Austin, Texas, February 4, 1963

Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. B. No. 156, A bill to be entitled "An Act amending Section 14 of Senate Bill No. 221, Chapter 119, Acts 1966, Fifty-fourth Legislature, Regular Session, codified as Article 871b, Texas Civil Statutes, authorizing the Board for Texas State Hospitals and Special Schools to use any personnel and facilities under its control and management for carrying out research in mental retardation; repealing all laws or parts of laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 4, 1963

Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 13, commending Chief J. A. Stahl, Fireman Ken Biggs, Fireman Malcolm Coker, and Fireman Arthur Centeno for their devotion to duty and for their unselfish heroism.

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.

Austin, Texas, February 4, 1963

Hon. Byron M. Tunnell, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred H. C. R. No. 14, congratulating The Progressive Farmer for its choice of Mrs. Mabel Clare Thomas as "Texas Woman of the Year."

Has carefully compared same and finds it correctly engrossed.

NELSON COWLES, Chairman.
A quorum of the House was announced present.

The Invocation was offered by the Reverend I. W. Oliver, Chaplain, as follows:

"Our Heavenly Father, because of Thy comforting and abiding presence in our lives, we are ready to face the duties and business of this new day. Make us each mindful of the great responsibility that is ours, to honestly and fairly represent the people, who have placed their confidence in our integrity.

Lord, we are responsible to Thee for all our actions, even as we are responsible one to another. Help us to see each other through the eyes of Him who taught us, that we are our brother's keeper, and that inasmuch as we do good unto the least of our brethren, we do it also unto Thee.

In Thy Holy and Righteous Name we pray.—Amen."

MEMORIAL RESOLUTION

ADOPTED

H. S. R. No. 97, By Koliba: In memory of Leo J. Braden.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution was today laid before the House, read first time and referred to the appropriate Committee, as follows:

By Collins, Hollowell, Whitfield, Cherry, Wells, Cannon and Weldon:

H. J. R. No. 53, A Joint Resolution

"Proposing an Amendment to the Constitution of the State of Texas, amending Sections 51a and 51-b-1 of Article III so that the same shall consist of one Section to be known as Section 51-a; providing that the Legislature shall have the power to provide assistance to and provide for the payment of same to (1) citizens of Texas who are needy aged persons over the age of sixty-five (65) years, (2) needy persons who are at least eighteen (18) years of age and less than sixty-five (65) years of age who are permanently and totally disabled, (3) needy blind persons over the age of twenty-one (21) years, and (4) needy children under the age of sixteen (16) years; authorizing the Legislature to set up residence requirements for eligibility for such assistance; repealing the Constitutional limit on the amount paid out of State funds to individual recipients of Old Age Assistance and Aid to the Permanently and Totally Disabled; removing the over-all ceiling and providing that the amounts for such assistance payments shall not exceed the amounts that are matchable out of Federal funds for such purposes; providing for the acceptance of financial aid from the Government of the United States; providing for the necessary election, form of ballot, proclamation, and publication." Referred to the Committee on Constitutional Amendments.

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 Green:

H. B. No. 431, A bill to be entitled "An Act amending Articles 46, 48 and 51 of Chapter 492, Acts of the 52nd Legislature, 1951, as amended, (compiled as Articles 5.14, 5.16 and 5.18, respectively, of Vernon's Texas Election Code), which relate to poll receipts and exemption certificates, by omitting all references to race; and declaring an emergency." Referred to the Committee on State Affairs.

By Hinson:

H. B. No. 432, A bill to be entitled "An Act authorizing the commissioners' court of Upshur County to lease, and/or sell and convey a certain..."
H. B. No. 434, A bill to be entitled "An Act relating to duties of the county health officer; amending Article 4427 of the Revised Civil Statutes of Texas, so as to further simplify such duties and provide the right of inspection."

Referred to the Committee on Public Health.

By Eckhardt:

H. B. No. 435, A bill to be entitled "An Act relating to duties of the county health officer; amending Article 4427 of the Revised Civil Statutes of Texas, so as to further simplify such duties and provide the right of inspection."

Referred to the Committee on Public Health.

By Glenn and Brown of Taylor:

H. B. No. 433, A bill to be entitled "An Act amending Senate Bill No. 26, Page 544, General Laws of the State of Texas, Regular Session, 1939, as amended by House Bill No. 611, Chapter 542, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 696c, Vernon's Texas Civil Statutes, in force on the 30th day of June, 1943, relating to duties of operators of business or industries; repealing all laws and parts of the laws in conflict herewith; providing a saving clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By By Eckhardt:

H. B. No. 434, A bill to be entitled "An Act relating to duties of the county health officer; amending Article 4427 of the Revised Civil Statutes of Texas, so as to further simplify such duties and provide the right of inspection."

Referred to the Committee on Public Health.

