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

The Invocation was offered by the Reverend E. C. McDonald, Chaplain, as follows:

"Our heavenly Father we give Thee thanks for what the 55th House of Representatives have accomplished in the matter of service to their beloved State of Texas. The eyes of Texas are upon you all the live long day, waiting patiently, expectantly and hopefully to see what the sum total shall mean to the various needs of the great State. May these men and women not be self-centered, egotistic or feeling self sufficient, but with the deepest gratitude for His divine help and inspiration of their hearts and minds to such a noble service and thus through them accomplish God's will in His name.—Amen."

LEAVES OF ABSENCE GRANTED

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

Mr. Blanchard for today on motion of Speaker Carr.
Mr. Cloud for today on motion of Mr. Dewey.
Mr. Talsak for today on motion of Mr. Schwartz.
Mr. Hefly for today on motion of Mr. Watson.
Mr. Baker for today on motion of Mr. Russell.
Mr. Terrell for today on motion of Mr. Burkett.
Mr. Bryan for today on motion of Mr. Brilow.
Mr. Hybd temporarily for yesterday and for today on motion of Mr. Bishop.
Mr. Dungan for today on motion of Mr. Latimer.
Mr. Kothisman for today on motion of Mr. Russell.

Mr. McCoppin for today on motion of Mr. Tunnell.
Mr. Eills for today on account of illness on motion of Mr. White.

VOTES RECORDED

By unanimous consent of the House, Mr. Sheridan was granted permission to be recorded as voting "yes" on the suspension of the Constitutional Rule and passage of the Bills on the Local and Uncontested Bill Calendar on yesterday.

By unanimous consent of the House, Mr. Boyson was granted permission to be recorded as voting "yes" on the motion to table the amendment by Mr. Woolsey, to H. B. No. 65 on yesterday.

HOUSE BILL NO. 326 ON SECOND READING

Mr. Osborn moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 326. A bill to be entitled "An Act concerning the cigarette tax; continuing the allocation to the State Hospitals and Special School's Building Fund; amending House Bill No. 726, Acts, Forty-fourth Legislature, Regular Session, 1935, chapter 241, as amended; and declaring an emergency." The motion prevailed.

The Speaker then laid H. B. No. 326 before the House, and it was read second time.

Mr. McGregor of El Paso offered the following Committee Amendment to the bill:

Committee Amendment to House Bill No. 326

Amend subsection (d) of Section 2 of Section 2 of House Bill No. 326 so as to read as follows:

"(d) All funds credited to the State Hospitals and Special School's Building Fund under this Act shall be used by the Board for Texas State Hospitals and Special Schools for the purpose of constructing, repairing and equipping such buildings or other facilities as are stipulated in the General Appropriations Act which are necessary for the proper care of these com-
mitted or to be committed to such hospitals and special schools according to the law. Provided, however, the fees paid to an architect shall not exceed the fee schedule set out in the biennium appropriation act."

The amendment was adopted.

House Bill No. 326 was then passed to engrossment.

**HOUSE BILL NO. 326 ON THIRD READING**

Mr. Osborn moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 326 be placed on its third reading and final passage.

The motion prevailed by the following vote:

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<th>Yeas</th>
<th>Absent-Excused</th>
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<td>Atwell</td>
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<td>Bartram</td>
<td>Hughes of Grayson</td>
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<td>Hughes of Dallas</td>
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<td>Harris, Miss</td>
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<td>Duff, Miss</td>
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<td>Dugas</td>
<td>El Paso</td>
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<td>Smith of Jefferson</td>
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<td>Pool</td>
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<td>Shuckelford</td>
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<td>Shannon of Erath</td>
<td>White</td>
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<td>Shannon of Tarrant</td>
<td>Wilson of Young</td>
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<td>Shaw</td>
<td>Wilson of Potter</td>
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<td>Shepherd</td>
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<td>Shevell</td>
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<td>Sherrill</td>
<td>Zbisk</td>
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<tr>
<td>Smith of Hays</td>
<td>Zbisk</td>
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</table>

**Yeas-124**

**Nays-4**

Baker  | Heflin        |
| Blanche | Kervin       |
| Bryan  | Kothmann     |
| Byrd   | McCoplin     |
| Cloud  | Schwartz     |
| Dancan | of Calvaston |
| Ellis  | Tellig       |
| Heayt  | Terrell      |

The Speaker then laid House Bill No. 326 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-124</th>
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<tr>
<td>Anderson</td>
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<td>Armor</td>
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<td>Brashear</td>
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</table>
H. B. No. 393, A bill to be entitled "An Act amending Section 4, Section 5, Section 11 and Section 14 of Chapter 94, Acts of the Fifty-first Legislature, 1949, by adding to said Section 4, subdivisions to be known as 4a and 4b, providing for the appointment of committees within the Board, describing their duties, providing for the issuance of subpoenas, administration of oaths, the procedure of conducting hearings, and by adding to Section 5, new subdivisions to be known as 5a, 5b, and 5c, providing for cancellation and penalties for failure to renew licenses annually, providing for licenses to attend educational lectures or post graduate courses as a pre-requisite for annual renewal of licenses, defining internal and providing for their supervision; and by amending Section 11, providing for the payment of expenses of the Board and disbursement thereof; and by amending Section 14 pertaining to the authority of the Board to revoke, cancel or suspend licenses or refuse to admit persons to its examination; providing for appeal of all laws and parts of laws in conflict herewith, providing for severability and declaring an emergency."

The motion prevailed.

The Speaker then laid H. B. No. 393 before the House, and it was read second time.

Mr. Ramsey offered the following amendments to the bill:

"Provided however that no provision of this Act shall amend, modify or
repeal any law or parts of laws regulating the practice of medicine as presently defined by law.

