FIFTY-NINTH DAY
(Continued)

(Wednesday, June 29, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Leaves of Absence Granted

Senator Carney was granted leave of absence for the morning on account of important business on motion of Senator Morris.

Senator Harris was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Jones was granted leave of absence for today on account of an illness in the family on motion of Senator Proffer.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Aikin submitted the following reports:

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 916, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 43, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 858, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 40, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 885, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended.

LANE, Chairman.

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 982, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 985, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 990, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Bill Re-referred

On motion of Senator Aikin and by unanimous consent, H. B. No. 964 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Education.

House Joint Resolution on First Reading

The following Joint Resolution, received from the House, was laid before the Senate, read first time and referred to the committee indicated:

H. J. R. No. 43, to the Committee on Constitutional Amendments.

Senate Bill 91 with House Amendments

Senator Shofner called S. B. No. 91 from the President's table for consideration of the House amendments to the bill.

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

Senator Shofner moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Shofner, Morris, Martin, Lane, and Hudson.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 28, 1949.

Hon. Allan Shivers, President of the Senate.

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

The House has adopted the conference committee report on House Bill No. 322 by a vote of 85 yeas, 48 nays.

The House has adopted the conference committee report on House Bill No. 321 by a vote of 108 yeas, 19 nays.

The House has adopted the conference committee report on House Bill No. 319 by a vote of 81 yeas, 48 nays.

H. C. R. No. 156, Instructing the Enrolling Clerk of the House to make necessary corrections on House Bill No. 786.

H. C. R. No. 158, Suspending the Joint Rules to consider H. B. No. 374.

S. B. No. 226, A bill to be entitled "An Act designating the Poultry Improvement Board of the Texas Poultry Improvement Association as the official State agency to cooperate with the United States Department of Agriculture administering the National Poultry Improvement Plan and National Turkey Improvement Plan with authority to promulgate the necessary rules and regulations, and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Report of Conference Committee on House Bill 705

Senator Proffer submitted the following report:

Austin, Texas,
June 24, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your committee, appointed to adjust the differences between the House and the Senate on House Bill No. 705, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

PROFFER
AIKIN
ASHLEY
On the part of the Senate.

CLIFTON
McDONALD
GREGORY
JOHNSON
STOCKARD
On the part of the House.

H. B. No. 705 By: Johnson, et al.

A BILL
TO BE ENTITLED

"An Act creating a State Youth Development Council for the protection, care, and training of children and youth of the State, and, among other things, defining its powers, duties, functions, and relations with other agencies, officers, and courts and their corresponding duties and powers; providing for certain criminal offenses related to the Act; providing an appropriation; containing a severability provision as to validity; repealing certain statutes; fixing its effective date; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Purpose. The purpose of this Act is to develop our State's most precious resource, its children and youth, by creating a Youth Development Council, first, to co-ordinate the State's departments and facilities in helping all communities develop and strengthen all child services, preventing delinquency and other types of social maladjustment by developing in all children the spiritual, mental, and physical resources necessary for complete citizenship responsibility and participation; and, secondly to administer the State's correctional facilities by providing a program of constructive training aimed at the rehabilitation and successful re-establishment in society of delinquent children.

Sec. 2. Construction of the Act. This Act shall be liberally construed to accomplish the purpose herein sought.

Sec. 3. Definitions. As used in this Act:

(a) "Council" means the State Youth Development Council.

(b) "Chairman" means the Chairman of the State Youth Development Council.

(c) "Executive Committee" means the Executive Secretary of the Youth Development Council and two (2) members of the Council; one of such members shall be appointed by the Council and the other shall be appointed by the Governor.

(d) "Secretary" means the Executive Secretary of the State Youth Development Council.

(e) "Child" or "Youth" means any resident of this State under 21 years of age.

(f) "Delinquent Child" means any male or female so adjudged under provisions of Sections 3 and 13, of Chapter 204 of the General Laws of the Regular Session of the Forty-eighth Legislature, 1943, (Secs. 3 and 13, Article 2338-1, of Vernon's 1948 Statutes).

(g) "Court" means the Juvenile Court.

Sec. 4. Council Established.

(a) There is hereby created a State Youth Development Council to consist of fourteen members selected as follows: Six members, who are influential citizens in their respective communities and recognized for their interest in the welfare of youth, shall be appointed by the Governor with the consent of the Senate, provided that citizens of Texas now serving as members of Boards or Commissions of the State may be eligible for appointment to this Council, service on said Council to be considered as an extension of their other official duties; and eight State Officers—the Chairman of the State Board of Control, the Executive Director of the State Department of Public Welfare, the Commissioner of Education, the Executive Director of State Hospitals and Special Schools, the State Health Officer, the Director of the Texas Department of Public Safety, the Executive Secretary of the State Parks Board, and the Chairman of the Texas Employment Commission, shall serve ex officio, the service by such State officials on the Council to be considered as additional duties of their present offices, and not as a separate office or employment.

(b) The duties of the six appointed members first mentioned, in addition to serving as regular members of the Council, will be to provide the essential liaison with the public to enlist its support and participation, to channel the public's suggestions to the Council, and to keep the Council's sights trained on the major needs and problems of Texas youth. The term of office of the six appointed members shall be 6 years except that initially two members shall be appointed for a 6-year term, two members for a 4-year term, and two members for a 2-year term. Said members shall be eligible for reappointment. A vacancy for an unexpired term shall be filled by the Governor with the consent of the Senate. The lay members shall

each receive a per diem of Ten Dollars ($10) for not exceeding sixty (60) days for any fiscal year.

(c) Two persons shall be employed by the Executive Committee subject to the approval of the Council to serve at the pleasure of the Council, and shall perform such duties as shall be designated by the Council. Said employees shall devote full time to the work of the Council. Said employees shall receive an annual salary not to exceed Seven Thousand ($7,000) Dollars.

(d) All members of the Council shall receive as expenses that sum provided by Statute for other State employees.

(e) The Council shall hold meetings at the call of its Chairman or Secretary or at the request of any three (3) members at such times and places as its Chairman may determine, but it shall hold not less than six (6) meetings annually.

(f) The State Youth Development Council shall have its office wherever the Council chooses, in such building as shall be designated and approved by the State Board of Control.

Sec. 5. Organization of the Council.

(a) A member of the Council shall be designated by the Governor as its chairman and he shall preside over all meetings of said Council. The Executive Director of the State Department of Public Welfare shall be Executive Secretary of the Council and shall be the executive and administrative officer of the Council. The Executive Secretary and two other members of the Council appointed by that body shall constitute the Executive Committee of the Council, one of which shall be a member of the Council appointed by the Governor.

(b) The Council shall be responsible for the adoption of all policies and may make all rules appropriate to the proper accomplishment of its functions.

(c) The powers and duties of the Council in respect to placement for training and treatment, transfer, release under supervision, and discharge of delinquent children committed to the Council shall be exercised and performed by the Executive Committee and may be delegated to the Executive Secretary. The Executive Secretary may delegate the powers and duties vested in him by this Subsection to any member or employee of the Council, or State employee designated by the Council.

(d) All powers, duties and functions, other than those specified in Subsection (c), granted to or imposed on the Council by any provision of law may be exercised and performed by the Secretary or by any member or employee designated or assigned by the Council or by the Secretary.

(e) For the exercise of other functions than those specified in Subsection (c), eight (8) members of the Council shall constitute a quorum.

Sec. 6. Major Duties and Functions of the Council.

The Council shall:

(a) Carry on a continuing study of the needs of all children in this State and seek to focus public attention on such major needs.

(b) Make studies and provide programs and information to strengthen the family in meeting its responsibility as the fundamental school for integrity and for democratic life.

(c) Inquire into and make recommendations to the appropriate agencies, public or private, on any matter affecting the care, welfare, or behavior of children or youth.

(d) Develop constructive programs to provide, strengthen, and co-ordinate all essential services to all children throughout the State; and to that end cooperate with existing agencies and encourage the establishment of new agencies, both local and Statewide, having as their object service to youth.

(e) Assist local authorities of any county or municipality, when so requested by the governing body thereof, in surveying the needs of their youth and the extent to which these are not being met, and in developing, strengthening, and co-ordinating educational, welfare, health, recreational, and law enforcement programs which have as their object service to youth.

(f) Administer the diagnostic treatment and training, and supervisory facilities and services of the State for delinquent children committed to the State. Manage and direct State Training School facilities and provide for the coordination and combination of such facilities, if deemed advisable by the Council, and for the creation of new facilities within the total appropriations provided by the Legislature.

(g) Before each convening date of the regular session of the Legislature, make a report to the Governor and Legislature of its activities and accomplishments and of its findings as to the major needs of youth in this State. The report shall include specific recommendations for legislation, planned and drafted as part of an integrated, unified, and consistent program to serve the best interests of youth; and recommendations for the repeal of any conflicting, obsolete, or otherwise undesirable legislation affecting youth.

Sec. 7. Cooperation by Other Departments. To effectuate the purpose of this Act and to make maximum use of existing facilities and personnel, it shall be the duty of all departments and agencies of the State government and of all officers and employees of the State, when requested by the Council, to cooperate with it in all activities consistent with their proper function.

Sec. 8. Transfer of Training Schools and other facilities.

The Council shall succeed to and be vested with all rights, powers, duties, facilities, personnel, records, and appropriations for the care and custody of delinquent children now held by the Board of Control, including the Gatesville State School for Boys, the Gainesville State School for Girls, and the Brady State School for Negro Girls.

Sec. 9. Employees. In addition to those employees transferred to the Council by Section 8 of this Act, the Council may employ at compensation provided by the Legislature and within the limits of the amounts appropriated therefor, such medical, psychiatric, and other expert personnel, field representatives, supervisory, institutional, clerical and other employees as are necessary to discharge its duties. The Council shall have power to remove any official or employee for cause, and the decision of the Council in such removals shall be final. The superintendents of the training schools shall have the right to dismiss training school employees with the approval of the Executive Committee. Any unexpended balance remaining in any item of appropriation made by the Legislature for the activity of the Council may, with the approval of the Legislative Audit Committee, be transferred and used for the purpose mentioned in any other item in this measure or in the appropriations made for this Council.

Sec. 10. Power to Accept Gifts. The Council may acept gifts, grants, or donations of money or of property from private sources to effectuate the purpose of this Act. Any and all funds so donated shall be placed in the State Treasury in a special fund called the Youth Development Fund and expended in the same manner as other State moneys are expended, upon warrants drawn by the Comptroller upon the order of the Council. Any of said moneys are hereby appropriated for the purpose of carrying out this Act.

Sec. 11. Referrals from Federal Court. The Council shall have the power to enter into agreements with the Federal government to accept children from the Federal Court for compensation upon which they agree.

Sec. 12. Commitments by Juvenile Courts. When any child is adjudged delinquent under provision of Section 13 of Chapter 204 of the General Laws of the Regular Session of the Forty-eighth Legislature, 1943, (Sec. 13, Article 2338-1, of Vernon's 1948 Statutes), and the Court does not release such child unconditionally, or place him on probation or in a suitable public or private institution or agency other than a State Training School, the court shall commit him to the Council, but may suspend the execution of the order of such commitment.

Sec. 13. Preliminary Disposition by Court.

(a) When the Court commits a child to the Council, it may order him conveyed forthwith to some place of detention approved, or established, or designated by the Council, or may direct that he be left at liberty until otherwise ordered by the Council under such conditions as will insure his submission to any orders of the Council.

