taking of wild quail in Shelby County, Texas; providing that it shall be unlawful to use a trap, snare or deadfall for the taking or attempting to take such animals; providing a penalty; repealing all laws in conflict herewith, and declaring an emergency."

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.

Senator Hill moved to suspend the constitutional rule requiring bills to be read on three several days, and place H. B. No. 81 on its second reading by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

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

On motion of Senator Hill, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 81 was put on its third reading and final passage by the following vote:

Yeas—29.

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

Abs nt—Excused.

Pace.

Read third time and finally passed by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

House Bill No. 75.

Senator Regan received unanimous consent to take up H. B. No. 75.

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

By Mr. Payne:

H. B. No. 75, A bill to be entitled "An Act declaring a closed season on wild javelina, bear, badger, raccoon and rock squirrel south of the Southern Pacific Railroad in Brewster County, Texas, and providing a penalty for violation of this Act, and declaring an emergency."

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

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

Senator Regan moved to suspend the constitutional rule requiring bills to be read on three several days, and

place H. B. No. 75 on its second reading by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

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

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 75 was put on its third reading and final passage by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

Read third time and finally passed by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

Vote Recorded.

Senator Isbell received unanimous consent to be recorded as voting "yea" on the final passage of conference report on H. B. No. 8.

House Bill No. 74.

Senator Regan received unanimous consent to take up H. B. No. 74.

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

By Mr. Payne:

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

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

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

Senator Regan moved to suspend the constitutional rule requiring bills to be read on three several days, and place H. B. No. 74 on its second reading by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

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

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 74 was put on its third reading and final passage by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

Read third time and finally passed by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

House Bill No. 76.

Senator DeBerry received unanimous consent to take up H. B. No. 76.

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

By Mr. Bourne:

H. B. No. 76, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Red River County, Texas, and conform the jurisdiction of the district court of such county to such change, and declaring an emergency."

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

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

Senator DeBerry moved to suspend the constitutional rule requiring bills to be read on three several days, and place H. B. No. 76 on its second reading by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

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

On motion of Senator DeBerry, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 76 was put on its third reading and final passage by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

Read third time and finally passed by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

House Bill No. 82.

Senator Martin received unanimous consent to take up H. B. No. 82.

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

By Mr. Calvert, et al:

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

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.

Senator Martin moved to suspend the constitutional rule requiring bills to be read on three several days, and place H. B. No. 82 on its second reading by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

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

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 82 was put on its third reading and final passage by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

Read third time and finally passed by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

H. C. R. No. 25.

Senator Hornsby received unanimous consent to take up H. C. R. No. 25.

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

By Mr. Crossley:

H. C. R. 25, Permitting a painting of the original signing of the Declaration of Independence, by the artist, Charles Berkley Norman, in the State Capital.

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.

H. C. R. No. 25 was read and adopted by a viva voce vote.

H. C. R. No. 26.

Senator Collie received unanimous consent to take up H. C. R. No. 26.

By Mr. Davisson:

H. C. R. 26, Authorizing the State Highway Department to lend equipment to the city of Eastland.

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.

H. C. R. No. 26 was read and adopted by a viva voce vote.

S. C. R. No. 17.

Senator DeBerry received unanimous consent to send up S. C. R. No. 17.

By Senator DeBerry:

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

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

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

The motion prevailed.

Read and adopted by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

House Bill No. 83.

Senator Woodruff received unanimous consent to take up H. B. No. 83.

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

By Mr. Lanning:

H. B. No. 83, A bill to be entitled "An Act to amend Section 1, Chapter 12. Senate Bill No. 39, Forty-first Legislature, First Called Session; providing for the exception of the Clear Fork of the Brazos River from the Act, describing the size of the mesh of seines and the length of fish that can be taken; providing for a penalty, and declaring an emergency."

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.

Senator Woodruff moved to suspend the constitutional rule requiring bills to be read on three several days, and place H. B. No. 83 on its second reading by the following vote:

Yeas—29.

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

DeBerry.
Hill.
Holbrook.
Hornsby.
Isbell.
Martin.
Moore.
Neal.
Nelson.
Oneal.
Poage.
Rawlings.
Redditt.
Regan.
Sanderford.
Shivers.
Small.
Stone.
Sulak.
Van Zandt.
Weinert.
Westerfeld.
Woodruff.