By Glenn and Brown of Taylor:

H. B. No. 433, A bill to be entitled "An Act amending Senate Bill No. 26, Page 544, General Laws of the State of Texas, Regular Session, 1939, as amended by House Bill No. 611, Chapter 542, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 696c, Vernon's Texas Civil Statutes, in force on the 30th day of June, 1943, relating to duties of operators of business or industries; repealing all laws and parts of the laws in conflict herewith; providing a saving clause; and declaring an emergency."

Referred to the Committee on State Affairs.

By Smith of Bexar:

H. B. No. 436, A bill to be entitled "An Act amending Section 1 of Chapter 38, Acts of the 48th Legislature, Regular Session, 1927 (compiled as Section 1 of Article 63a of Vernon's Code of Criminal Procedure), to extend to the Judges of the Court of Criminal Appeals of Texas and such court the power to issue writs of prohibition and writs of error coram nobis, providing that an order issued by a judge may be vacated by a majority of the court; stating the grounds upon which such writs may
be granted; and declaring an emergency.”

Referred to the Committee on Criminal Jurisprudence.

By Walker:

H. B. No. 437, A bill to be entitled “An Act amending subsection (d) of Section 2 of Subdivision 1 of Article I of Article 5701, Acts of the 50th Legislature, Regular Session, 1947, as amended by Section 1 of Chapter 297, Acts of the 53rd Legislature, Regular Session, 1953, the same being compiled as subsection (d) of Section 2 of Subdivision 1 of Article I of Article 5701d, Vernon’s Annotated Civil Statutes, and Section 9 of Chapter 42, Acts of the 41st Legislature, 2nd Called Session, 1929, as last amended by Section 1 of Chapter 20, Acts of the 43rd Legislature, Regular Session, 1933, the same being compiled as Article 827e, Sec. 9 of Vernon’s Annotated Penal Code, so as to include any vehicle operated in the performance of duty by a member of a volunteer fire department within the definition of an authorized emergency vehicle and to authorize the use of a red light, and a bell, siren, compression or exhaust whistle on such vehicle; providing for severability; repealing conflicting laws; and declaring an emergency.”

Referred to the Committee on Highways and Roads.

By Caldwell:

H. B. No. 438, A bill to be entitled “An Act amending the subject matter of the Texas Unemployment Compensation Act, as amended, and as embraced in Section 3, providing benefits; Section 4, providing benefit eligibility conditions; and by repealing subsection (f) thereof; Section 7, providing for contributions, as amended (S. B. No. 5, Ch. 482, General and Special Laws of the 44th Leg., 3rd C. S., 1936, as amended); providing for the repeal of all laws and parts of law in conflict; and for preserving rights accrued hereunder; providing for the separability of provisions; providing for an effective date for this Act; and declaring an emergency.”

Referred to the Committee on Insurance.

By Cory:

H. B. No. 439, A bill to be entitled “An Act regulating the sale of shellfish, authorizing the State Commissioner of Health to declare polluted areas from which shellfish may not be taken for the purpose of sale and to establish rules and regulations fixing standards of sanitation in the handling of shellfish; defining ‘shellfish,’ ‘polluted area,’ ‘Commissioner,’ and ‘person,’ providing for the issuance of certificates of compliance to operators of shellfish shucking and packing plants; making certain acts unlawful; establishing an effective date; fixing penalties for violation; providing a severability clause; and declaring an emergency.”

Referred to the Committee on Public Health.

By Chapman and Hughes:

H. B. No. 440, A bill to be entitled “An Act amending Article 1738 of the Revised Civil Statutes of 1925, as amended, providing for the transfer by the Supreme Court of cases from one Court of Civil Appeals to another; and declaring an emergency.”

Referred to the Committee on Judiciary.

By Chapman and Hughes:

H. B. No. 441, A bill to be entitled “An Act relating to the publication of the decisions of the Supreme Court and of the Court of Criminal Appeals; repealing Articles 620-628, inclusive, Articles 1724, 1725, 1816, 4332, 4333 and 4234; amending Articles 4331, 4331b and 4339; and declaring an emergency.”

Referred to the Committee on Judiciary.

By Chapman and Hughes:

H. B. No. 442, A bill to be entitled “An Act amending Chapter 99, House Bill 33, Acts, Regular Session, Fifty-first Legislature of the State of Texas, 1949, Article 6228b of Vernon’s Revised Civil Statutes by adding two new sections thereto to be designated as Sections 6A and 6B; providing that the beneficiary of a deceased retired Judge shall be paid the difference between the total amount of the contributions made by him and the amount received by him as
By Fairchild:

H. B. No. 446, A bill to be entitled "An Act amending Article 2226 of the Revised Civil Statutes of Texas, as amended, to allow recovery of attorney's fees under certain circumstances in suits upon liquidated claims, and declaring an emergency." Referred to the Committee on Judiciary.