(b) The Court shall assign an officer or other suitable person to convey a child to any facility designated by the Council, provided that the person assigned to convey a girl must be a woman. The cost of conveying any child committed to the Council shall be paid by the County from which said child is committed, provided that no compensation shall be allowed beyond the actual and necessary expenses of the party conveying and the child conveyed.

Sec. 14. Effect of Appeal from

Adjudication or Commitment. The right of a child who has been adjudged delinquent to appeal from the adjudication or from the order of commitment shall not be affected by anything in this Act.

Sec. 15. Notification and Duty to Furnish Information. When a court commits a child to the Council, such court shall at once forward to the Council a certified copy of the order of commitment, and the court, the probation officer, the prosecuting and police authorities, the school authorities and other public officials shall make available to the Council all pertinent information in their possession in respect to the case. The reports required by this Section shall, if the Council so requests, be made upon forms furnished by the Council or according to an outline furnished by it.

Sec. 16. Probation Service to Juvenile Courts. The Juvenile Court of any county not having a probation officer may request the Council, with its consent, to make an investigation and report to the court respecting any child against whom an information or petition has been filed charging delinquency; and such court may also, with the consent of the Council, place any child whom it has adjudged delinqent on probation under the supervision of the Council on such terms and conditions as the court may prescribe.

Sec. 17. Diagnosis of Committed Children.

(a) When a child has been committed to the Council, it shall, under rules established by it, forthwith examine and study him and investigate all pertinent circumstances of his life and behavior.

(b) The Council shall make periodic re-examination of all children within its control, except those on release under supervision or in foster homes. These examinations may be made as frequently as the Council considers desirable, and shall be made with respect to every child at intervals not exceeding one year.

(c) The Council shall keep written records of all examinations and of the conclusions based thereon, and of all orders concerning the disposition or treatment of every child subject to its control. All records maintained by such Council shall not be public records; but shall only be available upon the order of a District Court.

(d) Failure of the Council to examine a child committed to it, or to re-examine him within one (1) year of a previous examination, shall not of itself entitle the child to discharge from the control of the Council, but shall entitle him to petition the committing court for an order of discharge, and the court shall discharge him unless the Council upon due notice satisfies the court of the necessity for further control.

Sec. 18. Determination of Treatment. When a child has been committed to the Council, it may:

(a) Permit him his liberty under supervision and upon such conditions as it believes conducive to acceptable behavior; or

(b) Order his confinement under such conditions as it believes best designed for his welfare and the interests of the public; or

(c) Order reconfinement or renewed release as often as conditions indicate to be desirable; or

(d) Revoke or modify any order of the Council affecting a child, except an order of final discharge, as often as conditions indicate to be desirable; or

(e) Discharge him from control when it is satisfied that such discharge will best serve his welfare and the protection of the public.

Sec. 19. Type of Treatment Permitted. As a means of correcting the socially harmful tendencies of a child committed to it, the Council may:

(a) Require participation by him in moral, academic, vocational, physical, and correctional training and activities;

(b) Require such modes of life and conduct as seem best adapted to fit him for return to full liberty without danger to the public;

(c) Provide such medical or psychiatric treatment as is necessary;

(d) Place boys who are physically fit in parks-maintenance camps or forestry camps or boys' ranches owned by the State or by the United States and require boys so housed to perform suitable conservation and maintenance work, provided that the boys shall not be exploited and that the dominant purpose of such activities shall be to benefit and rehabilitate the boys rather than to make the camps self-sustaining.

Sec. 20. State Schools and Other Facilities. The Council shall have the management, government and care of the Gatesville State School for Boys, the Gainesville State School for Girls,

the Brady State School for Negro Girls, and of all other facilities hereafter established by the State for the custody, diagnosis, care and training of delinquent children committed to the State.

Sec. 21. Appointment of Superintendents and Employees. The Council shall, from time to time, appoint a superintendent for each of said schools and institutions, and upon the recommendation of the superintendent, shall appoint all other officials, chaplains, teachers, and employees required at said schools and institutions and shall prescribe their duties. The superintendent of any school or other facility for the care of girls exclusively shall be a woman. The superintendent, with the consent of the Executive Committee, may discharge any employee for cause.

The salaries, compensation, and emoluments of the superintendents and subordinate officials, teachers, and employees shall be fixed as provided by the Legislature.

Sec. 22. Rules and Purposes of Schools and Other Facilities. The Council shall establish rules and regulations for the government of each School and other facilities and shall see that its affairs are conducted according to law and to such rules and regulations; but the purpose thereof and of all education, work, training, discipline, recreation, and other activities carried on in the Schools and other facilities shall be to restore and build up the self-respect and self-reliance of the children and youth lodged therein and to qualify them for good citizenship and honorable employment.

Sec. 23. The Superintendent. The Superintendent shall be a person of high moral character, education and training, and shall have the ability to develop and recommend an aggressive program for youth rehabilitation. He shall take the official oath and shall give a sufficient bond in the sum of Ten Thousand Dollars ($10,000) payable to the Governor or his successors in office, conditioned for the faithful performance of the duties of his office. Such bond shall be approved by the Secretary of State.

Sec. 24. Powers and Duties of the Superintendent. The superintendent of each school or other facility shall:

(a) Have general charge of and be responsible for the welfare and custody of the children lodged therein, and for carrying out the rehabilitative program prescribed by the Council. He shall be a constant resident at the school or facility, and, under the direction of the Council, shall seek to establish relationships and to organize a way of life that will meet the spiritual, moral, physical, emotional, intellectual and social needs of the children under his care as those needs would be met in an adequate home;

(b) See that the buildings and premises are kept in good sanitary order;

(c) Cause to be kept the books of the school or facility fully exhibiting all moneys received and disbursed, the source from which received and purposes for which same is expended. All supplies for the school or facility shall be purchased in the same manner as for other similar institutions. Said books shall give a full record of all products produced, whether sold or consumed, and shall at all times be open for the inspection of the Council, State Auditor, or the Governor.

Sec. 25. Religious Training. The Council shall make provision for the religious and spiritual training of children in its custody and shall require all children in its diagnostic treatment or training facilities who are physically able to attend at least one religious service of his own choice on each Sunday.

Sec. 26. Power to Make Use of Existing Institutions and Agencies.

(a) For the purpose of carrying out its duties, the Council is authorized to make use of law enforcement, detention, supervisory, medical, educational, correctional, segregative, and other facilities, institutions and agencies, within the State. The Council may enter into agreements with the appropriate private or public officials for separate care and special treatment in existing institutions of persons subject to the control of the Council.

(b) Nothing herein shall be construed as giving the Council control over existing facilities, institutions or agencies other than those listed in Section 8, or as requiring such facilities, institutions or agencies to serve the Council inconsistently with their functions, or with the authority of their offices, or with the laws and regulations governing their activities; or as giving the Council power to make use of any private insti-

tution or agency without its consent; or to pay a private institution or agency for services which a public institution or agency is willing and able to perform.

(c) Public institutions and agencies are hereby required to accept and care for delinquent children sent to them by the Council in the same manner as they would be required to do had such children been committed thereto by a juvenile court.

(d) The Council is hereby given the right and shall be required periodically to inspect all public and all private institutions and agencies whose facilities it is using. Every institution and agency, whether public or private, is required to afford the Council reasonable opportunity to examine or consult with children committed to the Council who are for the time being in the custody of the institution or agency.

(e) Placement of a child by the Council in any institution or agency not operated by the Council, or the release of such child from such an institution or agency, shall not terminate the control of the Council over such child. No child placed in such institution or under such an agency may be released by the institution or agency without the approval of the Council.

Sec. 27. Power to Establish Additional Facilities. When funds are available for the purpose, the Council may:

(a) Establish and operate places for detention and diagnosis of all children committed to it;

(b) Establish and operate additional treatment and training facilities, including forestry or parks-maintenance camps and boys' ranches, necessary to classify and segregate and handle juvenile delinquents of different ages, habits and mental and physical condition according to their needs;

(c) Establish facilities to aid children given conditional release or discharged by the Council to find homes and employment and to lead socially acceptable lives.

Sec. 28. Establishment of Camps and Payment of Wages. The Council may establish forestry or parks-maintenance camps independently or in cooperation with the State Parks Board or with Federal departments and officials in charge of national forests and parks within this State. To this end, the Council may enter into contracts with Federal and State departments and officials. The Council may, in cooperation with such Federal and State departments or otherwise, provide for the payment of wages to the boys for the work they do while housed in such forestry or parks-maintenance camps, the sums earned to be paid in reparation, or to the parents or dependents of the boy, or to the boy in such manner and in such proportions as the Council directs.

Sec. 29. Release under Supervision. The Council may release under supervision at any time, and may place children in its custody in their usual homes or in any situation or family that it has approved. The Council may, subject to appropriation, employ agents for investigating places and for visiting and supervising children on placement and may provide for the maintenance, in whole or in part, of any child so placed in charge of any person. The Council may, at any time until the expiration of the period of commitment, resume the care and custody of any child released under supervision.

Sec. 30. Clothing, Money and Transportation Furnished on Release.

(a) The Council shall insure that each child it releases under supervision has suitable clothing, transportation to his home, or to the county in which a suitable home or employment has been found for him, and such an amount of money as the rules of the Council authorize.

(b) The expenditures for clothing and for transportation and the payment of money may be made from funds for support and maintenance appropriated to the Council or to the institution from which such child was released, or from local funds, or from any appropriation specifically made for such purposes by the Legislature of the State of Texas.

Sec. 31. Escape and Apprehension. A boy or girl committed to the Council and placed by it in any institution or facility, who has escaped therefrom, or who has been released under supervision and broken the conditions thereof, may be arrested without warrant by a sheriff, deputy sheriff, constable, police officer, or field officer employed or designated by the Council, and may be kept in custody in a

suitable place and there detained until such boy or girl may be returned to the custody of the Council.

Sec. 32. Transfer of Mentally Ill, Feeble-Minded and Epileptics. Whenever the Council finds that any child committed to it is mentally ill, feeble-minded or an epileptic, the Executive Committee shall have the power to transfer children to any State institution for ninety (90) days observation or emergency treatment, and may make application to the proper court for a new commitment to the appropriate agency in accordance with law.

Sec. 33. Termination of Control. Every child committed to the Council as a delinquent, if not already discharged, shall be discharged or referred back to the court when he reaches his twenty-first birthday.

Sec. 34. Civil Rights. Commitment of a delinquent child to the custody of the Council shall not operate to disqualify such child in any future examination, appointment or application for public service under the government either of the State or of any political subdivision thereof.

Sec. 35. Use of Records. The records of commitment to the Council shall be withheld from public inspection except with the consent of the Council, but such records concerning any child shall be open at all reasonable times to the inspection of the child, his or her parent or parents, guardian or attorney, or any of them. A commitment to the Council shall not be received in evidence or used in any way in any proceedings in any court except in subsequent proceedings for delinquency against the same child, and except in imposing sentence in any criminal proceedings against the same person.

Sec. 36. Evaluation and Improvement of Treatment Methods. The Council shall conduct continuing inquiry into the effectiveness of the treatment methods it employs in seeking the reformation of delinquent children. To this end the Council shall maintain a record of arrests and commitments of its wards subsequent to their discharge from the jurisdiction of the Council and shall tabulate, analyze, and publish biennially these data so that they may be used to evaluate the relative merits of methods of treatment. The Council shall cooperate with the Department of Public Welfare in the collection of statistics and information regarding juvenile delinquency, arrests made, complaints, informations, and petitions filed, and the disposition made thereof, and other information useful in determining the amount and causes of juvenile delinquency in this State.

