FIRST DAY

(Wednesday, January 3, 1962)

Hail of the House of Representatives

Austin, Texas

In obedience of the proclamation of His Excellency, Price Daniel, Governor of Texas, convening the Fifty-seventh Legislature to meet in Special Session at Austin, the seat of government, this the third day of January, 1962, the Members of the House of Representatives assembled in the Hall of the House of Representatives, and at 10:00 o’clock A.M. the House was called to order by the Honorable James A. Turman, Speaker.

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

Mr. Speaker Connell
Adams of Lubbock Cook
Adams of Titus Cory
Allan Cotten
Allen Cowen
Andrews Cowen
Atwell Crew
Bailey Crain
Ballman Curmington de la Garza
Bankfield, Mrs. Barlow Dewey
Barnes Duff, Miss
Bartram Dungan
Bass Eckhardt
Blaine Ehrle
Blayne Enqvil
Boyes Fletcher
Bridges Fletcher
Buchanan Floyd
Bureaus Foreman
Butler Garrison
Caldwell Gibbons
Cannon Glass
Carriker Glassing
Chapman Glidden
Cole of Harris Green
Cole of Hunt Grover
Collins Guffey

Hale Gobern
Harding Parros
Haring Perszy
Harrington Peeler
Haynes Petty
Hesty Piersall
Hefton Pickin
Hinson Preston
Hollowell Price
Huebner Quilliam
Hughes Ratcliff
Hughes of Grayson Read
Hughes of Dallas Richards
Hanson, Miss
James Richardson
Jamison Roberts of Hill
Jarvis Roberts of Dawson
Johnson of Bexar Roosen
Johnson of Bell Sandahl
Jones of Dallas Schram
Jones of Travis Shannon
Kinnard Simpson
Kibpatrick Siprky
Kohler Slifer
Kolba Smith of Bexar
Korkmas Smith of Jefferson
Kothmann Snelson
Leaverton Smith of Galveston
Leaves Stewart
Levis Stewart
Longoria of Wichita
McCoppin Struve
McGreer of McLennan Thurman
McGreer of El Paso Thurmond
McGregor Townsend
McGregor of Travis Trenor
McIlhany Tunnell
Markgraf Wadie
Martin Ward
Miller Watson
Mullen Wells
Murray Weatley
Mutchler Wilson
Niemeyer Wood
Nugent Yosl
Oliver Yezak

Absent—Excused

Johnson of Dallas Ross
Lary Black
Moore
A quorum of the House was announced present.

The Invocation was offered by the Reverend Clinton Kersey, Chaplain, as follows:

"In God's Word we find Psalms 8:1-6, "O Lord our Lord, how excellent is thy name in all the heavens above the earth! Who hast set thy glory above the heavens. Out of the mouth of babes and sucklings hast thou ordained strength because of thine enemies; that thou mightest still the enemy and the avenger. When I consider thy heavens, the work of thy fingers, the moon and the stars, which thou hast ordained; What is man, that thou art mindful of him? and the son of man, that thou visitest him? For thou hast made him a little lower than the angels, and hast crowned him with glory and honor. Thou madest him to have dominion over the works of thy hands; thou hast put all things under his feet.'

Heavenly Father, we are thankful this day for Texas, for its government, for these men and women sent by the people to do that which is right and good for all. Bless each one in this Third Called Session to be guided by Thy rule of life, to strive for right. We are mindful that this is not always the popular but is the lasting thing to do. Bless the families of those Members that have departed from this life since last January. Bless the leaders of our State, Speaker Turman, Governor Daniel. May they know that which is right and give them courage. All these blessings we pray in Christ's name.—Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Slack for today on motion of Mr. Russell.

Mr. Lary for today on motion of Mr. Kennard.

Mr. Ross for today on motion of Mr. McGregor of El Paso.

Mr. Johnson of Dallas for today on motion of Mr. Atwell.

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

Mr. Moore for today on motion of Mr. Harding.

INTRODUCTION OF NEWLY ELECTED MEMBERS OF THE HOUSE

Speaker Turman recognized the Honorable Jake Johnson of Bexar County who introduced the Honorable Glenn Kothmann and the Honorable Rudy Esquivel, newly-elected Members of the House from Bexar County.

Speaker Turman then presented Mr. Esquivel and Mr. Kothmann, who addressed the House.

Speaker Turman then introduced the Honorable Don Harton of Grayson County, who addressed the House.

Speaker Turman also introduced the Honorable George F. Korkmas of Galveston County and the Honorable Kenneth Kohler of Potter County, who addressed the House.

PROCLAMATION BY THE GOVERNOR

The Speaker laid before the House and had read the following Proclamation by the Governor:

PROCLAMATION

BY THE GOVERNOR OF THE STATE OF TEXAS

41-940

TO ALL TO WHOM THESE PRESENTS SHALL COME:

1. Price Daniel, Governor of the State of Texas, do by virtue of authority vested in me by the Constitution of Texas, hereby call a special session, 67th Legislature, to be convened in the City of Austin, commencing at 10 a.m. Wednesday, the 3rd day of January, A. D. 1961, for the following purposes:

1. To enact an amendment to House Bill 5, 67th Legislature, First Called Session, to extend the provisions of the Lien Enforcement Law to banks and other banking institutions, or, in the alternative, to enact other legislation for the protection of deposits of missing owners and heirs and the rights of the State...
where no owners exist, including the following provisions:

(1) That no bank deposits of lost owners or missing heirs shall be transferred to the profits or capital of any bank or otherwise reduced by charges or assessments while in a dormant condition.

(2) That after depositors have been lost or unknown for more than seven years, reasonable diligence should be made to locate them, including the advertising of their names at least once in a local newspaper.

(3) That any remaining deposits on which owners cannot be located for more than seven years shall be reported to the State and conserved by the State, still subject to delivery to owners or missing heirs who may be located at any time thereafter.

2. To consider and act on such other subjects as may be submitted by the Governor from time to time after the session convenes.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this the 1st day of December, 1961, under the Seal of this State properly attested by the Secretary of State.