By Weldon, Parker, Kilpatrick, Hayes of Orange and Lack:

H. B. No. 447, A bill to be entitled "An Act to amend House Bill 92, Acts, Fifty-first Legislature, 1949, Pages 86, Chapter 83, codified as Article 53-169B, Code of Criminal Procedure of the State of Texas, relating to the compensation to be paid the Criminal District Attorney of Jefferson County, Texas, and the appointment of assistants and other personnel; containing a severability clause; repealing all laws in conflict herewith; and declaring an emergency." Referred to the Committee on Judicial Districts.

By Garrison:

H. B. No. 448, A bill to be entitled "An Act amending Sections 1 and 2 of Article 21.14 of Chapter 491, Acts of the 52nd Legislature, 1951, as amended, and repealing all laws, general and special, in conflict with this act, and declaring an emergency." Referred to the Committee on Education.

By Hatch:

H. B. No. 449, A bill to be entitled "An Act amending Article 21.09, Revised Civil Statutes of Texas, as amended, to allow recovery of attorney's fees under certain circumstances in suits upon liquidated claims, and declaring an emergency." Referred to the Committee on Education.

By Kilpatrick, Millikan, Van Nostrand, Bateman and Fairchild:

H. B. No. 450, A bill to be entitled "An Act amending Article 21.09, Revised Civil Statutes of Texas, as amended, and repealing all laws, general and special, in conflict with this act, and declaring an emergency." Referred to the Committee on Education.

By Cory:

H. B. No. 444, A bill to be entitled "An Act to amend Article 2812, Revised Civil Statutes, 1925, defining 'scholastic population' for its purpose and other laws pertaining to apportionment of the State Available (School) Fund; providing thereby for the annual apportionment, distribution and transfers of such Fund, beginning in 1962, on an average daily attendance determination or basis; amending Articles 2816 and 2819, Revised Civil Statutes of 1925, as amended; providing for severability; and declaring an emergency." Referred to the Committee on Education.

By Weldon, Parker, Kilpatrick, Hayes of Orange and Lack:

H. B. No. 447, A bill to be entitled "An Act amending House Bill 92, Acts, Fifty-first Legislature, 1949, Pages 86, Chapter 83, codified as Article 53-169B, Code of Criminal Procedure of the State of Texas, relating to the compensation to be paid the Criminal District Attorney of Jefferson County, Texas, and the appointment of assistants and other personnel; containing a severability clause; repealing all laws in conflict herewith; and declaring an emergency." Referred to the Committee on Judicial Districts.

By Garrison:

H. B. No. 448, A bill to be entitled "An Act amending Sections 1 and 2 of Article 21.14 of Chapter 491, Acts of the 52nd Legislature, 1951, as amended, and repealing all laws, general and special, in conflict with this act, and declaring an emergency." Referred to the Committee on Education.

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H. B. No. 449, A bill to be entitled "An Act amending Article 21.09, Revised Civil Statutes of Texas, as amended, to allow recovery of attorney's fees under certain circumstances in suits upon liquidated claims, and declaring an emergency." Referred to the Committee on Education.

By Cory:

H. B. No. 444, A bill to be entitled "An Act to amend Article 2812, Revised Civil Statutes, 1925, defining 'scholastic population' for its purpose and other laws pertaining to apportionment of the State Available (School) Fund; providing thereby for the annual apportionment, distribution and transfers of such Fund, beginning in 1962, on an average daily attendance determination or basis; amending Articles 2816 and 2819, Revised Civil Statutes of 1925, as amended; providing for severability; and declaring an emergency." Referred to the Committee on Education.

By Weldon, Parker, Kilpatrick, Hayes of Orange and Lack:

H. B. No. 447, A bill to be entitled "An Act amending House Bill 92, Acts, Fifty-first Legislature, 1949, Pages 86, Chapter 83, codified as Article 53-169B, Code of Criminal Procedure of the State of Texas, relating to the compensation to be paid the Criminal District Attorney of Jefferson County, Texas, and the appointment of assistants and other personnel; containing a severability clause; repealing all laws in conflict herewith; and declaring an emergency." Referred to the Committee on Judicial Districts.

By Garrison:

H. B. No. 448, A bill to be entitled "An Act amending Sections 1 and 2 of Article 21.14 of Chapter 491, Acts of the 52nd Legislature, 1951, as amended, and repealing all laws, general and special, in conflict with this act, and declaring an emergency." Referred to the Committee on Education.