Sec. 37. Assisting Escape. Whoever shall knowingly aid or assist any child in the custody of the Council to escape or to attempt to escape shall be fined not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500), or be imprisoned in jail not less than thirty (30) nor more than sixty (60) days, or both.

Sec. 38. Biennial Budget. The Secretary shall prepare and submit to the Council, for its approval, a biennial budget of all funds necessary to be appropriated by the Legislature for the Council for the purposes of this Act. The budget so prepared shall be submitted to and filed with the Board of Control by the Council in the form and manner and within the time prescribed by law.

Sec. 39. Biennium Appropriation. There is hereby appropriated out of the General Revenue Fund of the State of Texas for each year of the two year period ending August 31, 1951, the sum of Forty-two Thousand Dollars ($42,000.00) for salaries; per diem, travel, office equipment; furniture; rent; stationery and supplies, postage, freight, printing, research, telephone and telegraph, transportation of children, automotive equipment, gas, oil, and repairs, bond premiums, and books, for operation of the Youth Development Council as set up by this Act.

Sec. 39a. There is hereby appropriated out of the General Revenue Fund of the State of Texas for each year of the two year period ending August 31, 1951, the sum of Thirty-three Thousand Dollars ($33,000.00) for support and maintenance, travel expense, medical care, surgical operations, bond premiums, equipment, rent, general repairs and improvements, supplies, motor vehicles, gas, oil, repairs; contingent expense for the operation of the Diagnostic Center as set up by this Act.

Sec. 39b. There is hereby appropriated out of the General Revenue Fund of the State of Texas for

each year of the two year period ending August 31, 1951, the sum of Sixty Thousand Dollars ($60,000.00) to pay salaries of personnel necessary to carry out the provisions of this Act.

Sec. 39c. No funds herein appropriated shall be expended until the budget for such expenditure shall have been approved by the Legislative Audit Committee.

Sec. 40. There is hereby transferred to the Youth Development Council all moneys appropriated for the two year period ending August 31, 1951, to the School for Delinquent Colored Girls, now located at Brady, Texas; The Gainesville State School for Girls; and the Gatesville State School for Boys, under the provisions of House Bill No. 321, Acts of the Regular Session, 51st Legislature, 1949.

Sec. 40a. The appropriations hereby transferred from the appropriation to the State Hospitals and Special Schools of the State of Texas shall be expended in accordance with the provisions of House Bill No. 321, Acts of the Regular Session, 51st Legislature, 1949, and this Act.

Sec. 41. Constitutionality. If any section, subdivision or clause of this Act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Act.

Sec. 42. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict only.

Sec. 43. Time of Taking Effect. For the purpose of the appointment of six (6) lay members of the Council and of the organization of the Council this Act shall take effect on its passage; for the purpose of the transfer of the State Training Schools to the Council, and all other purposes, this Act shall take effect within one hundred and twenty (120) days of passage; provided that the Council shall have until May 1st, 1950, to assemble the technical staff and provide facilities necessary to make the diagnosis of each child committed to it as required by Section 16.

Sec. 44. Emergency. The fact that Texas does not have a central coordinating agency to utilize existing services of the State for the prevention of delinquency and other types of maladjustment of its children and that the most effective place to deal with juvenile delinquency is in the area of prevention which means a positive development program for all children and youth; and the fact that the State's correctional facilities are not adequate to develop in children the spiritual, mental and physical resources necessary for complete citizenship responsibility; and whereas, there is no public problem more important or more pressing than this; and the further fact that this is one of the major problems confronting the nation as a whole, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—26

Aikin	Lock
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Nays—1

Martin

Absent—Excused

Bullock	Harris
Carney	Jones

Bills Ordered Not Printed

On motion of Senator Bell, it was ordered that H. B. No. 985 be not printed.

On motion of Senator Morris, it was ordered that H. B. No. 990 be not printed.

On motion of Senator Lane, it was ordered that H. B. No. 982 be not printed.

On motion of Senator Strauss, it

was ordered that S. B. No. 502 be not printed.

Senate Bill 503 on First Reading

Senator Taylor moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent—Excused

Bullock	Harris
Carney	Jones

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Taylor:

S. B. No. 503, A bill to be entitled "An Act to reappropriate the unexpended balance of the appropriation contained in H. B. No. 329, Acts 50th Legislature, Ch. 207, page 365 and all funds or moneys as may be received and deposited in the State Treasury from the Veterans' Administration for the reimbursement of salaries and expenses of employees of the State Approval Agency for Veterans' Education under Public Law 346; and declaring an emergency."

To the Committee on Finance.

Motion to Take up House Concurrent Resolution 154

Senator Phillips moved to suspend the regular order of business to take up H. C. R. No. 154 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Ashley	Moore
Bell	Phillips
Bracewell	Proffer
Colson	Strauss
Corbin	Taylor
Kelley of Hidalgo	Tynan
Martin	Vick
McDonald	

Nays—11

Aikin	Lane
Cousins	Lock
Hardeman	Moffett
Hazlewood	Morris
Hudson	Shofner
Kelly of Tarrant	

Absent

Weinert

Absent—Excused

Bullock	Harris
Carney	Jones

House Concurrent Resolution 158

Senator Strauss asked unanimous consent to take up H. C. R. No. 158 for consideration at this time.

The President announced that there was objection.

Senator Strauss then moved to suspend the regular order of business to take up H. C. R. No. 158 for consideration at this time.

The motion prevailed by the following vote:

Yeas—17

Bell	Moffett
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Kelley of Hidalgo	Taylor
Lock	Tynan
Martin	Vick
McDonald	

Nays—7

Aikin	Lane
Bracewell	Morris
Cousins	Weinert
Kelly of Tarrant	

Absent

Ashley Moore
Hudson

Absent—Excused

Bullock Harris
Carney Jones

The President then laid before the Senate:

H. C. R. No. 158, Suspending the Joint Rules to permit consideration of H. B. No. 374.

The resolution was read and was adopted.

Senate Bill 504 on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Taylor:

S. B. No. 504, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred Fifty Thousand ($350,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the 51st Legislature, and to pay any unpaid accounts or expenses of the 50th Legislature; and declaring an emergency."

To the Committee on Finance.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Proffer submitted the following report:

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 964, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PROFFER, Chairman.

Senator Bell submitted the following report:

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 100, 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 mimeographed.

BELL, Chairman.

Senator Taylor submitted the following reports:

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 504, 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.

TAYLOR, Chairman.

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 503, 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.

TAYLOR, Chairman.

Senate Bill 433 on Second Reading

On motion of Senator Bracewell and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 433, A bill to be entitled "An Act to provide for the payment of pensions to indigent soldiers, volunteers and their widows of the Texas Revolution; providing for applications therefor to be made to the County Judge of the county of the residence of the applicant; providing for the same to be forwarded to the Comptroller of Public Accounts; authorizing the Comptroller to pay such pen-

sions after being satisfied as to the genuineness thereof; repealing all laws in conflict herewith to the extent of such conflict; and declaring an emergency."

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

Senate Bill 433 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 433 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent—Excused

Bullock	Harris
Carney	Jones

The President then laid the bill before the Senate on its third reading and final passage.

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

Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent—Excused

Bullock	Harris
Carney	Jones

Bill Ordered Not Printed

On motion of Senator Taylor, it was ordered that S. B. No. 504 be not printed.

Senate Bill 504 on Second Reading

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 504 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent—Excused

Bullock	Harris
Carney	Jones

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 504, A bill to be entitled "An Act making an appropriation of Three Hundred and Fifty Thousand Dollars ($350,000.00) or so much thereof as may be necessary to pay contingent expenses, mileage and per diem of the Fifty-first Legislature; etc., and declaring an emergency."

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

Senate Bill 504 on Third Reading

The President then laid the bill before the Senate on its third reading and final passage.

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

Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent—Excused

Bullock	Harris
Carney	Jones

Report of Conference Committee on Senate Bill 230

Senator Proffer submitted the following report:

Austin, Texas,
June 23, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Hon. Allan Shivers, President of the Senate.

Sirs: We, your committee, appointed to adjust the differences between the House and the Senate on Senate Bill 230, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

On the part of the Senate.
PROFFER
MARTIN
PHILLIPS
LOCK

On the part of the House.
CHEATHAM
SLIMP
WOOD of Smith
PATTISON

By: Proffer S. B. No. 230

A BILL
TO BE ENTITLED

"An Act authorizing rural high school districts, common school districts and independent school districts, including county line districts of any type, and including, under certain conditions, elementary school districts which, without a separate majority vote therein, were annexed to or grouped with other districts under Chapter 59, Acts of the 39th Legislature relating to rural high school districts, to be consolidated in the manner provided in Article 2806, Revised Civil Statutes, as amended; making provisions for the Board of Trustees to serve such consolidated district until the next regular trustee election; providing that districts consolidated under this Act shall constitute independent school districts and be governed by the General Laws relating to independent school districts; validating districts heretofore consolidated in the manner provided in this Act but providing that such validation shall not apply to any district involved in litigation brought by a taxpaying voter therein questioning the validity of such consolidation; enacting other provisions relating to the subject; and declaring an emergency."

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

Section 1. Rural high school districts, (whether formed by grouping or by annexation) common school districts, common county line school districts, independent school districts, and county line independent school districts, including elementary districts which, without a separate majority vote therein, were annexed to or grouped with other districts under Chapter 59, Acts of the 39th Legislature, as amended, relating to rural high school districts, may be consolidated in the manner provided by Article 2806, Revised Civil Statutes, as amended; provided, however, that no such elementary district may be consolidated under this Act with any other district if, at the time of presenting a petition for the consolidation election, the district with which it was attached or grouped has bonds actually outstanding which were voted and issued after it was so annexed or grouped. Provided further, that each such rural high school district included in such consolidation shall be considered as one district for voting purposes in such consolidation election. The proposition to be submitted at the consolidation may specify the name of the district, and such name need not contain the word "consolidated".

Sec. 2. If a majority of the votes cast in each district is in favor of the consolidation, they shall be consolidated, except that the proposition submitted may specify that the districts

in which the majority vote favors consolidation shall be consolidated even though the majority vote in certain districts or a certain number of districts is against consolidation.

Sec. 3. The provisions of Article 2806, as amended, with reference to the Board of Trustees to serve until the next regular trustee election shall be applicable to districts consolidated under this law, unless otherwise provided in the proposition submitted at the consolidation election, in which event the trustees to serve until the next regular trustee election shall be appointed or selected as provided in said proposition.

Sec. 4. Any district formed by a consolidation under this Act shall constitute an independent school district and be governed by the General Laws applicable to independent school districts, and it may thereafter be consolidated with any other district or districts under the provisions of this Act.

Sec. 5. Any district heretofore formed by consolidation in the manner provided in this Act is hereby validated and declared to constitute an independent school district; provided, however, that this validation shall not apply to any consolidation involved in litigation brought by a taxpaying voter therein questioning the validity of such consolidation.