P. FRANK LAKE
Governor of Texas

ADDRESS BY SPEAKER JAMES A. TURMAN

Speaker James A. Turman addressed the House as follows:

Ladies and Gentlemen of the House:

It is my distinct honor and privilege today to propose that this House pay tribute to one of the greatest men our nation has ever produced—the Honorable Sam Rayburn. That he was a Texan is a matter of great pride to us all, and that he was from the district I represent gives me a sense of gratification—and that we were close personal friends for years gives me the greatest satisfaction and inspiration.

So much has been said and written about the life and career of this distinguished man that it would be presumptuous of me to repeat the record here. You are all well aware of his unswerving devotion and service to our country, of his sense of fairness and integrity, and of his modesty and humility, even after he became a legend in his own lifetime.

If you will permit me a few personal remarks, I would like to recall briefly my own association with this man who was known as "Mr. Sam," "Mr. Speaker," or "The Squire of Bonham." It was my good fortune and rare privilege to have had him for a very close personal friend for many years, and to have often been the recipient of his wise counsel and guidance.

Busy though he was with the affairs of the nation and weighted down as he must have been at times with the awesome responsibility he bore, he delighted in coming home to his district and visiting with his constituents—all of them, young and old, rich and poor, of every profession and occupation. He loved people, and people loved him. It has been truly said that he walked with kings and heads of state and never lost the common touch.

He was never too busy to talk with and help people, no matter what their problems. His encouragement and guidance of younger men aspiring to careers in government service and politics is well known and has set an inspiring example. I am grateful that I was one of the recipients of his counsel, and I shall treasure the continued inspiration of his life and service—far more eloquent than any words of advice he ever offered.

It can truly be said that no words could possibly carve from our language an adequate image of this great Texan and American. However, it is with a sense of great personal loss as well as the loss of his leadership and strength in our national affairs that I offer the following resolution:
Whereas, Sam Taliaferro Rayburn, a young man from a Fannin County farm family of modest circumstances, began his distinguished political career when he was elected to represent his rural district in this House of Representatives in 1907; and

Whereas, He served three terms in the Texas House and was elected Speaker for his last term which began in January, 1911; and

Whereas, He was elected to Congress in 1913 and served 48 years in the United States House of Representatives—until his death on November 16, 1961, having been chosen 25 times by the voters of Texas' Fourth Congressional District; and

Whereas, In his earliest youth he had aspired to the Speakership of the U. S. House of Representatives, and this ambition was fulfilled partially as a result of the recognition he won for his ability to persuade divergent forces of his party to form a united front on important issues; and

Whereas, Elected Speaker of the U. S. House of Representatives on September 16, 1940, he held that powerful position until the time of his death except for four years of Republican congressional rule, and on June 12, 1961, he doubled the length of tenure of the man who served next longest as Speaker, Henry Clay; and

Whereas, He became Speaker at a time when the United States was moving steadily toward war and is credited with passage of an extension of the peacetime draft in August, 1941, just before Pearl Harbor, by a 203-202 vote; and

Whereas, Two world wars, four Presidents, and innumerable crises in the affairs of the nation threaded through his years of service as Speaker; and

Whereas, Devotion to duty, to his party, and to his country were the hallmarks of his long and eminent career; and

Whereas, The President and Vice President of the United States, two former Presidents, and scores of his colleagues and ex-colleagues from both parties joined his fellow townsmen and neighbors in paying him honor and respect at funeral services in Bonham; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas, with which body the beginnings of his distinguished political career are so intimately associated, add its tribute to the thousands already accorded Sam Taliaferro Rayburn and commend his incomparable record of service to the nation he loved so deeply; and be it further
Resolved, That when the House adjourns today it do so in his honor, and that copies of this Resolution be sent to his sisters, Mrs. S. E. Bartley of Bonham and Mrs. W. A. Thomas of Dallas, and to his brother, Dick Rayburn of Ector, with our sympathy and deep regard; and be it further

Resolved, That all Rules be and they are hereby suspended so that a page in the House Journal be set aside in his memory.

The resolution was read.

Mr. Cole of Hunt moved that the names of all Members of the House be added to the resolution as signers thereof.

Mr. Hughes of Grayson seconded the motion by Mr. Cole of Hunt.

The motion prevailed.

The resolution was unanimously adopted by a rising vote.
Mr. Hughes of Gatesville moved that the remarks of the Honorable James A. Turman, Speaker, addressed to the House on this morning in Memory of the Honorable Sam Rayburn, be printed in the Journal.

The motion prevailed without objection.

(Speaker in The Chair)

PROVIDING FOR A JOINT SESSION TO HEAR AN ADDRESS BY GOVERNOR PRICE DANIEL

Mr. Ward offered the following resolution:

H. C. R. No. 1
Whereas, Governor Price Daniel is desirous of delivering his first message of this Third Called Session in person; therefore be it
Resolved, By the House of Representatives, the Senate concurring, that the two Houses meet in Joint Session at 11:00 A.M. in the Hall of the House of Representatives on Wednesday, January 3, 1962, to hear the Governor's message.

The resolution was read and was adopted without objection.

PROVIDING FOR COMMITTEES TO NOTIFY THE GOVERNOR AND THE SENATE

Mr. Petty offered the following resolution:

H. S. R. No. 2
Be It Resolved by the House of Representatives of the Third Called Session of the Fifty-seventh Legislature, That the Speaker of the House appoint two committees of five (5) members each, one to notify the Governor and one to notify the Senate, that the House of Representatives is now organized and ready to transact business.

The resolution was read and was adopted without objection.

COMMITTEE TO NOTIFY THE GOVERNOR

The Speaker announced the appointment of the following Committee to notify the Governor that the House is now organized and ready for the transaction of business:

Messrs. Niemeyer, Chairman; Lack, Markgraf, Sauls, and Hurve.

COMMITTEE TO NOTIFY THE SENATE

The Speaker announced the appointment of the following Committee to notify the Senate that the House is now organized and ready for the transaction of business:

Messrs. Mutcher, Chairman; Barnes, Caldwell, Harding, and Quilliam.

COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE SPEAKER'S ROSTRUM

The Speaker announced the appointment of the following Committee on the part of the House to escort the Governor and party to the Speaker's rostrum:

Messrs. Wilson, Chairman; Balley, Kothmann, Peeler, Price, Ratcliff, Richardson, Stewart of Galveston, and Trevino.

PROVIDING FOR AUTOMOBILE PARKING SPACES FOR MEMBERS OF THE HOUSE AND THE CAPITOL PRESS

Mr. Richards offered the following resolution:

H. S. R. No. 3
Whereas, The Third Called Session of the Fifty-seventh Legislature of the State of Texas is now in session; and
Whereas, The Board of Control during the Regular and First and Second Called Sessions made available to members of the House and Senate parking places in the Capitol grounds; now therefore be it
Resolved, That the Board of Control be and is hereby requested to make available the same parking places and under the same general plan as in the Regular and First and Second Called Sessions, providing each member with a suitable decal; and be it further
Resolved, That members of the Capitol press corps shall have parking spaces made available to them
as in the Regular and First and Second Called Sessions.

The resolution was read and was adopted without objection.

PROVIDING FOR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES, PROVIDING FOR CERTAIN CONTINGENT EXPENSES, MAKING OTHER PROVISIONS FOR THE SESSION

Mr. Smith of Jefferson offered the following resolution:

H. S. R. No. 4

Be It Resolved by the House of Representatives of the State of Texas, That the employees for the Third Called Session of the Fifty-seventh Legislature shall generally be the same as for the Regular and First and Second Called Sessions except that the number of employees in the several categories may be reduced, or eliminated altogether, appropriately to fit the needs of the Third Called Session; provided, however, that each Member shall be allowed one Secretary; and be it further

Resolved, That the Speaker be and is hereby empowered to appoint such employees for the Third Called Session of the Fifty-seventh Legislature as he may deem necessary and further to prescribe their compensation, duties and hours of work; and be it further

Resolved, That the Speaker be and is hereby empowered to appoint such employees for the Third Called Session of the Fifty-seventh Legislature as he may deem necessary and further to prescribe their compensation, duties and hours of work; and be it further

Resolved, That the Speaker be and is hereby empowered to appoint such employees for the Third Called Session of the Fifty-seventh Legislature as he may deem necessary and further to prescribe their compensation, duties and hours of work; and be it further

Resolved, That each Member of the House of Representatives of the Fifty-seventh Legislature, he, and he is hereby allowed a credit in the sum of One Hundred Seventy-five Dollars ($175) each, with the Committee on Contingent Expenses for expenditures for stationery, supplies, postage, telephone tolls and telegraph tolls. The Speaker shall be entitled to a credit for the above purposes in an amount as necessary to cover the expenses of his office; and the Chief Clerk, the Sergeant-at-Arms, the Committee on Contingent Expenses and the Chaplain shall each be allowed a credit for expenses of their respective offices or committees as determined by the Committee on Contingent Expenses.

The Committee on Contingent Expenses shall procure and keep for the use of the House, its Members, Officers and Committees, such stationery, stamps, and other supplies as may be needed, and ordered by the House, Speaker, or Chairman of the Committee on Contingent Expenses. The Clerk of this Committee shall keep an itemised account of the quantity of every kind of material received, the date it was received, the price paid therefor, and the persons from whom it was received. The Office of this Committee shall be kept open at times as determined by it. The Committee shall keep a set of books, an account for each Member, Officer, and Committees authorised by the House to expend stationery, supplies, telephone and telegraph tolls, and shall charge to each of such accounts withdrawals. The Clerk of the Committee shall furnish a statement on each of the accounts, monthly or when requested.

The Committee on Contingent Expenses shall have jurisdiction over the mailing of the Journal.

Each Member shall be furnished with four newspapers of his own selection.

All requisitions for paper and supplies necessary for the operation of bills and resolutions, for the use of the Enrolling and Engrossing Rooms and the Standing Committees of the House, shall be under the direction and care of the Committee on Contingent Expenses. The Committee is also authorized to borrow and rent a sufficient number of typewriters and other business
Resolved, That two thousand (2,000) copies of the House Journal be printed daily; one hundred (100) to be delivered to the Senate, one copy to be placed on each Member's desk daily, seventy-five (75) copies to be delivered to the State Library, and the remainder to be left with the Committee on Contingent Expenses for distribution under the direction of the Speaker; and be it further

Resolved, That no allowances included in this Resolution shall be expended except actual salaries or actual expenses of the House, its Members, Officers, Committees and Employees and for such other expenses as are hard to set out. All such funds necessary to be expended in payment of the above shall be paid out of the Contingent Expense Fund of the House. Be it further

Resolved, That the Speaker's apartment and offices shall be set aside for the use of the Speaker and his family throughout his term of office and that the Committee on Contingent Expenses shall be authorized to make the necessary expenditures properly to equip and service the Speaker's apartment and offices and to employ such help as may be necessary to maintain properly and care for said apartment and office.

The resolution was adopted without objection.

HOUSE BILL ON FIRST READING

The following House Bill was today laid before the House, read first time and referred to the appropriate Committees, as follows:

By Messrs. Hughes of Grayson, Springer and Haring:

H. B. No. 1, A bill to be entitled "An Act to amend Title 63, Revised Civil Statutes, 1925, relating to escheat, by adding Article 377b to protect and preserve dormant deposits and inactive accounts of owners whose whereabouts are unknown to the depository; defining terms, prohibiting the conversion or redemption of such accounts while in dormant or inactive status; requiring advertising for lost owners and reporting to the State of certain accounts of owners who cannot be located; providing for conservation and disposition of funds delivered to the State; procedures for payment to owners at any time thereafter discovered; and other related rules and procedures; providing for presumptions and prima facie evidence, and declaring an emergency."

