January 9, 1962

HOUSE JOURNAL

H. S. R. No. 30

Whereas, Miss Anita Koop of Edna, Texas, was honored by being selected as Queen of The Texas Farm Bureau for 1962, at the 28th Annual Farm Bureau Convention in Galveston on November 13th, 1961; and

Whereas, Miss Koop was chosen from twelve other District Queens for this outstanding honor; and

Whereas, Miss Koop was graduated from Edna High School and is now a sophomore student at Del Mar College in Corpus Christi, Texas, where she is majoring in Music; and

Whereas, Miss Koop is the lovely daughter of Mr. and Mrs. Arnold Koop of Edna, Texas; now, therefore, be it

Resolved, That Miss Anita Koop be cordially invited to appear before the House of Representatives on Monday, January 15, 1962, at 10:30 a.m. to be introduced to the Members of the House; and, be it further

Resolved, That an official enrolled copy of this Resolution be mailed to Miss Koop with our heartiest congratulations and best wishes for continued success and happiness.

The resolution was referred to the Committee on Rules.

ADJOURNMENT

Mr. Lewis moved that the House recess until 10:00 o'clock a.m. tomorrow.

Mr. Collins moved that the House adjourn until 10:00 o'clock a.m. to tomorrow.

The motion to adjourn prevailed.

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

In accordance with the motion to adjourn, the House at 4:55 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on a bill and resolutions as follows:

Revenue and Taxation: H. B. No. 1.
Rules: H. S. R. No. 19.
State Affairs: H. C. R. No. 2.

FOURTH DAY

(Tuesday, January 9, 1962)

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

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

Mr. Speaker Grover Adams of Lubbock
Guffey Adams of Titus
Alamis Harding
Allen Harling
Andrews Harrington
Atwell Hayes
Bailey Healy
Ballman Hefton
Barlow Hinton
Burns Hollowell
Bartram Huebner
Bing Hughes
Berry of Grayson
Bates Hughes of Dallas
Bissack, Miss
James
Jarnagin
Jarvis
Johnson of Dallas
Johnson of Bexar
Johnson of Bell
Jones of Dallas
Jones of Travis
Kilpatrick
Kohler
Koliba
Kornman
Kothmann
Lacy
Lamer
Leaverston
Lewin
Longoria
McDowell
McGregor
McGregor of El Paso
Markgraf
Martin
Miller
Moore
Mullen
Murchison
Murfrey
Mutchler
Nugent
Oliver
Gubern
Parrs
Peary
Peeler
Green
Petty
A quorum of the House was announced present.

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

"Heavenly Father, as we live in a world of troubled confusion, we ask for your help that we not forget that Thou art not a spectator but have a plan for us as well as for the world. Help us to not feel forsaken as we remember you have told us that every tongue will confess that Christ is the Lord, and every knee shall bow before Thee. May Thy will prevail upon the hearts of those present here today. In Christ's name we pray.—Amen."

LEAVES OF ABSENCE GRANTED

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

- Mr. McLinhany for today to attend the Southern Regional Education Conference in Atlanta, Georgia, on motion of Mr. Gladden.
- Mr. Larry for today on motion of Mr. Shannon.

MEMORIAL RESOLUTIONS ADOPTED

H. S. R. No. 27, By Miss Duff: In memory of Mr. F. E. Hoefer.

H. S. R. No. 30, By Mr. Sluder: In memory of John Burri Perrell.

H. S. R. No. 34, By Mr. Roberts of Hill: In memory of the Reverend Murray Dickson.

H. S. R. No. 35, By Mr. Koliba: In memory of W. O. McDaniel.

H. S. R. No. 38, By Mr. Koliba: In memory of H. B. (Red) Owen.

H. S. R. No. 37, By Mr. Koliba: In memory of J. V. Ash, Sr.

H. S. R. No. 39, By Mr. Bailey: In memory of Mrs. Omar Burkeit.

On the motion of Miss Isaacks the names of all Members of the House were added to H. S. R. No. 39 as signers thereof.