Amend H. B. 392, line 22 of page 1 of the printed Bill to correct typographical error by changing the word "serability" to "severability".

Amend Section III of H. B. 392, line 50 of page 2 thereof by striking out the word "of".

Amend Section IV of H. B. 392, line 9 of page 3 of the printed bill by substituting in lieu of the words "Texas Chiropractic Examiners Board" the words "The Texas Board of Chiropractic Examiners".

Amend House Bill 392 by striking out all of Section 5c. The amendments were severally adopted.

House Bill No. 392 was then passed to engrossment.

HOUSE BILL NO. 392 ON THIRD READING

Mr. Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 392 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-116

Anderson
Atwell
Ballman
Barrram
Bass
Bell
Bishop
Blaine
Bowers
Boyson
Broshar
Bristow
Bullock
Chapman
Cline
Cole
Conley
Cory
Cowen
Cox
Crosthwaite
Dewey
Dix, Mls.
Dugas

Year—116

Elkie
Elliott
Ferrell
Foreman
Forreth
Glass
Glasing
Green
Hale
Harrington
Hollowell
Holman
Holstein
Hooks
Honey
Hoffman
Hoffer
Hughes of Grayson
Hughes of Dallas
Hutchins
Iacrsa, Mls.
Jackson
Jamison
Johnson

Jones
Joseph
Kelly
Kennard
Kennedy
Kielpatrick
Koliba
Lattimer
Laurel
Law
McGregor of McLennan
McGregor of El Paso
McIlhaney
Main
Martin
Mays
Moore of Harris
Moore of Tarrant
Nason
Naylor
Nayad
Oliver
Parish
Parsons
Pinkin
Pool
Prewler
Pugler
Purkett
Ramsey
Richardson
Russell
Ryder
Sachs
Sanders

Schram
Schwartz
Seeligson
Sharlesford
Shea of Erath
Shannon
Shaw
Sheridan
Sherill
Smith of Hays
Smith of Jefferson
Spliman
Springer
Stewart
Storley
Strickland
Stroman
Suddertha
Sutton
Thurmond
Tunnell
Turman
Wallig
Watson
Wheelor
White
Wilson of Young
Wilson of Potter
Winfrey
Wohlford
Wooley
Zbranek

Nays-4

Armor
Burkett
Cotten
Yestk

Present—Not Voting

Hensley

Absent

Day
de la Garza
Peniglo
Ford
Kuebner
Mcliilhan

Osborn
Patterson
Roberts
Sandsd
Sael

Absent—Excused

Baker
Blanchard
Bryan
Byrd
Cloud
Dungan
Ellis

Heflin
Koriath
Kothmann
McNepha
Schwartz
of Galveston
of Calverton
of Tarrant

Talasek
Terrell
The Speaker then laid House Bill No. 392 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>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>120</td>
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</tbody>
</table>

**Yeas**
- Anderson
- Atwell
- Ballman
- Bax
- Bell
- Bishop
- Blaine
- Bowers
- Boyesen
- Brancher
- Bristow
- Bullock
- Chapman
- Clift
- Cole
- Conley
- Cory
- Cotton
- C搜en
- Cox
- Crosthwait
- de la Garza
- Dewey
- Duff, Miss
- Dugas
- Ehrle
- Errett
- Ferrall
- Foreman
- Forrest
- Glass
- Glasing
- Green
- Hale
- Harrington
- Holloway
- Holman
- Holstein
- Hooks
- Hones
- Hutcherson
- Huffman
- Hufnior
- Hughes of Grayson
- Hughes of Dallas
- Hutchinson
- Inacks, Miss
- Jackson
- Jackson
- Jones
- Joseph
- Kelly
- Kennedy
- Kennard
- Kilpatrick
- Kolba

**Nays**
- Watson
- Wilson of Potter
- Welch
- Wiles
- White
- Wilson of Young

**Present—Not Voting**
- Armor
- Hensley
- Absent
- Burkett
- Day
- Pangilin
- Ford
- Absent—Excused
- Baker
- Blanchard
- Bryan
- Byrd
- Cloud
- Duncan
- Ellis
- Healy
- Heath
- Tolley

On motion of Mr. Ramsey and by unanimous consent of the House, the Captions of House Bill No. 392 was ordered amended to conform with the body of the bill.

Mr. Ramsey moved to reconsider the vote by which H. B. No. 392 was passed and to table the motion to reconsider.

The motion to table prevailed.

**HOUSE BILL NO. 387 ON SECOND READING**

Mr. Huffman moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, H. B. No. 387, A bill to be entitled "An Act concerning branch banking, amending Article 2, Chapter IX of Chapter 97, Acts 48th Leg., 1943, which amended and replaced Revised Civil Statutes of Texas, 1925, Article 630 (and which is compiled as Tex. Civ. Stat. Art. 249-249 Vernon's 1948), and declaring an emergency."

The motion prevailed.
The Speaker then laid H. B. No. 287 before the House, and it was read second time.

Mr. Pressler offered the following Committee Amendment to the bill:

Committee Amendment No. 1
Amend H. B. No. 287 by inserting in lieu of the original Article 3 under Section 1 the following:

"Article 3: Branch Banking Prohibited. No state, national or private bank shall engage in business in more than one place, maintain any branch office, or cash checks or receive deposits except in its own banking house. For purposes of this article, "banking house" means the building in whose offices the business of the bank is conducted and which is functionally one place of business, including office facilities whose nearest wall is located within four hundred (400) feet of the nearest wall of the central building and is physically connected to the central building by tunnel, passageway or hallway providing direct access between the central building and the connected office facility or by pneumatic tube or other similar carrier, provided such office facilities must be located within the same city block or within contiguous or adjoining city blocks. The entire banking house shall for all purposes under the law be considered one integral banking house."