Absent—Excused.

Pace.

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

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and H. B. 83 was put on its third reading and final passage by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

Read third time and finally passed by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

Bill and Resolutions Signed.

The Chair, President Pro Tem. Roy Sanderford, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolutions:

S. B. No. 5.
S. C. R. No. 12.
S. C. R. No. 13.

House Bill No. 68.

Senator Westerfeld received unanimous consent to take up H. B. No. 68.

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

By Mr. Stinson:

H. B. No. 68, A bill to be entitled "An Act making it unlawful for any person or persons to fish for, take, catch or attempt to catch any fish in the fresh waters of Dallas County by any net, seine, snag line, trap or any device other than ordinary pole and line, rod and reel, set line, throw line or trot line, etc., and declaring an emergency."

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

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

Senator Westerfeld moved to suspend the constitutional rule requiring bills to be read on three several days, and place H. B. No. 68 on its second reading by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

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

On motion of Senator Westerfeld the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 68 was put on its third reading and final passage by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

Read third time and finally passed by the following vote:

Yeas—29.

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

Absent—Excused

Pace.

House Bill No. 80.

Senator Blackert received unanimous consent to take up H. B. No. 80.

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

By Mr. Mauritz:

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

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.

Senator Blackert moved to suspend the constitutional rule requiring bills to be read on three several days, and place H. B. No. 80 on its second reading by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

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

On motion of Senator Blackert, the constitutional ruling requiring bills to be read on three several days was suspended and H. B. No. 80 was put on its third reading and final passage by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

Read third time and finally passed by the following vote:

Yeas—29.

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

Absent—Excused.

Pace.

H. C. R. No. 24.

Senator Redditt received unanimous consent to take up H. C. R. No. 24.

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

By Mr. Leonard:

H. C. R. No. 24, Authorizing the State Comptroller and State Treasurer to make available certain appropriations to be used by the Secretary of State to defray expenses of handling laws and Journals of Forty-fourth Legislature.

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

Senator Burns sent up the following amendment:

Amend H. C. R. No. 24 by adding to the end thereof the following: to-wit:

Whereas, the Texas Prison Board and the general manager of the Texas prison system in order to promote efficiency and economical operation of the prison system at the last regular meeting of the Prison Board combined the management of the Eastham State Prison Farm and the Ferguson State Prison Farm, and placed in charge of said State Prison Farm the manager of the Eastham Farm; and

Whereas, The duties incumbent upon the manager of the Eastham Farm are greater than with only one farm and the Prison Board and general manager are desirous of paying the prison farm manager on the Eastham Farm more money than is allowed by statute because of added duties and responsibilities; and

Whereas, The General Appropriation Bill for the Texas prison system for the year ending August 31, 1937, limits the amount that a farm manager may receive; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Prison Board and the general manager of the Texas prison system are hereby authorized to add to the manager's salary of the Eastham State Prison Farm the sum of thirty ($30) dollars per month in addition to the salary which is now allowed by statute, and that the same shall be taken off of the appropriation that was heretofore appropriated during the Regular Session of the Forty-fourth Legislature for the manager of the Ferguson Farm.

BURNS.

Read and adopted.

H. C. R. No. 24 was read, amended, and adopted by a viva voce vote.

House Bill No. 37.

Senator Redditt received unanimous consent to call from the table H. B. No. 37.

The Chair laid before the Senate the following bill which had been laid on the table subject to call:

By Mr. Graves:

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

Senator Moore sent up the following amendment:

By Senator Moore:

Amend H. B. No. 37, section 3, by striking out the words and figures "three and one-half (3½)" and inserting in lieu thereof "two and one-half (2½)."

Read and adopted.

Point of Order.

Senator Sanderford raised the point of order that the bill was unconstitutional.

The Chair overruled the point of order.

Question: Shall bill pass to third reading?

Point "No Quorum."

Senator Sanderford raised the point "no quorum" and a roll call disclosed there was a quorum.

The bill as amended passed to third reading by the following vote:

Yeas—15.

Beck.	Oneal.
Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Shivers.
DeBerry.	Sulak.
Hill.	Van Zandt.
Moore.	Woodruff.
Nelson.	

