

JOURNAL
OF THE
House of Representatives
OF THE
FIRST CALLED SESSION
OF THE
Forty-Seventh Legislature
BEGUN AND HELD AT
THE CITY OF AUSTIN
SEPTEMBER 9, 1941



ADDRESS BY GOVERNOR COKE
R. STEVENSON

(In Joint Session.)

In accordance with the provisions of House Concurrent Resolution No. 2, adopted by the House and Senate on this morning for the purpose of hearing His Excellency, Governor Coke R. Stevenson, at 1:00 o'clock p. m., today, the Honorable Senators escorted by Hon. Bob Barker, Secretary of the Senate, were announced at the bar of the House and being duly admitted were escorted to seats prepared for them along the aisle.

Senator E. Harold Beck, President Pro Tempore, was escorted to a seat on the Speaker's stand.

Honorable Coke R. Stevenson, and party, escorted by Senators Shivers, York, Lanning, Van Zandt and Mauritz, Committee on the part of the Senate, and Messrs. Leyendecker, Reed of Bowie, Burnaman, Cleveland and McLellan, Committee on the part of the House, were announced at the bar of the House and were escorted to seats on the Speaker's stand.

Senator E. Harold Beck called the Senate to order and stated that the two Houses were in Joint Session for the purpose of hearing Governor Coke R. Stevenson.

The President Pro Tempore of the Senate directed the clerk to call the roll of the Senate.

The roll of the Senate was called and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Graves	Stone
Hazelwood	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Formby	Kelley
Hill	Spears

A quorum of the Senate was announced present.

Speaker Homer Leonard 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	Dwyer
Allen	Ellis
Allison	Favors
Alsup	Ferguson
Avant	Files
Bailey	Fitzgerald
Bean	Gandy
Bell	Garland
Benton	Gilmer
Boone	Goodman
Brawner	Green
Bray	Halsey
Bridgers	Hardeman
Brown	Hargis
Bruhl	Harris of Dallas
Bullock	Harris of Hill
Bundy	Hartzog
Burnaman	Heflin
Carrington	Helpinstill
Cato	Henderson
Celaya	Hileman
Chambers	Hobbs
Clark	Howington
Coker	Hoyo
Colson, Mrs.	Huddleston
Connelly	Hughes
Craig	Humphrey
Crossley	Hutchinson
Crosthwait	Isaacks
Daniel	Jones
Davis	Kelly
Deen	Kennedy
Dickson of Bexar	Kersey
Donald	Kinard
Dove	King
Duckett	Klingeman

Knight	Phillips
Lansberry	Price
Lehman	Rampy
Leyendecker	Reed of Dallas
Little	Ridgeway
Lock	Rhodes
Love	Roark
Lowry	Roberts
Lucas	Sallas
Lyle	Senterfitt
McAllister	Sharpe
McCann	Shell
McDonald	Simpson
McGlasson	Smith of Bastrop
McLellan	Smith of Atascosa
McMurry	Spacek
McNamara	Stanford
Manford	Stinson
Manning	Stubbs
Markle	Taylor
Martin	Thornton
Matthews	Vale
Mills	Voigt
Montgomery	Walters
Moore	Wattner
Morgan	Weatherford
Morris	White
Morse	Whitesides
Murray	Williamson
Pace	Winfree
Parker	

Absent

Baker	Fuchs
Blankenship	Pevchouse
Burkett	Reed of Bowie
Cleveland	Spangler
Eubank	

Absent—Excused

Carlton	Huffman
Dickson of Nolan	Howard
Evans	Nicholson
Hanna	

A quorum of the House was announced present.

Speaker Leonard then presented Honorable B. J. Leyendecker, who presented Governor Coke R. Stevenson to the Joint Session.

Governor Stevenson then addressed the Joint Session, as follows:

To the Members of the Forty-seventh Legislature:

The purpose for which this special session has been convened has been stated in the proclamation to be: To enact legislation amending Chapter 13, Acts of the Third Called Session of the 42nd Legislature

as heretofore amended, which is generally known as the State Highway Bond Servicing Law. Many opinions have been advanced as to the best method of accomplishing this purpose. I believe all of us are actuated by a common motive and that is to find a solution of this problem which will give the greatest benefit to the people of this State.

Among others who have expressed opinions as to how this might best be accomplished I have on numerous occasions expressed my belief; it is that the excess or surplus remaining in the County and Road District Highway fund after servicing the eligible obligations of the various counties and defined road districts, should go to the Highway Department to be spent in financing the construction of State highways. In reaching this conclusion I have not discarded my original intention when the original bond servicing law was first passed by the Third Called Session of the 42nd Legislature, in September, 1932. At that time I believed the most important phase of this problem was getting the people out of debt.