S. C. R. No. 3, in memory of Boyce House.

CONGRATULATORY RESOLUTIONS ADOPTED


H. S. R. No. 29, By Mr. Oliver: To congratulate the Nederland High School Bulldogs of Nederland, Texas.

H. S. R. No. 31, By Mr. Barnes: To extend thanks and appreciation to the Honorable Wendell Mayes of Browwood.

H. S. R. No. 32, By Messrs. Murray, de la Garza, Pipkins, Rapp, Longoria and Spilman: To congratulate the St. Anthony Mustangs of Harlingen, Texas.

H. S. R. No. 21, By Messrs. Grant, Blackcoulter, de la Garza, Pipkins, Sluder, Longoria, and Spilman: To congratulate the St. Anthony Mustangs of Harlingen, Texas.
Mr. Hughes of Dallas offered the following resolution:

H. S. R. No. 32

Whereas, It is the desire and intention of the House of Representatives never to let a momentous event that could shape the destiny of our great State occur unheeded without paying tribute both to the forces that have combined to produce the event and to the possible influence that event may have upon Texas history; and

Whereas, At 4:42 A.M., on December 26, 1961, at St. Paul's Hospital, Gordon Robert Johnson brought pride and happiness to his statesman father, our esteemed member Robert Johnson, and his lovely mother, Judy, whose joy was matched only by that of the grandparents, Mr. and Mrs. John P. Scott, III, and Mrs. M. B. Johnson; and

Whereas, Our great football player who has held the line and carried the ball is now as graceful as a ballet dancer when carrying his new son; and

Whereas, A weight of 7 pounds 15 oz. may not at the moment seem to portend a heavy influence on matters of State, yet the future must inevitably reveal that this miniature statesman will encourage his father to greater successes and without doubt shall rise in stature to surpass his illustrious father in size and endeavor; now, therefore, be it

Resolved, That the House of Representatives of the 57th Legislature, Third Called Session, congratulate our fellow Member and his lovely wife and wish a lifetime of happiness to Gordon Robert Johnson.

HUGHES of Dallas,
ATWELL,
JONES of Dallas,
JAMES,
RATCLIFF,
LEWIS.
COMMITTEE TO ESCORT COACH DARRELL ROYAL OF THE UNIVERSITY OF TEXAS

The Speaker announced the appointment of the following committee to escort Coach Darrell Royal to the Speaker's rostrum:

Messrs. Caldwell, Cannon, Quliian, Crain and Barnes.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Caldwell then introduced Mrs. Darrell Royal of the University of Texas, who was escorted to the Speaker's rostrum.

The Speaker announced the appointment of the following committee to escort Coach Darrell Royal to the Speaker's rostrum:

Messrs. Caldwell, Cannon, Quliian, Crain and Barnes.

The resolution having heretofore been referred to the Committee on State Affairs and reported favorably by the Committee.

The resolution was adopted.

INVITING MISS ANITA KOOP TO VISIT THE HOUSE OF REPRESENTATIVES

Mr. Caldwell then presented Coach Royal, who addressed the House.

Coach Royal then presented an autographed football to Art Turman, son of Speaker James A. Turman and Mrs. Turman.

RECESS

Mr. James moved that the House recess until 2:00 o'clock p.m. today.

The motion prevailed.

In accordance with the motion to recess, the House, at 19:47 o'clock a.m., took recess until 2:00 o'clock p.m. today.

AFTERNOON SESSION

The House met at 2:00 o'clock p.m. and was called to order by the Speaker.

MESSAGE FROM THE SENATE

Austin, Texas, January 9, 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:

S. C. R. No. 6, Authorizing State Building Commission to make survey; and declaring an emergency.

Respectfully,

CHARLES A. SCHNABEL,
Secretary of the Senate.

ADDRESS BY THE HONORABLE ALONZO JAMISON

Mr. Jamison, recognized by the Speaker to speak on personal privilege, addressed the House as follows:

"Few Members, if any, of this House will take seriously the crude attempt seen here today—through an anonymous circular—to discredit three able and respected Members of the House. We regret also the implication that the material was originated by a Member of this body. This implication—which I hope and believe is unfounded—reflects upon the character of every Member. All of us would hold that when a Mem-
Mr. Hughes of Grayson offered the following amendment to the bill:

Amend the engrossed bill, page 3, Sec. "a," first line, by changing the word "Act" to "Article."