Resolved, That two thousand (2,000) copies of the House Journal be printed daily; one hundred (100) to be delivered to the Senate, one copy to be placed on each Member's desk daily, seventy-five (75) copies to be delivered to the State Library, and the remainder to be left with the Committee on Contingent Expenses for distribution under the direction of the Speaker; and be it further

Resolved, That no allowances included in this Resolution shall be expended except actual salaries or actual expenses of the House, its Members, Officers, Committees and Employees and for such other expenses as are hard to set out. All such funds necessary to be expended in payment of the above shall be paid out of the Contingent Expense Fund of the House. Be it further

Resolved, That the Speaker's apartment and offices shall be set aside for the use of the Speaker and his family throughout his term of office and that the Committee on Contingent Expenses shall be authorized to make the necessary expenditures properly to equip and service the Speaker's apartment and offices and to employ such help as may be necessary to maintain properly and care for said apartment and office.

The resolution was adopted without objection.

ELECTION OF ASSISTANT READING CLERK

In accordance with the provisions of H. S. R. No. 5, the House proceeded to the election of Assistant Reading Clerk.

Mr. Johnson of Bexar nominated Jerry Hayes of Bexar County for the office of Assistant Reading Clerk.

There being no other nominations, Mr. Hayes was declared to be the duly elected Assistant Reading Clerk of the House of Representatives by acclamation.

ELECTION OF ASSISTANT DOORKEEPER

In accordance with the provisions of H. S. R. No. 6, the House proceeded to the election of Assistant Doorkeeper.
Mr. Jones of Travis nominated Earl Shelton of Travis County for the office of Assistant Doorkeeper of the House of Representatives.

There being no other nominations, Mr. Shelton was declared to be the duly elected Assistant Doorkeeper of the House of Representatives by acclamation.

OATH OF OFFICE ADMINISTERED

Jerry Hayes, Assistant Reading Clerk-elect, and Earl Shelton, Assistant Doorkeeper-elect, took the Constitutional Oath of Office, which was administered by the Speaker of the House of Representatives.

HOUSE NOTIFIED

A Committee from the Senate was announced at the Bar of the House and, being admitted, stated that the Senate is now organized and ready to transact business.

SENATE NOTIFIED

The Committee appointed to notify the Senate that the House of Representatives is now organized and ready to transact business was announced at the Bar of the House and being admitted stated that the Senate had been so notified.

GOVERNOR NOTIFIED

The Committee appointed to notify the Governor that the House of Representatives is now organized and ready for the transaction of business was announced at the Bar of the House, and being admitted reported that they had so notified the Governor.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 6, By Mr. Roberts of Hill: In memory of Mr. C. A. Young.

H. S. R. No. 7, By Mr. Dewey: In memory of Mr. Clarence H. Dillon, Jr.

H. S. R. No. 8, By Mr. Dewey: In memory of Mr. Walter J. Coulter.

H. S. R. No. 13, By Mr. Harding: In memory of W. D. Holcombe.

H. S. R. No. 14, By Mr. Healy: In memory of Mr. Benjamin Lennis Smith.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Lewis offered the following resolution:

H. C. R. No. 2

Whereas, The J. L. Prince Trucking Company of Dallas County, Texas was transporting by truck on or about September 22, 1961, a cargo load of ditching machinery equipment within the corporate limits of the City of Dallas and had said cargo equipment loaded upon a flat bed trailer with a clearance of 16 feet; and

Whereas, The truck and trailer being operated by J. L. Prince Trucking Company approached from the East on Forest the intersection of Forest Lane and Central Expressway, said Expressway being maintained by the Texas Highway Department, and after stopping observed that the overpass that he was preparing to go under had a Texas Highway Department sign indicating a clearance of 16 feet 8 inches, proceeded in an Easterly direction to go under the overpass; and in proceeding under the overpass came into violent collision with the under side of the overpass wedging the truck, trailer, cargo and rig under the overpass damaging severely the cargo and causing damage of a substantial nature; and

Whereas, They allege that the State of Texas and the Texas Highway Department was careless and negligent in placing a sign upon the overpass indicating a clearance of 16 feet and 8 inches when in fact the true clearance of the overpass was actually 15 feet 9 inches and that such carelessness and neglect renders the State of Texas and Texas Highway Department liable to them for property damages, be it

Resolved, by the House of Representatives, the Senate concurring, That the J. L. Prince Trucking Company be and they are hereby given and granted permission to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable as a result of the accident of J. L. Prince Trucking Company, and further to determine what damages, if any, J. L. Prince Trucking Company are entitled to recover
from the State of Texas by reason of any negligent act committed by the State of Texas, and be it further
Resolved, That service of citation and any other legal process shall be served upon both the Attorney General and the officer in charge of the Texas Highway Department. Such service of process shall have the same force and effect as the service of process upon a defendant in any other civil case, and be it further
Resolved, That any party to the suit shall have the right of appeal as is provided for in other civil cases; and be it further
Resolved. That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in and govern the trial of other civil cases; and be it further
Resolved. That nothing herein shall be construed as a waiver of any defense, of fact as well as of law, that may be asserted by or available to the State of Texas, or any of the Departments or Agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but all such defenses are hereby specifically reserved.

The resolution was referred to the Committee on State Affairs.

RELATIVE TO CERTAIN PROPOSED AMENDMENTS TO THE CONSTITUTION OF TEXAS

Mr. Dewey offered the following resolution:

H. S. R. No. 9

Whereas, The 57th Legislature at its Regular Session submitted fourteen (14) proposed amendments to the Constitution of the State of Texas to be voted upon by the people of the State; and

Whereas, These fourteen (14) proposed amendments to be voted upon at an election to be held on November 6, 1962, are as follows:

House Joint Resolution No. 36, authorizing counties and other political subdivisions of the State to provide workers' compensation insurance for all employees; House Joint Resolution No. 52, authorizing the Legislature to provide for trial de novo on all appeals to the courts from actions, rulings or decisions of administrative agencies and executive departments of the State of Texas or any of its political subdivisions; House Joint Resolution No. 56, authorizing a retirement disability and death compensation program for elected and appointive officers and employees who serve in such capacity for twelve (12) or more years in any county or other political subdivision; House Joint Resolution No. 46, authorizing the Texas Water Development Board to acquire and develop storage facilities in reservoirs and to dispose of such water and facilities upon such terms as the Legislature may provide; House Joint Resolution No. 51, providing that the Legislature may authorize the creation of hospital districts composed of all or part of one or more counties; House Joint Resolution No. 76, authorizing the creation of two (2) hospital districts in Brazoria County; Senate Joint Resolution No. 6, providing that school taxes voted by an independent school district, the major portion of which is in Dallas County shall not be abrogated, canceled or invalidated; Senate Joint Resolution No. 7, setting the maximum amount of State funds which may be expended for assistance to needy persons totally and permanently physically or mentally disabled; Senate Joint Resolution No. 9, raising the limit on use of State funds for financial assistance to the needy aged, needy blind, and needy children; Senate Joint Resolution No. 12, providing that State employees may serve in advisory capacities, or as consultants, or as members of public school boards, and receive reimbursement for expenses incurred in such service if there is no conflict of interest; Senate Joint Resolution No. 15, empowering the Legislature to provide for temporary succession to public office so as to preserve the continuity of governmental operations in periods of emergency caused by enemy attack; Senate Joint Resolution No. 19, permitting the Legislature to delegate certain saving
powers to the governing body of any
county bordering on the Gulf of
Mexico or its tidewater limits; Senate
Joint Resolution No. 11, providing
that the Legislature may authorize
the creation of hospital districts in
Ochiltree, Castro, Hansford and Hop-
kins Counties; and Senate Joint
Resolution No. 12, permitting the
sale of lands of the Veterans Land
Fund remaining unsold after having
been first offered for sale to veterans
to such purchasers as may be pro-
vided by law; and
Whereas, The Legislature by hav-
ing admitted these amendments to
the people of Texas has signified
that it believes each to be meritor-
ious; now therefore be it
Resolved, That all citizens of Tex-
as be invited and urged to give these
amendments most careful study and
support; and be it further
Resolved, That we call upon all
citizens, civic clubs, women's clubs,
chambers of commerce, and the
press of the State, and all groups and
associations interested in improving
the operation and effectiveness of
Texas State Government to familiar-
ize themselves with the purposes of
each of the proposals and to give
same their active support; and be it
further
Resolved, That all citizens of Tex-
as be urged to pay their poll taxes
or obtain the appropriate exemp-
tion certificates and exercise their rig-
right to vote in 1963 so that a truly re-
presentative majority of the people
of Texas will participate in these im-
portant decisions.

The resolution was referred to the
Committee on Rules.

CONGRATULATORY RESOLU-
TIONS ADOPTED
H. S. No. 10, By Mesures. Hale, 
Bridges, Poeder and Gidley, Com-
manding Civics classes of W. H. 
Ray High School of Corpus Christi for
visits to the Capitol.

H. S. No. 12, By Mr. Bailey:
Congratulating the Albany Lions of 
Albany High School for State Cham-
ionship of Class A High School Football

MESSAGE FROM THE SENATE 
Austin, Texas, January 3, 1962
Hon. James A. Turman, Speaker of 
the House of Representatives.

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

H. C. R. No. 1, Providing for a
Joint Session, 11:00 a.m., January 3,
1962.

Respectfully,
CHARLES A. SCHNABEL,
Secretary of the Senate.

ADDRESS BY THE HONORABLE 
PRICE DANIEL, GOVERNOR
(The Senate and the House of Rep-
resentatives in Joint Session.)

In accordance with the provisions
of House Concurrent Resolution No.
1, providing for a Joint Session of
the Senate and House at 11:00 o'clock A. M. today, for the purpose
of hearing the message of the Hon-
orable Price Daniel, Governor, the
Honorable Senators were announced
at the Bar of the House, and being
duly admitted, occupied seats ar-
anged for them.

Senator Charles Herring, President
Pro Tempore of the Senate, was es-
corted to a seat on the Speaker's
Rostrum.

The Honorable Price Daniel, Gov-
ernor, accompanied by Mrs. Price
Daniel, and escorted by Senators
Martin, Moffett, Patman, Aikin and
Schwartz, Committee on the part of
the Senate; and Mesers. Wilson, 
Chairman; Bailey, Kothmann, Peel-
or, Price, Ratcliff, Richardson, Stew-
art of Galveston and Trevino, Com-
mittees on the part of the House,
were announced at the Bar of the
House and being admitted, were es-
corted to seats on the Speaker's Ro-
strum.

The Honorable Charles Herring, Pres-
ident Pro Tempore of the Sen-
ate, called the Senate to order and
announced a quorum of the Senate
present.

Speaker Turman called the House
to order and directed the Clerk to
call the roll of the House.

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

Mr. Speaker

Allen
Adams of Lubbock

Adams of Titus

Alatis

Bailey

11
A quorum of the House was announced present.

Speaker Turman stated that the two Houses were in Joint Session for the purpose of hearing a message from the Honorable Price Daniel, Governor.

Speaker Turman presented Governor Daniel to the Joint Session.

Governor Daniel then addressed the Joint Session, speaking as follows:

To The Members of The Fifty-seventh Legislature:

I hope all of you have enjoyed the Christmas and New Year holidays and that the next thirty days of this New Year will be far more pleasant and profitable than some have predicted or anticipated.

Special Sessions of the Legislature are never very enjoyable either for Legislators or Governors, but as long as Texas continues to grow and problems remain unfinished, it is likely that we shall have more of such extra sessions in the future than in the past. We live in an age when the legislative business of this State simply cannot be attended to in 16-day Regular Sessions every two years. The people recognised this when they voted annual salaries for Members of the Legislature, and the writers of our Constitution anticipated it when they provided that the Legislature shall meet "at such other times when convened by the Governor."

As long as Governors are elected on platforms and bases in which they sincerely believe, they may be...
expected to exercise their Constitutional right to convene the Legislature to consider enactment of proposals which, if delayed, might result in severe losses to the State and to the people, or ultimate defeat of the legislative objectives.

In this category, there are four proposals which I have carried to the people with solemn pledges of support and on which I feel there is need for action without delaying them for another year. They are:

1. Enactment of legislation to include banking institutions in the new Escheat Enforcement Act which was passed earlier this year, or in any special Act which will accomplish the same purpose.