Sec. 6. The fact that the authority to be conferred by this Act is urgently and immediately necessary to enable school districts to make preparations for the next school term, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—27

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Colson	Martin
Corbin	McDonald
Cousins	Moffett
Hardeman	Moore
Hazlewood	Morris
Hudson	Phillips
Proffer	Tynan
Shofner	Vick
Strauss	Weinert
Taylor	

Absent—Excused

Bullock	Harris
Carney	Jones

Senate Bill 505 on First Reading

Senator Ashley moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Absent

Hudson	Weinert

Absent—Excused

Bullock	Harris
Carney	Jones

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Ashley:

S. B. No. 505, A bill to be entitled "An Act authorizing the expenditure of funds set aside in the Constitution for the building of eleemosynary and other state buildings; transferring funds from the Confederate Pension Fund to a fund for use of constructing eleemosynary and other state buildings, providing a procedure therefor and declaring an emergency."

To the Committee on Finance.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 505, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TAYLOR, Chairman.

Senate Bill 502 on Second Reading

On motion of Senator Strauss and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 502, A bill to be entitled "An Act amending Section 2 of Article 2368a of Vernon's Civil Statutes of Texas, being Section 2, Acts 1931, 42nd Legislature, page 269, Chapter 163, as amended by House Bill No. 82, Acts of the 50th Legislature, 1947, Chapter 173, page 283, and as further amended by Senate Bill 436, Acts of the 51st Legislature, 1949; and declaring an emergency."

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

Senate Bill 502 on Third Reading

Senator Strauss moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 502 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

Absent—Excused

Bullock	Harris
Carney	Jones

The President then laid the bill before the Senate on its third reading and final passage.

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

Yeas—24

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Hardeman	Phillips
Hazlewood	Proffer
Hudson	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Absent

Cousins	Weinert
Shofner	

Absent—Excused

Bullock	Harris
Carney	Jones

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

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

S. B. No. 164, A bill to be entitled "An Act authorizing the Governor to execute a compact on behalf of the State of Texas with certain other States, to be known as 'Gulf States Marine Fisheries Compact,' setting out the agreement of the contracting States; the purposes of said compact; etc., and declaring an emergency."

(With amendment.)

S. B. No. 492, A bill to be entitled "An Act providing and making a transfer of the money now in the State Treasury in the Chiropractic Examiners Fund Account No. 140, the amount being a sum of $14,214.02, to the Texas Board of Chiropractic Examiners created by the 51st Legislature to be used by said Board in

defraying its expenses; and declaring an emergency."

(With amendments.)

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 156

The President laid before the Senate for consideration at this time:

H. C. R. No. 156, Instructing the Enrolling Clerk of the House to make certain corrections in H. B. No. 786.

The resolution was read and was adopted.

House Concurrent Resolution 154

On motion of Senator Phillips and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 154, Suspending the Joint Rules to permit the House to consider local and uncontested bills on Wednesday, June 29, 1949.

The resolution was read and was adopted.

Senate Bill 492 with House Amendments

Senator Hardeman called S. B. No. 492 from the President's table for consideration of the House amendments to the bill.

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

Senator Hardeman moved that the Senate concur in the House amendments.

The motion prevailed.

Bills Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 481, A bill to be entitled "An Act amending the second paragraph of Section 11 of Chapter 358 of the Acts of the 49th Legislature, Regular Session, 1945, also known as Article 6053 of Vernon's Annotated Civil Statutes, so as to clarify and specify the kind and amounts of insurance coverage to be carried by every licensee, as described in that Act, and declaring an emergency."

S. B. No. 180, A bill to be entitled "An Act providing for leaves of absence without loss of pay, time, or efficiency rating of all officers and employees of the State of Texas, any county, or political subdivision thereof, including municipalities, who are members of the National Guard of Texas or members of any of the Reserve Components of the Armed Forces, providing that the limitation as to the number of days allowed shall not apply to members of the Legislature, and declaring an emergency."

S. B. No. 338, A bill to be entitled "An Act to permit the leasing of lands subject to any contingent future interest for the development of oil, gas and other minerals; providing for the appointment of a receiver to lease such lands at public or private sale and receive the proceeds thereof and reinvest such proceeds and distribute income and principal to the proper owners under order of the court; providing for notice to all interested persons; providing for certain exceptions of leases where oil or gas wells have already been drilled or where drilling operations have begun on the effective date of this Act; providing further for the written consent of the owner or owners of homestead rights; providing a savings clause; and declaring an emergency."

S. B. No. 33, A bill to be entitled "An Act amending Sections 25, 26, 37 and 38 of Senate Bill 111, Chapter 61, page 100, of the General Laws passed by the Second Called Session of the 41st Legislature, as amended; and declaring an emergency."

H. B. No. 97, A bill to be entitled "An Act providing grants to soil conservation districts; the manner of expenditure and of limiting such grants; providing the manner in which grants shall be made with certain limitations; providing for certification to the State Comptroller for payment of grants; providing for the execution of surety bonds for all employees and officers entrusted with funds or property; providing for the keeping of a full record of proceedings; providing for a biennial audit of the accounts of receipts and disbursements; etc.; and declaring an emergency."

Senate Concurrent Resolution 77

Senator Bell offered the following resolution:

S. C. R. No. 77, Instructing the enrolling clerk of the House to delete an amendment in H. B. No. 84.

Be it resolved by the Senate of Texas, the House of Representatives of Texas concurring:

The rules of the Senate and of the House, as well as joint rules of the two Houses which would prevent the Senate, without such bill being in its possession, from reconsidering the vote by which Senate Amendment No. 21, by Vick, to House Bill No. 84 was adopted, are suspended hereby, so that such amendment may now be reconsidered; be it further

Resolved, That the vote by which such amendment was adopted is reconsidered hereby, and the Senate here now refuses to adopt such amendment, and the House concurs in such action of the Senate; be it further

Resolved, That upon the passage of this resolution by both the Senate and the House by a vote of two-thirds of those present and voting in each House, the enrolling clerk of the House is instructed to omit and delete such amendment in enrolling the bill; be it further

Resolved, That the enrolling clerk of the House is instructed hereby to renumber the paragraphs and subsections in House Bill No. 84 where necessary to make their numbers consecutive.

The resolution was read.

On motion of Senator Bell and by unanimous consent, the resolution was considered immediately.

Question—Shall the resolution be adopted?

Recess

On motion of Senator Aikin, the Senate at 12:15 o'clock p.m., took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by the President pro tempore.

Senate Concurrent Resolution 77

The Senate resumed consideration of pending business, same being S. C. R. No. 77.

Question—Shall the resolution be adopted?

Question recurring on the resolution, it was adopted by the following vote:

Yeas—22

Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Kelly of Tarrant	Tynan
Lane	Vick

Nays—1

Aikin

Absent

Hudson	Taylor
Kelley of Hidalgo	Weinert
Moore	

Absent—Excused

Bullock	Jones
Harris	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 29, 1949.

Hon. Allan Shivers, President of the Senate.

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

H. C. R. No. 155, Granting permission to the City of Austin to institute suit against the State of Texas to establish the title to a certain area or tract of land within the City of Austin.

In accordance with the request of the House by the adoption of H. S. R. 271, I am hereby requested to withdraw my certification from the amendment of the caption of S. B. 164 and the Senate is hereby requested to permit same.

S. C. R. No. 77, Authorizing the Enrolling Clerk of the House of Representatives to make certain corrections in House Bill No. 84.

The House has granted request of the Senate for the return of H. B. No. 938.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 91. The following have been appointed on the part of the House:

Bergman, Mangum, Heflin, Bell, Cheatham.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

(President in the Chair.)

House Bill 936
on Passage to Third Reading

The President laid before the Senate as unfinished business, on its passage to third reading:

H. B. No. 936, A bill to be entitled "An Act requiring all State Boards having State-wide jurisdiction to deposit all sums of money now in their hands or under their control and all sums of money that may be collected by them in the future into the State Treasury and to be expended as provided by law; repealing all laws in conflict; and declaring an emergency."

The bill having been read second time on Thursday, June 23, 1949.

Question—Shall the bill be passed to third reading?

Senator Aikin offered the following amendment to the bill:

Amend House Bill No. 936 by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1. Effective September 1, 1949, all State Boards, whether created by the Constitution or by Statate, having State-wide jurisdiction shall deposit all moneys in their hands or under their control and all moneys that may be collected by them in the future, into the State Treasury. Said moneys shall be credited to the accounts of the various Boards, and each account shall be carried in the name of the Board by whom said moneys are deposited. All moneys deposited into the State Treasury pursuant to the provisions of this Act shall be expended as provided by law. Provided, however, that this Act shall not apply to local and special funds of State Hospitals and Special Schools and the Texas Prison System. Provided, however, purchases from Venereal Disease Control Funds used for Rapid Treatment Center operations, shall be considered as emergency purchases by the Board of Control and may be withdrawn upon presentation of vouchers approved by the State Health Officer."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend the bill by adding the following language at the end of the Aikin amendment: "Provided further that this Act shall not apply to the funds of the State Board of Plumbing Examiners."

On motion of Senator Hardeman, the amendment was tabled.

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill 936 by adding a new Section to be numbered Section 1a, which Section shall read as follows:

"Section 1a. The term 'State Boards' as used in this Act shall mean and include all State Boards, bureaus, commissions, associations, authorities, agencies, and departments."

Senator Hardeman moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—20

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Carney	Morris
Cousins	Phillips
Hardeman	Proffer
Kelly of Tarrant	Shofner
Lane	Tynan
Lock	Vick

Nays—3

Corbin	Strauss
Hazlewood	

Absent

Colson	Taylor
Hudson	Weinert
Kelley of Hidalgo	

Absent—Excused

Bullock
Harris
Jones

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill No. 936, by adding a new section to be properly numbered, which said section shall read as follows:

"Provided, however, that this Act shall not apply to any licensing board that is maintained solely from fees collected by said board as examination and licensing fees."

Senator Hardeman moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—17

Aikin
Ashley
Bell
Bracewell
Carney
Cousins
Hardeman
Kelly of Tarrant
Lane
Lock
Martin
McDonald
Moffett
Moore
Phillips
Proffer
Tynan

Nays—5

Corbin
Hazlewood
Morris
Strauss
Vick

Absent

Colson
Hudson
Kelley of Hidalgo
Shofner
Taylor
Weinert

Absent—Excused

Bullock
Harris
Jones

On motion of Senator Hardeman and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

Motion to Place House Bill 936 on Third Reading

Senator Hardeman moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 936 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the members present):

Yeas—13

Aikin
Ashley
Bracewell
Carney
Hardeman
Kelly of Tarrant
Lane
Lock
Martin
McDonald
Moore
Taylor
Tynan

Nays—9

Bell
Corbin
Hazlewood
Morris
Phillips
Proffer
Shofner
Strauss
Vick

Absent

Colson
Cousins
Hudson
Kelley of Hidalgo
Moffett
Weinert

Absent—Excused

Bullock
Harris
Jones

House Bill 987 on Second Reading

On motion of Senator Tynan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 987, A bill to be entitled "An Act amending Sections 1 and 2 of H. B. No. 24, Acts 51st Legislature, Regular Session, 1949, so as to change the period of time in which the tax remission will begin; and declaring an emergency."

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

House Bill 987 on Third Reading

Senator Tynan moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 987 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Martin
Ashley	McDonald
Bell	Moore
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lock	Vick

Nays—1

Lane

Absent

Colson	Moffett
Hudson	Weinert
Kelley of Hidalgo	

Absent—Excused

Bullock	Jones
Harris	

The President then laid the bill before the Senate on its third reading and final passage.