Mr. Cory offered the following amendment to the Committee Amendment No. 1:

Amend Committee Amendment No. 1 to House Bill No. 287 by deleting from Article 3 of such amendment the word "four" and substituting in lieu thereof the word "five".

The amendment to the Committee Amendment was adopted.

The Committee Amendment as amended was adopted.

(Mr. Anderson in the Chair.)

House Bill No. 287 was then passed to engrossment.

HOUSE BILL NO. 287 ON THIRD READING

Mr. Huffman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 287 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Armstrong 
Atwell 
Ballman 
Barron 
Bass 
Bell 
Bishop 
Blaine 
Bowers 
Boyce 
Braheur 
Briscoe 
Bullock 
Chapman 
Cline 
Cole 
Conley 
Cory 
Cox 
Crosby 
de la Garza 
Dewey 
Duff, Mrs. 
Dugan 
Duffy, Miss 
Ehrie 
Elliot 
Ewell 
Foreman 
Forayth 
Glusking 
Green 
Hale 
Harrington 
Hendry 
Hollowell 
Holman 
Hooks 
Hosey 
Huebner 
Huffman 
Huffer 
Hughes of Grayson 
Hughes of Dallas 
Hughes of Jefferson 
Hutchins 
Isacks, Miss 
Jackson 
Jamison 
Johnson 
Jones 
Kelly 
Kennard 
Kennedy 
Kilpatrick 
Latimer
The Chair then laid House Bill No. 287 before the House on third reading and final passage. The bill was read third time and was passed by the following vote:

**Present-Not Voting**

<table>
<thead>
<tr>
<th>Joseph Anderson</th>
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<tr>
<th>Absent-Excused</th>
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<tbody>
<tr>
<td>Baker Matthew</td>
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<td>Blanchard Kerboth</td>
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<td>Bryan Kothmann</td>
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<tr>
<td>Byrd McCoppin</td>
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<tr>
<td>Cloud Schwartz</td>
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<tr>
<td>Duncan of Galveston</td>
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<tr>
<td>Ellis Talsaeck</td>
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<td>Healty Terrell</td>
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The bill was read third time and was passed by the following vote:

**Yea-120**

| Armor Cox |
| Atwell Coothwaite |
| Ballman de la Garza |
| Bartram Dewey |
| Bass Duff, Miss |
| Bell Doggs |
| Bishop Ehrie |
| Blaine Elliott |
| Bowers Ferrell |
| Boyce Foreman |
| Brashear Forsyth |
| Bratlow Glass |
| Bullock Gissing |
| Chapman Green |
| Chiles Hale |
| Cole Harrington |
| Conley Hemsey |
| Cory Hollowell |
| Cotten Holstein |

**Nay-3**

| Hoeks Peckett |
| Josey Ramsey |
| Huenner Richardson |
| Huffman Roberts |
| Huff Russell |
| Hughes of Grayson Sandahl |
| Hutchins Sanders |
| Isacks, Miss Saul |
| Jackson Schram |
| Jamison Shackelford |
| Johnson Shannon of Brath |
| Jones Shannon |
| Kelly of Tarrant |
| Kennard Shaw |
| Kennedy Sheridan |
| Kilpatrick Sherrill |
| Latimer Slack |
| Laurel Smith of Hays |
| Lee Smith of Jefferson |
| McDonald Spellman |
| McGregor Springer |
| of McLemore Stewart |
| McGregor Storey of El Paso Strickland |
| McIlhany Stroman |
| Mann Saddler |
| Martin Sutton |
| Mathew Thurmond |
| Mays Tunnell |
| Moore of Harris Turman |
| Moore of Tarrant Walling |
| Mullin Welch |
| Murray Wheeler |
| Myatt White |
| Oliver Wilson of Young |
| Osburn Wilson of Potter |
| Parh Winfree |
| Parsons Wohlfred |
| Patterson Wohlfred |
| Pipkin Yeak |
| Pool Ehrman |

**Present-Not Voting**

<table>
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<th>Joseph Anderson</th>
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<th>Absent-Excused</th>
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<tr>
<td>Baker Blanchard</td>
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</table>
April 5, 1957

Mr. Huffman moved to reconsider the vote by which H. B. No. 287 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Huffman and by unanimous consent of the House, the Caption of House Bill No. 287 was ordered amended to conform with the body of the Bill.

REASON FOR VOTE

I am voting present but not voting on House Bill 287 concerning branch banking as I have an interest in several banks and feel like I should not vote on this measure as I have a direct interest in this legislation.

TOM JOSEPH

HOUSE BILL NO. 289 ON SECOND READING

Mr. Dugas moved that the regular order of business be suspended to take up at this time and have placed on its second reading and passage to engrossment, H. B. No. 289.

The motion prevailed.

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 289, A bill to be entitled "An Act authorizing the Commissioners Courts to regulate the construction of roads or streets in subdivisions situated outside of the boundaries of incorporated towns or cities in counties having a population of not less than forty thousand (40,000) and not more than one hundred eighty-nine thousand, nine hundred ninety-nine (189,999), according to the last preceding or any future Federal Census; authorizing such courts to require a minimum right-of-way for such roads or streets; authorizing such courts to promulgate reasonable specifications for the construction of such roads or streets and drainage of such roads or streets; authorizing such courts to require a bond for the proper construction and maintenance of such roads or streets to be filed with maps or plats of such subdivisions; authorizing such courts to refuse to approve or authorize maps or plats of such subdivisions upon failure to comply with the provisions of this Act; repealing all laws or parts of laws in conflict with the provisions of this Act; providing a saving clause; and declaring an emergency."

The bill was read second time.