By Hatch:

H. B. No. 449, A bill to be entitled "An Act amending Article 21.09, Revised Civil Statutes of Texas, as amended, to allow recovery of attorney's fees under certain circumstances in suits upon liquidated claims, and declaring an emergency." Referred to the Committee on Education.
February 6, 1963

H. B. No. 451, A bill to be entitled "An Act amending Section 1 of Article 9.02 of Title 122A, 'Taxation-General', Chapter 1, Acts of the 56th Legislature, Third Called Session, 1959 (compiled as Section 1 of Article 9.02 of Title 122A 'Taxation-General', Vernon's Texas Civil Statutes), to provide that certain motor fuel purchased or otherwise acquired outside of the State of Texas and brought into this State by any person who is returning thereto immediately following an absence therefrom for a period of less than twenty-four (24) hours duration shall be subject to the excise tax levied on the first use of such motor fuel in this State and payable by such person as the Comptroller may prescribe; providing for an effective date; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By JARVIS;

H. B. No. 452, A bill to be entitled "An Act limiting the maximum working hours for firemen and Peace Officers of all counties over five hundred thousand (500,000) population according to the last preceding Federal Census and declaring an emergency."

Referred to the Committee on State Affairs.

By GLADDEN;

H. B. No. 453, A bill to be entitled "An Act to amend the restrictive clause contained in the General Appropriation Bill, being Senate Bill No. 1, Article III, Highway Department, enacted by the Fifty-seventh Legislature at its First Called Session so as to permit the State Highway Department to expend appropriated funds for title insurance on land acquired for right-of-way for State Highways in the State of Texas; and declaring an emergency."

Referred to the Committee on Appropriations.
By Eckhardt:
H. B. No. 454, A bill to be entitled "An Act repealing Chapter 7, Acts of the 45th Legislature, First Called Session, 1937, which relates to credit allowed for working out fines in certain counties; and declaring an emergency."
Referred to the Committee on Criminal Jurisprudence.

By Eckhardt:
H. B. No. 465, A bill to be entitled "An Act repealing Chapter 60, Acts of the 43rd Legislature, 1933, which relates to the disposition of fees of precinct, county and district officers in certain counties; and declaring an emergency."
Referred to the Committee on Criminal Jurisprudence.

By Banfield:
H. B. No. 466, A bill to be entitled "An Act validating orders entered by County Judges declaring the inhabitants of certain cities, towns or villages incorporated, setting forth the boundaries thereof and the officials of such cities, towns or villages; validating the corporate existence of such cities, towns or villages and elections heretofore held for the election of officials; and declaring such cities, towns and villages to have the power of cities and towns set forth in Title 28, Revised Civil Statutes as amended; providing that the officials named in such order constituted the officials of such city; and validating elections for the issuance of bonds of such cities, towns and villages; and declaring an emergency."
Referred to the Committee on Municipal and Private Corporations.

MESSAGE FROM THE SENATE
Austin, Texas, February 6, 1933
Hon. Byron Tunnell, 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. J. R. No. 5, Proposing an amendment to the Constitution of Texas by providing that equality under the law shall not be denied or abridged because of sex.

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

CONGRATULATORY RESOLUTIONS ADOPTED
H. S. R. No. 96, By Schiller: To congratulate the Rockdale Tigers of Rockdale High School.
H. S. R. No. 96, By Roberts: Recognizing the Senior Class of Abbott High School.

On motion of Mr. Roberts, the names of all Members of the House were added to H. S. R. No. 96 as signers thereof.

TO CONGRATULATE THE HONORABLE PAUL FLOYD AND MRS. FLOYD
Mr. Miller offered the following resolution:

H. S. R. No. 103

Whereas, Our worthy colleague, the Honorable Paul Floyd of Houston, is on the floor of this House this morning, pale and wan, but here nonetheless; and
Whereas, This is something of an accomplishment because at 6:30 yesterday afternoon he was at a Houston hospital for the delivery of a new brother to Chip and Jim Floyd; and
Whereas, The presentation was made by the charming Jean Floyd and the newcomer, weighing in at seven pounds, has already been given the name Charles Ridge Floyd; now, therefore, be it
Resolved, That the House of Representatives of the Fifty-eighth Legislature congratulates Mr. and Mrs. Floyd on the safe arrival of their third son, and that the new boy receive the hearty good wishes of this House for a brilliant future; and, be it further
Resolved, That this House extends special regards to Mrs. Floyd with the hope for a quick recovery.


The resolution was read.
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On the motion of the Harris County delegation, the names of all Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

TO NAME MARGARET RUTH AND WENDELL ANN WHATLEY AS MASCOTS OF THE HOUSE

Mr. Miller offered the following resolution:

H. S. R. No. 98

Whereas, It has come to the attention of this Body, that Margaret Ruth Whatley and Wendell Ann Whatley are proper candidates for Mascot of the House of Representatives; and

Whereas, They are the beautiful children of our brilliant colleague, the Honorable Willis J. Whatley of Houston and his wife, Paul. Margaret Ruth was born March 24, 1953, and Wendell Ann April 24, 1957; now, therefore, be it

Resolved, That Margaret Ruth Whatley and Wendell Ann Whatley be, and they are hereby, named Mascots of the Fifty-eighth Legislature, Regular Session, and, be it further

Resolved, That their photographs appear on the picture panel of the House of Representatives and that they be given copies of this Resolution as a memento of this occasion.

The resolution was referred to the Committee on Rules.