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

Yeas—22

Aikin	Martin
Ashley	McDonald
Bell	Moore
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lock	Vick

Nays—1

Lane

Absent

Colson	Moffett
Hudson	Weinert
Kelley of Hidalgo	

Absent—Excused

Bullock	Jones
Harris	

(Senator Taylor in the Chair.)

Bill Ordered Not Printed

On motion of Senator Ashley, it was ordered that S. B. No. 505 be not printed.

Leave of Absence Granted

Senator Strauss was granted leave of absence for the remainder of the day and for tomorrow on account of important business on motion of Senator Shofner.

House Bill 969 on Final Passage

On motion of Senator Cousins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its final passage:

H. B. No. 969, A bill to be entitled "An Act to amend Title 82 of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto a new Article entitled Article 5142C, providing for the establishment of a Juvenile Board in counties containing a population of not less than one hundred and ninety thousand (190,000) inhabitants, nor more than two hundred and twenty-four thousand (224,000) inhabitants, according to the last preceding or any future Federal Census, general or special, and providing for the appointment of Chief Probation Officers, Assistant Probation Officers and Superintendents of juvenile institutions in such counties; etc.; and declaring an emergency."

The bill having been read third time and passed on Tuesday, June 21, 1949, and a motion to reconsider the vote by which the bill was passed and to request the House to return the bill to the Senate, for further consideration having been made and adopted on Thursday, June 23, 1949.

Question—Shall the bill be passed?

Senator Cousins offered the following amendment to the bill:

Amend H. B. 969, Section 5 of Article 5142c, by adding the following to said Section after the word "Assistants":

"Provided further that the Commissioners Court of said County shall out of the General Fund provide funds for all necessary expenses needed to properly carry out the duties of the Juvenile Officer and his assistants, in such amounts as recommended by the Juvenile Board, subject to the approval of the Commissioners' Court."

The amendment was adopted by the following vote:

Yeas—21

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Morris
Carney	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Lane	Tynan
Lock	Vick
Martin	

Absent

Colson	Kelley of Hidalgo
Hazlewood	Kelly of Tarrant
Hudson	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

Question—Shall the bill be passed?

The bill was passed by the following vote:

Yeas—22

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Carney	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick

Absent

Colson	Kelley of Hidalgo
Hazlewood	Weinert
Hudson	

Absent—Excused

Bullock	Jones
Harris	Strauss

Committee Substitute
House Bill 820 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 820, A bill to be entitled "An Act to amend Section 2 of Chapter 569, Acts of the 47th Legislature, Regular Session, 1941, being Article 4413b-1, Vernon's Annotated Civil Statutes, so as to provide for additional members and organizations of the Texas Commission on Interstate Cooperation; and amending Chapter 569, Acts of the 47th Legislature, Regular Session, 1941, by adding thereto a new Section to be known as Section 4a, providing for cooperation with the other states, their officials and Commissions on Interstate Cooperation in opposing Federal ownership and control of submerged lands and presenting facts and arguments before the Committees of Congress in support of continued State ownership of such property; providing other duties and authority of the Commission; making an appropriation for the accomplishment of such purposes; and declaring an emergency."

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

Committee Substitute
House Bill 820 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 820 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Hazlewood	Tynan
Lane	Vick
Lock	

Absent

Hudson	Kelly of Tarrant
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

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

Yeas—23

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Absent

Hardeman	Kelley of Hidalgo
Hudson	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

Request of House Granted

On motion of Senator Phillips, the request of the House to withdraw the certification of the Chief Clerk of the House from the amendment to the caption of S. B. No. 164 was granted.

Report of Conference Committee on Senate Bill 222

Senator Proffer submitted the following report:

Austin, Texas,
June 23, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Hon. Allan Shivers, President of the Senate.

Sirs: We, your committee, appointed to adjust the differences between the House and the Senate on Senate Bill 222, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

On the part of the Senate.
PROFFER
MOFFETT
MARTIN
KELLY of Tarrant

On the part of the House.
SLIMP
BRADSHAW
WAGONSELLER
LOVING

Senate Bill No. 222 By: Proffer

A BILL
TO BE ENTITLED

"An Act granting the consent of the State of Texas to the acquisition by the United States of land in the state needed for programs and works of improvement in the interest of flood control; providing that this Act shall apply only to the counties in the Trinity Watershed lying wholly within the 22nd Senatorial District; and declaring an emergency."

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

Section 1. The consent of the State of Texas is hereby given to the acquisition by the United States by purchase, gift, or condemnation with adequate compensation, of such lands, or any right or interest therein, in Texas as in the opinion of the Government of the United States may be needed for programs and works of improvement for run-off and waterflow retardation and soil erosion prevention, or other purposes, in the interest of flood control, within the State. Provided, that such lands may be acquired subject to reservations of rights-of-way, timber, minerals, and easements, provided further, that 1% of the purchase price be remitted per annum in lieu of taxes to the County and School Districts. Provided further, that nothing herein shall be construed as consenting to the acquisition of any lands by condemnation unless the apparent owner of such lands shall have consented to such acquisition; and provided further, that the State shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil process in all cases, and such criminal process as may issue under the authority of the state against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this Act had not passed.

Sec. 2. Power is hereby conferred upon the Congress of the United States to pass such laws and to make or provide for the making of such rules and regulations of both a civil and criminal nature, and to provide punishment for the violation thereof, as in its judgment may be necessary for the administration, control and protection of such lands as may be

from time to time acquired by the United States under the provisions of this Act.

Nothing contained in this Act shall be applicable to any county or counties in Texas except the counties in the Trinity Watershed lying wholly within the 22nd Senatorial District.

Sec. 3. The fact that the control of floods is a matter of major importance to the people of this State, and the fact that the passage of this Act will expedite the acquisition of lands needed by the United States for carrying out measures in aid of flood control, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

(President in the Chair)

House Bill 988 on Second Reading

On motion of Senator Phillips and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 988, A bill to be entitled "An Act validating, ratifying, approving and confirming certain proceedings and bonds heretofore had or authorized by cities for the construction and equipment of a municipal garage and for the construction of a municipal public park band shell, either or both; providing that this Act shall not apply to any proceedings or bonds the validity of which has been contested in any pending suit or litigation; and declaring an emergency."

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

House Bill 988 on Third Reading

Senator Phillips moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 988 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Hazlewood	Tynan
Kelly of Tarrant	Vick
Lane	

Absent

Hudson	Moore
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

The President then laid the bill befor the Senate on its third reading and final passage.

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

Yeas—23

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Hazlewood	Tynan
Kelly of Tarrant	Vick
Lane	

Absent

Hudson	Moore
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

House Bill 850 on Second Reading

On motion of Senator Bracewell and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 850, A bill to be entitled "An Act amending Article 1433, Revised Civil Statutes, 1925; so as to permit authorized water corporations

to lay their pipes, mains and conductors and other fixtures for conducting water through, under, along, across and over all public roads, streets and waters lying and situated outside the territorial limits of any such city, town, or village in such manner as not to incommode the public in the use of such roads, streets and waters, and declaring an emergency."

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

House Bill 850 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 850 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick

Absent

Ashley	Kelley of Hidalgo
Hazlewood	Weinert
Hudson	

Absent—Excused

Bullock	Jones
Harris	Strauss

The President then laid the bill before the Senate on its third reading and final passage.

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

Yeas—23

Aikin	Hardeman
Ashley	Hazlewood
Bell	Kelly of Tarrant
Bracewell	Lane
Carney	Lock
Colson	Martin
Corbin	McDonald
Cousins	Moffett
Moore	Taylor
Morris	Tynan
Phillips	Vick
Proffer	

Absent

Hudson	Shofner
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

House Bill 964 on Second Reading

On motion of Senator Proffer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 964, A bill to be entitled "An Act to amend Sections 2 and 3 of Article II, S. B. 115, Acts of the Fifty-first Legislature, Regular Session, 1949, so as to clarify the terms of office of the members of the State Board of Education; changing the time of notice of holding a special election with the board members in 1950 divorcing a holding of the regular election of board members from the local Board of Trustees and placing it in the hands of the general election officials of this State; providing the candidates to the State Board election shall be nominated in a primary election as is provided by the general election laws of this State regulating primaries; providing that such nominees shall have their names placed on the general election ballot and declaring an emergency."

The bill was read second time.

Senator Proffer offered the following committee amendment to the bill:

(Committee Amendment No. 1)

Amend House Bill No. 964 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Senate Bill No. 115, Acts of the Fifty-first Legislature, is hereby amended by changing Article II so that said Article II shall read hereafter as follows:

"Article II. Sec. 1. There is hereby created the State Board of Education, to consist of twenty-one (21)

members. One (1) member of the State Board of Education shall be elected from each of the twenty-one (21) Congressional Districts of the State of Texas.

"Sec. 2. A special election shall be held in each of the twenty-one (21) Congressional Districts of the State of Texas on the second Tuesday in November, 1949, for the purpose of electing the members of the State Board of Education, such members so elected to hold office until January 1, 1951.

"Sec. 3. At a special election to be held on the same date as the General Election in 1950 there shall be elected from each of the Congressional Districts a member of the State Board of Education. The members of said Board elected at said special election in 1950 in Districts 1, 2, 3, 4, 5, 6 and 7 shall serve for a term of two (2) years beginning January 1, 1951; the members of said Board elected at said special election in 1950 in Districts 8, 9, 10, 11, 12, 13 and 14 shall serve for a term of four (4) years beginning January 1, 1951; and the members of said Board elected at said special election in 1950 in Districts 15, 16, 17, 18, 19, 20 and 21 shall serve for a term of six (6) years beginning January 1, 1951. A special election shall be held on each General Election day thereafter for the purpose of electing seven (7) members successively to said Board who shall serve six (6) year terms respectively beginning each January 1 after General Election.

"Sec. 4. In case of resignation or death of a member of said Board, or other vacancy, the State Board of Education shall fill such vacancy by appointment from the affected district until a successor is duly elected and qualified. At the next election held for the purpose of electing members to said Board (held on the same date as the General Election) there shall be elected members to said State Board of Education to fill the unexpired term of all vacancies; however, should said vacancy occur at a time when it is impossible to place the names of candidates for said office upon the ballot, said vacancy shall be filled by an election at the next ensuing special election for the unexpired term.

"Sec. 5. The proclamation by the Governor ordering said above mentioned special election on the second Tuesday in November, 1949, and all succeeding proclamations by the Governor ordering the ensuing special elections as herein provided, shall be issued not less than forty-five (45) days prior to the election and mailed to the several County Judges. The Governor is hereby authorized to include within said proclamations any and all matters necessary to be stated for the calling and conducting of said special elections not herein provided. Copies of said proclamation shall be mailed to the several County Judges of the counties wherein said special election is to be held, and said County Judges shall cause notice of said election to be posted in each election precinct at least thirty (30) days prior to the date of said election. Posting of said notices shall be made by the Sheriff or any Constable. Except as herein otherwise provided, said election shall be held and conducted in accordance with the general election laws.