2. Enactment of a law regulating small loans so as to stamp out the loan shark racket which has existed for too long at the expense and injury of our people.

3. Adjustment of the Farm-to-Market Road program to provide that some of the presently earmarked funds may be used for maintenance as well as construction of the Farm-to-Market Road system.

4. A supplemental appropriation bill providing more adequate financing of the juvenile parole system and a court attraction program sufficient to compete with the other States. This bill also should include an emergency appropriation for the repair of the San Jacinto Monument and prison system properties, both of which received substantial damage from Hurricane Carla. I now submit to you and recommend the enactment of these four measures.

In my opinion, any one of them is more important than those which did not receive the banks represented here were completely wiping out the deposit-creditor relationships, many of the banks represented here were completely wiping out the depositors' accounts and missing heirs, or for the State if it should turn out that there are no owners.

You now have estimates worked out by the State Auditor for the House Committee, based upon figures furnished by 161 banks, that there are now in excess of $16,000 dormant accounts in Texas banks totaling in excess of $16 million.

If all of these thousands of dormant deposits and millions of dollars were being securely held without dissipation or conversion, they would be there for action at the Regular Session next year or at any future date.

The trouble is that all banks in this State are not so preserving and protecting these deposits. Literally thousands of these dormant accounts are being wiped out each year by conversion of the funds to the banks themselves through outright transfers or unconscionable service charges ranging as high as 100% per year.

Since I first recommended this law to you in 1959, at least 200,000 dormant bank deposits have been converted from dormant accounts to bank profits through transfers and purported service charges. I estimate that the total sum so transferred is in excess of $2 million.

(The State Auditor's estimate, based on the 161 banks which reported, is in excess of $187,000 deposits transferred for a total of over $1 million. However, as the House Committee concluded, these estimates are "on the conservative side," because there is every reason to believe that banks failing to report have even worse records on this subject than those which did not try to hide their actions.)

At the very time the Texas Bankers Association was here in Austin fighting against the bill on the grounds that it would upset depositor-creditor relationships, many of the banks represented here were completely wiping out the deposit-
tor-creditor relationship by transferring their dormant deposits to the undivided profits of the banks.

For instance, after vigorously opposing legislative action requiring them to advertise for these lost owners and report the results to the State, the First National Bank of Jefferson, Texas, on September 29, 1959 transferred $2 dormant accounts ranging from $3 to $105 to the undivided profits of the bank. Some of these accounts were 50 years old.

The present president of that bank, who appeared before the House committee, testified that this practice was widespread. He admitted that for a long time:

"... the banks have been thinking, well, maybe we ought to do something toward getting this money ourselves rather than see it go to the State."

Most of these outright transfers involved National banks, but some were State chartered institutions which acted in violation of the State Banking Commissioner's regulation on this subject. For instance, last year while this subject was under consideration by the Legislature and while it was being opposed by the Union State Bank of San Antonio as a violation of the depositor-creditor relationship, this same Union State Bank "in one fell swoop" transferred hundreds of dormant deposits totaling in excess of $26,000 to the undivided profits of the bank. The State Banking Commissioner, Mr. J. M. Falkner, testified before the House committee that upon learning of this action, he required the bank to restore the funds to the depositors' accounts.

These two examples, a National bank at Jefferson and a State bank in San Antonio, point up the need for a uniform State law applying to all depositories, because the State bank was required to restore the deposits while the National bank still has not been required to do so.

The second method of converting old deposits to bank profits accomplishes the same purpose as outright transfers, but it is more gradual. It is a purported monthly service charge, even though no checks are written and no service rendered. The most usual charge is $1 per month on deposits under $200, and in many cases these include small savings accounts. Some of the charges were admitted to be as high as $2 per month.

I have illustrations here of how these service charges operate. In this hand I hold an inactive dormant account of a college student on which no checks have been written and no other activity encountered. The original account was $7.52. The National bank charged this dormant account $1 service charge per month for eight months and finally sent this student a statement showing not only that the account was completely wiped out, but that he owed the bank 48¢ for a purported service which was never rendered. This is more than 100% per annum for merely holding and using the money.

In this hand I have an example of a member of the Legislature whose father died leaving a dormant account of approximately $88, and after twelve years, without any notice whatever to the heirs, it was reduced by purported service charges to $40. If the same bank had been using the present $1 per month service charge on dormant accounts, this account would have been completely transferred to bank profits in seven years and four months.

These are examples of an unwarranted practice relating to deposits of owners or heirs who could be located, and the same thing is happening each month in thousands of cases to the deposits of owners who cannot be found, some of which are due the State because no owners exist.

Two Beaumont National banks reported the transfer in this manner of $708 dormant deposits since January 1, 1959. One National bank in Dallas completely charged off $621 deposits, and a Fort Worth National bank $492 deposits in the same period.

State banks are prohibited by the State Banking Commissioner from making service or maintenance charges on dormant accounts. The Commissioner testified, "We make that provision on the theory that the accounts were inactive or dormant and the bank does not render any service." The Checkright Enforcement Law passed last year makes the same prohibitions against maintenance or service charges by those...
covered by that law. Many National banks take the same attitude and refrain from making service charges on dormant accounts. However, based on projections run by the State Auditor, it is estimated that at least 57% of the National banks in Texas and 13% of the State banks have been and are now using one of these two methods to transfer dormant accounts to bank profits. With at least 250,000 dormant accounts being subject to such action at the present time, it should be evident that this practice should be stopped now with respect to all banks and depositories, State and National, without another year's delay. If we delay action another twelve months, there will be another 100,000 dormant accounts wiped out and another $1 to $2 million lost to the owners or to the State.

It is unfair to the estimated 43% of the National banks and 87% of the State banks which do not engage in these practices to permit their competitors to continue to eat up, wipe out, and transfer these dormant accounts. It is unfair to the lost owners and missing heirs for this to be allowed to continue, and it is unfair to the State in those cases where there are no owners or heirs and the property is already subject to escheat under the age-old law on this subject.

A majority of the owners of these deposits can be found if their names are advertised as forty accounts. Of the names that are subject to a presumption of death without heirs, because the existence or whereabouts of the owners have been unknown for more than seven years.