The amendment was adopted without objection.

Mr. Quillian offered the following amendment to the bill:

Amend Section 2 of Committee Amendment No. 1 to H. B. 1 by adding a new subsection thereto, as follows:

"b. Nothing in this subsection shall prohibit the assessment of a statement charge to any account, not to exceed twenty-five (25¢) cents in any one month, which statement charge may be assessed only in those months in which a statement of such account is prepared and mailed to the depositor; provided that such statement charge shall not be made (1) in any months for which the depositor has requested that no statement be prepared and mailed to him, or (2) in any months in which the aforesaid statement, after being mailed to the depositor, is returned unclaimed."

Quillian, Nugent, Eckhardt.

The amendment was adopted without objection.

Mr. Foreman offered the following amendment to the bill:

An Act to amend Title 53, Revised Civil Statutes, 1925, relating to escheat, by adding Article 3272b to Amend Section 4 on page 6 at line 4, prohibiting the conversion or reduction of such accounts while in dormant or inactive status; requiring advertising for lost owners and reporting to the State of dormant or inactive accounts of owners whose whereabouts are unknown to the depository; defining terms; and substituting therefor:

The bill was read third time.
Mr. Crain offered the following substitute amendment for the amendment offered by Mr. Foreman:

Amend Section 4 on page 6 at line 4 of the bill by striking out following the word "creditor" the phrase "when the account first became dormant or inactive" and substituting the following: "on January 1, 1957 or when the account first became dormant or inactive, whichever is later." And further amending by striking out beginning on line 7 the sentence "If the amount then credited to an account is less than the amount of the initial dormant deposit or inactive account, except for its share of publication costs, the reason for such reduction shall be stated."

Mr. Hughes of Grayson moved to table the substitute amendment offered by Mr. Crain.

The motion to table prevailed.

The amendment offered by Mr. Crain was then adopted, having received the necessary two-thirds vote.

Mr. Rosson offered the following amendment to the bill:

Amend H. B. 1 by striking paragraph 3 on page 4 and substituting therefore the following, to wit:

"Annually thereafter during the month of May of each year the depository shall again publish in like manner in the city or county only in which the depository is located the names of each depositor or creditor whose deposits or accounts have not been reported and delivered to the State in accordance with Section 1, above, if the whereabouts of any owner thereof still remain unknown to the depository and their deposits or accounts still remain in a dormant or inactive status as herein defined."

The amendment was adopted without objection.

Mr. Fletcher offered the following amendment to the bill:

Amend House Bill No. 1 by striking out the word "State" wherever it appears except in Sections 1 and 2, and in lieu thereof substituting the word "county."

And further amend House Bill No. 1 by striking out the words after the words "transferred to the" and before the word "provided" in Section 5 and in lieu thereof substituting "County General Fund."

And further amend House Bill No. 1 by striking out the words following the word "below" in Section 6 and before the word "Dollars" and in lieu thereof substituting the words "One Thousand."

And further amend House Bill No. 1 by striking out all the words after the words "under this Act" in Section 6 and before the words "The County Treasurer."

And further amend House Bill No. 1 by striking out the first paragraph of Section 6 and the first three words of the second paragraph of Section 6.

And further amend House Bill No. 1 by striking out the words "Attorney General" in Section 6 and in lieu thereof substituting the words "County Attorney."

And further amend House Bill No. 1 by striking out the words "Secretary of State" in Section 8, and in lieu thereof substituting the words "County Commissions Court."

And further amend House Bill No. 1 by striking out the words after the word "suit" in Section 8.

The amendment offered by Mr. Fletcher was lost.

Mr. Miller offered the following amendment to the bill:

Amendment to H. B. 1

Amend Section 1, by adding a subsection following subsection "c" thereunder a new subsection "d" as follows:

"d. The terms depositor and person, in the singular and plural herein, shall be construed to mean both natural persons and corporate entities."

The amendment was adopted without objection.