"Sec. 6. Any person desiring to become a candidate in any of said above mentioned special elections shall not less than forty (40) nor more than sixty (60) days prior to the date of said election file a sworn application with the Secretary of State, stating therein his name, address, age, number of years of continuous residence in the District in which he resides, and that he is not ineligible for any reason to serve as a member of said Board; and also within such time one hundred (100) or more of the resident qualified voters in each respective district may petition the Secretary of State to file the name of any qualified person of such district as a candidate in such election. Such petition shall state the candidate's name, address, age, number of years of continuous residence in the District in which he resides, and that he is not ineligible for any reason to serve as a member of said Board. Either of said actions shall constitute any qualified person a candidate. Not later than thirty-six (36) days prior to the date of each of said elections the Secretary of State shall conduct a drawing at his office in Austin, Texas, to determine by lot the order of names on the ballot in each of said Districts in which said election is held, the procedure to be followed in said drawing to be determined by the Secretary of State. Not later than thirty (30) days prior to the date of each of said elections, the

Secretary of State shall prescribe the form of ballot and any other blanks necessary to be used in said elections, and shall furnish a copy of same to each County Judge of each county in which said election is held. The Commissioners' Court of each county in which said election is held shall furnish the ballots and any other necessary election forms and supplies necessary to conduct said election. Unless otherwise provided by the Commissioners' Court, the General Election officers shall hold the elections herein provided. The returns of said elections shall be made to the Secretary of State within five (5) days after the date of such an election and such returns shall be canvassed by the Secretary of State within fifteen (15) days after said election and the Secretary of State shall issue a certificate of election to the person in each District receiving the highest number of votes.

"Sec. 7. The terms of office of the members of the State Board of Education shall begin on January 1 following special election, provided, however, that the terms of all members of said Board elected in the special election on the second Tuesday in November, 1949, shall begin upon certification by the Secretary of State of said election. Each member of said Board shall subscribe to the official oath of office and give bond in the amount of Ten Thousand ($10,000.00) Dollars payable to the Governor of the State of Texas, conditioned upon the faithful performance of his duties.

"Sec. 8. Said Board shall hold regular meetings in the City of Austin, Texas, on the first Monday in January, March, May, July, September and November, and it may hold such other meetings as shall be scheduled by it in formal sessions and as shall be called by the Chairman. In January of each year following each special election and the qualification of new members, at its regular meeting, the State Board of Education shall organize, adopt rules of procedure, and elect a Chairman, Vice-Chairman and Secretary. Provided, however, that a meeting of the Board members elected at the special election on the second Tuesday in November, 1949, shall be called by the Secretary of State within ten (10) days after said returns have been canvassed, or as soon as practicable thereafter, at which time said Board shall organize, adopt rules of procedure, elect a Chairman, Vice-Chairman and Secretary, and at such meeting, or as soon as practicable thereafter, said Board shall elect a State Commissioner of Education whose term shall begin immediately upon election by said Board and shall run until May 31, 1953, subject to confirmation by the Senate and removal by the State Board of Education as provided for in this Act. No meeting of the State Board of Education shall be held unless attended by fourteen (14) members or more, which number shall constitute a quorum of said Board for the transaction of all business, except filling vacancies of said Board when said Board consists of less than fourteen (14) members. Members of said Board shall receive no salary, but shall be reimbursed for full expenses incurred in attending meetings of the Board.

"Sec. 9. No person who holds an office under the State of Texas or any political subdivision thereof, or who holds employment or receives any compensation for services from the State or any political subdivision thereof, except retirement benefits paid by the State of Texas or the Federal Government, or any person engaged in organized public educational activity, shall be eligible to serve on said Board or be elected thereto. No person shall be elected from or serve in a district who is not a bona fide resident thereof, with five (5) years continuous residence therein, prior to his election. No person shall be eligible to serve on said Board or be elected thereto unless he shall be a citizen of the United States, a qualified elector of his district, and shall have attained the age of thirty (30) years. The total amount authorized to be expended furthering or opposing the candidacy of any person as a member of the State Board of Education shall not exceed One Thousand Five Hundred ($1,500.00) Dollars.

"Sec. 10. It is hereby declared to be unlawful for any person, group of persons, organizations, corporations, or any other person of whatever nature who is engaged in the manufacturing, shipping, selling, storing, advertising, or in any other manner connected with the textbook business to make financial contribution to, or to take part in, directly or

indirectly, the campaign of any person seeking to become a member of the Board of Education established by this Act. It is likewise declared to be unlawful for anyone whomsoever interested in the selling of bonds of any type whatsoever to make a contribution to or take part in, directly or indirectly, the campaign of any person seeking to be elected to said Board. Anyone convicted of violating the provisions of this Section shall be fined not less than Five Hundred ($500.00) Dollars nor more than One Thousand ($1,000.00) Dollars and/or shall be sentenced to serve a jail term of not less than ninety (90) days nor more than one hundred eighty (180) days."

Section 2. Senate Bill No. 115, Acts of the Fifty-first Legislature, which contains an expression of emergency, is hereby declared to be an emergency, and the Legislature hereby directs that said Senate Bill No. 115, as hereby amended, shall take effect and be in force from and after the passage of this Act and it is so enacted.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict. If any clause, sentence, paragraph, or section of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Section 4. The need for setting the special election provided for herein on the second Tuesday in November so as to coincide with an election date already set, thereby saving the expense of a special election, and the importance of this Act, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

Senator Proffer offered the following committee amendment to the bill:

(Committee Amendment No. 2)

Amend House Bill No. 964 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL
TO BE ENTITLED

"An Act amending Senate Bill No. 115, Acts of the Fifty-first Legislature, by changing Article II; creating the State Board of Education and dividing the State into Educational Districts for the purpose of selecting members thereof; providing for the election, qualifications and terms of office of members of the State Board of Education; providing an official oath of office and bond for members of the State Board of Education; making certain persons ineligible for service on said Board; providing for special elections for the purpose of filling vacancies on said Board and for filling such vacancies by appointment until filled by election; providing the manner in which persons may become or be made candidates for election to said Board in the elections herein provided for; designating the persons qualified to vote in the elections herein provided for; limiting the money authorized to be expended for the purpose of furthering or opposing the candidacy of any person for election to said Board; prohibiting certain persons, groups of persons, organizations and corporations from making financial contributions to, or taking part in, the campaign of any person to become a member of said Board and prescribing penalties for anyone convicted of violating the same; providing for organization of said Board, election of officers and a State Commissioner of Education, adoption of rules of procedure and meetings of said Board; providing that members of said Board shall serve without salary and be reimbursed for expenses of attending meetings of said Board; providing that the Act hereby amended shall take effect and be in force from and after the passage of this Act; repealing conflicting laws or parts of laws; containing a savings clause; and declaring an emergency."

The committee amendment was adopted.

The bill was passed to third reading.

House Bill 964 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be sus-

pended and that H. B. No. 964 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Absent

Hazlewood	Kelley of Hidalgo
Hudson	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

The President then laid the bill before the Senate on its third reading and final passage.

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

Yeas—23

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Absent

Hazlewood	Kelley of Hidalgo
Hudson	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

Conference Committee Reports on House Bills 319, 320, 321 and 322 Ordered Printed in Supplement

On motion of Senator Taylor and by unanimous consent, the Conference Committee Reports on H. B. Nos. 319, 320, 321 and 322 were ordered printed in a supplement to today's Journal.

House Bill 957 on Second Reading

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 957, A bill to be entitled "An Act fixing the salaries of the sheriff and deputy sheriffs in certain counties; repealing all laws to the extent of the conflict; and declaring an emergency."

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

House Bill 957 on Third Reading

Senator Lock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 957 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Absent

Hazlewood	Kelley of Hidalgo
Hudson	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 243 on Second Reading

On motion of Senator Ashley and by unanimous consent, the regular or-

der of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 243, A bill to be entitled "An Act to amend Sections 1 and 2 of Acts 1945, 49th Legislature, Chapter 12, page 16 and declaring an emergency."

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

House Bill 243 on Third Reading

Senator Ashley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 243 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Morris
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Cousins	Taylor
Kelly of Tarrant	Tynan
Lock	Vick
Martin	

Nays—1

Hardeman

Absent

Hazlewood	Lane
Hudson	Weinert
Kelley of Hidalgo	

Absent—Excused

Bullock	Jones
Harris	Strauss

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution on First Reading

The following resolution received from the House today, was laid before the Senate, read and referred to the committee indicated:

H. C. R. No. 155, To the Committee on Civil Jurisprudence.

Committee Substitute House Bill 440 on Second Reading

On motion of Senator Carney and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 440, A bill to be entitled "An Act to amend H. B. No. 120, Acts of the R. S. of the 50th Legislature, Ch. 452, page 1049, providing for adult probation and parole; making an appropriation; containing a savings clause; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Carney offered the following amendment to the bill:

Amend C. S. H. B. 440 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That House Bill No. 120, Acts of the Regular Session of the Fiftieth Legislature, Chapter 452, page 1049, be, and the same is hereby amended so as hereafter to read as follows:

"Section 1. The county courts, county courts at law, district courts, criminal district courts and any special courts created by the Legislature having such jurisdiction, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as of the defendant, will be served thereby, shall have the power after conviction, both before and after appeal, if any, or a plea of guilty for any crime or offense, and where the punishment assessed is not more than ten (10) years, to suspend the imposition or the execution of the punishment or sentence and may place the defendant on probation for the maximum period of the sentence imposed, or if no sentence has been imposed, for the maximum period for which the defendant might have been sentenced, or impose a fine applicable to the offense committed and also place the defendant on probation as hereinafter provided, and in cases where a fine only is imposed for the violation committed, such probation in lieu of payment of

the fine as the court in its discretion may deem proper. It is expressly understood that in each case of Driving While Intoxicated where the Defendant is convicted, the Judge trying such case may, in his discretion, determine whether or not said Defendant's Drivers' License shall be suspended as provided for under Art. 6687b, Vernon's Annotated Civil Statutes, and may remit the fine or jail sentence and place the Defendant on probation. Any person placed on probation shall be under the supervision of such court and of a probation officer serving such court as hereinafter provided.

"Section 2. When directed by the court a probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of the defendant. Whenever practicable, such investigation shall include a physical and mental examination of the defendant. If a defendant is committed to any institution the probation officer shall send a report of such investigation to the institution at the time of commitment.

"Section 3. Such Court shall determine the terms and conditions of probation and may at any time during the period of probation alter or modify the conditions and may include among them the following, or any other the probationer shall:

"(a) Commit no offense against the laws of this or any other State or the United States:

"(b) Avoid injurious or vicious habits;

"(c) Avoid persons or places of disreputable or harmful character;

"(d) Report to the probation officer as directed;

"(e) Permit the probation officer to visit him at his home or elsewhere;

"(f) Work faithfully at suitable employment as far as possible;

"(g) Remain within a specified place;

"(h) Pay his fine, if one be assessed, in one or several sums, and make restitution or reparation in any sum that the court shall determine; and

"(i) Support his dependents.

"Section 4. The period of probation shall be determined by such courts and may at any time be modified or terminated by such courts. Upon the satisfactory fulfillment of the conditions of probation, and the expiration of the period of probation, such courts, by order duly entered, shall discharge the defendant. In case the defendant has been convicted or has entered a plea of guilty, and the courts have discharged the defendant hereunder, such courts may set aside the verdict or permit the defendant to withdraw his plea, and shall dismiss the accusation, complaint, information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted or to which he has pleaded guilty, except that proof of his said conviction or pleas of guilty shall be made known to the court should the defendant again be convicted of any criminal offense.

"Section 5. When no probation officer is available in any county in which a probationer may be lawfully residing, under the provisions of this Act, the Judge of the district, criminal district, county court, or county court at law which granted probation to said probationer may appoint a suitable person in such county as probation officer. The probation officer appointed shall file his reports to the Judge of the court making the appointment.

"Section 6. If, for good and sufficient reasons, probationers desire to change their residence within or without the State, such transfer may be effected by application to their supervising probation officer, which transfer shall be subject to the court's consent and subject to such regulations as the court may require in the absence of a probation officer in the locality to which probationer may be transferred.

"Section 7. At any time during the period of probation such courts may issue a warrant for violation of any of the conditions of the probation and cause the defendant to be arrested. Any probation officer, police officer or other officer with power of arrest may arrest such defendant without a warrant upon the request of the judge of such courts. A probationer so arrested may be detained in the county jail or other appropriate place of detention until he can be taken before the court. Such probation officer shall forthwith report such arrest and detention to such courts and submit in writing a report showing in what manner the probationer has violated his probation. Thereupon, the court shall cause the defendant to be

brought before it and, after a hearing without a jury, may continue or revoke the probation and shall in such case proceed to deal with the case as if there had been no probation. Any probationer who removes himself from the State of Texas without permission of the court placing him on probation or the court to which jurisdiction he has been transferred shall be deemed and considered a fugitive from justice and shall be subject to extradition as now provided by law. No part of the time that the defendant is on probation shall be considered as any part of the time that he shall be sentenced to serve. The right of the probationer to appeal to the Court of Criminal Appeals for a review of the trial and conviction as provided by law shall be accorded the probationer at the time he is placed on probation; but in the event such conviction is affirmed, the Court, in its discretion, may place the defendant on probation after the return of the mandate from the appellate court, and the taking of an appeal shall not prevent the granting of probation as herein provided for. There shall be no appeal from the order of the Court revoking probation after the Defendant has accepted such probation and the conviction has become final.

"Section 8. The Board of Pardons and Paroles created by the Constitution of this State in Section 11, Article 4 thereof, shall administer the provisions of this Act in as far as it applies to paroles, and shall hereinafter be referred to as 'the Board'.

"Section 9. When no parole officer is available in any county to which a parolee has been paroled and in which he is lawfully residing under the provision of this act the Board of Pardons and Parole may designate a suitable person in such county to perform the duty of parole officer for such parolee. Said parole officer shall make such reports to the parole board as the board may deem necessary. The Board shall furnish such stationery and supplies as may be needed for said report.

"Section 10. The members of the Board shall give full time to the duties of their office and shall be paid a salary of Six Thousand ($6,000.00) Dollars annually. The members of the Board shall elect one of their number as chairman, who shall serve for a period of two years and until his successor is elected, and qualified.

"The Board shall meet at the call of the chairman and from time to time as may otherwise be determined by majority vote of the Board. A majority of the Board shall constitute a quorum for the transaction of all business.

"Section 11. The Board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the Board shall be by majority vote. The Board shall keep a record of its acts and shall notify each institution of its decisions relating to the persons who are to have been confined therein. At the close of each fiscal year the Board shall submit to the Governor and to the Legislature a report with statistical and other data of its work. All minutes of the Board and decisions relating to parole, pardon and clemency shall be matters of public record and subject to public inspection at all reasonable times.

"Section 12. The necessary office quarters shall be provided for the Board in the manner that the same are furnished to other departments, boards, commissioners, bureaus and offices of the State.

"Section 13. The Board is hereby authorized to release on parole with approval of the Governor any person confined in any penal or correctional institution in this State, except persons under sentence of death, who has served one-third of the maximum sentence imposed, provided that in any case he may be paroled after serving fifteen years. All paroles shall issue upon order of the Board, duly adopted and approved by the Governor. Within one year after his admission and at such intervals thereafter as it may determine, the Board shall secure and consider all pertinent information regarding each prisoner, except any under sentence of death, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment and attitude in prison, and the reports of such physical and mental examination as have been made. Before ordering the parole of any prisoner, the Board may have the prisoner appear before it and interview him. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered to be a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and

when the Board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner while on parole shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

"It shall be the duty of the Board at least ten (10) days before ordering the parole of any prisoner or upon the granting of executive clemency by the Governor to notify the Sheriff, the District Attorney and the District Judge in the county where such person was convicted that such parole or clemency is being considered by the Board or by the Governor.

"If no parole officer has been assigned to the locality where a person is to be released on parole or executive clemency the Board shall notify a voluntary parole officer as provided for in this act; prior to the release of such person. The Board shall request such Volunteer Parole Officer for information which would herein be required of any duly appointed parole officer. This shall not however preclude the Board from requesting information from any agency in such locality.

"Section 14. It shall be the duty of any Judge, District Attorney, County Attorney, police officer or other public official of the State, having information with reference to any prisoner eligible for parole, to send in writing such information as may be in his possession or under his control to the Board, upon request of any member or employee thereof.

"Section 15. It shall be the duty of all prison officials to grant to the members of the Board, or its properly accredited representatives, access at all reasonable times to any prisoner, to provide for the Board or such representatives facilities for communicating with and observing such prisoner, and to furnish to the Board such reports as the Board shall require concerning the conduct and character of any prisoner in their custody and any other facts deemed by the Board pertinent in determining whether such prisoner shall be paroled.

"Section 16. When a prisoner is placed on parole or released through executive clemency he shall receive, if needed, civilian clothing and transportation to the place within the State in which he is to reside and at the discretion of the Board he may be paid not to exceed Ten ($10.00) Dollars for his temporary maintenance. All such clothing, transportation and advancement for maintenance shall be paid out of the 'Discharge Convicts Revolving Fund' of the Texas Prison System.

"Section 17. The Board shall have the power and duty to make rules for the conduct of persons heretofore or hereafter placed on parole by the Board and for the investigation and supervision of such person.

"Section 18. The Board is hereby authorized, at any time in its discretion and upon a showing of probable violation of parole, to issue a warrant for the return of any paroled prisoner to the institution from which he was paroled. However, a hearing shall be had if requested by a parolee or his attorney.

"Any parole officer or any other peace officer may arrest a parolee without a warrant when the parolee has, in the judgment of said parole officer, or peace officer violated the conditions of his parole. The arresting officer shall present to the detaining authorities a statement in writing of the circumstances of violation. The arresting officer shall at once notify the Board of the arrest and detention of the parolee and shall submit in writing a report showing in what manner the parolee has violated the conditions of the parole.

"A parolee for whose return a warrant has been issued by the Board shall, after the issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he has violated the provisions of his parole, then the time for issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence. The law now in effect concerning the right of the State of Texas to extradite persons and return fugitives from justice, from other states to this State, shall not be impaired by this Act and shall remain in full force and effect.

"Section 19. Any prisoner who commits a felony while at large upon parole and who is convicted and sentenced therefor may be required by the Board to serve such sentence after the original sentence has been completed.

"Whenever a paroled prisoner is accused of a violation of his parole or information and complaint by a law enforcement officer and/or parole of-

ficer he shall be entitled to be heard on such charges before the Board under such rules and regulations as the Board may adopt, providing however, said hearing shall be held within forty-five (45) days of the date of arrest and at a time and place set by the Board. When the Board has determined the matter it may recommend to the Governor, that such parole be revoked, or continue the original order of parole, or enter such other order as may be recommended. When the prisoner's parole has been revoked, he may be required to serve the portion remaining of the sentence on which he was released on parole; such portion remaining to be calculated without audit for the time from the date of his release on parole to the date of his arrest or charge of parole violation.

"Section 20. When any paroled prisoner has performed the obligations of his parole for such time as shall satisfy the Board that his final release is not incompatible with his welfare and that of society, the Board may recommend to the Governor a final order of discharge and the Governor may issue to the paroled prisoner a certificate of discharge; but no such order of discharge shall be made in any case within a period of less than one year after the date of release on parole except that when the period of the maximum sentence imposed shall expire at an earlier date, then a final order of discharge must be made and a certificate of discharge issued to the paroled prisoner not later than the date of expiration of the said maximum sentence.

"Section 21. On request of the Governor the Board shall investigate and report to the Governor with respect to any person being considered by the Governor for pardon, commutation of sentence, reprieve, or remission of fine or forfeiture and make recommendations thereon.

"Section 22. The provisions of this Act are hereby extended to all persons who, at the effective date thereof are eligible to be placed on parole under the terms of this Act with the same force and effect as if this Act had been in operation at the time of such persons becoming eligible to be placed on parole.

"Section 23. For the purpose of determining when fees are to be paid to any officer or office, the placing of the defendant on probation shall be considered a final disposition of that case, without the necessity of waiting for the termination of the period of probation or suspension of sentence.

"Section 24. The provisions of this Act shall not be construed to prevent or limit the exercise by the Governor of powers of executive clemency vested in him by the Constitution of the State.

"Section 25. The provisions of this Act shall not apply to parole from institutions for juveniles.

"Section 26. Article 6203 of the Revised Civil Statutes of Texas of 1925 as amended is hereby repealed and all laws or parts of laws in conflict herewith are repealed insofar only as they conflict with the provisions of this Act.

"However, nothing in this Act shall be construed as repealing Articles 776 through 781 of Vernon's Annotated Statutes, Code of Criminal Procedure; commonly known as the Suspended Sentence Law.

"Section 27. If any section, paragraph, part, sentence, clause or phrase of this Act shall be held unconstitutional, it shall not affect the validity of the remainder, and the Legislature hereby declares that it would have passed each and every section, paragraph, part, sentence, clause and phrase of this Act severally.

"Section 28. This Act shall be cited as the Adult Probation and Parole Law, and, when used in this Act, unless the context otherwise requires, the following definitions shall apply:

"(a) The 'courts' means the court of record having original criminal jurisdiction;

"(b) The 'judge' means the judge of a court of record having original criminal jurisdiction;

"(c) The 'Board' means the Board of Pardons and Paroles;

"(d) A 'probationer' means a defendant placed on probation by courts of record having original criminal jurisdiction;

"(e) A 'parolee' means a person released by the Board of Pardons and Paroles from confinement in any penal or correctional institution of the State of Texas under certain conditions and regulations;

"(f) 'Parole means release of a prisoner granted by the Board after the prisoner has served a part but not all of his term to be served at liberty under the supervision of the Board;

"(g) 'Executive Clemency' means pardon commutation of sentence, re-

prieve, remission of fine or forfeiture granted by the Governor or any of these, but not parole or any form of parole;

"(h) 'Probation' means release of convicted defendant by a court under conditions imposed by the Court;

"(i) The singular includes the plural, the plural the singular, and the masculine the feminine when consistent with the intent of the Act.

"Section 29. The fact that the people of Texas, by a majority vote at the polls, have written in the Constitution of this State an amendment authorizing the courts of Texas to suspend the imposition or execution of sentence and to place the defendant upon probation, that this is a forward-looking step in the administration of justice; the necessity exists for the enabling act to put such amendment into effect; the fact that the people of Texas by a majority vote at the polls have written into the Constitution of the State an amendment authorizing the Legislature to regulate procedure before the Board of Pardons and Paroles and to enact parole laws; that closer supervision is needed of persons on parole from the Texas Prison System and that thereby the best interests of the public will be served, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three successive days in each House be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

On motion of Senator Lane and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

Committee Substitute House Bill 440 On Third Reading

Senator Carney moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 440 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Ashley
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Absent

Hudson	Phillips
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

The President then laid the bill before the Senate on its third reading and final passage.

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

Yeas—22

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Hazlewood	Tynan
Kelly of Tarrant	Vick

Nays—1

Martin

Absent

Hudson	Phillips
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

Report of Conference Committee On House Bill 130

Senator Kelly of Tarrant called for consideration at this time the report of the conference committee on H. B. No. 130.