Mr. Zbranek offered the following Committee Amendment to the bill:

Amend H. B. 289 by striking out all below the enacting clause and substituting the following:

Section 1. Hereafter, every owner of any tract of land situated without the corporate limits of any city in the State of Texas, who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any such tract of land, or an addition without the corporate limits of any town or city, or for laying out suburban lots or building lots, and streets, alleys, or parks, or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made thereof, which shall accurately describe all of said subdivision or addition, giving the dimensions thereof, said subdivision or addition and the dimensions of all lots, streets, alleys, parks, or other portions of same, intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

Section 2. That every such plat shall be duly acknowledged by owners or proprietors of the land, or by some duly authorized agent of said owners or proprietors, in the manner required for acknowledgement of deeds; and declaring such plat to be effective for record and be recorded in the office of the County Clerk of the County in which the land lies.

Section 3. The Commissioners Court of any such counties shall, in addition to other authority conferred on them by law, be specifically authorized to make the following requirements:

(a.) To provide for right-of-way on main artery streets or roads within...
such subdivision of a width of not less than 50 feet nor more than 100 feet.

(b) To provide for right-of-way on all other streets or roads in such subdivision, not less than 50 feet nor more than 60 feet.

c. To provide that the street cut on any streets within the right-of-way be not less than 30 feet nor more than 45 feet.

d. To provide for the street cut on all other streets or roads within such subdivision within the right-of-way 60 to be not less than 30 feet nor more than 60 feet.

e. To promulgate reasonable specifications to be followed in the construction of any such roads or streets within such subdivision, considering the amount and kind of travel over said streets.

(f) To promulgate reasonable specifications to provide adequate drainage in accordance with standard engineering practices for all roads or streets in said subdivision or addition.

g. To require the owner or owners of any such tracts of land, which may be so subdivided, to give a good and sufficient bond for the proper construction of such roads or streets affected, with such sureties as may be approved by the Court; and in the event a surety bond by a corporate surety is required, such bond shall be executed by a surety company authorized to do business in the State of Texas. Such bond shall be made payable to the County Judge or his successors in office, of the County wherein such subdivision lies and conditioned that the owner or owners of any such tract of land to be subdivided will construct any roads or streets within such subdivision in accordance with the specifications promulgated by the Commissioners Court of such county. The bond shall be in such an amount as may be determined by the Commissioners Court, but shall not exceed a sum equal to Three Dollars ($3.00) for each linear foot of road or street within such subdivision.

Section 4. The Commissioners Court of any county shall have the authority to refuse to approve and authorize any map or plat of any such subdivision, unless such map or plat meets the requirements as set forth in this Act, and there is submitted at the time of approval of such map or plat such bond as may be required by this Act.

Section 5. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed; and, in case of such conflict the provisions of this Act shall control and be effective.

Section 6. If any section, paragraph, sentence, clause, or word of this Act is held to be unconstitutional, the remaining portion of the same, nevertheless, shall be valid, and the Legislature hereby declares that the Act would have been enacted without such unconstitutional provision.

Section 7. The fact that there are no adequate laws giving supervision to subdivisions without the corporate limits of a city creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three (3) several days in each House be suspended, and said rule be hereby suspended, and that this Act shall take effect and be in force from and after its passage; and it is so enacted.

Mr. Huffman offered the following amendment to the Committee Amendment:

Amend Committee Amendment to H. B. 289, by striking out the figures "40,000" and substituting in their places the figures "60,000".

Mr. Stromer moved that further consideration of House Bill No. 289 be postponed until next Thursday at 11:00 o'clock a.m.

The motion prevailed.

HOUSE BILL NO. 93 ON SECOND READING

Mr. McDonald moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 93. A bill to be entitled "An Act relating to the construction, acquisition and operation of automobile parking stations by cities and towns having a population of not less than 9,000 nor more than 50,000 (herein called "Eligible Cities") and providing for the financing thereof: providing that Eligible Cities may own and operate or own and lease to others for operation, such parking stations; authorizing such cities to issue negotiable revenue bonds to be secured by pledge of net revenue from operation of parking stations..."
Amend H. B. No. 93, Section 1 by striking therefrom the figure “90,000” and all thereafter in said subsection and inserting in lieu thereof the following: “130,000 according to the 1950 Federal Census.”

Mr. McDonald moved to table the amendment by Mr. McGregor of McLennan.

(Mr. McIlhany in the Chair)

A record vote was requested on the motion to table.

The motion to table the amendment by Mr. McGregor of McLennan prevailed by the following vote:

Yes—81

Anderson  Kennard
Ballman  Kilpatrick
Bartram  Latimer
Bass  Laurel
Bax  Lee
Blaine  McGregor
Boyers  of El Paso
Boyers  McDonald
Brashear  Matthew
Brower  Moore of Harris
Bullock  Moore of Tarrant
Chapman  Mullen
Cole  Myatt
Cory  Oliver
Cotten  Parsons
Cowen  Parsons
Cowen  Pickens
Duff, Miss  Picket
Dugas  Poole
Elliott  Puckett
Forsyth  Ramsey
Glass  Richards
Glusing  Roberts
Green  Russell
Hale  Sanders
Harrington  Saul
Hensley  Schram
Hollowell  Seeligson
Holman  Shannon
Hooks  of Tarrant
Huebner  Sherrill
Huff  Slack
Hughes of Grayson  Smith of Hays
Hughes of Grayson  Smith of Jefferson
Isacks, Miss  Stewart
Jamison  Strickland
Jones  Stroman
Joseph  Sudderth

and within the discretion of such cities from parking meters and with­in the discretion of any such cities by a deed of trust on such parking stations with operating franchise to purchaser thereunder, authorizing the issuance of bonds payable from ad valorem taxes, authorizing bonds secured by and payable from taxes and the revenues from the project or projects; providing that such bonds cannot be issued without opportunity for referendum election but that election may, in the discretion of the governing body, be ord­ered without a referendum election; authorizing issuance of refunding bonds without election or provision for referendum; requiring approval of bonds by Attorney General in the manner and with the effect provided in Articles 709 to 718, inclusive, Revised Civil Statutes; creating a lien upon unexpended proceeds of bonds; authorizing banks and trust companies to act as depositories for proceeds of bonds and for revenues from operating or leasing parking stations, and to secure such funds; authorizing recital in bonds of compliance with this Act and prescribing effect thereof; exempting bonds from certain taxes; conferring right of eminent domain; authorizing creation of Boards of Trustees to manage and control such parking stations; validating certain actions and proceedings heretofore taken by Eligible Cities in connection with the construction of such parking stations; containing a severability provision; enacting other provisions relating to this subject; and declaring an emergency."