TO NAME SHARRON MANN AS MASCOT OF THE HOUSE

Mr. Blaine offered the following resolution:

H. S. R. No. 99

Whereas, Though her services may be limited to expressing her feminine charm for the present, Sharron Mann is a proper candidate for Mascot of the House of Representatives; and

Whereas, She is the brand new daughter of our worthy colleague, the Honorable Dudley Mann, Jr., and his delightful wife, Sally. She was born December 14, 1962, at El Paso, and is the granddaughter of Mr. and Mrs. Dudley Mann, Sr., and of Mrs. Sara Loveless; now, therefore, be it

Resolved, That Sharron Mann be, and she is hereby, named Mascot of the Fifty-eighth Legislature, Regular Session, and, be it further

Resolved, That her photograph be placed on the picture panel of the House of Representatives and that a copy of this Resolution be made for her as a memento of this occasion.

Blaine, McNutt, McGregor and Issac.

The resolution was referred to the Committee on Rules.

TO NAME LINDA ANNETTE DUGGAN AS MASCOT OF THE HOUSE

Mr. Grover offered the following resolution:

H. S. R. No. 100

Whereas, It is hereby acknowledged that Linda Annette Duggan, who will be two years old on March 21, 1963, is a proper candidate for Mascot of the House of Representatives; and

Whereas, She is the winsome and spirited daughter of our distinguished colleague, the Honorable Lee Duggan and Mrs. Duggan of Houston. She is also the granddaughter of Mr. and Mrs. Jack K. Wicker, and Mr. and Mrs. Lee Duggan, Sr., all of Houston; now, therefore, be it

Resolved, That Linda Annette Duggan be, and she is hereby, named Mascot of the Fifty-eighth Legislature, Regular Session, and, be it further

Resolved, That her photograph be placed in the picture panel of the House of Representatives and that she be given a copy of this Resolution to keep as a memento of this occasion.

The resolution was referred to the Committee on Rules.

TO NAME GENE RAY, FORREST GEORGE AND HOUSTON BOWIE HENDRYX AS MASCOTS OF THE HOUSE

Mr. Barnes offered the following resolution:

The resolution was unanimously adopted.

The resolution was referred to the Committee on Rules.
Whereas, in keeping with a cherished custom of this House to recognize children of its Members, it is hereby acknowledged that Gene Ray Hendryx, age nine; Forrest George Hendryx, age six, and Houston New Hendryx, age two, are proper candidates for Mascots of the House of Representatives; and

Whereas, they are the energetic and promising sons of our new and esteemed colleague, the Honorable Gene Hendryx of Alpine, and his lovely wife, Lucille. Mr. and Mrs. E. A. Hendryx and George Kempen are the proud grandparents of these boys; now, therefore, be it

Resolved, That Gene Ray Hendryx, Forrest George Hendryx, and Houston New Hendryx be, and they are hereby, named Mascots of the House of Representatives of the Fifty-eighth Legislature, Regular Session; and, be it further

Resolved, That their photographs appear on the picture panel of the House of Representatives and that enrolled copies of this Resolution be presented to Gene Ray, Forrest George, and Houston New as mementoes of this occasion.

The resolution was referred to the Committee on Rules.

TO INVITE MISS LINDA LOFTIS TO APPEAR BEFORE THE HOUSE

Mr. Green offered the following resolution:

H. S. R. No. 101

Whereas, The most beautiful girl in Texas, tall and willowy Linda Loftis, is an accomplished musician as well as delightful to watch; and

Whereas, Members of this House may have seen this lovely Fort Worth girl on television, when she was second runner-up in the Miss America contest of 1961, or they may have seen her at one of numerous State celebrations she has graced. However, not all Members have met her in person; and

Whereas, Miss Loftis, a student at Texas Christian University and Miss Texas for 1962, will be in Austin in the near future; now, therefore, be it

Resolved, That the House of Representatives of the Fifty-eighth Legisature hereby invites Miss Linda Loftis, the State's Number One Valentine, to sing "Texas, Our Texas" before this House on February 14, and that a copy of this Resolution be sent to her as our official invitation.

The resolution was referred to the Committee on Rules.

TO INVITE MR. JOHN NOBLE TO ADDRESS THE HOUSE

Mr. Dungan offered the following resolution:

H. S. R. No. 102

Whereas, John Noble of Detroit, who spent nearly ten years in a Soviet slave labor camp in Siberia, is in Austin to lecture under the auspices of the Austin Americanism Committee; and

Whereas, From his own bitter experience Mr. Noble has written six books which tell the inside story of what it means to fall under Communist domination; and

Whereas, A prisoner of the Nazis before he was sent to the labor camp in Siberia, this man has given much information in testimony before Congressional Committees in Washington, D. C., particularly the Senate Internal Security Committee. His experiences also were the basis for dramatic presentation by the Armstrong Circle Theater on NBC television; now, therefore, be it

Resolved, That Mr. Noble be invited to address this House of Representatives on Thursday, February 7, 1963, at 11:00 a.m., when he will be in Austin for his public lecture.