Mr. Garrison offered the following amendment to the bill:
Amend House Bill No. 1 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. Title 53, Revised Civil Statutes of Texas, 1925, is hereby amended by adding a new Article to be designated Article 3272b to read as follows:

1. The terms "dormant deposits" and "inactive accounts" mean those demand, savings, or other deposits of money or its equivalent in banking practice, including but not limited to sums due on certified checks, dividends, notes, accrued interest, or other evidences of indebtedness, held by a depositor or credit or on his order, which have continuously remained inactive for a period of more than one (1) year without credit or debit whatsoever through the act of the depositor, either in person or through an authorized agent other than the depository itself. "Dormant deposits" and "Inactive accounts" lose their status as such when a deposit is made by the depositor or a check is drawn or withdrawal is made therefrom by such depositor, either in person or through an authorized agent other than the depository itself.

Section 2. Conversion or Reduction Prohibited

"It shall be unlawful for any depository, without the written consent of the depositor, to transfer, convert or reduce any dormant deposit or inactive account to the profits or assets of the depository, either through book transfer, assessments, service charges or any other procedure so long as the deposit or account remains in a dormant or inactive status. This shall not apply to the charges hereafter specifically authorized for efforts to locate the depositors.

Section 3. Penalties

Any depository or person who wilfully violates any provision of this article shall be punished by a fine of not less than Five Hundred Dollars ($500), nor more that one thousand dollars ($1,000), or by confinement for not more than six (6) months in the county jail, or both, and in addition shall be subject to civil penalties of not exceeding One Hundred Dollars ($100) for each day of such failure or refusal or other violation, said civil penalties to be collected by suit in a district court of Travis County, Texas, by the Attorney General in the name of the State of Texas.

The amendment offered by Mr. Garrison was lost.

Mr. Heatly moved that further consideration of House Bill No. 1 be postponed until 11:00 o'clock a.m., next January 22.

Mr. Ehrle moved to table the motion to postpone further consideration of H. B. No. 1.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

Mr. Johnson of Bell was granted leave of absence for the remainder of the day on account of important business, on motion of Mr. Glass.

H. B. No. 1 was passed by the following vote:

Yeas-86

Alaniz   Ballman   Barlow   Bartram   Bass   Berry   Boyzen   Bridges   Buchanan   Caldwell   Cannon   Carriker   Chapman   Cole of Harris   Collins   Cowan   Curington   de la Garza   Dewey   Duncan   Eckhardt   Esquivel   Foreman   Gedden   Glasing   Green   Grover   Hale   Harring    Harrington   Haynes   

Nays-47

No. 1 was passed and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

Mr. Kennard moved that the House adjourn until 11:00 o'clock a.m. tomorrow.

Mr. Read moved that the House adjourn until 16:00 o'clock a.m. tomorrow.

Mr. McGregor of El Paso moved that the House recess until 10:00 o'clock a.m. tomorrow.

The motion to adjourn until 15:00 o'clock a.m. tomorrow was lost.

The motion to adjourn until 11:00 o'clock a.m. tomorrow prevailed.

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

In accordance with the motion to adjourn, the House, at 3:40 p.m., adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills and a resolution as follows:

Agriculture: H. B. No. 2.

Banks and Banking: H. B. No. 1.


FIFTH DAY

(Wednesday, January 10, 1981)

The House met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the Speaker.

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

Mr. Speaker

Adams of Lubbock

Allen

Adams of Titus

Allan

Adams of Titus

Andrews

Atwell

Bailey

Barnes

Blaine

Burgess

Butler

Cole of Hunt

Connell

Cook

Cory

Cotthem

Cowles

Crain

Crews

Duff, Miss

Ehrler

Ehrla

Fairchild

Fletcher

Floyd

Garrison

Gibbens

Gulfey

Hasty

Heaton

Present—Not Voting

Glass

Harding

Absent

Harding

Osborn

Absent—Excused

Bagwell, Mrs.

Mcllhany

Johnson of Bell

Lary

PAIRED

Mr. Glass (present), who would vote "Yea" with Mr. Johnson of Bell (absent) who would vote "Nay."

Mr. Hughes of Grayson moved to reconsider the vote by which H. B. No. 1 was passed and to table the motion to reconsider.

The motion to table prevailed.