The motion prevailed.

(Speaker in the Chair)

The Speaker then laid House Bill No. 93 before the House and it was read second time.

Mr. Cowen offered the following Committee Amendment No. 1 to the bill:

Amend H. B. No. 93, Section 1 by deleting the figure 90,000 and insert­ing in lieu thereof the figure 130,000 and by deleting the figure 300,000 and inserting in lieu thereof the figure 405,000, and by deleting the word “latest” in the last sentence and inserting in lieu thereof the figure 1950.
The motion to table the amendment by Mr. Harrington prevailed by the following vote:

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<tr>
<th>Yeas</th>
<th>51</th>
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<tbody>
<tr>
<td>Armor</td>
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<td>Atwell</td>
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<td>Bishop</td>
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<td>Crenshaw</td>
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<td>Fulton</td>
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<td>House</td>
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<td>Hughes of Dallas</td>
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<td>Hutchins</td>
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<td>Kennedy</td>
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<td>Present—Not Voting</td>
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<td>Cline</td>
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<td>Conley</td>
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<td>Jackson</td>
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<td>Absent—Excused</td>
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<td>Baker</td>
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<td>Blanchard</td>
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<td>Ellis</td>
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<td>Holley</td>
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</tbody>
</table>

Mr. Harrington offered the following amendment to the Committee Amendment No. 1:

Amend Committee No. 1 by deleting the figure $120,000 and inserting in lieu thereof the figure $5,000.

Mr. Watson moved to table the amendment by Mr. Harrington.

A record vote was requested on the motion to table.
April 5, 1957

Committee Amendment No. 1, by Mr. Cowen, was then adopted.

Mr. Watson moved to reconsider the vote by which the Committee amendment No. 1 was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Watson offered the following Committee Amendment to the bill:

Committee Amendment No. 2

Amend H. B. No. 93 by adding to the end of Section 1 the following:

"If the governing body of any city covered by this bill starts proceedings for the construction of such a parking facility, or passes a resolution determining that the need exists and that the city intends to avail itself of the powers covered by this bill, these powers would not be lost even if the city should grow out of the population bracket before any further steps were taken to make use of the powers."

(Speaker in the Chair)

The amendment was adopted.

Mr. Parish offered the following Committee Amendment to the bill:

Committee Amendment No. 3

Amend H. B. No. 93 by striking out of Section 2, Line 2 and Section 7, Line 6 the following phrase: "or outside of".

The amendment was adopted.

Mr. Watson offered the following Committee Amendment to the bill:

Committee Amendment No. 4

Amend H. B. No. 93 by striking therefrom Section 3 (g).

Mr. McDonald moved to table the amendment by Mr. Watson.

A record vote was requested on the motion to table.

The motion to table the amendment was lost by the following vote:

Yeas-52

Nays-55
Armor Atwell Baker Ballman Barron Bishop+

[Speaker in the Chair]
Mr. Richardson moved that the House adjourn until 6:00 o'clock a. m. tomorrow.

Mr. Smith of Jefferson moved that the House adjourn until 10:00 o'clock a. m. next Monday.

A record vote was requested on the motion by Mr. Richardson, to adjourn until 6:00 o'clock a. m. tomorrow.

The motion by Mr. Richardson was lost by the following vote:

<table>
<thead>
<tr>
<th>Year</th>
<th>42</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ballman</td>
<td>Moore of Tarrant</td>
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<tr>
<td>Bass</td>
<td>Echols</td>
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<tr>
<td>Bishop</td>
<td>Parsons</td>
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<td>Bowers</td>
<td>Ramsey</td>
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<td>Boyce</td>
<td>Richardson</td>
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<td>Bullock</td>
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<td>Cotton</td>
<td>Sadler</td>
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<td>Cox</td>
<td>Sandahl</td>
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<td>Crosthwait</td>
<td>Schwartz</td>
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<td>Dugas</td>
<td>Sherrill</td>
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<td>Ehlle</td>
<td>Smith of Jefferson</td>
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<td>Ferrell</td>
<td>Springer</td>
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<td>Florence of Dallas</td>
<td>Edberth</td>
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<td>Hutchins</td>
<td>Tunnell</td>
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<td>Janacka, Miss</td>
<td>Walling</td>
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<tr>
<td>Johnson</td>
<td>Waldo</td>
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<tr>
<td>Jones</td>
<td>Wheeler</td>
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<tr>
<td>Latimer</td>
<td>Yeak</td>
</tr>
</tbody>
</table>

Nays—76

| Anderson | Holstein |
| Anatomy | Hofs |
| Bartram | Huen |
The motion by Mr. Smith of Jefferson to adjourn until 10:00 o'clock a.m. next Monday was lost.

The motion by Mr. Pool to recess to 2:30 o'clock p.m. today was lost.

Mr. McGregor of McLennan moved that further consideration of House Bill No. 93 be postponed until 11:00 o'clock a.m. April 13.