Dungan and Cavness.

The resolution was referred to the Committee on Rules.

HOUSE BILL NO. 64 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 64, A bill to be entitled "An Act regulating the distribution, sale, or transportation of insecticides, fungicides, rodenticides, defoliants, desiccants, plant regulators, nematocides, and other economic pesticdes and devices; regulating traffic..."
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therein; providing for labeling, registration, and examination of such materials; defining certain terms; imposing penalties, and for other purposes, etc., and declaring an emergency.

The bill was read second time on February 4 and further consideration of the bill was postponed until 10:00 o'clock a.m. today.

Mr. Rapp offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend House Bill No. 64 by adding a new sentence at the end of Definition A of Section 2, to read as follows:

"The term does not include any 'commercial fertilizer' within the meaning of Chapter 27, Acts of the 57th Legislature, 1961, known as the Texas Commercial Fertilizer Control Act of 1961."

The amendment was adopted without objection.

Mr. Rapp offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend House Bill No. 64 by deleting Section 8B thereof and substituting in lieu thereof the following:

"B. Notwithstanding any other provision of this Section, in case any person, with intent to defraud, uses or reveals information relative to formulas of products acquired under authority of Section 4 of this Act, he shall upon conviction be guilty of a felony, and he shall be fined not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500) or imprisonment for not more than one year, or both."

The amendment was adopted without objection.

Mr. Mcllhany offered the following amendment to the bill:

Amend H. B. 64 by striking out the word "interstate" in par. A of Sect. 4, and substitute in lieu thereof the word "intrastate."

The amendment was adopted without objection.

Mr. Coughran offered the following amendment to the bill:

Amend H. B. No. 64 by striking out Paragraph C of Section 6 and substituting the following in lieu thereof:

"C. The Commissioner is authorized to contract with State colleges, State agencies or commercial laboratories for examination of economic pesticides provided such facilities and examinations are certified as adequate by the State Chemist and provided that such contracts to commercial laboratories are let on a competitive bid basis."

Rapp and Haines of Brazos.

The amendment was adopted without objection.

Mr. Mcllhany offered the following amendment to the bill:

Amend H. B. 64 by adding a new section:

8A. In all appeals prosecuted in any of the courts of this state pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from justice of the peace courts to county courts. When such an appeal is filed and the court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act.

The amendment was adopted without objection.

Mr. Mcllhany offered the following amendment to the bill:

Amend H. B. 64 by striking out Paragraph C of Section 6 and substituting the following in lieu thereof:

"C. The Commissioner is authorized to contract with State colleges, State agencies or commercial labora-
substituting in lieu thereof the following:

"C. The Commissioner is authorized to contract with state colleges, state agencies or commercial laboratories for examination of economic pesticides provided such facilities and examinations are certified as adequate by the state chemist and provided that such contracts with commercial laboratories are let on a competitive bid basis. All contracts entered into under this paragraph shall provide for the prompt mailing of reports on examinations directly to the Commissioner. All samples taken for examination shall be subjected to two (2) contemporaneous examinations, each by a separate and distinct examining agency. At least one (1) of the two (2) examining agencies should, in each case, be a commercial laboratory. The two (2) examining agencies shall work independently, without making oral or written contact except through the Commissioner, and shall make separate reports on results to the Commissioner. If the two (2) reports, in any given instance, differ by more than ten per cent (10%) as to any chemical or other property or characteristic of a sample the reports shall be discarded, new samples shall be taken and two (2) new examinations shall be made."

Mr. Carriker raised a point of order on further consideration of the amendment offered by Mr. Crain on the ground that it seeks to amend a section of the bill that has already been amended.

Mr. Carriker raised a point of order on further consideration of the amendment offered by Mr. Crain on the ground that it seeks to amend a section of the bill that has already been amended.

Mr. Carriker raised a point of order on further consideration of the amendment offered by Mr. Crain on the ground that it seeks to amend a section of the bill that has already been amended.

All registration fees collected by the commissioner shall be deposited in the State Treasury and credited to the General Revenue Fund.

Mr. McLain moved to table the amendment offered by Mr. Crain. A record vote was requested on the motion to table. The motion to table the amendment offered by Mr. Crain was lost by the following vote:

**Yea-59**

- Bass of Bowie
- Beckham
- Birkner
- Boysen
- Bridges
- Brooks
- Cain
- Caldwell
- Carricker
- Carson
- Chapman
- Cole
- Cory
- Cowden
- Craycraft
- Crayton
- Crawford
- Davidson
- Dickart
- Edwards
- Finney
- Flesner
- Floyd
- Fontenot
- Gladwin
- Glenn
- Good
- Gaffey
- Gaines of Brazos
- Hallmark
- Haynes of Orange
- Hisson

**Nay-90**

- Adams
- Alan
- Allen
- Arledge
- Atwell
- Ball
- Banfield
- Barnes
- Bass of Harris
- Berry
- Blaine
- Brown of Galveston
- Crain
The amendment offered by Mr. Crain was then adopted.