The report having been submitted and read on Monday, June 20, 1949.

Question—Shall the report be adopted?

Senator Kelly of Tarrant moved that the report be adopted.

Senator Phillips moved that the Senate do not adopt the report and that a new conference committee be appointed to adjust the differences between the two Houses on the bill.

Senator Morris moved to postpone further consideration of the report until Monday, July 4, 1949.

Senator Kelly of Tarrant moved to table the motion by Senator Morris.

The motion to table was lost by the following vote:

Yeas—10

Aikin	Lane
Colson	Martin
Corbin	Moffett
Hazlewood	Moore
Kelly of Tarrant	Tynan

Nays—12

Ashley	Lock
Bell	McDonald
Bracewell	Morris
Carney	Phillips
Cousins	Shofner
Hardeman	Vick

Absent

Hudson	Taylor
Kelley of Hidalgo	Weinert
Proffer	

Absent—Excused

Bullock	Jones
Harris	Strauss

Question then recurring on the motion to postpone further consideration of the report until Monday, July 4, 1949, it prevailed by the following vote:

Yeas—12

Ashley	Lock
Bell	McDonald
Bracewell	Morris
Carney	Phillips
Cousins	Shofner
Hardeman	Vick

Nays—11

Aikin	Martin
Colson	Moffett
Corbin	Moore
Hazlewood	Taylor
Kelly of Tarrant	Tynan
Lane	

Absent

Hudson	Proffer
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Jones
Harris	Strauss

Senate Concurrent Resolution 78

Senator Martin offered the following resolution:

S. C. R. No. 78, Amending the Joint Rules of the House and Senate.

Be it resolved by the Senate, the House of Representatives concurring, That the Joint Rules of the Senate and House of the 50th Legislature as published in the Legislative Manual of that session, be adopted as the permanent Joint Rules of the 51st Legislature, with the following amendments:

I.

Amend the Joint Rules of the 50th Legislature by adding thereto six new joint rules to read as follows:

22. Except for the purposes set forth in Joint Rule 24, no vote shall be taken in either house during the last 72 hours of any legislative session on the passage of any bill making an appropriation, or on a concurrence in the amendments by the other house to any such bill, or on the adoption of a conference committee report on any such bill.

23. The State Comptroller is hereby requested to observe if possible the following procedure: Within 24 hours after the receipt by him of any appropriation bill pursuant to the provisions of Section 49-a of Article III of the State Constitution, he shall return said bill to the House in which it originated bearing his endorsement indicating whether or not the amount appropriated will be available for expenditure from the affected fund or funds.

24. Either house receiving from the Comptroller any appropriation bill bearing an endorsement indicating a lack of revenues, either cash or anticipated, from which to pay the appropriation made in said bill, may proceed to another consideration of the bill in accordance with this section.

A concurrent resolution declaring that there exists an emergency and an imperative public necessity requiring the passage of the bill notwith-

standing the shortage of revenues, cash or anticipated, in the affected fund or funds and that said bill be passed notwithstanding said shortage shall be privileged in either House having possession of the bill after its return. If said resolution is adopted in the House of the bill's origin by an affirmative vote of four-fifths of the members of that house, the bill and resolution shall then be transmitted to the other house, which shall likewise proceed to consider the resolution declaring that the bill shall be passed notwithstanding the anticipated shortage of revenues, cash or anticipated, in the affected fund or funds. If the other house shall also adopt the resolution by an affirmative vote of four-fifths of its membership, the bill shall be considered passed finally and shall be returned to the house of its origin for transmission to the Governor in the usual manner.

A concurrent resolution providing for a reduction of the appropriation therein shall, after the return of any such bill, also be privileged in either House having possession of the bill. The adoption of the resolution reducing the appropriation by a vote of two-thirds of the membership in each House shall authorize the enrollment of the bill with the smaller appropriation inserted therein in lieu of the amount originally shown. If the Comptroller is then able to make the necessary certificate of availability of revenues to pay the appropriation, he shall so endorse the bill and it shall be signed and be presented to the Governor.

25. In case of the enactment of a bill in acordance with either method outlined in Joint Rule 24, there shall be attached to each such bill transmitted to the Governor a certificate signed by the President of the Senate and the Speaker of the House indicating the action taken with respect thereto by each house under Joint Rule 24 and the votes by which such action was taken.

26. Should either house fail or refuse to pass any such bill in accordance with one of the methods outlined in Joint Rule 24, the bill shall be considered dead and shall be transmitted at the close of the legislative session to the Secretary of State for his archives by the Secretary of the Senate or the Chief Clerk of the House.

27. If a possible revision of estimate by the Comptroller prior to the close of the session enables him to certify the availability of revenues with which to pay the appropriation in the bill, it shall be returned to him for an endorsement thereon indicating such availability and shall then be transmitted to the Governor in the usual manner from the House in which it originated.

II.

Amend Sections 12 and 13 of the Joint Rules of the 50th Legislature to read as follows:

"12. When bills are enrolled, they may be examined by a joint committee of three members from the Senate and three members from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the bills as passed in the houses, and carefully correct any errors that may be discovered in the enrolled bills. A carbon copy of each enrolled bill shall be furnished by the Enrolling Clerk of the House in which the bill originated to the State Legislative Reference Librarian, who is authorized to make mimeographed copies thereof to supply the demand therefor pending publication of the session laws by the Secretary of State.

"13. Each enrolled bill shall be signed in the respective houses, first by the presiding officer of the house in which it originates, then by the presiding officer of the other house, in accordance with Article III, Section 38, of the Constitution. After a bill shall have been signed in each house, it shall be presented to the Governor for his approbation by the Enrolling Committee of the house in which it originated. The said committee shall, on Monday of each week, submit a report for publication in the Journal of the House in which the bills originated a list of bills presented to the Governor during the preceding week. The list shall show the number, subject, and date of presentation to the Governor of each bill. A final report of all such bills not previously reported shall be made on the last day of the legislative session."

The resolution was read and referred to the Committee on Rules.

Bills Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 42, A bill to be entitled "An Act approving the election by the Stephen F. Austin State Teachers College in exercising its option to purchase the two hundred-acre tract of land, more or less, known as the R. G. Muckleroy Farm situated east of the City of Nacogdoches on State Highway No. 21 and now under lease by the College; making an appropriation of $25,000.00 to pay therefor; and declaring an emergency."

H. B. No. 705, A bill to be entitled "An Act creating a State Youth Development Council for the protection, care, and training of children and youth of the State and, among other things, defining its powers, duties, functions and relations with other agencies, officers, and courts, and their corresponding duties and powers; providing for certain criminal offenses related to the Act; containing a severability provision as to validity; repealing certain Statutes; fixing its effective date; and declaring an emergency."

S. B. No. 226, A bill to be entitled "An Act designating the Poultry Improvement Board of the Texas Poultry Improvement Association as the official State agency to cooperate with the United States Department of Agriculture administering the National Poultry Improvement Plan and National Turkey Improvement Plan with authority to promulgate the necessary rules and regulations, and declaring an emergency."

Recess

On motion of Senator Hardeman, the Senate at 4:40 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

In Memory of

Honorable Robert A. Powell

Senator Colson offered the following resolution:

(Senate Resolution 214)

Whereas, On April 28, 1949, the illustrious career of the Honorable Robert A. Powell was closed by his death in his home in Conroe, Montgomery County, Texas; and

Whereas, Mr. Powell was a graduate of the University of Texas Law School and had practiced law in Montgomery County since 1907; and

Whereas, Mr. Powell had served three terms in the Texas House of Representatives, and had also served as County School Superintendent of Montgomery County, Texas; and

Whereas, Mr. Powell was serving as the Democratic Chairman of Montgomery County at the time of his death; and

Whereas, Mr. Powell, a member of the Woodmen of the World, was charitable to the unfortunate, and friendly and generous in his consideration for others, he found comfort and joy in his life of devotion to his family and friends; and

Whereas, Mr. Powell is survived by his widow, a daughter, Miss Robbie Powell of Conroe; his son, John Warren Powell of Conroe; six sisters, Mrs. W. T. Price and Mrs. O. C. Bevers of Montgomery, Miss Clara Powell and Mrs. Harriet Chambers of Liberty, Mrs. Daisy Bozeman of Niles, California, and Mrs. W. B. Heller of Chanute, Kansas, and three brothers, Mr. L. F. Powell and Mr. J. M. Powell of Montgomery and Mr. L. L. Powell of Hammond, Indiana; and

Whereas, It is the desire of the members of the Senate to express their deepest sympathy to the bereaved family in the passing of this fine gentleman; now, therefore, be it

Resolved, By the Senate of the State of Texas, that enrolled copies of this resolution be sent to the members of his family; and, be it further

Resolved, That a page of today's Senate Journal be dedicated to the memory of Mr. Robert A. Powell; and that when the Senate adjourns today, it do so in his memory.

The resolution was read and was adopted.

In Memory of

Doctor Talma W. Buford

Senator Aikin offered the following resolution:

(Senate Resolution 215)

Whereas, God in His infinite wisdom has called from his earthly labors Doctor Talma W. Buford, one of the outstanding physicians of our State; and

Whereas, Doctor Buford was long prominent in the medical profession, having practised in Texas more than fifty years. Many professional honors were bestowed on this man who worked so diligently for humanity's sake, and he was regarded as an outstanding physician and psychiatrist. Among the many honors that came to him was serving as President of the Texas Mental Hygiene Society; and

Whereas, Doctor Buford, as well as being an outstanding physician, was also active in civic affairs, always taking the lead in anything for the betterment of his community and his State; and

Whereas, His passing is greatly mourned by his many friends throughout the State of Texas, and his loss irreplaceable, and it is the desire of the Senate of Texas to pay tribute to the services and life of Doctor Buford, and to express our deep sympathy; now, therefore, be it

Resolved, By the Senate of Texas, that we express our sincere sympathy and regret upon the passing of Doctor Talma W. Buford, and that a copy of this resolution be mailed to his wife, Mrs. Georgia Buford.

The resolution was read and was adopted.

In Memory of

Reverend Frank P. Culver, Sr.

Senator Kelly of Tarrant offered the following resolution:

(Senate Resolution 216)

Whereas, On June 26, 1949, The Almighty, in His infinite wisdom, called from this life Reverend Frank P. Culver, Sr., in the eighty-fifth year of his life; and

Whereas, Dr. Culver was one of Texas' outstanding Metholist leaders who played an important part in Methodist education and was a foremost sponsor of union between the Northern and Southern branches of the church; and

Whereas, He had dedicated his long and useful life to the betterment of our State and to enriching the lives of those people whom he served so faithfully and by whom he will be remembered fondly; and

Whereas, It is the desire of the Senate to express our sincere sympathy and to pay tribute to Dr. Culver for the many fine contributions he has made while serving as a pastor, as chairman of the conference board of missions, as president of Polytechnic College, and in his numerous other capacities; be it therefore

Resolved, That the Senate of the State of Texas, extend to those who survive him, his son, Judge Frank P. Culver, Jr., of the 17th District Court, his three daughters, Mmes. Charles Self of Chicago, Jake Tirey of Waco, and Kenneth H. Jones of Fort Worth, his sister, Mrs. Fannie H. Sessions of Ozark, Alabama, and his nine grandchildren, our sincere sympathy; and be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to him and that this resolution be printed thereon; and that an official copy of said resolution be sent to those who survive him.

The resolution was read and was adopted.