The motion to postpone H. B. No. 93 was lost.

Mr. Watson offered the following Committee Amendments to the bill:

Committee Amendment No. 6
Amended H. B. No. 93, Section 4, Subdivision (i) by striking out the figure “$5,000,000” and insert in lieu thereof “$1,000,000.”

The Committee Amendments were severally adopted.

Mr. Watson offered the following amendment to the bill:

Amended H. B. No. 93, Section 4, Subsection (m) by striking out all of this Subsection and insert in lieu thereof the following:

“The ordinance authorizing, or the indenture serving bond issued under this Act shall contain provisions to the effect that so long as the revenues of a parking station are pledged to the payment of bonds and ad valorem taxes due the city are unpaid, no free storage service can be rendered at such parking station.”

The amendment was adopted.

Mr. Watson offered the following amendment to the bill:

Amend H. B. No. 93, Section 4, Subsection (m) by striking out all of this Subsection and insert in lieu thereof the following:

“The ordinance authorizing, or the indenture serving bond issued under this Act shall contain provisions to the effect that so long as the revenues of a parking station are pledged to the payment of bonds and ad valorem taxes due the city are unpaid, no free storage service can be rendered at such parking station.”

The amendment was adopted.

Mr. Watson offered the following Committee Amendment to the bill:

Committee Amendment No. 8
Amended H. B. No. 93 by inserting the following as Section 8:

“Providing, however, that notwithstanding any other provision of this Act, the question of whether or not Revenue Bonds or any other evidence of indebtedness shall be issued by a city for the purpose of carrying out any provision of this Act and the right to exercise the authority set forth in Section 2 hereof shall be submitted to a vote of the qualified property owners of said city; and provided further that the provisions of this Act shall not apply to any city, and no city shall be entitled to act under the provisions of this Act, unless and until such city shall have officially adopted a plan concerning off-street parking and the handling of vehicular traffic upon its streets, alleys, highways and public thoroughfares by a majority of the property owners of any such municipality. Such plan shall be definite in that it must apply to a definite area and must be specific in that it must provide that privately owned vehicular traffic shall not be allowed in parts of such area. Such a plan may provide that different parts of such
plan will be put into effect at different times. Such plan must be in writing or upon drawings or photographs or other media and in sufficient detail to inform interested persons of its intent. No such plan shall be adopted by any city until reasonable notice has been given and a public hearing held no sooner than 90 days after notice thereon at which all interested persons shall be given an opportunity to be heard. Notice of such hearing shall be deemed to be reasonable if posted in three public places in said city, including the bulletin board at the City Hall, for a period of at least 90 days prior to said hearing and by publication for at least once a week for a period of 4 weeks in a daily newspaper published in said city and having general circulation.

LEAVES OF ABSENCE GRANTED

Mr. Smith of Jefferson was granted leave of absence for remainder of day on motion of Mr. Huebner, on account of important business.

Mr. Oliver was granted leave of absence for remainder of day on motion of Mr. Roberts, on account of important business.

Mr. Kilpatrick was granted leave of absence for remainder of the day on motion of Mr. Forsyth.

Mr. Pool moved the previous question on the pending amendment and the passage to engrossment of H. B. No. 93, and the motion was seconded.

A record vote was requested on the motion for the main question.

The main question was ordered by the following vote:

Yea—70

Anderson
Ballman
Burman
Bass
Blaine
Bowers
Boyers
Bratow
Cory
Cotien
Crow
Crosman
Dewey
Hughes of Grayson
Isaacs, Mike
Jamison
Joseph
Kennedy
Koliba
Laurel
Lee
McDonald
McGregor
McElroy
Martin
Matthew
Mays
McIntyre
Moore of Tarrant
Murray
Myatt
Oliver
Osborn
Parsons
Patterson
Pool

Nays—36

Armor
Bishop
Braham
Cline
Dugas
Elliot
Fairall
Forsyth
Green
Hensley
Hollowell
Holman
Huebner
Hufton
Hughes of Dallas
Hutchins
Johnson
Jones
Kelly
Kennard
Lawson
Lattimer
McGregor
McLennan

Present—Not Voting

Cale
Moore of Harris
Mullen

Absents

Atwell
Bullock
Burkett
Chapman
Conley
Day
de la Garza
Fenoglio
Ford
Hughes

Absent—Excused

Baker
Blanchard

Byrd
Mr. Cotten moved to reconsider the vote by which the motion for the main question prevailed.

Mr. McGregor of El Paso moved to table the motion to reconsider the vote.

The motion to table was lost by the following vote:

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<tr>
<th>Yeas</th>
<th>Nays</th>
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<tbody>
<tr>
<td>Anderson</td>
<td>McGregor of El Paso</td>
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<td>McDonald</td>
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<td>Anderson</td>
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<tr>
<th>Yeas</th>
<th>Nays</th>
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</thead>
<tbody>
<tr>
<td>Yeas-26</td>
<td>Nays-81</td>
</tr>
</tbody>
</table>

Mr. Cotten moved to reconsider the vote by which the main question was ordered, on the passage to engrossment of H. B. No. 93 with the pending amendment, prevailed.

The motion for the main question was then lost.

Committee Amendment No. 8 was then lost.

Mr. Sutton moved to limit debate to three minutes to each side on any amendment or motion made pertaining to H. B. No. 93.

The motion prevailed (receiving the necessary two-thirds vote).
Mr. Pressler offered the following Committee Amendment to the bill:

Committee Amendment No. 9

Amendment to H. B. No. 93 by adding on additional Section.

Section 11. Any municipality, its agents, servants or employees, in undertaking the authority herein granted shall respond in damages for any negligence of its agents, servants or employees as would any person, firm or corporation.

The amendment was adopted.