Mr. Crain moved to reconsider the vote by which the above amendment offered by himself was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Duggan offered the following amendment to the bill:

Amend Subsection A of Section 7 of House Bill No. 64 by adding a new exemption to be numbered (4), reading as follows:

"(4) Any person who employs or uses economic pesticides in the sale of a pest extermination or control service."

The amendment was adopted without objection.

Mr. Coughran offered the following amendment to the bill:

Amend House Bill No. 64 by adding thereto a new section to read as follows:

"Cl. All contracts entered into under the preceding paragraph shall provide for the prompt mailing of reports on examinations directly to the Commissioner. All samples taken for examination shall be subjected to two (2) contemporaneous examinations, each by a separate and distinct examining agency. At least one (1) of the two (2) examining agencies should, in each case, be a commercial laboratory. The two (2) examining agencies shall work independently, without making oral or written contact except through the Commissioner, and shall make separate reports on results to the Commissioner. If the two (2) reports, in any given instance, differ by more than ten per cent (10%) as to any chemical or other property or characteristic of a sample the reports shall be discarded, new samples shall be taken and two (2) new examinations shall be made."

Mr. McLain moved to table the amendment offered by Mr. Coughran.

A record vote was requested.

The motion to table the above amendment offered by Mr. Coughran prevailed by the following vote:

Yea-101
Alaniz        Ball      Edwards
Ballhaus       Bass      Esquivel
Bass of Bowie  Bass of Harris  Fairchild
Beckham       Beckham  Finney
Birkner       Floyd     Flanders
Bridges       Fordson  Foreman
Brown of Galveston  Brown of Brazos  Gibbens
Cain          Glenn     Green
Caldwell      Grover    Grover
Cannon        Carpenter  Grover
Carroll        Cavoucis  Grove
Carrizales  Chapman  Groves
Cherry        Haines of Orange  Groves
Cherry        Healy     Henson
Clyde          Cole      Hollowell
Collins       Cory      Houston
Cowden         Crews     Isacks
Davis          Duggan   Koliba
Doke          Kilpatrick  Kothmann
Dugan

Yeas-101
H. B. No. 45, A bill to be entitled "An Act amending Section (a) and repealing the first paragraph of Section (b) of Article 686 of the Revised Civil Statutes of Texas, 1915, as amended, relating to dealer's and manufacturer's license plates for their unregistered motor vehicles, motorcycles, house trailers, trailers, or semi-trailers; defining the terms 'dealer' and 'manufacturer'; limiting the use of manufacturer's test plates to new vehicles; providing for dealers to issue dated cardboard tags to buyers; specifying a validity time period for each buyer's tag so issued; providing for the form, color, and specifications of such buyer's cardboard tag to be prescribed by the Department; prohibiting the issuance of successive buyer's cardboard tags for the same vehicle; placing the responsibility for the safekeeping and for the distribution of all cardboard tags; placing the responsibility for showing certain information in ink on the buyer's cardboard tag; providing for the issuance of dealer's cardboard tags for the operation of unregistered vehicles owned by such dealers; providing for the form, color, and specifications of such dealer's tag to be prescribed by the Department; exempting certain vehicles from inspection; specifying the Department's authority to cancel dealer's or manufacturer's license plates for just cause; providing for dealers and manufacturers to submit upon demand certain pertinent information; providing under certain conditions for the surrender of dealer's and manufacturer's license plates including all facsimile cardboard tags thereof; prohibiting the use of dealer's or manufacturer's license plates on certain vehicles and providing an exemption therefor; providing for applications for dealer's and manufacturer's license plates and specifying the fees therefor; authorizing the Department to examine certain papers relative to all vehicles owned or controlled by dealers; authorizing the promulgation of reasonable rules and regulations; providing for dealers and manufacturers to notify the Department within ten (10) days of a change of address; providing for..."
the display of dealer's license plates; prohibiting the unauthorized production of cardboard tags; providing for a penalty; repealing laws in conflict; and providing for severability."

The bill was read second time.

Mr. Gibbens moved that further consideration of House Bill No. 45 be postponed until 10:30 o'clock a.m. tomorrow.

The motion to postpone prevailed.

HOUSE BILL NO. 294 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment, H. B. No. 294, A bill to be entitled "An Act authorizing the West Side Calhoun County Navigation District to sell certain water supply facilities and appurtenances to Guadalupe-Blanco River Authority; validating, ratifying and confirming an agreement heretofore executed by and between said District and said Authority; and declaring an emergency."