Nays—8.

Davis.	Sanderford.
Holbrook.	Small.
Hornsby.	Weinert.
Isbell.	Westerfeld.

Present—Not Voting.

Neal.

Absent.

Collie.	Regan.
Martin.	Stone.
Poage.	

Absent—Excused.

Pace.

Motion to Lay on Table.

Senator Small moved to lay H. B. No. 37 on the table subject to call.

The motion prevailed by a viva voce vote.

Senate Resolution No. 25.

By Senator Woodruff:

Be It Resolved that the President of the Senate appoint a committee of three members of the Senate to study the needs of the eleemosynary institutions of the State and the recommendations of the Board of Control with reference thereto, and

Be It Resolved that said committee be and it is hereby instructed to study the requirements to meet the State's share of the salaries of the officers of the various counties of the State under and by virtue of the Officers Salary Bill, and

Be It Resolved further that said committee make its report to the Forty-fifth Legislature in January, 1937, and

Be It Resolved further that the actual and necessary expenses incurred by the members of said committee, not to exceed the sum of Six Hundred Dollars ($600.00) be paid out of the Contingent Expense Fund of the Senate.

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

Motion prevailed.

Read and adopted by a viva voce vote.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on S. R. No. 25.

Excused.

Senator Poage was excused for the remainder of the day on account of important business on motion of Senator Oneal.

Senate Resolution No. 26.

By Senator Cotten:

Be It Resolved, that the sum of One Thousand Five Hundred ($1,500) Dollars, be appropriated out of the Contingent Fund of the 44th Legislature for use of the Senate Investigating Committee appointed by virtue of Senate Resolution No. 96.

Read and adopted.

S. C. R. No. 19.

Senator Rawlings received unanimous consent to introduce the following resolution:

By Senator Rawlings:

Be it resolved by the Senate the House of Representatives, concurring that the Third Called Session of the Forty-fourth Legislature stand adjourned Tuesday, October 27, 1936, at 12:00 o'clock noon.

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

The motion prevailed.

S. C. R. No. 19 was read and adopted by a viva voce vote.

Vote Recorded.

Senator DeBerry received unanimous consent to be recorded as voting "nay" on S. C. R. No. 19.

Reason for Voting.

I voted "nay" on Free Conference Committee report on House Bill No. 8 because:

1. It deliberalizes the pension law to such an extent that only a very few white people will receive pensions under its provision, while ninety-five per cent of the other races will receive pensions under it.

2. It carries a provision taxing fraternal insurance societies which operate, not for profit, but are operated for the benefit of the widows and orphans of their members.

3. There are a number of other lesser objectionable features in the bill, either of which is sufficient reason for voting against the report.

SULAK.

House Bill No. 67.

Senator Oneal received unanimous consent to take up H. B. No. 67.

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

By Mr. Reed of Dallas:

H. B. No. 67, A bill to be entitled "An Act amending and re-enacting Section 36, House Bill No. 521, Chapter 100, Acts 1935, of the Regular Session, Forty-fourth Legislature, relative to the expenditures for the administration of House Bill No. 521, and declaring an emergency."

Senator Oneal moved to suspend the constitutional rule requiring bills to be read on three several days, and place H. B. No. 67 on its second reading by the following vote:

Yeas—23.

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

Nays—2.

Weinert. Westerfeld.

Present—Not Voting.

DeBerry.

Absent.

Woodruff.

Absent—Excused.

Pace. Poage.

Point of Order.

Senator Westerfeld raised the point of order that House Bill No. 67 did not come within the Governor's call.

The Chair sustained the point of order.

Bills Signed.

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

H. B. No. 41. H. B. No. 51.

Messages From the House.

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

Hall of the House of Representatives,
Austin, Texas Oct. 26. 1936

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

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 3.

The following are conferees on the part of the House:

Messrs. Wood of Harrison, Graves, Harper, Leath and Davis.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin Texas, Oct. 26, 1936.

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

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee report on S. B. No. 5 by a vote of 110 ayes and 29 noes.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Recess.

On motion of Senator Stone at 5:30 o'clock the Senate recessed until 10 o'clock a. m. Tuesday.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 20 carefully examined and compared, and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 12 carefully examined and compared, and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 32 carefully examined and compared, and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 31 carefully examined and compared, and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 33 carefully examined and compared, and find same correctly engrossed.

DAVIS, Chairman.

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

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

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 16 carefully examined and compared, and find same correctly engrossed.

DAVIS, Chairman.

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

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

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 19 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee On Enrolled Bills.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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. 23, 1936.

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

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 26 carefully examined and compared, and find same correctly enrolled.

POAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 30 carefully examined and compared, and find same correctly enrolled.

POAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 21 carefully examined and compared, and find same correctly enrolled.

POAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 17 carefully examined and compared, and find same correctly enrolled.

POAGE, Chairman.

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 24 carefully examined and compared, and find same correctly enrolled.

POAGE, Chairman,

Committee Room,
Austin, Texas, Oct. 23, 1936.

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

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 16 carefully examined and compared, and find same correctly enrolled.

POAGE, Chairman,

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

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

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 13 carefully examined and compared, and find same correctly enrolled.

POAGE, Chairman,

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

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

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 5 carefully examined and compared, and find same correctly enrolled.

POAGE, Chairman,

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

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

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 12 carefully examined and compared, and find same correctly enrolled.

POAGE, Chairman,

Committee Reports.

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

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

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

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

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

recommendation that it do pass, and be not printed.

SMALL, Chairman.

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

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

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

H. B. No. 81, A bill to be entitled "An Act providing a sixty (60) day open season for the taking of wild coon, squirrels, opossum, and mink in Shelby County, Texas, which period shall be from December first of each year to February first of the following year; and providing open season during the month of December of each year for the taking of wild quail in Shelby County, Texas; etc."

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

SHIVERS, Chairman.

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

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

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

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

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

SHIVERS, Chairman.

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

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

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

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

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

SHIVERS, Chairman.

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

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

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

H. B. No. 68, A bill to be entitled "An Act making it unlawful for any person or persons to fish for, take, catch or attempt to catch any fish in the fresh waters of Dallas County by any net, seine, snag line, trap or any device other than ordinary pole and line, rod and reel, set, line throw line or trot line; providing that on any set line, throw line or trot line hooks shall not be less than three (3) feet apart; making it prima facie evidence of violation of this Act for any person to have in his possession any tackle not authorized herein within two hundred (200) yards of any stream, lake or other fresh waters in said county; etc."

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

SHIVERS, Chairman.

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

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 76, have had same under consideration, and beg leave to report same back to the Senate with recommendations that it do pass, and be not printed.

SMALL, Chairman.

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

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

Sir: We, your Committee on

Game and Fish, to whom was referred.

H. B. No. 75, A bill to be entitled "An Act declaring a closed season on wild javelina, bear, badger, raccoon and rock squirrel south of the Southern Pacific Railroad in Brewster County, Texas; providing a penalty for violation of this Act, and declaring an emergency."

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

SHIVERS, Chairman.

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

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

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

H. B. No. 83, A bill to be entitled "An Act to amend Section 1, Chapter 12, Senate Bill 39, 41st Legislature, First Called Session; providing for the exception of the Clear Fork of the Brazos River from the Act, describing the size of the mesh of seines and the length of fish that can be taken; providing for a penalty and declaring an emergency."

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

SHIVERS, Chairman.

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

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

Sir: We, your committee on State Highways and Motor Traffic, to whom was referred

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

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

SMALL, Vice-Chairman.

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

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

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 67,

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

SMALL, Chairman.

Committee Amendment.

Amend H. B. No. 67, by striking out all of section 36a.

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

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

Sir: We, your Committee on Finance, to whom was submitted House Concurrent Resolution No. 24, by Leonard, have had the same under consideration and I am instructed to report that said resolution do pass, and that it be not printed.

REDDITT, Chairman.

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

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

Sir: We, the Committee on State Affairs to whom was referred H. C. R. No. 25, have had the same under consideration, and respectfully report it back to the Senate with the recommendation that it be adopted and be not printed.

RAWLINGS, Vice-Chairman.

SEVENTEENTH DAY.
(Continued.)

Senate Chamber,
Austin, Texas,
October 27, 1936.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem. Roy Sanderford.