Mr. Pressler offered the following Committee Amendment to the bill:

Committee Amendment No. 10

Amendment to H. B. No. 93 adding on additional Section.

Section 12. Whereas under the authority provided herein the business of parking and storing vehicular traffic and automobile parking stations shall be a monopoly and all automotive parking stations eventually to be the property of said city, it is hereby provided that prior to the city exercising the authority to own, maintain and operate, or to own and lease to or cause to be maintained and operated automobile parking stations the city shall purchase at fair market value, all existing automobile parking stations, whether the same be parking lots or parking building or other structures for parking or storing automotive vehicles, and that it specifically provided that the city will acquire whatever interest the operator of said parking station has in said facility, whether it be fee simple or a lesser interest, and in addition to acquiring all of said interest the city will assume indebtedness on the existing parking station. A city may exercise the power of eminent domain as herein provided to acquire the existing facilities.

MOTIONS TO ADJOURN AND RECESS

Mr. Ramsey moved that the House recess until 2:45 o'clock p. m. today.

Mr. Mays moved that the House adjourn until 10:00 o'clock a. m. next Monday.

A record vote was requested on the motion by Mr. Mays.

The motion by Mr. Mays to adjourn until 10:00 o'clock a. m. next Monday was lost by the following vote:

Yeas—62

Nays—51

[List of names voting for and against adjournment]
April 5, 1957  
HOUSE JOURNAL 1503

Mr. McGregor of McLennan requested a verification of the above vote.

The request was granted.

On the motion of Mr. Pool, the House dispensed with the verification of the vote.

A record vote was requested on the motion by Mr. Ramsey to recess until 2:45 o'clock p. m. today.

The motion by Mr. Ramsey was lost by the following vote:

Yeas—21

- Bell
- Boyesen
- Conley
- Cox
- Dewey
- Dennis
- Hollowell
- Latimer
- Moore of Harris
- Osborn
- Parish
- Parsons
- Pool
- Puckett
- Ramsey
- Roberts
- Sanders
- Shaw
- Welch
- Watson

Nays—90

- Anderson
- Armor
- Bowerman
- Barrington
- Bass
- Bishop
- Blaine
- Bowers
- Brashear
- Brown
- Bullock
- Burnett
- Cameron
- Cline
- Cole
- Cory
- Cowen
- Crowthwait
- Diff, Miss
- Duglas
- Ehrie
- Elliott
- Forsell
- Foreman
- Fowth
- Glindon
- Green
- Hale
- Holman
- Holstein
- Hooks
- House
- Huehner
- Huffman
- Huff
- Hughes of Dallas
- Hutchins
- Inge
- Jackson
- Janion
- Johnson
- Jones
- Kelly
- Kennard
- Kennedy
- Koliba
- Laurel
- Lee
- Zbranek

Absent

- Atwell
- Chapman
- Day
- de la Garza
- Fenoglio
- Ford
- Glass
- Harrington
- Hughes of Grayson
- Hughes of Dallas
- Inge
- Jackson
- Janion
- Johnson
- Jones
- Kelly
- Kennard
- Kennedy
- Koliba
- Laurel
- Lee
- Zbranek

Yeas-21

- Bell
- Boyesen
- Conley
- Cox
- Dewey
- Dennis
- Hollowell
- Latimer
- Moore of Harris
- Osborn
- Parish
- Parsons
- Pool
- Puckett
- Ramsey
- Roberts
- Sanders
- Shaw
- Welch
- Watson

Nays—90

- Anderson
- Armor
- Bowerman
- Barrington
- Bass
- Bishop
- Blaine
- Bowers
- Brashear
- Brown
- Bullock
- Burnett
- Cameron
- Cline
- Cole
- Cory
- Cowen
- Crowthwait
- Diff, Miss
- Duglas
- Ehrie
- Elliott
- Forsell
- Foreman
- Fowth
- Glindon
- Green
- Hale
- Holman
- Holstein
- Hooks
- House
- Huehner
- Huffman
- Huff
- Hughes of Dallas
- Hutchins
- Inge
- Jackson
- Janion
- Johnson
- Jones
- Kelly
- Kennard
- Kennedy
- Koliba
- Laurel
- Lee
- Zbranek
Absent--Excused:
- Baker
- Blanchard
- Bryan
- Byrd
- Cloud
- Dungan
- Ellis
- Heatly
- Heflin
- Kilpatrick
- Korloth
- Kothmann
- McCoppin
- Oliver
- of Galveston
- Smith of Jefferson
- Talasek
- Terrell

The motion by Mr. Pool to recess until 3:00 o'clock p. m. today was lost.

The motion by Mr. Yeak to recess until 8:00 o'clock a. m. tomorrow was lost.

Mr. McDonald offered the following substitute amendment for the Committee Amendment No. 10 by Mr. Pressler:

Amend by adding a new section 12 to read as follows:

"Section 12. In the event of the adoption by a city of such a plan and upon the closing of the limited business area to vehicular traffic other than for fire and emergency uses, city shall compensate the bona fide holders of parking businesses and rights in such area for the value of such parking business and rights provided that no compensation shall be paid to the owners of such parking businesses and rights on the basis of any agreement or contract, or starting into said business in said city and after a period of one year from the date of the adoption by a city of such a plan."

Mr. Pressler moved to table the substitute amendment by Mr. McDonald.

Mr. Pool moved the previous question on the pending amendments and the passage of H. B. No. 93 to engrossment and the main question was ordered.

Mr. Pool moved to reconsider the vote by which the main question was ordered and to table the motion to reconsider.

The motion to table prevailed.

Question recurring on the motion by Mr. Pressler to table the substitute amendment by Mr. McDonald, yeas and nays were requested.