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

HOUSE BILL NO. 320 ON THIRD READING

Mr. Cook moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 320 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-142
Adams       Guffey
Allen       Haines of Brazos
Allen       Hallmark
Arlidge     Harding
Atwell      Harring
Bail        Harris
Bannister   Harris of Galveston
Bartee      Harris of Dallas
Bass of Bowie Hayes of Orange
Bass of Harris Hendley
Beckham      Hefton
Berkman     Hendryx
Blaine       Hine
Bursen       Houston
Burch       Imbs
Bryant       Jameson
Brown        Jarrett
Brown of Galveston Johnson of Dallas
Brown of Taylor Johnson of Harris
Buenos      Kilpatrick
Burr        Kilgore
Cath        Knaap
Canyon      Koliba
Carpper     Kothmann
Carver       Lack
Carvlin     Lattimore
Chapple     Ligarde
Chapman     McClintock
Cherry       McDonald
Clayton     McDonald of Rusk
Cody         McGregor
Coles         Meek
Collins       McNally
Cook          McNutt
Corry         Meares
Cotlen       Mann
Coughran        Markgraf
Crawford      Miller
Crawley      Moreau
Crain         Moyer
Crews         Murray
Dace         Mulcher
Dawson       Niemeyer
Davis         Parker
Davey       Farmer
Davis         Fairchild
Dickson        Parley
Dixon         Peary
Dow          Pecan
Doughty        Peeler
Doster         Pendleton
Dyar          Pevert
Dubois        Peifer
Duffy         Petry
Duncan         Piedmont
Duck         Pipkin
Dudley       Price
Duncan        Quilliam
Dulany       Richards
Dunham       Rapp
Dunn         Richardson
Ellender       Ritter
The Speaker then laid House Bill No. 320 before the House on third reading and final passage.

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

<table>
<thead>
<tr>
<th>Yeas</th>
<th>147</th>
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<td>Adams</td>
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<td>Woods</td>
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Nays—2

Hughes | Nugent |

The Speaker then laid House Bill No. 320 before the House on third reading and final passage.

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 5, Providing that February, 1963, be declared American History Month.

ADJOURNMENT

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

The motion prevailed.
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The Benediction was offered by the Reverend I. W. Oliver, Chaplain.

In accordance with the motion to adjourn, the House, at 12:18 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

NINETEENTH DAY
(Thursday, February 7, 1963)

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  de la Garza
Adams  Doke
Alaniz  Dungan
Allen  Dungan
Arledge  Eckhardt
Atwell  Edwards
Ball  Duvall
Bausfeld  Fairchild
Barnes  Finney
Bass of Bowie  Fletcher
Bass of Harris  Floyd
Beckham  Fondren
Berry  Foreman
Bickner  Garrison
Blaine  Gibbons
Boyon  Gladon
Bridges  Glenn
Brooks  Green
Brown of Galveston  Grover
Brown of Taylor  Guffey
Butler  Haines of Brazos
Candie  Hallmark
Caldwell  Hardig
Canales  Harris
Cannan  Harris of Galveston
Carville  Hays of Orange
Carver  Healy
Caveness  Heflin
Cherry  Hinson
Chapman  Hollowell
Clayton  Houston
Cone  Isacks
Collins  Jamison
Cook  Jarvis
Cory  Johnson of Dallas
Cotter  Johnson of Bexar
Cousen  Kilpatrick
Cowden  K wager
Cowins  Knapp
Cox  Koliba
Crews  Kochmann
Lack  Richardson
Lattimore  Ritter
Ligarde  Roberts
McClintock  Rodriguez
McDonald  Rosson
McDonald of Hidalgo  Satterwhite
McDonald of Rusk  Schiller
McGregor  Segrave
Mellhany  Shanno
McLaughlin  Shipley
McNutt  Shutt
Macatee  Simpson
Mann  Stack
Markgraf  Skidmore
Miller  Smith of Bexar
Morgan  Smith of Jefferson
Moyer  Stewart
Murray  Stollwercke
Muschler  Thompson
Niemeyer  Thermond
Nugent  Townsend
Parker  Traeger
Parmer  Walker
Parsons  Ward
Pearcy  Welden
Peeler  Wells
Pendleton  Whatley
Petty  Wheeler
Pipkin  Whiffield
Price  Winstead
Quilliam  Wilson
Rapp  Woods
Richards

Absent—Excused
Hughes

A quorum of the House was announced present.

The Invocation was offered by the Reverend I. W. Oliver, Chaplain, as follows:

"Our Heavenly Father, we are thankful for this privilege of coming to Thee so freely, to share with Thee all that is in our hearts. Being deeply conscious of our own weakness, we pray for Thy strength and Thy power, that we may not fail to do what we should, in making our lives useful in the service of our fellowman. Teach us, O Lord, not to trust to our own cleverness, but to trust instead that inward faith which can never be denied.

May we in this free land esteem more highly our liberties, in the light of the price others are called upon to pay.

For we ask these blessings in Thy name.—Amen."