Most of us know it has never been the burden of State taxes which has been grievous to the taxpayers, but the real heavy load carried has been local taxes voted upon the people by themselves. Included in this category are the bonds voted to build roads which were later designated as State highways. The original plan evidenced by the enactment of Chapter 13 was to relieve the taxpayers of this burden and to pay off the debt, both principal and interest, incurred to build roads which were designated as State highways. This was then a laudable purpose and it still is. This objective is being accomplished by the expenditures necessary to service the eligible obligations. As stated, I am not discarding the principle involved in this plan of operation. In its accomplishment, however, we have accumulated a surplus of money in our fund for this purpose. The disposition of this surplus has become one of our legislative problems.

I recognize that any lawful and moral use to which money is allocated is not a matter of principle,

and involves no sacrifice of principle. It is a matter of judgment as to what can best be accomplished by the expenditure.

An individual who has accumulated any considerable fund by thrift and industry may have some difficulty in deciding on the use to be made of such fund. He might buy a farm or ranch, or invest in business, or construct a factory. It would be a matter for his determination, and whatever his decision might be, it would involve no sacrifice of principle. He might even decide to use the money in one direction and because of circumstances over which he had no control, he might change his mind and use the money in an entirely different direction. I mention this as illustrating the thought that the disposition of the surplus in the County and Road District Highway Fund is not a matter of principle; it is a matter for this Legislature to determine in its wisdom and judgment.

Recently the War Department has decided to discharge certain men in the armed forces who are over the age of twenty-eight years. It is hoped that these discharges will be made before Christmas of this year. Most of these men will be looking for work. The Director of Selective Service has requested me to appoint three hundred fifty-one men in that number of communities to assist the discharged men in returning to their former positions or making new connections. Since work should be available to each and every one of these men, I am persuaded to believe that the use of this surplus fund by the Highway Department in constructing more State Highways would be a tendency in the right direction. Not only would the money thus expended provide work in the actual construction of highways, but it would provide the people of Texas with desirable road improvements.

Realizing that my own opinion concerning the disposition of the surplus in this fund is not controlling, and respecting the opinions of those who have expressed other views, I am willing to recede from my position in order that all of our differences may be composed and legislation speedily enacted which

will continue servicing the eligible obligations and at the same time determine the policy of the Legislature with reference to the surplus.

Recently I issued a statement urging some agreeable compromise which would permanently solve this question. In that statement no indication was given as to the form this compromise proposal should take. Later, however, I did submit to a number of those interested, a proposal to return the surplus to the Highway Department and that as long as the surplus is Two Million Dollars or less that this money be placed in a separate fund to be known as the State Farm-to-Market Road Fund and to be used by the State Highway Department in the construction and maintenance of roads which were not a part of the maintained system of State designated highways as of January 1, 1941; and that whenever the surplus should be in excess of Two Million Dollars that any sum over and above the Two Million be divided equally between the State Farm-to-Market Road Fund, and the State Highway Fund.

This proposed plan met with considerable favor, and also with some opposition. I am thoroughly convinced that the plan has merit and I firmly believe the time is not far distant when we will inaugurate a permanent farm-to-market road plan in Texas, under the supervision and direction of the State Highway Department. During the time I have advocated this plan I have also been listening carefully to the suggestions made to me by members of the Legislature.

From all of these suggestions, I have arrived at the conclusion that the plan upon which a majority of both houses will agree is that the right-of-way costs heretofore incurred by the counties and defined road districts on roads which are now a part of the maintained State system of designated highways and which are represented by legally issued bonds, warrants and other evidences of indebtedness outstanding and unpaid as of September 1, 1941, be serviced in the same manner as other eligible obligations, the pro-

ceeds of which were used in the construction of said highways, and that after such right-of-way costs are so serviced then any surplus remaining in said fund shall be returned to the Highway Department.

This is the plan I am recommending to this session of the Legislature with the hope that it will be speedily enacted and evidence given to the people that this Legislature is capable of the speedy solution of this and all other problems of legislation which may be submitted to them.

Respectfully submitted,

COKE R. STEVENSON,

Governor.

MESSAGE FROM THE GOVERNOR

Speaker Leonard presented Hon. Coke Stevenson, Governor, who addressed the House and presented the following message:

September 19, 1941.

To the Members of the 47th Legislature:

I am taking advantage of this opportunity to express to you my deep sense of appreciation for the fine public service you have rendered in this session of the Legislature. Your response to the public demand for efficient and decisive action in amending the State Highway Bond Servicing Law will be soundly applauded by the people of Texas.

The solution of the problem presented to you is convincing evidence of the ability of this Legislature to rise to the heights of statesmanship in the public service. It affords an illustration of speedy yet considerate action by the forces of democracy when all its factors are actuated by a genuine desire to promote public welfare.

The bill which you have passed is a good bill in its mechanics and structure. The policy of dividing the surplus between the counties and

the Highway Department represents that spirit of compromise which is many times necessary to preserve our democratic processes.

The servicing features of the bill will save the property tax payers of this State between nine and ten million dollars per year.

Considered from every standpoint, it is legislation which merits the approval of the public and I sincerely believe you will receive the congratulations of the public for the highly satisfactory manner in which you have discharged your solemn duty during this extraordinary session of the Legislature.

With my best wishes to each of you, I remain

Sincerely yours,

COKE STEVENSON.