As you know, a uniform bill on this subject has been recommended by the American Bar Association, the Commission on Uniform State Laws, the National Governor's Conference, and the Council of State Governments. The constitutionality of similar laws in other States has been upheld by the Supreme Court of the United States with respect to both State and National banks in Securities Savings Bank v. California, 263 U. S. 282 (1923); and Anderson National Bank v. Luckett, 321 U. S. 233 (1944). The Attorney General of Texas stated that such a bill is constitutional in Opinion No. WW-579. I believe every member of this Legislature will agree that some effective action should be taken on this subject without further delay. If you will read the Interim Report of the Special House Committee dated December 21, 1961, and signed by the three members who were able to attend the hearings: Representatives Franklin Spears, Ted B. Springer, and Paul E. Haring. Attended to this report as Exhibit C is the State Auditor's analysis of information submitted to the committee by 161 banks and a projection on a percentage basis of the figures that are estimated for all of the 1,105 banks in the State.

I recommend that primary consideration in this matter be given to protection of the dormant bank accounts of lost owners and missing heirs, prohibiting their dissipation through transfers and purported service charges, requiring that after seven years the names of the missing owners be advertised and that a report of those who cannot be located be made to the State Treasurer, and that any of such funds turned over to the State be subject to repayment to the owners at any time in the future that they can be found.

This can be accomplished by simply amending the Escheat Enforcement Law passed earlier so as to include banking institutions or through a special bill applying to such institutions.

The latter course may be the most advisable. I have in the past two weeks been able to arrive at a version of this bill with many of the leading bankers of the State, and it will be introduced today in both the House and Senate. As you probably know, and if not, I am pleased to advise you that there are many bankers in Texas who now realize that legislation is necessary and who are willing to cooperate in settling this issue.

Small Loan Regulations

On the subject of small loan regulations I feel that you are as familiar as anyone with the need for prompt
The people of Texas voted overwhelmingly in 1960 for a Constitutional amendment authorizing the Legislature to regulate this business. It is estimated that our people are being gouged an estimated $100 million per year by those who are charging exorbitant interest rates, to say nothing of the harassment and abuses employed to bring about payments. Both the Legislative Council and the Attorney General's Conference have made suggestions for regulatory legislation. It is my hope that the interest rates which you might authorize will be lower than those contained in either of these proposals, but the main thing is to bring these small loan companies under State regulation regardless of what their interest rates may be. I hope that this Special Session will at least provide for licensing and regulating those engaged in this business so that present and future laws relating to interest can be better and more easily and promptly enforced.

Farm-To-Market Roads

On the farm-to-market road question, I voted the second-year appropriation for the Colton-Briscoe program in the sum of $15 million because there was no provision made by statute for maintenance of farm-to-market roads. Everyone who has studied this subject knows that we cannot continue to put all of our funds ear-marked for farm-to-market roads on construction and none on maintenance of the 3,000 miles of farm roads which already have been built under this program. I am pleased to advise that all of the organizations which have concerned themselves with this problem through the years have officially endorsed a proposal which I submit in bill form by which the Colton-Briscoe program of $15 million per year for construction would be restored and continued, and that maintenance funds would be provided from other presently ear-marked farm-to-market road funds. This would mean an actual increase in mileage constructed for farm-to-market roads, proper maintenance on a sustaining basis, and freeing the primary highway system of a present maintenance load of $18 million per year. The proposal has been endorsed by the Texas Farm Bureau, the Texas Good Roads Association, the County Judges and Commissioners Association, the State Highway Commission, and several other interested organizations. This is one of the finest instances which I have observed of cooperation between rural and city people in working out a recommendation to the Legislature which will be for the benefit of our entire State.

Supplemental Appropriation Bill

I recommend a supplemental appropriation bill to provide specifically for the following:

1. An appropriation of $200,000 to the Texas Highway Department for the fiscal year beginning September 1, 1962, to finance a tourist attractions program, as authorized by the recent Constitutional amendment.

In the past four years, the annual number of visitors to Texas has dropped by more than 1,500,000 and we have lost untold millions of dollars to our economy as a result. The time has come for Texas to compete with the other States whose vigorous programs have cut deeply into the Texas tourist industry. All statistics indicate that this will be a money-making investment for our people and our State through increased tax revenues.

2. An appropriation of $100,000 to the Texas Youth Council for expanding the juvenile parole system in the fiscal year beginning September 1, 1962.

I recommend that this amount be authorized to provide 15 additional parole officers and two area supervisors. It was gratifying that the present Appropriation Bill initiated a paid parole system for juveniles, although only five parole officers were authorized. It is vitally important that this program be expanded now. Juvenile offenders paroled from the three correctional schools are wards of the State, and the Youth Council should have a program to assure adequate supervision, just as the Board of Pardons and Paroles has established an adult parole system under authority of the Legislature.
There are approximately 1800 juvenile paroles, including 1367 from the Gatesville State School for Boys. During the last fiscal year, 715 parolees were returned to the schools for parole violations, including 218 from Gatesville. The return rate at Gatesville is 37%.

Better parole supervision would help prevent this repetition of crime, and help save some of the lives of young offenders who are now involved in over 50% of the major crimes committed in Texas.

3. Authority for the Department of Corrections to spend for emergency purposes the unappropriated balances in the Mineral Lease Fund, subject to approval by the Governor with advice of the Legislative Budget Board. This was agreed to by the Conference Committee on Appropriations in the First Called Session, but the language was inadvertently omitted in the enrolling room. This authorization is now needed due to damage caused by Hurricane Carla. In order to help replace the great loss the State suffered last year in the death of the director, O. B. Ellis, the Board of Corrections has also recommended an increase to $22,500 in the salary of the director, and an increase to $15,000 in the salary of the assistant director for business and custody. I feel these increases are justified, and recommend them to you.

An appropriation of $154,500 out of Building Commission funds, for the purpose of repairing damage to the San Jacinto Monument and its terraces.

Certain repairs were called for before the recent hurricane, but damage is now so extensive that the adjoining Museum is closed to the public. Much of the needed appropriation is for the purpose of waterproofing the shaft of the Monument which was the most serious source of water infiltration during the storm. I recommend that the needed repairs and improvements be appropriated from Building Commission funds, since the Constitutional amendment creating the building program envisioned expenditures for memorials to those who fought in the Texas War for Independence as well as the Confederate forces in the War Between the States. I can think of no more worthy expenditures than for the preservation of one of our most cherished monuments to the heroism of our forefathers. It would be tragic to permit the San Jacinto Monument to continue to deteriorate due to our neglect in providing funds for repair and improvement.

The Comptroller has reported that sufficient funds are in sight to enable him to certify these appropriations.


Other Possible Measures

If committee hearings are held Friday on these measures and if they progress without undue delay, there are quite a few local and other bills which I would like to submit. Many of you have asked for submissions of this nature. They include water districts, corrections of two Regular Session bills, authorization of fall-out shelter districts, increase of State disaster programs pointed out by Hurricane Carla, minor election law changes, and proposals which may be of a local or uncontroversial nature. I will consider all of these when I am sure they will not interfere with the primary purposes of this Session.

In this connection, I am not one who believes that a 20-day session cannot handle more than three or four bills. I saw this Legislature pass 549 bills in 149 days during the Regular Session with at least 100 of them contested in some degree. With full cooperation and good faith effort on the part of the Executive and the Legislative branches, I am sure that we can do what needs to be done in this 30-day Session. In fact, I am convinced that this can be one of the most productive Special Sessions in the history of our State, and I shall do all within my power to help you achieve this result.

SENATE RETIRES

At 11:45 o'clock A. M., Senator Herring stated that the business of the Joint Session was concluded and that the Senate would adjourn. The Senate then retired.

At the conclusion of the Joint Session, Speaker Turman stated that the
The Speaker called the House to order at 11:30 o'clock A. M.

HOUSE BILLS ON FIRST READING

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

By Messrs. McLhany, Struve and Caldwell:

H. B. No. 2, A bill to be entitled "An Act amending Article 9.35 of Chapter 9, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, and Subsection (1) of Section 4b) of Section 1129a, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, and to declare an emergency."

Referred to the Committee on Agriculture.

By Mr. Cole of Harris:

H. B. No. 3, A bill to be entitled "An Act to define and regulate the business of lending money in amounts of Fifteen Hundred Dollars ($1,500) or less; to authorize the licensing and regulation of persons engaged in such business; to permit licensees to charge a greater rate of charge than lenders not licensed hereunder; to prescribe maximum rates of charge that licensees are permitted to charge; to regulate the purchase or assignment of wages as salary earned, or to be earned, when given as security for a loan or as consideration for a payment of Fifteen Hundred Dollars ($1,500) or less; to provide for administration and enforcement of this Act and the issuance of regulations and orders therefor; to authorize the making of examinations and investigations and the publication of reports thereon; to provide for the review of administrative acts hereunder; to provide penalties; to amend Chapter 144, Acts of the 48th Legislature, Regular Session, 1943, compiled as Article 4646a, Vernon's Annotated Civil Statutes, and Articles 5069, 5071 and 5072, Revised Civil Statutes of Texas, 1925; to repeal Chapter 472, Acts of the 82nd Legislature, Regular Session, 1951, compiled as Article 152a, Vernon's Annotated Civil Statutes, and Chapter 17, Acts of the 49th Legislature, 1st Called Session, 1927, as last amended by Chapter 196, Acts of the 49th Legislature, Regular Session, 1945, compiled as Article 6165a, Vernon's Annotated Civil Statutes and Article 112A, Vernon's Annotated Penal Code, and Subdivisions (5) and (6) of Article 19.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, and all other laws or parts of laws in conflict; to provide for severability; and to declare an emergency."

Referred to the Committee on Banks and Banking.

By Messrs. Ratcliff, Hinson, Blake, Roberts of Hill and Kennard:

H. B. No. 4, A bill to be entitled "An Act making certain appropriations out of the General Revenue Fund to the State Highway Department for advertising Tourist attractions in Texas and to the Texas Youth Council for additional parole supervision services; out of the unexpended balances in the Special mineral Lease Fund to the Department of Corrections for emergency purposes; out of the State Building Fund to the State Building Commission for renovation and repair of the San Jacinto Monument; and declaring an emergency."

Referred to the Committee on Appropriations.

By Messrs. Haring, Springer, Alonzo and Barlow:

H. B. No. 5, A bill to be entitled "An Act amending Paragraph (s) of Section 1 of Article 5272a of Title 53, Revised Civil Statutes of Texas, 1925, as added by Chapter 21, Acts of the 57th Legislature, First Called Session, 1961, by removing the exemption of certain banking organizations from the provisions of the escheat of personality Act; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.
Mr. Collins moved that the House adjourn until 11:00 o'clock a.m. tomorrow.

The motion prevailed.

The Benediction was offered by the Reverend Clinton Kersey, Chaplain.

In accordance with the motion to adjourn, the House at 12:13 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.
Mr. Kohler offered the following resolution:


Whereas, Since the adjournment of the Second Called Session of the 57th Legislature, this House has been saddened by the death of one of its Members, the Honorable J. Edgar Wilson of Amarillo; and

Whereas, Representative Wilson died suddenly of a heart attack August 24, 1961, at his home; and

Whereas, He had been a Member of this House since 1956 and was esteemed and respected by all who knew him; and

Whereas, Born in the Bushland Community in Randall County in 1905, he moved with his family to Amarillo as a child and had lived there since; and

Whereas, He is survived by his wife, Caroline, and by two sisters and a brother, all of Amarillo; and

Whereas, He was a dedicated worker for the interests and concerns of his city, the West Texas area, and of the State of Texas; and

Whereas, He will be sorely missed in the work and deliberations of this Session; now therefore be it

Resolved, That the House of Representatives of the State of Texas adjourns this day in memory of the life and service of this distinguished citizen and legislator and that a copy of this Resolution be sent to his family with our sympathy and deep regard.

The resolution was read.


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

The resolution was unanimously adopted by a rising vote.