The motion by Mr. Pressler to table the substitute amendment by Mr. McDonald was lost by the following vote:

- Yes—51
  - Ballman
  - Bishop
  - Conley
  - Cox
  - Couch
  - Dewey
  - Ferrell
  - Foreman
  - Hutchins
  - Johnson
  - Jones
  - Latham
  - Mcllhany
  - Mann
  - Mart
  - Martin
  - Max
  - Conley
  - Osburn
  - Pariah
  - Pool
  - Premier
  - Puckett
  - Seeligson
  - Shaw
  - Springer
  - Storey
  - Sutton
  - Thurmond
  - Watson
  - Wofford

- Nays—64
  - Anderson
  - Armor
  - Bartram
  - Bass
  - Bell
  - Blaine
  - Bowes
  - Boyen
  - Brister
  - Cole
  - Cory
  - Cowen
  - Duff, Mls
  - Durham
  - Elliott
  - Forsyth
  - Glass
  - Glutting
  - Green
  - Hale
  - Hensley
  - Holloway
  - Holman
  - Holstein
  - Hooks
  - Hosse
  - Huf"
April 5, 1957

Mr. McGregor of McLennan requested a verification of the above vote. The request was granted.

Mr. McDonald moved to dispense with the verification.

A record vote was requested on the motion to dispense with the verification.

The motion to dispense with the verification of the vote prevailed by the following vote:

**Present—Not Voting**

**Year—88**

**Absent**

**Nays—12**

**Present**

**Conley**

**Koliba**
Question recurring on the substitute amendment by Mr. McDonald, yeas and nays were requested.

The substitute amendment by Mr. McDonald was adopted by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tr>
<td>Anderson</td>
<td>Latimer</td>
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<td>Armor</td>
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<td>Bass</td>
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<td>Dewey</td>
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<td>Dugas</td>
<td>Kelly</td>
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The motion to table prevailed.

INTRODUCTION OF HOUSE BILLS

Mr. Smith of Hays asked unanimous consent to introduce and have placed on first reading H. B. No. 889.

There was no objection offered and it was so ordered.
Mr. Smith of Hays asked unanimous consent to introduce and have placed on first reading H. B. No. 890.

There was no objection offered and it was so ordered.

Mr. Jamison asked unanimous consent to introduce and have placed on first reading, H. B. No. 891.

There was no objection offered and it was so ordered.

Mr. Woolsey asked unanimous consent to introduce and have placed on first reading, H. B. No. 892.

There was no objection and it was so ordered.

Mr. Cory asked unanimous consent to introduce and have placed on first reading, H. B. No. 893.

There was no objection offered and it was so ordered.

Mr. Ferrell asked unanimous consent to introduce and have placed on first reading, H. B. No. 894.

There was no objection and it was so ordered.

Mr. Schram asked unanimous consent to introduce and have placed on first reading, H. B. No. 895.

There was no objection and it was so ordered.

TO GRANT W. A. MOSER PERMISSION TO SUE THE STATE

Mr. Martin offered the following resolution:

H. C. R. No. 82

Whereas, W. A. Moser of Paris, Lamar County, Texas, alleges that he owned and operated a public ferry business, known as the Albion Ferry, which business provided a means of public conveyance across the Red River at Albion, Texas; and

Whereas, W. A. Moser alleges that such business was destroyed as a result of the Texas Highway Department constructing a free public bridge across the Red River at Albion, Texas; and

Whereas, W. A. Moser desires to sue the State of Texas to determine if the State of Texas is liable for damages, and if so, to determine the amount of such damage; therefore be it

Resolved, By the House of Representatives, the Senate of the State of Texas concurring, That W. A. Moser be, and he is 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 above alleged act, and further to determine what damage, if any, that W. A. Moser is entitled to recover from the State of Texas by reason of any wrongful act committed by the State of Texas or any of its agencies or agents in connection with the above described act; and be it further

Resolved, That service of citation and any other legal process shall be served upon both the Chairman of the Texas Highway Commission and the Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure promulgated and adopted by the Supreme Court of Texas; 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 the sole purpose of this resolution is to grant permission to W. A. Moser to bring suit against the State of Texas. No admission of liability or any fact is made in any way by the passage of this Resolution; but on the contrary, it is specifically provided that the facts upon which W. A. Moser seeks to recover must be proved in court as in other civil cases; and be it further

Resolved, That any and all defenses which the State of Texas may have shall be pleaded by the State, and none of the defenses which the State of Texas may have are in any way waived by the passage of this resolution.

MARTIN, FORD.

The resolution was referred to the Committee on State Affairs.
VOTE RECORDED

By unanimous consent of the House, Mr. Huffor was granted permission to be recorded as voting "yes" on the passage of S. B. No. 32.

ADJOURNMENT

Mr. Bell moved that the House adjourn until 10:00 o'clock a. m. next Monday.

Mr. Kennedy moved that the House adjourn until 10:30 o'clock a. m. next Monday.

While the vote was being taken on the motion to adjourn until 10:00 o'clock a. m. next Monday, Mr. McGregor of McLennan, moved that H.B. No. 93, be recommitted to the Committee on Municipal and Private Corporations.

Mr. Bell raised a point of Order on further consideration of the motion, by Mr. McGregor of McLennan at this time on the ground that the House has started to vote on a series of motions to adjourn, therefore the motion is not in order under the Rules of the House.

The Speaker sustained the point of order.

The Reverend E. C. McDonald, Chaplain, offered the Benediction, as follows:

"O Lord our God, as we leave this legislative hall today, we do not ask to see the distant scene, knowing that we can take but one step at a time. Make that first step plain to us, that we may see where our truth lies, but give us a push, that we may start in the right direction.

"Through Christ Jesus our Lord—Amen."

The motion by Mr. Bell prevailed.

The House accordingly, at 1:27 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday.