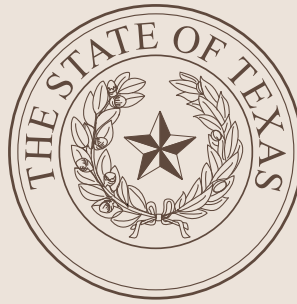


TEXAS LEGISLATIVE MANUAL

2023-2024

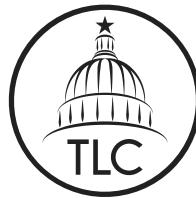


88TH LEGISLATURE

Texas Legislative Manual

88th Legislature

Published by the
Texas Legislative Council



Lieutenant Governor Dan Patrick, Joint Chair
Speaker Dade Phelan, Joint Chair
Jeff Archer, Executive Director

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to provide professional, nonpartisan service and support
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PREFACE

The *Texas Legislative Manual* is a special information publication prepared by the Texas Legislative Council for each Texas Legislature. The manual serves primarily as a reference tool for legislators and legislative staff as well as a convenient historical resource.

Prepared at the conclusion of the 88th Legislature, this edition includes all changes in the membership of the House and Senate that occurred during the biennium as well as any changes to the legislative committees and to the officially appointed officers and employees of the chambers.

The manual for the 88th Legislature contains the following sections:

- Session Overview
- Rules of the House with official annotations
- Rules of the Senate with official annotations
- Members of the House of Representatives
- Members of the Senate
- House of Representatives Committees
- Senate Committees
- Joint Committees
- Officers and Employees of the House
- Officers and Employees of the Senate

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88TH LEGISLATURE SESSION OVERVIEW

88th Regular Session

Convened January 10, 2023

Adjourned Sine Die May 29, 2023

88th 1st Called Session

Convened May 29, 2023

Adjourned Sine Die June 27, 2023

Special Session Topics (proclamation issued May 29, 2023):

- Consider and act upon legislation solely for the purpose of increasing or enhancing the penalties for certain criminal conduct involving the smuggling of persons or the operation of a stash house.
- Consider and act upon legislation to cut property-tax rates solely by reducing the school district maximum compressed tax rate in order to provide lasting property-tax relief for Texas taxpayers.

88th 2nd Called Session

Convened June 27, 2023

Adjourned Sine Die July 13, 2023

Special Session Topics (proclamation issued June 27, 2023, except as noted):

- Consider and act upon legislation to cut property-tax rates solely by reducing the school district maximum compressed tax rate in order to provide lasting property-tax relief for Texas taxpayers.
- Consider and act upon legislation to put Texas on a pathway to eliminating school district maintenance and operations property taxes.

- Consider and act upon legislation relating to providing property tax relief through the public school finance system, exemptions, limitations on appraisals and taxes, and property tax administration. (Proclamation issued July 10, 2023.)
- Consider and act upon legislation relating to the amount of the total revenue exemption for the franchise tax and the exclusion of certain taxable entities from the requirement to file a franchise tax report. (Proclamation issued July 10, 2023.)

88th 3rd Called Session

Convened October 9, 2023

Adjourned Sine Die November 7, 2023

Special Session Topics (proclamation issued October 5, 2023, except as noted):

- Consider and act upon legislation concerning public safety, security, environmental quality, and property ownership in areas like the Colony Ridge development in Liberty County, Texas.
- Consider and act upon legislation prohibiting COVID-19 vaccine mandates by private employers.
- Consider and act upon legislation providing education savings accounts for all Texas schoolchildren.
- Consider and act upon legislation to do more to reduce illegal immigration by creating a criminal offense for illegal entry into this state from a foreign nation and authorizing all licensed peace officers to remove illegal immigrants from Texas.
- Consider and act upon legislation to impede illegal entry into Texas by increasing the penalties for certain criminal conduct involving the smuggling of persons or the operation of a stash house.
- Consider and act upon legislation to impede illegal entry into Texas by providing more funding for the construction, operation, and maintenance of border barrier infrastructure.
- Amending second subject in proclamation of October 5, 2023, to: Legislation to do more to reduce illegal immigration by creating criminal offenses for illegal entry into this state from a foreign nation and illegal reentry or presence following denial of admission, exclusion, deportation, or removal; authorizing all licensed peace officers to remove illegal immigrants from Texas; and providing indemnification of public officials, employees, or contractors in connection with the foregoing. (Proclamation issued October 17, 2023.)
- Legislation related to school safety measures and related state funding mechanisms. (Proclamation issued October 31, 2023.)

- Legislation relating to primary and secondary education, including the establishment of an education savings account program, the certification, compensation, and health coverage of certain public school employees, the public school finance system, special education in public schools, measures to support the education of public school students that include certain educational grant programs, reading instruction, and early childhood education, the provision of virtual education, and public school accountability. (Proclamation issued October 31, 2023.)
- Legislation to provide additional funding for border security operations, including paying for additional overtime expenses and costs due to an increased law enforcement presence to preserve public safety and security in the Colony Ridge development in Liberty County, Texas. (Proclamation issued November 1, 2023.)

88th 4th Called Session

Convened November 7, 2023

Adjourned Sine Die December 5, 2023

Special Session Topics (proclamation issued November 7, 2023):

- Legislation related to school safety measures and related state funding mechanisms.
- Legislation relating to primary and secondary education, including the establishment of an education savings account program, the certification, compensation, and health coverage of certain public school employees, the public school finance system, special education in public schools, measures to support the education of public school students that include certain educational grant programs, reading instruction, and early childhood education, the provision of virtual education, and public school accountability.
- Legislation to do more to reduce illegal immigration by creating criminal offenses for illegal entry into this state from a foreign nation and illegal reentry or presence following denial of admission, exclusion, deportation, or removal; authorizing the removal of illegal immigrants from Texas; and providing indemnification and immunity for public officials, employees, or contractors in connection with the foregoing.
- Legislation to impede illegal entry into Texas by providing more funding for the construction, operation, and maintenance of border barrier infrastructure, and additional funding for the Department of Public Safety for border security operations, including additional overtime expenses and costs due to an increased law enforcement presence to preserve public safety and security in the Colony Ridge development in Liberty County, Texas.

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**RULES
OF THE HOUSE
88th Legislature**

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**House
Rules Manual**

*88th Legislature
2023*

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House Rules Manual

House Rules of Procedure
Housekeeping Resolution
Government Code

88th Legislature

Sharon Carter
Hugh L. Brady
PARLIAMENTARIANS

AUSTIN
2023

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TABLE OF TERMS AND ABBREVIATIONS

Art.	Article
Atty. Gen. Op.	Texas Attorney General’s Opinion
C.S.	Called (Special) Session
Cannon	<i>Cannon’s Precedents</i>
Ch.	Chapter
Comm.	Committee
Cong.	Congress, Congressional
Cong. Rec.	Congressional Record
contra	Contradictory authority
Deschler.....	<i>Deschler’s, Deschler-Brown’s, Deschler-Brown-Johnson’s,</i> <i>and Deschler-Brown-Johnson-Sullivan’s Precedents of the</i> <i>U.S. House of Representatives</i>
e.g.	For example
et seq.	And the following
H.C.R.	House Concurrent Resolution
H.B.	House Bill
H. Jour.	House Journal
H.J.R.	House Joint Resolution
H.R.	House Resolution; U.S. House of Representatives
H.S.R.	House Simple Resolution
Hinds	<i>Hinds’ Precedents</i>
i.e.	that is
Legis.	Legislature, Legislative
Man.	Manual
R.	Rule, Resolution
S.B.	Senate Bill
S.C.R.	Senate Concurrent Resolution
S.J.R.	Senate Joint Resolution
S.R.	Senate Resolution
Sen.	Senate, Senator
Sic	Mistake in original of quoted material
S.W. (S.W.2d, S.W.3d).....	<i>Southwestern Reporter</i>
Tex.	Texas
Tex. Const.....	Texas Constitution
Wickham.....	<i>Precedents of the U.S. House of Representatives</i> (2017 series)

OFFICERS OF THE HOUSE

88th Legislature (2023)

Speaker	HON. DADE PHELAN Jefferson County
Speaker <i>pro tempore</i>	HON. CHARLIE GEREN Tarrant County
Parliamentarians	SHARON CARTER HUGH L. BRADY
Assistant Parliamentarian.....	THOMAS G. SAMUELS
Chief Clerk.....	STEPHEN E. BROWN
Assistant Chief Clerk.....	MARK CERVANTES
Committee Coordinator.....	STACEY G. NICCHIO
Assistant Committee Coordinator	DAMIAN DUARTE
Journal Clerk.....	JENNIFER TEIGEN DORAN
Voting Clerk	SCOTTIE D. HAGEN
Reading Clerks	KATE ATWOOD HALEY HILDERBRAN
Sergeant-at-Arms	KARA COFFEE
Assistate Sergeant-at-Arms	NICOLE DUKE
Doorkeeper	ANTHONY M. HESTER
Chaplain.....	REV. JAKOB N. HURLIMANN
Assistant Chaplain	REV. FERNANDO RICAUD
Executive Director, House Business Office	STEVEN D. ADRIAN
Assistant Director, House Business Office	SCOTT D. SIEBERT

PARLIAMENTARIANS OF THE HOUSE

COLLIER READ GRANBERRY	1915-1925; 1932-1933; 1935-1939; 1941-1954 (R.S.); 1955-1962
OVETA CULP.....	1925-1932
THOS. M. YETT, JR.	1933-1935
WANDA WALTRIP	1939-1941
JAMES T. SPARKS.....	1954-1955 (C.S.)
LEROY SAUL.....	1963-1965
ROBERT E. JOHNSON	1965-1981
ROBERT I. KELLY.....	1981-2001
STEVEN R. COLLINS	2003-2004
DENISE DAVIS.....	2004-2007; 2009-2010
TERRENCE M. KEEL.....	2007-2009
CHRISTOPHER A. GRIESEL.....	2011-2019
SHARON CARTER	2001-2003; 2019-
HUGH L. BRADY.....	2019-

DAILY ORDER OF BUSINESS

1. Call to order by the Speaker
2. Registration of Members
3. Prayer by the Chaplain
4. Pledge of Allegiance to the United States Flag
5. Pledge of Allegiance to the Texas Flag
6. Excuses for absent Members and officers
7. First Reading and referral to committee of filed bills
Motions to introduce, when required
8. Requests to print bills and other papers
Requests of committees for further time to consider referred matters
All other routine motions and business not otherwise provided for in the Rules
9. Unfinished business
10. Third-reading Calendars of the House in priority order
11. Postponed matters in accordance with Rule 7, § 15
12. Second-reading Calendars of the House in priority order

REGULAR ORDER OF THE DAY

(Priority Order of Calendars)

Emergency Calendar
Major State Calendar
Constitutional Amendments Calendar
General State Calendar
Local, Consent, and Resolutions Calendar
Resolutions Calendar
Congratulatory and Memorial Resolutions Calendar

PRIORITY BUSINESS DAYS

Wednesdays and Thursdays
Senate Bill Days

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FOREWORD

THE TEXAS HOUSE RULES OF PROCEDURE ARE, AS I SAID UPON MY re-election as speaker in January, “one of the most fundamental and necessary elements of this institution.” And while it may take time to appreciate fully the storied tradition and rich complexity of our chamber’s rules, they rest on the timeless principles of good faith and fair dealing.

The Texas House of Representatives answers only to the people of our great state, who have trusted the 150 of us to be their voice by giving their consent to be bound by the choices that we make inside of our chamber on their behalf.

The rules establish our House procedure, including its recognition of due process, allocation of certain rights to both the majority and the minority, clarity of process, and insistence on a true record of the chamber’s decisions achieved through democratic deliberation. Without these principles embodied in our rules, the people of Texas would be less likely to accept our work on their behalf, and understandably so.

At this point in our country’s history, the House is the most deliberative body in this nation. As such, our rules matter. Because of this, I have enforced them in both letter and spirit, and I will continue to do so.

Our rules keep the game fair, but let me be clear: they do not dictate the outcome. As our chamber works to find common counsel and mutual agreement, we will face our divisions squarely and resolve them responsibly to benefit both the current and future generations of Texans.

DADE PHELAN
SPEAKER OF THE HOUSE

February 2023

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PREFACE

THE GOALS OF ANY SYSTEM OF LEGISLATIVE PROCEDURE ARE, AS EXPLAINED by Thomas Jefferson, the same: “accuracy in business, economy of time, order, uniformity, and impartiality.” It is with these goals in mind that the Speaker enforces, applies, and interprets the House Rules of Procedure. And it is with these goals in mind that the parliamentarians assist him in the execution of those duties conferred upon him by the Members of the House when they adopted the rules of procedure for this legislature.

For the general principles governing the identification and use of precedents that guide our work as parliamentarians (including the editing of this manual), we direct the reader to the notes following this preface.

We rely on the assistance of a number of professionals, both in our office and the legislative service agencies, to support our work during the biennial cycle of sessions and interims, including the preparation and publication of this manual. The staff of the Office of the House Parliamentarians generally enable us to serve the House effectively and were key to ensuring the accuracy of this edition of the *Manual*. We thank Thomas G. Samuels, Assistant Parliamentarian; and Kirby Cotter, Mara Sherry, and Kenna Titus, law clerks.

The Legislative Reference Library continues to provide us with world-class research services. We regularly rely on their expert knowledge of legislative and historical sources in our work. For this edition, library staff again located many hard-to-find sources and recommended others that were helpful. We thank Mary Camp, Catherine Wusterhausen, the dedicated reference librarians, and the library staff.

The Texas Legislative Council is the mainstay of the Legislature and supports our work in several ways. From scholarly legal counsel to technical expertise, coupled with their cheerful willingness to work long hours as needed to meet deadlines, Council staff remains a critical component of our work. Our thanks to Jeff Archer, Kimberly Shields, Mike Marshall, Brett Ferguson, Jennifer Jackson, Trey Burke, Mark Wimmer, Janet Sullivan, Marcus West, Robert Sandoz, Shane Beck, Michele Trepagnier, Melanie Westerberg, Raeanne Martinez, Kellie Smith, and the proofreading staff and print shop, among others.

The object of this work remains the same: assisting Members, officers, and employees in both the immediate disposition of legislative

business and a more lasting understanding of the parliamentary branch of the law in the Texas House of Representatives.

SHARON CARTER
HUGH L. BRADY
PARLIAMENTARIANS

February 2023

NOTE ON INTERPRETATIVE STANDARDS

THE SPEAKER, WITH THE ASSISTANCE OF THE PARLIAMENTARIANS, STRIVES to correctly apply the Texas Constitution's procedural rules, the House Rules of Procedure, and relevant precedents to questions of order as they are presented in the course of the House's proceedings to ensure, as Thomas Jefferson succinctly phrased it, "a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members." Together with the textual rules, precedents—the decisions of the Speaker on questions of order—form the "parliamentary branch" of the law, as it has been known since Jefferson's time, and their use is grounded in our common law legal tradition. Precedents are crucial to a legislative process that functions on behalf of both the members and the public. For members, reported precedents both conserve time on the floor by showing how prior questions on the same topic were previously resolved and aid the design of legislative strategies to achieve results for their constituents. For the public, the reporting of precedents demonstrates the non-arbitrary application of the House Rules to refute claims of political favoritism.

Texas was one of the first states to digest its legislative precedents, and several of those early precedents still guide the application of the House Rules of Procedure today. It is important to emphasize that House precedents are established solely by the rulings of the Speaker (or the Member acting as Chair) in resolving a point of order that are announced in the House, and by the House itself in resolving appeals from the Speaker's rulings.

From this primary principle, several other principles follow. First, precedents govern subsequent disputes where the same point is again in controversy. This is the principle of *stare decisis*: the adherence to settled, well-reasoned rulings in resolving such disputes. Thus, where there are different facts or a different procedural posture, prior precedents are useful only by analogy. Second, the Speaker's rulings are precedential only for the actual points disposed of. Any questions evident in, or implied by, the facts of a point of order but not brought to the Speaker's attention are not covered by the precedential ruling. Third, routine steps in the legislative process that do not illuminate the application of precedents are not precedential. As explained by Lewis Deschler, the legendary U.S. House parliamentarian, the fact that Representative Doe was appointed to a certain committee is not a precedent, but the manner in which she was appointed might be. Finally,

the act of interpreting the House Rules of Procedure is a rational activity; the rulings that establish precedents must be well-reasoned and grounded first in the text and then in the historical context of the rule's adoption and application.

There are many provisions of the Rules for which there are no applicable precedents. In those cases, the practice of the House is illuminative but not determinative. House practice is established through other decisions and conclusions of the Speaker or the House without objection being made or without specific ruling. House practice may inform, illuminate, or guide the Speaker in making a ruling on a point of order, but it cannot contradict either the plain language of the Rules or prior precedents. Consider the fact that the House ordinarily adjourns to 10 a.m. on the next legislative day. The Rules permit a motion to adjourn to any time agreeable to the majority; the fact that 10 a.m. is customarily used is without precedential value and cannot be used to object to a motion to adjourn to 9 a.m.

Finally—and perhaps most importantly—it has long been the practice that Speakers, when interpreting all applicable rules, apply the modes of interpretation found in the traditions of American jurisprudence. As explained by Professor Philip Bobbitt in the *Texas Law Review*, these modes include structural, textual, ethical, prudential, historical, and doctrinal arguments. As a constitutional actor, the Speaker exercises his independent interpretative authority to give effect to the intent of the House in adopting its rules, to uphold its precedents, and to protect its traditions while balancing the right of the majority to prevail with the right of the minority to persuade.

NOTE ON ORGANIZATION OF THIS MANUAL

THIS *MANUAL* CONTINUES THE ARRANGEMENT OF ANNOTATIONS FIRST explained in 2019. Following a particular rule section, first are any explanatory notes found to be necessary or helpful; after each note, we included in brackets the date the note first appeared in a *Texas Legislative Manual* or *House Rules Manual* and any subsequent dates of revision. Second, these notes are followed by illustrative House precedents (some are in abbreviated form, including precedents from the 86th-87th Legislatures). Third, these House precedents are followed by Congressional precedents that are on point or closely related (the citation form for these precedents has been updated to reflect modern practice). Finally, any notable opinions of the Attorney General that remain applicable in modern practice follow last. In selecting those opinions, we disregarded those that either improperly intruded on the Speaker's constitutional duty to interpret and apply the procedural rules governing the House or represented a violation of the Texas Constitution's separation of powers clause that forbids executive branch officers from exercising any power confided to the legislative branch.

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House Rules Manual

88th Legislature

2023

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House Rules of Procedure

88th Legislature

2023

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Rule 1. Duties and Rights of the Speaker

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Statement of Authorization and Precedence

Pursuant to and under the authority of Section 11, Article III, Texas Constitution, and notwithstanding any provision of statute, the House of Representatives adopts the following rules to govern its operations and procedures. The provisions of these rules shall be deemed the only requirements binding on the House of Representatives under Section 11, Article III, Texas Constitution, notwithstanding any other requirements expressed in statute.

CROSS-REFERENCE

Tex. Const. Art. III, § 11—Constitutional authority of House to determine rules.

EXPLANATORY NOTE

The rules adopted by the House “may not conflict with rules set forth by the constitution itself.” Tex. Const. Art. III, § 11 interp. commentary (West 2007). Nor may the House adopt rules that disregard the requirements imposed by the constitutional rules. *Nueces County v. King*, 350 S.W.2d 385, 387 (Tex. Civ. App.—San Antonio 1961, writ ref’d). [2021]

Rule 1

Duties and Rights of the Speaker

Chapter A. Duties as Presiding Officer

Sec. 1. Enforcement of the Rules. The speaker shall enforce, apply, and interpret the rules of the house in all deliberations of the house and shall enforce the legislative rules prescribed by the statutes and the Constitution of Texas.

CROSS-REFERENCES

Tex. Const. Art. III, § 9(b)—Constitutional designation of Speaker.
Rule 5, § 40—Strict enforcement of the Rules.

EXPLANATORY NOTE

Before rules are adopted, the House is governed by the procedural rules prescribed by the Texas Constitution, the statutory provisions governing the organization of the Legislature, and general parliamentary law. General parliamentary law consists of the practice of the U.S. House of Representatives as modified by the practice of the Texas House of Representatives. Familiar procedures such as the germaneness rule and standard motions are available under general parliamentary law. Those procedures included in general parliamentary law are noted under the related rule either in explanatory notes or in notes of precedents. [2021]

Rule 1, Duties and Rights of the Speaker Sec. 2

CONGRESSIONAL PRECEDENT

General Parliamentary Law and House Precedents. — Before rules are adopted the House is governed by general parliamentary law, but the Speakers have been inclined to give weight to the precedents of the House in modifying the usual constructions of that law. 5 Hinds § 6758.

Sec. 2. Call to Order. The speaker shall take the chair on each calendar day precisely at the hour to which the house adjourned or recessed at its last sitting and shall immediately call the members to order.

CROSS-REFERENCES

Rule 1, § 10—Speaker pro tempore convenes House in absence or disability of the Speaker.

Rule 6, § 1(a)(1), (b)(1)—Daily order of business.

Rule 7, § 7—Adjourn or recess, motion to, always in order.

Sec. 3. Laying Business Before the House. The speaker shall lay before the house its business in the order indicated by the rules and shall receive propositions made by members and put them to the house.

CROSS-REFERENCE

Rule 5, § 24—Recognition of members.

Sec. 4. Referral of Proposed Legislation to Committee. All proposed legislation shall be referred by the speaker to an appropriate standing or select committee with jurisdiction, subject to correction by a majority vote of the house. A bill or resolution may not be referred simultaneously to more than one committee.

CROSS-REFERENCES

Rule 3, generally—Standing committees, jurisdictions of.

Rule 7, § 46—Motion to re-refer to another committee.

Rule 10, § 2—Referral of resolutions to committee.

Rule 14, § 2—Referral of resolutions proposing amendments to the Rules.

EXPLANATORY NOTE

It has long been the practice for Speakers to correct the referral only when a bill has been referred in error to an improper committee. Such correction is done very shortly after the original referral, however, usually long before any committee action is possible. [1959]

HOUSE PRECEDENT

Bills With Similar Statutory Language Are Distinct for Purposes of Referral. — Two bills with the same or similar statutory language are not a single bill and are not required to be referred to the same committee. 87 H. Jour. 3d C.S. 160 (2021).

Sec. 5. Preservation of Order and Decorum. The speaker shall preserve order and decorum. In case of disturbance or disorderly conduct

Rule 1, Duties and Rights of the Speaker Sec. 5

in the galleries or in the lobby, the speaker may order that these areas be cleared. No signs, placards, or other objects of similar nature shall be permitted in the rooms, lobby, gallery, and hall of the house. The speaker shall see that the members of the house conduct themselves in a civil manner in accordance with accepted standards of parliamentary conduct and may, when necessary, order the sergeant-at-arms to clear the aisles and seat the members of the house so that business may be conducted in an orderly manner.

CROSS-REFERENCES

Tex. Const. Art. III, § 15—Disrespectful or disorderly conduct; obstruction of proceedings.

Rule 5, § 19—Proper decorum.

Rule 5, § 22—Addressing the House and avoiding personalities.

Rule 5, § 33—Transgression of rules while speaking.

EXPLANATORY NOTE

The presiding officer preserves order and decorum under general parliamentary law, including enforcement of unwritten attire standards. [2021]

CONGRESSIONAL PRECEDENTS

Order and Decorum, Generally. — The presiding officer at the organization of the House preserves order and decorum. 1 Hinds § 65. Under general parliamentary law, it includes protecting the health and safety of Members and those present on the floor and in the gallery. Wickham ch. 1, § 6.6; 89 Cong. Rec. 1487 (1943); 100 Cong. Rec. 2424 (1954). The presiding officer may enforce unwritten attire rules under this authority. *See* Wickham ch. 4, § 1.2.

Order on the Floor. — This rule authorizes the Speaker to order microphones turned off if being utilized by a Member, who has not been properly recognized, to engage in disorderly behavior. Wickham ch. 4, § 3.13. The Chair frequently reiterates for Members the proper decorum standards, including the importance of heeding the gavel when time for debate has expired. Wickham ch. 6, § 6.2. While occupants of the gallery may not manifest approval or disapproval of proceedings on the floor, Members may do so in a non-disruptive fashion. Wickham ch. 4, § 4.3. Before the adoption of rules, the Speaker may maintain decorum as a matter of general parliamentary law by directing a Member who was not recognized in debate beyond an allotted time to be removed from the well or by directing the Sergeant-at-Arms to present the mace. Wickham ch. 5, § 5.6.

Order in the Gallery. — Occupants of the gallery are not to manifest approval or disapproval, or otherwise disrupt, the proceedings on the floor. Wickham ch. 4, § 4.2. This includes disruption through audible conversations, and violators may be removed. Wickham, ch. 4, § 4.4. Where the Speaker has twice admonished spectators in the galleries to refrain from disorderly behavior, he ordered the galleries cleared. Wickham ch. 4, § 4.1. In response to a demonstration (as opposed to merely an improper display of approval or disapproval), the Chair notes for the record the

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disruptive character of the demonstration and enlists the Sergeant-at-Arms to remove the offending parties. Wickham ch. 4, § 4.5. Where there are repeated disturbances in the gallery, the Chair has warned protestors of the possibility of prosecution. Wickham ch. 4, § 4.6. Before the adoption of rules, the Speaker has authority to quell demonstrations of approval or disapproval by spectators. Wickham ch. 1, § 6.6; ch. 5, § 5.7.

Sec. 6. Recognition of Gallery Visitors. On written request of a member, the speaker may recognize persons in the gallery. The speaker shall afford that recognition at a convenient place in the order of business, considering the need for order and decorum and the need for continuity of debate. The request must be made on a form prescribed by the Committee on House Administration. The speaker may recognize, at a time he or she considers appropriate during floor proceedings, the person serving as physician of the day.

CONGRESSIONAL PRECEDENT

Recognition During Debate. — It is not in order in debate to recognize persons in the gallery. Wickham ch. 4, § 1.18.

Sec. 7. Stating and Voting on Questions. The speaker shall rise to put a question but may state it sitting. The question shall be put substantially in this form: “The question occurs on _____” (here state the question or proposition under consideration). “All in favor say ‘Aye,’” and after the affirmative vote is expressed, “All opposed say ‘No.’” If the speaker is in doubt as to the result, or if a division is called for, the house shall divide: those voting in the affirmative on the question shall register “Aye” on the voting machine, and those voting in the negative on the question shall register “No.” The decision of the house on the question shall be printed in the journal and shall include the yeas and nays if a record of the yeas and nays is ordered in accordance with the rules.

CROSS-REFERENCE

Rule 5, § 40—Voting by machine.

EXPLANATORY NOTE

Technically, under the above section, a call for a division is eligible only after a viva voce vote, the basic voting form prescribed by the rules. Sometimes members will start calling for a division even before the question is put. Most of the time the chair acquiesces, and the division votes are taken directly on the voting machine. However, the above section is clear, and nothing could prevent the chair from listening first to a viva voce vote and announcing the result unless a division is called for before the result is announced, in which case it must be granted. [1957; revised 1959]

Sec. 8. Voting Rights of the Presiding Officer. The speaker shall have the same right as other members to vote. If the speaker, or a member temporarily presiding, has not voted, he or she may cast the deciding vote

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at the time such opportunity becomes official, whether to make or break a tie. If a verification of the vote is called for and granted, the decision of the speaker, or a member temporarily presiding, to cast the deciding vote need not be made until the verification has been completed. In case of error in a vote, if the correction leaves decisive effect to the vote of the speaker, or a member temporarily presiding, the deciding vote may be cast even though the result has been announced.

CROSS-REFERENCES

Rule 1, § 10—Temporary presiding officers.

Rule 5, § 55—Verifications.

Sec. 9. Questions of Order. (a) The speaker shall decide on all questions of order; however, such decisions are subject to an appeal to the house made by any 10 members. Pending an appeal, the speaker shall call a member to the chair, who shall not have the authority to entertain or decide any other matter or proposition until the appeal has first been determined by the house. The question on appeal is, “Shall the chair be sustained?”

(b) No member shall speak more than once on an appeal unless given leave by a majority of the house. No motion shall be in order, pending an appeal, except a motion to adjourn, a motion to lay on the table, a motion for the previous question, or a motion for a call of the house. Responses to parliamentary inquiries and decisions of recognition made by the chair may not be appealed, except as provided by Rule 5, Section 24.

(c) Further consideration of the matter or proposition that is the subject of a question of order is prohibited until the speaker decides the question of order and any appeal of that decision has been determined by the house. Consideration of any other matter or proposition is also prohibited while a question of order is pending, unless the question of order is temporarily withdrawn and the matter or proposition that is the subject of the question of order is postponed. Withdrawal of the question of order does not prevent any member from raising that question of order when the matter or proposition is again before the house.

(d) A point of order raised as to a violation of a section of the rules governing committee reports, committee minutes, or accompanying documentation may be overruled if the purpose of that section of the rules has been substantially fulfilled and the violation does not deceive or mislead.

(e) When a question of order is pending before the house, only the member who raised the question of order, and one other member designated by that member, and the primary proponent of the matter or proposition to which the question of order applies, and one other member designated by the proponent, may present arguments to the speaker or parliamentarian regarding the question of order. This subsection does not limit any remarks that a member may make before the full house if the member is recognized for that purpose.

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CROSS-REFERENCES

Rule 4, § 14, precedents following—Appeals of rulings of committee chair.

Rule 14, § 1—Precedential authorities.

Rule 5, § 24—Appeals of denials of recognition sought to raise a question of privilege.

Rule 5, § 33—Speaker not required to vacate the chair during appeal of member called to order.

EXPLANATORY NOTES

1. Many points of order are raised concerning the constitutionality of bills, legislative procedures, and legislative powers. Through many sessions the speakers have followed the plan of refusing to rule on constitutional points not related to legislative procedure, ruling on constitutional procedural points where no doubt exists, or, where doubt exists, either submitting the points to the house for determination or overruling the points directly then passing them on to the house for determination, in effect, on the vote involved. [1943; revised 1959] As a general rule the speaker does not submit points of order to the house on questions of procedure under the rules. [1931]

2. While the speaker may, under unusual circumstances, submit a constitutional procedural point directly to the house, it is contrary to well-established parliamentary practice to submit other points of order directly to the house for a decision. [1931]

3. The speaker may occasionally review committee proceedings for the purpose of ruling on a point of order raised against further consideration of a bill because of a violation of the House Rules during committee proceedings. [1987]

4. A proper parliamentary inquiry is a request for information related to either the pending business or business that may be immediately brought before the House. The scope of a proper parliamentary inquiry is illustrated by the precedents reported in this *Manual*. The Speaker does not entertain parliamentary inquiries that are dilatory. Nor does the Speaker respond to parliamentary inquiries relating to general procedural questions or requesting historical, social, or political context for pending proceedings; to inquiries requiring the Speaker to speculate on hypothetical or anticipated questions, including the scheduling of future business; to inquiries seeking retroactive rulings of untimely questions; or to inquiries soliciting the Speaker's comments or views on committee proceedings. [2023]

HOUSE PRECEDENTS

1. *Raising Points of Order at the Proper Time.* — The house was considering H.B. 136, the previous question having been ordered on a sequence of motions, including engrossment of the bill. Votes were taken on all motions short of engrossment. Then a motion was made to reconsider the vote by which the previous question was ordered. This motion prevailed. Mr. Morse then raised a point of order that such motion cannot be made after one or more votes have been taken under the previous question, short of the final vote.

Overruled by the Speaker, Mr. Daniel, on the ground that it came too late. 48 H. Jour. 1024 (1943). [The point of order would have been good before the vote on reconsideration.]

2. *Intervening Business Not Necessarily Prejudicial to a Point of Order.* — Mr. Hartsfield moved to reconsider the vote by which H.B. 79 passed to engrossment. Mr. Crosthwait moved to table, and the motion failed. Then Mr. Bell raised the point of order that Mr. Hartsfield had not voted on the prevailing side and that his motion was therefore out of order. Opponents argued that Mr. Bell's point of order came too late, that it should have been made as soon as the motion was made.

Sustained by the Speaker, Mr. Senterfitt, pointing out that since no action had been taken on the motion proper, the point of order had not come too late. 52 H. Jour. 1918 (1951).

3. *A Good "Constitutional" Point of Order Concerning a Bill May Be Successfully Raised at Any Time a Bill Is Before the House for Consideration; Case Where Such a Point Was Raised While a Bill Was Before the House on Motion to Pass Over Veto of the Governor.* — The house was considering H.B. 260 on motion to pass same over the veto of the governor. Mr. Craig raised a point of order on further consideration of the motion on the ground that certain constitutional provisions concerning local bills had not been complied with in the case of H.B. 260. Opponents of this position held that such a point could not successfully be raised at the time because the only question pending was whether or not it should be passed over the veto of the governor.

Sustained by the Speaker, Mr. Daniel, after ascertaining the facts from the author and stating that the bill was then just as truly before the house for consideration as at any other previous stage of its passage. 48 H. Jour. 887 (1943).

CONGRESSIONAL PRECEDENTS

Decisions of the Speaker. — The speaker may inquire for what purpose a member rises and then may deny recognition, 6 Cannon § 289, and an inquiry to ascertain for what purpose a member rises does not constitute recognition. 6 Cannon § 293. While circumscribed by the rules and practice of the house, the exercise of the power of recognition is not subject to a point of order. 6 Cannon § 294. The speaker may require that a question of order be presented in writing. 5 Hinds § 6865. The speaker is not required to decide a question not directly presented by the proceedings. 2 Hinds § 1314. Debate on a point of order, being for the speaker's information, is within the speaker's discretion. 5 Hinds §§ 6919, 6920. In discussing questions of order, the rule of relevancy is strictly construed and debate is confined to the point of order and does not admit reference to the merits of the pending proposition. 6 Cannon § 3449. Preserving the authority and binding force of parliamentary law is as much the duty of each member of the house as it is the duty of the chair. 64 Cong. Rec. 1205 (Jan. 3, 1923) (Mr. Speaker Gillett). Points of order are recorded in the journal, 4 Hinds §§ 2840, 2841, but responses to parliamentary inquiries are not so recorded. 4 Hinds § 2842. The chair does not decide on the legislative effect of propositions, 2 Hinds §§ 1274, 1323, 1324, or on the consistency of proposed action with other acts of the house, 2 Hinds §§ 1327–1336, or on the constitutional powers of the house, 2 Hinds §§ 1255, 1318–1320, 1490; 4 Hinds § 3507, or on the propriety or expediency of a proposed course of action. 2 Hinds §§ 1275,

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1325, 1326, 1337; 4 Hinds §§ 3091–3093, 3127. It is not the duty of the chair to decide hypothetical points of order or to anticipate questions which may be suggested in advance of regular order; 6 Cannon § 249; nor is it the duty of the chair to construe the constitution as affecting proposed legislation. 6 Cannon § 250. The effect or purport of a proposition is not a question to be passed on by the chair, and a point of order as to the competency or meaning of an amendment does not constitute a parliamentary question. 6 Cannon § 254. When precedents conflict, the chair is constrained to give greatest weight to the latest decisions. 6 Cannon § 248.

Appeals. — The right of appeal cannot be taken away from the house. 5 Hinds § 6002. An appeal is not in order while another is pending. 5 Hinds §§ 6939–6941. Neither a motion nor an appeal may intervene between the motion to adjourn and the taking of the vote thereon. 5 Hinds § 5361. An appeal from the decision of the chair may be entertained during the proceedings to secure a quorum. 4 Hinds § 3037. A member may not speak more than once on an appeal except by permission of the house. 2 Hinds § 133; 5 Hinds § 6938.

Parliamentary Inquiries. — Recognition for parliamentary inquiries is at the discretion of the Chair. 160 Cong. Rec. 5785 (Apr. 8, 2014). The Member must demonstrate the pertinence of the inquiry. 8 Cannon § 2797. The Chair may announce a general policy outlining the parameters for proper inquiries. 156 Cong. Rec. 4106 (Mar. 21, 2010). The Chair may respond to parliamentary inquiries asking about the order of business to determine the next item of eligible business, Deschler ch. 31, § 14.7, and asking about the Speaker's authority under the rules to lay out certain business, Deschler ch. 29, § 2.1. The Chair does not respond to parliamentary inquiries seeking to place the pending proceedings in historical context. 49 Cong. Rec. 21557–21558 (Sept. 9, 2003). In responding to proper parliamentary inquiries, the Chair does not rule on hypothetical questions, rule retrospectively on questions not timely raised, or rule anticipatorily on questions not yet presented. Deschler ch. 31, § 14.33.

Sec. 10. Appointment of Speaker Pro Tempore and Temporary Chair. The speaker shall have the right to name any member to perform the duties of the chair related to presiding over the deliberations of the house and may name a member to serve as speaker pro tempore by delivering a written order to the chief clerk and a copy to the journal clerk. A permanent speaker pro tempore shall, in the absence or inability of the speaker, call the house to order and perform all other duties of the chair in presiding over the deliberations of the house and perform other duties and exercise other responsibilities related to presiding over the deliberations of the house as may be assigned in writing by the speaker. If the house is not in session, and a permanent speaker pro tempore has not been named, or if the speaker pro tempore is not available or for any reason is not able to function, the speaker may deliver a written order to the chief clerk, with a copy to the journal clerk, naming the member who shall call the house to order and preside during the speaker's absence. The speaker pro tempore shall serve at the pleasure of the speaker. In the event of a vacancy in the office of speaker, the speaker pro tempore does not assume the office of speaker. The authority of the speaker

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pro tempore to perform the duties and exercise the responsibilities of the speaker is limited as provided by this section.

CONGRESSIONAL PRECEDENTS

Speaker Pro Tempore. — A call of the house may take place with a speaker pro tempore in the chair, 4 Hinds § 2989, and the speaker pro tempore may issue a warrant for the arrest of absent members under a call of the house. 50 Cong. Rec. 5498 (1913). When the speaker is not present at the opening of a session, the speaker designates a speaker pro tempore in writing, 2 Hinds §§ 1378, 1401, but the speaker does not always name in open house the member whom the speaker calls to the chair temporarily during the day's sitting. 2 Hinds §§ 1379, 1400.

Sec. 11. Emergency Adjournment. In the event of an emergency of such compelling nature that the speaker must adjourn the house without fixing a date and hour of reconvening, the speaker shall have authority to determine the date and hour of reconvening and to notify the members of the house by any means the speaker considers adequate. Should the speaker be disabled or otherwise unable to exercise these emergency powers, the permanent speaker pro tempore, if one has been named, shall have authority to act. If there is no permanent speaker pro tempore, or if that officer is unable to act, authority shall be exercised by the chair of the Committee on State Affairs, who shall preside until the house can proceed to the selection of a temporary presiding officer to function until the speaker or the speaker pro tempore is again able to exercise the duties and responsibilities of the office.

Sec. 12. Postponement of Reconvening. When the house is not in session, if the speaker determines that it would be a hazard to the safety of the members, officers, employees, and others attending the legislature to reconvene at the time determined by the house at its last sitting, the speaker may clear the area of the capitol under the control of the house and postpone the reconvening of the house for a period of not more than 12 hours. On making that determination, the speaker shall order the sergeant-at-arms to post an assistant at each first floor entrance to the capitol and other places and advise all persons entering of the determination and the time set for the house to reconvene. The speaker shall also notify the journal clerk and the news media of the action, and the action shall be entered in the house journal.

Sec. 13. Signing Bills and Resolutions. All bills, joint resolutions, and concurrent resolutions shall be signed by the speaker in the presence of the house, as required by the constitution; and all writs, warrants, and subpoenas issued by order of the house shall be signed by the speaker and attested by the chief clerk, or the person acting as chief clerk.

CROSS-REFERENCES

Tex. Const. Art. III, § 38—Measures must be signed in the presence of the House.

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Rule 2, § 1(b)(1)—Chief Clerk attests all writs, warrants, and subpoenas issued by order of the House.

Rule 2, § 1(a)(11)—Chief Clerk endorses all bills and resolutions.

Rule 8, § 13, precedent following—Completion of routine matters at sine die.

Rule 10, § 8, note following—Recalling bills for technical corrections.

Chapter B. Administrative Duties

Sec. 14. Control Over Hall of the House. The speaker shall have general control, except as otherwise provided by law, of the hall of the house, its lobbies, galleries, corridors, and passages, and other rooms in those parts of the capitol assigned to the use of the house; except that the hall of the house shall not be used for any meeting other than legislative meetings during any regular or special session of the legislature unless specifically authorized by resolution.

Sec. 15. Standing Committee Appointments. (a) The speaker shall designate the chair and vice-chair of each standing substantive committee and shall also appoint membership of the committee, subject to the provisions of Rule 4, Section 2.

(b) If members of equal seniority request the same committee, the speaker shall decide which among them shall be assigned to that committee.

(c) In announcing the membership of the standing substantive committees, the speaker shall designate which are appointees and which acquire membership by seniority.

(d) The speaker shall appoint the chair and vice-chair of each standing procedural committee and the remaining membership of the committee.

(e) If a new speaker is elected to fill a vacancy in the office after the appointment of standing committees, the new speaker may not alter the composition of any standing committee before the end of the session, except that the new speaker may:

- (1) vacate the new speaker's membership on any committee;
- (2) make committee appointments for the member who was removed as speaker;
- (3) designate a different member of a standing committee as committee chair; and
- (4) fill vacancies that occur on a committee.

CROSS-REFERENCES

Rule 4, § 2—Appointment of committees.

Rule 4, § 24—Appointment of public citizens to standing committees for interim studies.

Sec. 16. Appointment of Select and Conference Committees. (a) The speaker shall appoint all conference committees. The speaker shall name

the chair of each conference committee, and may also name the vice-chair thereof.

(b) The speaker may at any time by proclamation create a select committee. The speaker shall name the chair and vice-chair thereof. A select committee has the jurisdiction, authority, and duties and exists for the period of time specified in the proclamation. A select committee has the powers granted by these rules to a standing committee except as limited by the proclamation. A copy of each proclamation creating a select committee shall be filed with the chief clerk.

CROSS-REFERENCES

Rule 1, § 4—Referral of proposed legislation to select committees.

Rule 13, § 6—Composition of conference committees.

Sec. 17. Interim Studies. When the legislature is not in session, the speaker shall have the authority to direct committees to make interim studies for such purposes as the speaker may designate, and the committees shall meet as often as necessary to transact effectively the business assigned to them. The speaker shall provide to the chief clerk a copy of interim charges made to a standing or select committee.

CROSS-REFERENCE

Rule 4, §§ 57–62—Interim study committees.

Chapter C. Campaigns for Speaker

Sec. 18. Pledges for Speaker Prohibited During Regular Session. During a regular session of the legislature a member may not solicit written pledges from other members for their support of or promise to vote for any person for the office of speaker.

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Rule 2. Officers and Employees

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Rule 2

Officers and Employees

Chapter A. Duties of Officers of the House

Sec. 1. Chief Clerk. (a) The chief clerk shall:

- (1) be the custodian of all bills, resolutions, and amendments;
 - (2) number in the order of their filing, with a separate sequence for each category, all bills, joint resolutions, concurrent resolutions, and house resolutions;
 - (3) provide for the keeping of a complete record of introduction and action on all bills and resolutions, including the number, author, brief description of the subject matter, committee reference, and the time sequence of action taken on all bills and resolutions to reflect at all times their status in the legislative process;
 - (4) on the day of numbering a bill relating to a conservation and reclamation district created under Article XVI, Section 59, of the Texas Constitution, send two copies of the bill, with two copies of the notice of intention to introduce the bill, to the governor and notify the journal clerk of the action;
 - (5) receive the recommendations of the Texas Commission on Environmental Quality on a bill forwarded to the commission under Article XVI, Section 59, of the Texas Constitution, attach them to the bill to which they apply, and notify the journal clerk that the recommendations have been filed;
 - (6) forward to a committee chair in an electronic or other format determined by the chief clerk a certified copy of each legislative document referred to the committee, including all official attachments to the document;
 - (7) have printed and distributed correct copies of all legislative documents, as provided in the subchapter on printing, and keep an exact record of the date and hour of transmittal to the printer, return from the printer, and distribution of the document to members of the house with that information time-stamped on the originals of the document;
 - (8) certify the passage of bills and resolutions, noting on them the date of passage and the vote by which passed, including the yeas and nays if a record of the yeas and nays is ordered;
 - (9) be responsible for engrossing all house bills and resolutions that have passed second reading and those that have passed third reading, and for enrolling all house bills and resolutions that have passed both houses.
- All engrossed and enrolled documents shall be prepared without erasures, interlineations, or additions in the margin.

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House concurrent resolutions passed without amendment shall not be engrossed but shall be certified and forwarded directly to the senate.

Engrossed riders may be used in lieu of full engrossment on second reading passage;

(10) be authorized to amend the caption to conform to the body of each house bill and joint resolution ordered engrossed or enrolled;

(11) be responsible for noting on each house bill or joint resolution, for certification by the speaker of the house, the lieutenant governor, the chief clerk of the house, and the secretary of the senate, the following information:

(A) date of final passage, and the vote on final passage, including the yeas and nays if a record of the yeas and nays is ordered. If the bill was amended in the senate, this fact shall also be noted;

(B) date of concurrence by the house in senate amendments, and the vote on concurrence, including the yeas and nays if a record of the yeas and nays is ordered;

(C) date of adoption by each house of a conference committee report and the vote on adoption, including the yeas and nays if a record of the yeas and nays is ordered;

(D) that a bill containing an appropriation was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution; and

(E) that a concurrent resolution was adopted by both houses directing the correction of an enrolled bill, if applicable;

(12) transmit over signature all messages from the house to the senate, including typewritten copies of amendments to senate bills;

(13) prepare copies of senate amendments to house bills for the journal before the amendments and the bill or resolution to which they relate are sent to the printer or to the speaker;

(14) notify the speaker in writing that the senate did not concur in house amendments to a bill or resolution and requests a conference committee, and include in this notice the names of the senate conferees;

(15) provide a certified copy of a house bill or resolution which may be lost showing each parliamentary step taken on the bill; and

(16) request fiscal notes on house bills and joint resolutions with senate amendments and distribute fiscal notes on house bills and joint resolutions with senate amendments and conference committee reports as required by Rule 13, Sections 5 and 10.

(b) The chief clerk shall also:

(1) attest all writs, warrants and subpoenas issued by order of the house;

(2) receive reports of select committees and forward copies to the speaker and journal clerk;

(3) not later than 30 days after the close of each session, acquire from each of the various clerks of the house, except the journal clerk, all reports, records, bills, papers, and other documents remaining in their possession and file them with the Legislative Reference Library, unless otherwise provided by law;

(4) receive and file all other documents required by law or by the rules of the house;

(5) prepare a roster of members in order of seniority showing the number of years of service of each member, as provided in Rule 4, Section 2; and

(6) have posted the list of Items Eligible for Consideration as required by the rules.

(c) The chief clerk shall also provide for the following to be made available on the electronic legislative information system:

(1) all house calendars and lists of items eligible for consideration and the time-stamp information for those calendars and lists; and

(2) the time-stamp information for all official printings of bills and resolutions.

(d) The chief clerk shall provide notice to a Capitol e-mail address designated by each member when a new house calendar or list of items eligible for consideration is posted on the electronic legislative information system. If a member informs the chief clerk that the member also desires to receive a paper copy of house calendars or lists of items eligible for consideration, the chief clerk shall place paper copies of those documents designated by the member in the newspaper box of the member as soon as practicable after the electronic copies are posted.

CROSS-REFERENCES

Rule 8, §§ 6, 9 and notes following—Filing of bills.

Rule 8, § 8, note following—Endorsement of bills and joint resolutions introduced by permission.

Rule 8, § 17 and note following—Engrossment of bills.

Rule 8, § 21, note following—Endorsement of appropriations bills.

Rule 10, § 1 and notes following—Filing of resolutions.

Rule 11, § 9 and note following—Amendment of captions.

Rule 11, § 6—Filing an amendment.

Housekeeping Resol. § 4.02—Enumeration and appointment of House officers.

EXPLANATORY NOTES

1. Only essential endorsements should be placed on an engrossed or finally passed bill. These would include: the fact and date of first reading and reference to a particular standing or select committee; the fact and date of report by the committee, showing its recommendation (if reported unfavorably, the fact and date bill was ordered printed on minority report should also be shown); the fact and date of and vote on

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passage to engrossment; the fact, date, and vote showing suspension of the constitutional rule requiring bills to be read on three several days, if such applies; the fact and date of and vote on final passage; and the date bill was sent to the senate. *See also* Rule 8, § 21, annotation following (regarding endorsements on bills passed under Section 49a, Article III, Texas Constitution). [1959; revised 1977, 2019]

2. Each house enrolls its own bills and resolutions; however, any joint rules may provide for a joint enrolling facility. [1915; revised 1977]

3. Petitions and memorials received by the chief clerk are placed on record in that office for viewing by any member. [2023]

Sec. 2. Journal Clerk. (a) The journal clerk shall:

(1) keep a journal of the proceedings of the house, except when the house is acting as a committee of the whole, and enter the following:

(A) the number, author, and caption of every bill introduced;

(B) descriptions of all congratulatory and memorial resolutions on committee report, motions, amendments, questions of order and decisions on them, messages from the governor, and messages from the senate;

(C) the summaries of congratulatory and memorial resolutions, as printed on the congratulatory and memorial calendar;

(D) the number of each bill, joint resolution, and concurrent resolution signed in the presence of the house;

(E) a listing of reports made by standing committees;

(F) reports of select committees, when ordered by the house;

(G) every vote where a record of the yeas and nays is ordered or registration of the house with a concise statement of the action and the result;

(H) the names of all absentees, both excused and not excused;

(I) senate amendments to house bills or resolutions, when concurred in by the house;

(J) the date each bill is transmitted to the governor;

(K) the date recommendations of the Texas Commission on Environmental Quality on each bill subject to Article XVI, Section 59, of the Texas Constitution, are filed with the chief clerk;

(L) all pairs as a part of a vote where a record of the yeas and nays is ordered;

(M) reasons for a vote;

(N) the vote of a member on any question where a record of the yeas and nays has not been ordered;

(O) the statement of a member who was absent when a vote was taken indicating how the member would have voted;

(P) official state documents, reports, and other matters, when ordered by the house; and

(Q) the written copy of the speaker's ruling on a point of order, which includes the citation of the authorities relied upon in the grounds for decision, as provided in Section 9(b-1) of this rule;

(2) prepare a daily journal for each calendar day that the house is in session and distribute on the succeeding calendar day or the earliest possible date copies to the members of the house who have submitted requests to the journal clerk to receive a copy; and

(3) prepare and have printed a permanent house journal of regular and special sessions in accordance with the law and the following provisions:

(A) When completed, no more than 300 copies shall be bound and distributed as follows:

(i) one copy to each member of the house of representatives who submitted a request to the journal clerk to receive a copy;

(ii) one copy to each member of the senate who submitted a request to the journal clerk to receive a copy; and

(iii) the remainder of the copies to be distributed by the Committee on House Administration.

(B) The journal clerk shall not receive or receipt for the permanent house journal until it has been correctly published.

(b) The journal clerk shall lock the voting machine of each member who is excused or who is otherwise known to be absent when the house is in session until the member personally requests that the machine be unlocked.

(c) The journal clerk shall determine and enter in the journal the clock of record for the house and that clock may not be delayed, set back, or otherwise tampered with to deviate from the standard time, as provided by statute, for the place where the house is meeting. The journal clerk shall enter in the journal the time according to the clock of record when the house convenes, recesses, and adjourns. A motion to suspend this rule must be decided by a record vote.

CROSS-REFERENCES

Tex. Const. Art. III, § 12—Constitutional rule requiring each house to keep journal of proceedings.

Rule 5, § 52—Non-record vote filed with journal clerk.

Housekeeping Resol. § 4.02—Enumeration and appointment of House officers.

EXPLANATORY NOTE

Majority and minority reports by committees are simply listed in the journal, not printed in full. [1959]

Sec. 3. Reading Clerks. The reading clerks, under the supervision of the speaker, shall:

Rule 2, Officers and Employees Sec. 4

(1) call the roll of the house in alphabetical order when ordered to do so by the speaker; and

(2) read all bills, resolutions, motions, and other matters required by the rules or directed by the speaker.

CROSS-REFERENCE

Housekeeping Resol. § 4.02—Enumeration and appointment of House officers.

Sec. 4. Sergeant-at-Arms. The sergeant-at-arms shall:

(1) under the direction of the speaker, have charge of and maintain order in the hall of the house, its lobbies and galleries, and all other rooms in the capitol assigned for the use of the house of representatives;

(2) attend the house and the committee of the whole during all meetings and maintain order under the direction of the speaker or other presiding officer;

(3) execute the commands of the house and serve the writs and processes issued by the authority of the house and directed by the speaker;

(4) supervise assistants to the sergeant-at-arms who shall aid in the performance of prescribed duties and have the same authority, subject to the control of the speaker;

(5) clear the floor of the house of all persons not entitled to the privileges of the floor at least 30 minutes prior to the convening of each session of the house;

(6) bring in absent members when so directed under a call of the house;

(7) not allow the distribution of any printed matter in the hall of the house, other than newspapers that have been published at least once a week for a period of one year, unless it first has been authorized in writing by at least one member of the house and the name of the member appears on the printed matter. The sergeant-at-arms shall refuse to accept for distribution any printed matter which does not bear the name of the member or members authorizing the distribution;

(8) keep a copy of written authorization and a record of the matter distributed in the permanent files of the house;

(9) enforce parking regulations applicable to areas of the capitol complex under the control of the house and supervise parking attendants;

(10) provide for issuance of an identification card to each member and employee of the house; and

(11) supervise the doorkeeper.

CROSS-REFERENCES

Rule 4, § 17—Compelling attendance of absent members under call of committee.

Rule 2, Officers and Employees Sec. 5

Rule 4, § 21—Service of committee process.

Rule 5, §§ 11–12—Persons entitled to floor privileges.

Housekeeping Resol. § 4.02—Enumeration and appointment of House officers.

Sec. 5. Doorkeeper. The doorkeeper, under the supervision of the sergeant-at-arms, shall:

(1) enforce strictly the rules of the house relating to privileges of the floor and perform other duties as directed by the speaker;

(2) close the main entrance and permit no member to leave the house without written permission from the speaker when a call of the house or a call of the committee of the whole is ordered, take up permission cards as members leave the hall, and take up permission cards of those who are admitted to the floor of the house under the rules and practice of the house;

(3) obtain recognition from the speaker and announce a messenger from the governor or the senate on arrival at the bar of the house; and

(4) obtain recognition from the speaker and announce the arrival of the governor or the senate on arrival at the bar of the house for official proceedings in the house.

CROSS-REFERENCES

Rule 5, §§ 11–12—Persons entitled to floor privileges.

Housekeeping Resol. § 4.02—Enumeration and appointment of House officers.

EXPLANATORY NOTE

In the 51st Legislature, the Speaker, Mr. Manford, officially established the practice for the house, long in use by the Senate, of placing a doorkeeper at the outer door of the House lobby, thereby making the lobby, the reception room, and the sergeant-at-arms' office also within the "bar of the House." The doorkeeper of the house controls the main door to the House floor. [1949]

Sec. 6. Chaplain. The chaplain shall open the first session on each calendar day with a prayer and shall perform such other duties as directed by the Committee on House Administration.

CROSS-REFERENCES

Rule 6, § 1—Daily order of business.

Housekeeping Resol. § 4.02—Enumeration and appointment of House officers.

Sec. 7. Voting Clerk. The voting clerk, under the supervision of the speaker, shall:

(1) open and close the voting machine on registrations and record votes as ordered by the speaker;

(2) record votes from the floor as directed by the speaker;

Rule 2, Officers and Employees Sec. 8

- (3) prepare official copies of all record votes for the journal; and
- (4) make no additions, subtractions, or other changes in any registration or record vote unless specifically granted permission by the house or directed by the speaker prior to the announcement of the final result.

CROSS-REFERENCE

Housekeeping Resol. § 4.02—Enumeration and appointment of House officers.

Sec. 8. Committee Coordinator. (a) The committee coordinator shall:

- (1) under the direction of the Committee on House Administration, prepare a schedule for regular meetings of all standing committees as provided by Rule 4, Section 8(a);
- (2) post committee meeting notices, as directed by the chair of a committee, in accordance with Rule 4, Section 11(a);
- (3) maintain duplicate originals of committee minutes as required by Rule 4, Sections 18(c) and (d);
- (4) direct the maintenance of sworn statements either in electronic or paper format and, under the direction of the Committee on House Administration, prescribe the form of those statements, as required by Rule 4, Sections 20(a) and (c);
- (5) receive and forward impact statements as required by Rule 4, Section 34(e);
- (6) receive committee reports as required by Rule 4, Section 37, and refer them for printing as provided by Rule 6, Section 19; and
- (7) receive and distribute the recommendations and final reports of interim study committees as provided by Rule 4, Section 61.

(b) The committee coordinator may exclude from the committee coordinator's office or refuse to interact with a member or a member's staff if the member or member's staff engages in abusive, harassing, or threatening behavior.

CROSS-REFERENCE

Housekeeping Resol. § 4.02—Enumeration and appointment of House officers.

Sec. 9. Parliamentarian. (a) The speaker may appoint not more than two individuals to serve as parliamentarians. The parliamentarians are officers of the house who serve at the pleasure of the speaker. The parliamentarians shall advise and assist the presiding officer and the members of the house on matters of procedure. The parliamentarians have a duty of confidentiality to the speaker and to each member of the house and shall keep confidential all requests made by members of the house for advice or guidance regarding procedure unless the parties otherwise agree.

(b) After the initial appointment of the parliamentarians by the speaker, the appointment of a new parliamentarian to fill a vacancy must be approved by a majority of the membership of the house if the appointment is made during a regular or special session. If the appointment to fill the vacancy is made when the house is not in session, the appointment must be approved by a majority of the membership not later than the third day of the first special session that occurs after the date the appointment is made. If no special session occurs after the appointment, approval by the membership is not required.

(b-1) The speaker shall instruct the parliamentarians to provide to each member a written copy of the speaker's ruling on a point of order, including the citation of the authorities relied upon in the grounds for decision. The written ruling shall be provided to each member through the electronic legislative information system not later than 24 hours after the ruling is announced in the house.

(c) In the event of a conflict between this section and the housekeeping resolution, this section controls.

CROSS-REFERENCES

Govt. Code § 301.041—Confidential and privileged communications with Parliamentarians.

Housekeeping Resol. § 4.02—Enumeration and appointment of House officers.

Chapter B. Other Employees

Sec. 10. Legislative Council Employees: Confidentiality. (a) Communications between an attorney employed by the Texas Legislative Council and the speaker, another member of the house, or an employee of a member or committee of the house are confidential in accordance with the rules and laws concerning attorney-client privilege.

(b) Communications between any employee of the Texas Legislative Council and the speaker, another member of the house, or an employee of a member or committee of the house are confidential. The General Investigating Committee of the House may investigate an alleged violation of this subsection.

(c) This section does not prohibit the speaker, member, or committee from waiving a privilege as otherwise permitted by law or from waiving confidentiality under this section.

CROSS-REFERENCE

Govt. Code § 323.017—Confidential and privileged communications with Legislative Council employees.

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Rule 3

Standing Committees

Sec. 1. Agriculture and Livestock. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) agriculture, horticulture, and farm husbandry;
- (2) livestock and stock raising, and the livestock industry;
- (3) the development and preservation of forests, and the regulation, control, and promotion of the lumber industry;
- (4) problems and issues particularly affecting rural areas of the state, including issues related to rural economic development and the provision of and access to infrastructure, education, and health services; and
- (5) the following state agencies: the Department of Agriculture, the Texas Animal Health Commission, the State Soil and Water Conservation Board, the Texas A&M Forest Service, the Texas administrator for the South Central Interstate Forest Fire Protection Compact, the Texas Apiary Inspection Service, Texas A&M AgriLife Research, the Texas A&M AgriLife Extension Service, the State Seed and Plant Board, the State Board of Veterinary Medical Examiners, the Texas A&M Veterinary Medical Diagnostic Laboratory, the Produce Recovery Fund Board, the board of directors of the Texas Boll Weevil Eradication Foundation, Inc., and the Texas Wildlife Services.

Sec. 2. Appropriations. (a) The committee shall have 27 members, with jurisdiction over:

- (1) all bills and resolutions appropriating money from the state treasury;
- (2) all bills and resolutions containing provisions resulting in automatic allocation of funds from the state treasury;
- (3) all bills and resolutions diverting funds from the state treasury or preventing funds from going in that otherwise would be placed in the state treasury; and
- (4) all matters pertaining to claims and accounts filed with the legislature against the state unless jurisdiction over those bills and resolutions is specifically granted by these rules to some other standing committee.

(b) The appropriations committee may comment upon any bill or resolution containing a provision resulting in an automatic allocation of funds.

Sec. 3. Business and Industry. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) industry and manufacturing;
- (2) industrial safety and adequate and safe working conditions, and the regulation and control of those conditions;

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(3) hours, wages, collective bargaining, and the relationship between employers and employees;

(4) unemployment compensation, including coverage, benefits, taxes, and eligibility;

(5) labor unions and their organization, control, management, and administration;

(6) the regulation of business transactions and transactions involving property interests;

(7) the organization, incorporation, management, and regulation of private corporations and professional associations and the Uniform Commercial Code and the Business Organizations Code;

(8) the protection of consumers, governmental regulations incident thereto, the agencies of government authorized to regulate such activities, and the role of the government in consumer protection;

(9) privacy and identity theft;

(10) homeowners' associations;

(11) oversight and regulation of the construction industry; and

(12) the following state agencies: the State Office of Risk Management, the Risk Management Board, the Division of Workers' Compensation of the Texas Department of Insurance, the workers' compensation research and evaluation group in the Texas Department of Insurance, the Office of Injured Employee Counsel, including the ombudsman program of that office, and the Texas Mutual Insurance Company Board of Directors.

Sec. 4. Calendars (Procedural). The committee shall have 11 members, with jurisdiction over:

(1) the placement of bills and resolutions on appropriate calendars, except those within the jurisdiction of the Committee on Resolutions Calendars;

(2) the determination of priorities and proposal of rules for floor consideration of such bills and resolutions; and

(3) all other matters concerning the calendar system and the expediting of the business of the house as may be assigned by the speaker.

Sec. 5. Corrections. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) the incarceration and rehabilitation of convicted felons;

(2) the establishment and maintenance of programs that provide alternatives to incarceration; and

(3) the following state agencies: the Texas Department of Criminal Justice, the Special Prosecution Unit, the Board of Pardons and Paroles, the Texas Civil Commitment Office, and the Texas Correctional Office on Offenders with Medical or Mental Impairments.

Sec. 6. County Affairs. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) counties, including their organization, creation, boundaries, government, and finance and the compensation and duties of their officers and employees;
- (2) establishing districts for the election of governing bodies of counties;
- (3) regional councils of governments;
- (4) multicounty boards or commissions;
- (5) relationships or contracts between counties;
- (6) other units of local government; and
- (7) the following state agency: the Commission on Jail Standards.

Sec. 7. Criminal Jurisprudence. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) criminal law, prohibitions, standards, and penalties;
- (2) probation and parole;
- (3) criminal procedure in the courts of Texas;
- (4) revision or amendment of the Penal Code; and
- (5) the following state agencies: the Office of State Prosecuting Attorney and the Texas State Council for Interstate Adult Offender Supervision.

Sec. 8. Culture, Recreation, and Tourism. The committee shall have nine members, with jurisdiction over:

- (1) the creation, operation, and control of state parks, including the development, maintenance, and operation of state parks in connection with the sales and use tax imposed on sporting goods, but not including any matter within the jurisdiction of the Committee on Appropriations;
- (2) the regulation and control of the propagation and preservation of wildlife and fish in the state;
- (3) the development and regulation of the fish and oyster industries of the state;
- (4) hunting and fishing in the state, and the regulation and control thereof, including the imposition of fees, fines, and penalties relating to that regulation;
- (5) the regulation of other recreational activities;
- (6) cultural resources and their promotion, development, and regulation;
- (7) historical resources and their promotion, development, and regulation;
- (8) promotion and development of Texas' image and heritage;

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(9) preservation and protection of Texas' shrines, monuments, and memorials;

(10) international and interstate tourist promotion and development;

(11) the Texas Economic Development and Tourism Office as it relates to the subject-matter jurisdiction of this committee;

(12) the Gulf States Marine Fisheries Compact; and

(13) the following state agencies: the Parks and Wildlife Department, the Texas Commission on the Arts, the State Cemetery Committee, the Texas State Library and Archives Commission, the Texas Historical Commission, the State Preservation Board, and an office of state government to the extent the office promotes the Texas music industry.

Sec. 9. Defense and Veterans' Affairs. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) the relations between the State of Texas and the federal government involving defense, emergency preparedness, and veterans issues;

(2) the various branches of the military service of the United States;

(3) the realignment or closure of military bases;

(4) the defense of the state and nation, including terrorism response;

(5) emergency preparedness;

(6) veterans of military and related services; and

(7) the following state agencies: the Texas Military Department, the Texas Veterans Commission, the Veterans' Land Board, the Texas Military Preparedness Commission, the Texas Division of Emergency Management, and the Emergency Management Council.

Sec. 10. Elections. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) the right of suffrage in Texas;

(2) primary, special, and general elections;

(3) revision, modification, amendment, or change of the Election Code;

(4) the secretary of state in relation to elections;

(5) campaign finance; and

(6) the following state agency: the Office of the Secretary of State.

Sec. 11. Energy Resources. The committee shall have 11 members, with jurisdiction over all matters pertaining to:

(1) the conservation of the energy resources of Texas;

(2) the production, regulation, transportation, and development of oil, gas, and other energy resources;

- (3) mining and the development of mineral deposits within the state;
- (4) the leasing and regulation of mineral rights under public lands;
- (5) pipelines, pipeline companies, and all others operating as common carriers in the state;
- (6) electric utility regulation as it relates to energy production and consumption;
- (7) identifying, developing, and using alternative energy sources;
- (8) increasing energy efficiency throughout the state;
- (9) the coordination of the state's efforts related to the federal designation of threatened and endangered species as it relates to energy resources in the state; and
- (10) the following state agencies: the Railroad Commission of Texas, the Texas representative for the Interstate Oil and Gas Compact Commission, the Office of Interstate Mining Compact Commissioner for Texas, the State Energy Conservation Office, and the Office of Southern States Energy Board Member for Texas.

Sec. 12. Environmental Regulation. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) air, land, and water pollution, including the environmental regulation of industrial development;
- (2) the regulation of waste disposal;
- (3) environmental matters that are regulated by the Department of State Health Services or the Texas Commission on Environmental Quality;
- (4) oversight of the Texas Commission on Environmental Quality as it relates to environmental regulation; and
- (5) the following state agency: the Texas Low-Level Radioactive Waste Disposal Compact Commission.

Sec. 13. General Investigating (Procedural). (a) The committee shall have five members of the house appointed by the speaker. The speaker shall appoint the chair and the vice-chair of the committee.

(b) The committee has all the powers and duties of a general investigating committee and shall operate as the general investigating committee of the house according to the procedures prescribed by Subchapter B, Chapter 301, Government Code, and the rules of the house, as applicable.

(b-1) The committee may begin work as soon as it desires after its members are appointed. The committee shall meet, organize, and adopt rules of evidence and procedure and any other necessary rules. The committee rules may not conflict with Section 301.025, Government Code.

(b-2) Whether or not the legislature is in session, the committee may meet at any time or place in the state determined necessary by the committee.

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(b-3) If the committee decides not to conduct joint hearings as provided by Section 301.019, Government Code, the committee shall establish a liaison to fully inform the chair of the senate committee of the nature and progress of any inquiry by the other committee.

(b-4) On a majority vote of the committee, the committee may conduct joint hearings and investigations.

(b-5) The committee may:

(1) initiate or continue inquiries and hearings concerning:

(A) state government;

(B) any agency or subdivision of government within the state;

(C) the expenditure of public funds at any level of government within the state; and

(D) any other matter the committee considers necessary for the information of the legislature or for the welfare and protection of state citizens; and

(2) inspect the records, documents, and files and may examine the duties, responsibilities, and activities of each state department, agency, and officer and of each municipality, county, or other political subdivision of the state.

(b-6) If a person disobeys a subpoena or other process that the committee lawfully issues, the committee may cite the person for contempt and cause the person to be prosecuted for contempt according to the procedure prescribed by Subchapter B, Chapter 301, Government Code, or by other law.

(b-7) The committee shall make reports to members of the legislature that the committee determines are necessary and appropriate.

(b-8) Information held by the committee that if held by a law enforcement agency or prosecutor would be excepted from the requirements of Section 552.021, Government Code, under Section 552.108 of that code is confidential and not subject to public disclosure.

(b-9) If for any reason it is necessary to obtain assistance in addition to the services provided by the state auditor, attorney general, Texas Legislative Council, or Department of Public Safety, the committee may employ and compensate assistants to assist in any investigation, audit, or legal matter.

(c) The committee may investigate a matter related to the misconduct, malfeasance, misfeasance, abuse of office, or incompetency of an individual or officer under Chapter 665, Government Code. The committee has all the powers and duties conferred by that chapter for the purpose of conducting the investigation, including the authority to propose articles of impeachment.

(d) The committee has original jurisdiction over the receipt, processing, investigation, and resolution of complaints related to appropriate workplace conduct under Rule 15, the housekeeping resolution, and policies adopted by the Committee on House Administration. If a complaint relates to the

conduct of a member of the committee, that member's employee, or an individual related to the member or the member's employee within the third degree by consanguinity or within the second degree by affinity as determined under Chapter 573, Government Code:

(1) the member shall not participate in any committee proceedings related to the complaint; and

(2) the speaker shall designate a member of the house drawn by lot under Subsection (e) of this section to act in the place of the disqualified member. The designation of a member under this subsection ends when the committee makes its final disposition of the complaint.

(e) When a member of the committee is disqualified under Subsection (d) of this section, the chief clerk shall prepare a list of the currently qualified members of the house, omitting the names of the speaker, the disqualified member, each other member of the committee, and any member elected from the same county as the disqualified member. The chief clerk shall write on a separate piece of paper of uniform size and color the name of each member that appears on the prepared list. The chief clerk shall deposit the pieces of paper in an opaque container that is designed to permit the random distribution of the pieces of paper after their initial deposit and to prevent the viewing of any of the pieces of paper at any time. After the pieces of paper are randomly distributed in the container, the sergeant-at-arms shall draw a single piece of paper and deliver that piece of paper to the chief clerk. The chief clerk shall inform the speaker of the name drawn by the sergeant-at-arms for designation under Subsection (d).

Sec. 14. Higher Education. The committee shall have 11 members, with jurisdiction over all matters pertaining to:

- (1) education beyond high school;
- (2) the colleges and universities of the State of Texas; and
- (3) the following state agencies: the Texas A&M Engineering Experiment Station, the Texas A&M Engineering Extension Service, the Texas Higher Education Coordinating Board, the Texas Guaranteed Student Loan Corporation, the Prepaid Higher Education Tuition Board, and the Texas A&M Transportation Institute.

Sec. 15. Homeland Security and Public Safety. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) law enforcement;
- (2) the prevention of crime and the apprehension of criminals;
- (3) the provision of security services by private entities;
- (4) homeland security, including:
 - (A) the defense of the state and nation, including terrorism response; and

Rule 3, Standing Committees Sec. 16

(B) disaster mitigation, preparedness, response, and recovery;
and

(5) the following state agencies: the Texas Commission on Law Enforcement, the Department of Public Safety, the Texas Division of Emergency Management, the Emergency Management Council, the Texas Forensic Science Commission, the Texas Military Preparedness Commission, the Commission on State Emergency Communications, and the Texas Crime Stoppers Council.

Sec. 16. House Administration (Procedural). (a) The committee shall have 11 members, with jurisdiction over:

- (1) administrative operation of the house and its employees;
- (2) the adoption of policies and procedures for appropriate workplace conduct under Rule 15 and the housekeeping resolution, including policies and procedures relating to the training of members, officers, and employees;
- (3) the general house fund, with full control over all expenditures from the fund;
- (4) all property, equipment, and supplies obtained by the house for its use and the use of its members;
- (5) all office space available for the use of the house and its members;
- (6) the assignment of vacant office space, vacant parking spaces, and vacant desks on the house floor to members with seniority based on cumulative years of service in the house, except that the committee may make these assignments based on physical disability of a member where it deems proper;
- (7) all admissions to the floor during sessions of the house;
- (8) all proposals to invite nonmembers to appear before or address the house or a joint session;
- (9) all radio, television, and Internet broadcasting, live or recorded, of sessions of the house;
- (10) the electronic recording of the proceedings of the house of representatives and the custody of the recordings of testimony before house committees, with authority to promulgate reasonable rules, regulations, and conditions concerning the safekeeping, reproducing, and transcribing of the recordings, and the defraying of costs for transcribing the recordings, subject to other provisions of these rules;
- (11) all witnesses appearing before the house or any committee thereof in support of or in opposition to any pending legislative proposal;
- (12) the Rules of Procedure of the House of Representatives, Joint Rules of the House and Senate, and all proposed amendments;

(13) other matters concerning the rules, procedures, and operation of the house assigned by the speaker; and

(14) the following state agency: the State Preservation Board.

(b) The committee must vote to adopt the annual budget for each house department.

Sec. 17. Human Services. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) welfare and rehabilitation programs and their development, administration, and control;

(2) oversight of the Health and Human Services Commission and the Texas Behavioral Health Executive Council as it relates to the subject matter jurisdiction of this committee;

(3) intellectual disabilities and the development of programs incident thereto;

(4) the prevention and treatment of intellectual disabilities; and

(5) the following state agencies: the Department of Family and Protective Services, the Texas State Board of Social Worker Examiners, and the Texas State Board of Examiners of Professional Counselors.

Sec. 18. Insurance. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) insurance and the insurance industry;

(2) all insurance companies and other organizations of any type writing or issuing policies of insurance in the State of Texas, including their organization, incorporation, management, powers, and limitations; and

(3) the following state agencies: the Texas Department of Insurance, the Texas Health Benefits Purchasing Cooperative, and the Office of Public Insurance Counsel.

Sec. 19. International Relations and Economic Development. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) the relations between the State of Texas and other nations, including matters related to trade relations and international trade zones;

(2) the relations between the State of Texas and the federal government other than matters involving defense, emergency preparedness, and veterans issues;

(3) the relations between the State of Texas and other states of the United States;

(4) commerce, trade, and manufacturing, including international commerce and trade and the regulation of persons participating in international commerce and trade;

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(5) cooperation between the state or a local governmental entity and the scientific and technological community, including private businesses, institutions of higher education, and federal governmental laboratories;

(6) weights and measures;

(7) workforce training;

(8) economic and industrial development;

(9) development and support of small businesses;

(10) job creation and job-training programs;

(11) hours, wages, collective bargaining, and the relationship between employers and employees;

(12) international and border regions (as described in Sections 2056.002(e)(2) and (3), Government Code) economic development, public health and safety issues affecting the border, tourist development, and goodwill, and economic development, tourist development, and goodwill in other areas of the state that have experienced a significant increase in the percentage of the population that consists of immigrants from other nations, according to the last two federal decennial censuses or another reliable measure;

(13) the provision of public services to persons residing in proximity to Texas' international border or in other areas of the state that have experienced a significant increase in the percentage of the population that consists of immigrants from other nations, according to the last two federal decennial censuses or another reliable measure; and

(14) the following state agencies: the Office of State-Federal Relations, the Texas Economic Development and Tourism Office, the Texas Workforce Commission, and the Texas Workforce Investment Council.

Sec. 20. Judiciary and Civil Jurisprudence. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) fines and penalties arising under civil laws;

(2) civil law, including rights, duties, remedies, and procedures thereunder, and including probate and guardianship matters;

(3) civil procedure in the courts of Texas;

(4) administrative law and the adjudication of rights by administrative agencies;

(5) permission to sue the state;

(6) uniform state laws;

(7) creating, changing, or otherwise affecting courts of judicial districts of the state;

(8) establishing districts for the election of judicial officers;

(9) courts and court procedures except where jurisdiction is specifically granted to some other standing committee; and

(10) the following state agencies: the Supreme Court, the courts of appeals, the Court of Criminal Appeals, the State Commission on Judicial Conduct, the Office of Court Administration of the Texas Judicial System, the State Law Library, the Texas Judicial Council, the Judicial Branch Certification Commission, the Office of the Attorney General, the Board of Law Examiners, the State Bar of Texas, and the State Office of Administrative Hearings.

Sec. 21. Juvenile Justice and Family Issues. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) the commitment and rehabilitation of youths;
- (2) the construction, operation, and management of correctional facilities of the state and facilities used for the commitment and rehabilitation of youths;
- (3) juvenile delinquency and gang violence;
- (4) criminal law, prohibitions, standards, and penalties as applied to juveniles;
- (5) criminal procedure in the courts of Texas as it relates to juveniles;
- (6) civil law as it relates to familial relationships, including rights, duties, remedies, and procedures; and
- (7) the following state agencies: the Texas Juvenile Justice Board, the Texas Juvenile Justice Department, the Office of Independent Ombudsman for the Texas Juvenile Justice Department, and the Advisory Council on Juvenile Services.

Sec. 22. Land and Resource Management. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) the management of public lands;
- (2) the power of eminent domain;
- (3) the creation, modification, and regulation of municipal utility districts;
- (4) annexation, zoning, and other governmental regulation of land use; and
- (5) the following state agencies: the School Land Board, the Board for Lease of University Lands, and the General Land Office.

Sec. 23. Licensing and Administrative Procedures. The committee shall have 11 members, with jurisdiction over all matters pertaining to:

- (1) the oversight of businesses, industries, general trades, and occupations regulated by this state;
- (2) the regulation of greyhound and horse racing and other gaming industries;

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(3) regulation of the sale of intoxicating beverages and local option control;

(4) the Alcoholic Beverage Code; and

(5) the following state agencies: the Texas Department of Licensing and Regulation, the State Office of Administrative Hearings, the Texas Board of Architectural Examiners, the Texas State Board of Public Accountancy, the Texas Real Estate Commission, the Texas State Board of Plumbing Examiners, the Texas Board of Professional Engineers and Land Surveyors, the Real Estate Center at Texas A&M University, the Texas Racing Commission, the Texas Appraiser Licensing and Certification Board, the Texas Lottery Commission, and the Texas Alcoholic Beverage Commission.

Sec. 24. Local and Consent Calendars (Procedural). The committee shall have 11 members, with jurisdiction over:

(1) the placement on appropriate calendars of bills and resolutions that, in the opinion of the committee, are in fact local or will be uncontested, and have been recommended as such by the standing committee of original jurisdiction; and

(2) the determination of priorities for floor consideration of bills and resolutions except those within the jurisdiction of the Committee on Calendars and the Committee on Resolutions Calendars.

Sec. 25. Natural Resources. The committee shall have 11 members, with jurisdiction over all matters pertaining to:

(1) the conservation of the natural resources of Texas;

(2) the control and development of land and water and land and water resources, including the taking, storing, control, and use of all water in the state, and its appropriation and allocation;

(3) irrigation, irrigation companies, and irrigation districts, and their incorporation, management, and powers;

(4) the creation, modification, and regulation of groundwater conservation districts, water supply districts, water control and improvement districts, conservation and reclamation districts, and all similar organs of local government dealing with water and water supply not otherwise assigned by these rules to another standing committee;

(5) oversight of the Texas Commission on Environmental Quality as it relates to the regulation of water resources; and

(6) the following state agencies: the Office of Canadian River Compact Commissioner for Texas, the Office of Pecos River Compact Commissioner for Texas, the Office of Red River Compact Commissioner for Texas, the Office of Rio Grande Compact Commissioner for Texas, the Office of Sabine River Compact Commissioners for Texas, the Southwestern States Water Commission, and the Texas Water Development Board.

Sec. 26. Pensions, Investments, and Financial Services. The committee shall have nine members, with jurisdiction over all matters pertaining to:

- (1) banking and the state banking system;
- (2) savings and loan associations;
- (3) credit unions;
- (4) the regulation of state and local bonded indebtedness;
- (5) the lending of money;
- (6) benefits or participation in benefits of a public retirement system and the financial obligations of a public retirement system;
- (7) the regulation of securities and investments;
- (8) privacy and identity theft; and
- (9) the following state agencies: the Finance Commission of Texas, the Credit Union Commission, the Office of Consumer Credit Commissioner, the Office of Banking Commissioner, the Texas Department of Banking, the Department of Savings and Mortgage Lending, the Texas Treasury Safekeeping Trust Company, the Texas Public Finance Authority, the Bond Review Board, the Texas Emergency Services Retirement System, the Board of Trustees of the Teacher Retirement System of Texas, the Board of Trustees of the Employees Retirement System of Texas, the Board of Trustees of the Texas County and District Retirement System, the Board of Trustees of the Texas Municipal Retirement System, the State Pension Review Board, and the State Securities Board.

Sec. 27. Public Education. The committee shall have 13 members, with jurisdiction over all matters pertaining to:

- (1) the public schools and the public school system of Texas and the financing thereof;
- (2) the state programming of elementary and secondary education for the public school system of Texas;
- (3) proposals to create, change, or otherwise alter school districts of the state; and
- (4) the following organizations and state agencies: the State Board of Education, the Texas Education Agency, the Texas representatives to the Education Commission of the States, the Southern Regional Education Board, the Texas School for the Blind and Visually Impaired, the State Board for Educator Certification, and the Texas School for the Deaf.

Sec. 28. Public Health. The committee shall have 11 members, with jurisdiction over all matters pertaining to:

- (1) the protection of public health, including supervision and control of the practice of medicine and dentistry and other allied health services;

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(2) mental health and the development of programs incident thereto;

(3) the prevention and treatment of mental illness;

(4) oversight of the Health and Human Services Commission and the Texas Behavioral Health Executive Council as it relates to the subject matter jurisdiction of this committee; and

(5) the following state agencies: the Department of State Health Services, the Anatomical Board of the State of Texas, the Texas Funeral Service Commission, the Hearing Instrument Fitters and Dispensers Advisory Board, the Texas Health Services Authority, the Texas Optometry Board, the Texas Radiation Advisory Board, the Texas State Board of Pharmacy, the Texas Board of Nursing, the Texas Board of Chiropractic Examiners, the Texas Board of Physical Therapy Examiners, the Massage Therapy Advisory Board, the Podiatric Medical Examiners Advisory Board, the Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Marriage and Family Therapists, the Behavior Analyst Advisory Board, the State Board of Dental Examiners, the Texas Medical Board, the Advisory Board of Athletic Trainers, the Cancer Prevention and Research Institute of Texas, the Texas State Board of Acupuncture Examiners, the Health Professions Council, the Office of Patient Protection, the Texas Board of Occupational Therapy Examiners, and the Texas Child Mental Health Care Consortium.

Sec. 29. Redistricting (Procedural). The committee shall have 15 members, with jurisdiction over all matters pertaining to:

(1) legislative districts, both house and senate, and any changes or amendments;

(2) congressional districts, their creation, and any changes or amendments;

(3) establishing districts for the election of judicial officers or of governing bodies or representatives of political subdivisions or state agencies as required by law; and

(4) preparations for the redistricting process.

Sec. 30. Resolutions Calendars (Procedural). The committee shall have 11 members, with jurisdiction over:

(1) the placement on appropriate calendars of resolutions that, in the opinion of the committee, are in fact congratulatory or memorial;

(2) the determination of priorities for floor consideration of resolutions except those within the jurisdiction of the Committee on Calendars and the Committee on Local and Consent Calendars;

(3) all procedures for expediting the business of the house in expressing concern or commendation in an orderly and efficient manner;

(4) all resolutions to congratulate, memorialize, or name mascots of the house; and

(5) other matters concerning rules, procedures, and operation of the house in expressing concern or commendation assigned by the speaker.

Sec. 31. State Affairs. The committee shall have 13 members, with jurisdiction over all matters pertaining to:

(1) questions and matters of state policy;

(2) the administration of state government;

(3) the organization, operation, powers, regulation, and management of state departments, agencies, and institutions;

(4) the operation and regulation of public lands and state buildings;

(5) the duties and conduct of officers and employees of the state government;

(6) the duties and conduct of candidates for public office and of persons with an interest in influencing public policy;

(7) the operation of state government and its agencies and departments; all of above except where jurisdiction is specifically granted to some other standing committee;

(8) access of the state agencies to scientific and technological information;

(9) the regulation and deregulation of electric utilities and the electric industry;

(10) the regulation and deregulation of telecommunications utilities and the telecommunications industry;

(11) electric utility regulation as it relates to energy production and consumption;

(12) pipelines, pipeline companies, and all others operating as common carriers in the state;

(13) the regulation and deregulation of other industries jurisdiction of which is not specifically assigned to another committee under these rules;

(14) advances in science and technology, including telecommunications, electronic technology, or automated data processing, by state agencies, including institutions of higher education;

(15) the promotion within the state of an advance described by Subdivision (14) of this section;

(16) cybersecurity; and

(17) the following organizations and state agencies: the Council of State Governments, the National Conference of State Legislatures, the Office of the Governor, the Texas Ethics Commission, the Texas Facilities Commission, the Department of Information Resources, the Inaugural

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Endowment Fund Committee, the Sunset Advisory Commission, the Public Utility Commission of Texas, and the Office of Public Utility Counsel.

Sec. 32. Transportation. The committee shall have 13 members, with jurisdiction over all matters pertaining to:

(1) commercial motor vehicles, both bus and truck, and their control, regulation, licensing, and operation;

(2) the Texas highway system, including all roads, bridges, and ferries constituting a part of the system;

(3) the licensing of private passenger vehicles to operate on the roads and highways of the state;

(4) the regulation and control of traffic on the public highways of the State of Texas;

(5) railroads, street railway lines, interurban railway lines, steamship companies, and express companies;

(6) airports, air traffic, airlines, and other organizations engaged in transportation by means of aerial flight;

(7) water transportation in the State of Texas, and the rivers, harbors, and related facilities used in water transportation and the agencies of government exercising supervision and control thereover;

(8) the regulation of metropolitan transit; and

(9) the following state agencies: the Texas Department of Motor Vehicles, the Texas Department of Transportation, and the Texas Transportation Commission.

Sec. 33. Urban Affairs. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) municipalities, including their creation, organization, powers, government, and finance, and the compensation and duties of their officers and employees;

(2) home-rule municipalities, their relationship to the state, and their powers, authority, and limitations;

(3) the creation or change of metropolitan areas and the form of government under which those areas operate;

(4) problems and issues particularly affecting metropolitan areas of the state;

(5) other units of local government not otherwise assigned by these rules to other standing committees;

(6) establishing districts for the election of governing bodies of municipalities;

(7) land use regulation by municipalities; and

(8) the following state agencies: the Texas Department of Housing and Community Affairs and the Texas Commission on Fire Protection.

Sec. 34. Ways and Means. The committee shall have 11 members, with jurisdiction over:

- (1) all bills and resolutions proposing to raise state revenue;
- (2) all bills or resolutions proposing to levy state taxes or other fees;
- (3) all proposals to modify, amend, or change any existing state tax or revenue statute;
- (4) all proposals to regulate the manner of collection of state revenues and taxes;
- (5) all bills and resolutions containing provisions resulting in automatic allocation of funds from the state treasury;
- (6) all bills and resolutions diverting funds from the state treasury or preventing funds from going in that otherwise would be placed in the state treasury;
- (7) all bills and resolutions proposing to permit a local government to raise revenue;
- (8) all bills and resolutions proposing to permit a local government to levy or impose property taxes, sales and use taxes, or other taxes and fees;
- (9) all proposals to modify, amend, or change any existing local government tax or revenue statute;
- (10) all proposals to regulate the manner of collection of local government revenues and taxes;
- (11) all bills and resolutions relating to the appraisal of property for taxation;
- (12) all bills and resolutions relating to the Tax Code; and
- (13) the following organizations and state agencies: the Multistate Tax Commission and the Comptroller of Public Accounts.

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Rule 4

Organization, Powers, and Duties of Committees

Chapter A. Organization

Sec. 1. Committees, Membership, and Jurisdiction. Standing committees of the house, and the number of members and general jurisdiction of each, shall be as enumerated in Rule 3.

CROSS-REFERENCES

Rule 1, § 4—Referral of legislation under rules of jurisdiction.
Govt. Code Ch. 301, Subch. B—Statutory powers of committees.

EXPLANATORY NOTE

The most important work of the House is conducted by its committees. The committee system is entrenched in the Texas Constitution by Article III, Section 37. George Braden, et al., *The Constitution of the State of Texas: An Annotated and Comparative Analysis* 176 (1977). The committee system was enshrined in our state constitution to ensure “careful consideration and deliberate action” on legislative proposals. *Id.* at 178. [2023]

Sec. 2. Determination of Membership. (a) Membership on the standing committees shall be determined at the beginning of each regular session in the following manner:

(1) For each standing substantive committee, a maximum of one-half of the membership, exclusive of the chair and vice-chair, shall be determined by seniority. The remaining membership of the committee shall be appointed by the speaker.

(2) Each member of the house, in order of seniority, may designate three committees on which he or she desires to serve, listed in order of preference. The member is entitled to become a member of the committee of his or her highest preference on which there remains a vacant seniority position.

(3) If members of equal seniority request the same committee, the speaker shall appoint the member from among those requesting that committee. Seniority, as the term is used in this subsection, shall mean years of cumulative service as a member of the house of representatives.

(4) After each member of the house has selected one committee on the basis of seniority, the remaining membership on each standing committee shall be filled by appointment of the speaker, subject to the limitations imposed in this chapter.

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(5) Seniority shall not apply to a procedural committee. For purposes of these rules, the procedural committees are the Committee on Calendars, the Committee on Local and Consent Calendars, the Committee on Resolutions Calendars, the General Investigating Committee, the Committee on House Administration, and the Committee on Redistricting. The entire membership of these committees shall be appointed by the speaker.

(6) In announcing the membership of committees, the speaker shall designate those appointed by the speaker and those acquiring membership by seniority.

(7) The speaker shall designate the chair and vice-chair from the total membership of the committee.

(b) In the event of a vacancy in a representative district that has not been filled at the time of the determination of the membership of standing committees, the representative of the district who fills that vacancy shall not be entitled to select a committee on the basis of seniority. Committee appointments on behalf of that district shall be designated by the district number.

(c) In the event that a member-elect of the current legislature has not taken the oath of office by the end of the ninth day of the regular session, the representative of that district shall not be entitled to select a committee on the basis of seniority. If the member-elect has not taken the oath of office by the time committee appointments are announced, committee appointments on behalf of that district shall be designated by district number.

CROSS-REFERENCE

Rule 1, § 15—Appointment of committee chairs and vice-chairs by Speaker.

Sec. 3. Ranking of Committee Members. Except for the chair and vice-chair, members of a standing committee shall rank according to their seniority.

Sec. 4. Membership Restrictions. (a) No member shall serve concurrently on more than two standing substantive committees.

(b) A member serving as chair of the Committee on Appropriations, the Committee on State Affairs, or the Committee on Ways and Means may not serve on any other substantive committee.

(c) A permanent speaker pro tempore appointed under Rule 1, Section 10, may not serve on more than one substantive committee or as chair of a standing committee.

Sec. 5. Vacancies on Committees. Should a vacancy occur on a standing, select, or interim committee subsequent to its organization, the speaker shall appoint an eligible member to fill the vacancy.

Rule 4, Organization, Powers, and Duties of Committees Sec. 6

Sec. 6. Duties of the Chair. The chair of each committee shall:

- (1) be responsible for the effective conduct of the business of the committee;
- (2) appoint all subcommittees and determine the number of members to serve on each subcommittee;
- (3) in consultation with members of the committee, schedule the work of the committee and determine the order in which the committee shall consider and act on bills, resolutions, and other matters referred to the committee;
- (4) have authority to employ and discharge the staff and employees authorized for the committee and have supervision and control over all the staff and employees;
- (5) direct the preparation of all committee reports. No committee report shall be official until signed by the chair of the committee, or by the person acting as chair, or by a majority of the membership of the committee;
- (6) determine the necessity for public hearings, schedule hearings, and be responsible for directing the posting of notice of hearings as required by the rules;
- (7) preside at all meetings of the committee and control its deliberations and activities in accordance with acceptable parliamentary procedure; and
- (8) have authority to direct the sergeant-at-arms to assist, where necessary, in enforcing the will of the committee.

Sec. 7. Bill Analyses. Except for the general appropriations bill, for each bill or joint resolution referred to the committee, the staff of the committee shall be responsible for distributing a copy of a bill analysis to each member of the committee and the author of a house measure at the earliest possible opportunity but not later than the first time the measure is laid out in a committee meeting.

Chapter B. Procedure

Sec. 8. Meetings. (a) As soon as practicable after standing committees are constituted and organized, the committee coordinator, under the direction of the Committee on House Administration, shall prepare a schedule for regular meetings of all standing committees. This schedule shall be published in the house journal and posted in a convenient and conspicuous place near the entrance to the house and on other posting boards for committee meeting notices, as determined necessary by the Committee on House Administration. To the extent practicable during each regular session, standing committees shall conduct regular committee meetings in accordance with the schedule

Rule 4, Organization, Powers, and Duties of Committees Sec. 9

of meetings prepared by the committee coordinator under the supervision of the Committee on House Administration.

(b) Standing committees shall meet at other times as may be determined by the committee, or as may be called by the chair. Subcommittees of standing committees shall likewise meet at other times as may be determined by the committee, or as may be called by the chair of the committee or subcommittee.

(c) Committees shall also meet in such places and at such times as the speaker may designate.

CROSS-REFERENCE

Rule 2, § 8(a)(1)—Committee Coordinator duties in preparing schedule.

Sec. 9. Meeting While House in Session. No standing committee or subcommittee shall meet during the time the house is in session without permission being given by a majority vote of the house. No standing committee or subcommittee shall conduct its meeting on the floor of the house or in the house chamber while the house is in session, but shall, if given permission to meet while the house is in session, retire to a designated committee room for the conduct of its meeting.

CROSS-REFERENCE

Rule 7, § 2—Three-minute debate rule on motions.

HOUSE PRECEDENT

Motion to Grant Permission Is Debatable. — In the 56th Legislature, the Speaker, Mr. Carr, ruled that a motion to grant permission for a committee to meet while the house is in session was debatable and subject to the three-minute pro and con debate rule. 56 Tex. Legis. Man. 196 (1959).

Sec. 10. Purposes for Meeting. A committee or a subcommittee may be assembled for:

- (1) a public hearing where testimony is to be heard, and where official action may be taken, on bills, resolutions, or other matters;
- (2) a formal meeting where the committee may discuss and take official action on bills, resolutions, or other matters without testimony; and
- (3) a work session where the committee may discuss bills, resolutions, or other matters but take no formal action.

CROSS-REFERENCES

Govt. Code § 316.022(a)—Committee on Appropriations shall conduct hearings on general appropriations bills prepared by the governor and the Legislative Budget Board director.

Govt. Code § 316.022(b)—Committee on Appropriations may conduct hearings on general appropriations bill prepared by the Legislative Budget Board director without waiting for submission of governor's bill.

EXPLANATORY NOTE

Current house practice has been to permit committees to hear testimony from a “resource witness” at either a public hearing or a formal meeting. A resource witness is a person who is employed by an agency of the legislative branch of government (the Texas House of Representatives, the Texas Senate, the Legislative Budget Board, the Texas Legislative Council, the Sunset Advisory Commission, the State Auditor’s Office, etc.) or, in very limited circumstances, by an agency of the executive branch of government, such as the Office of the Comptroller, when providing a committee with technical information on the operation of the state budget. A resource witness may provide the committee with background information or technical information on a particular bill or resolution but may not testify for or against the measure. A resource witness as defined above is not required to execute the sworn statement that is required under Section 20 of this rule, nor is a resource witness required to be listed in the committee minutes or in the witness list on the committee report. [1991; revised 1993]

Many times, persons representing an association or executive branch agency will appear before a committee to testify “on” a particular measure. Such persons often refer to themselves as “resource witnesses” because they are not taking a position for or against the measure. For purposes of the rules, however, these persons are considered to be witnesses who must execute the sworn statement required under Section 20 of this rule, must be listed in the committee minutes and the witness list on the committee report, and cannot testify unless the committee is convened in a public hearing. [1993]

Sec. 11. Posting Notice. (a) No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a public hearing during a regular session unless notice of the hearing has been posted in accordance with the rules at least five calendar days in advance of the hearing. No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a public hearing during a special session unless notice of the hearing has been posted in accordance with the rules at least 24 hours in advance of the hearing. The committee minutes shall reflect the date of each posting of notice. Notice shall not be required for a public hearing or a formal meeting on a senate bill which is substantially the same as a house bill that has previously been the subject of a duly posted public hearing by the committee.

(b) No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a formal meeting or work session during a regular or special session unless written notice has been posted and transmitted to each member of the committee two hours in advance of the meeting or an announcement has been filed with the journal clerk and read by the reading clerk while the house is in session.

(c) All committees meeting during the interim for the purpose of a formal meeting, work session, or public hearing shall post notice in

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accordance with the rules and notify members of the committee at least five calendar days in advance of the meeting.

CROSS-REFERENCES

Rule 4, § 6(6)—Chair’s duty to ensure posting of notice.

Govt. Code § 551.046—Notice of legislative committee meetings must be posted as provided by House rules.

EXPLANATORY NOTES

1. Notices of public hearings are conspicuously posted in areas designated by the Committee on House Administration. [1985]

2. If it becomes necessary to postpone, reschedule, relocate, or cancel a committee meeting, current practice is for the chair or staff of the committee to notify the committee coordinator, so that the official posting can be updated and a notice of that fact can be posted at the entrance to the meeting room. If the house is in session when it becomes necessary to postpone, reschedule, relocate, or cancel a committee meeting, the chair should also file an announcement with the journal clerk to be read by the reading clerk while the house is in session. [1997]

Sec. 12. Meetings Open to the Public. All meetings of a committee or subcommittee, including a calendars committee, shall be open to other members, the press, and the public unless specifically provided otherwise by resolution adopted by the house. However, the General Investigating Committee or a committee considering an impeachment, an address, the punishment of a member of the house, or any other matter of a quasi-judicial nature may meet in executive session for the limited purpose of examining a witness or deliberating, considering, or debating a decision, but no decision may be made or voted on except in a meeting that is open to the public and otherwise in compliance with the rules of the house.

CROSS-REFERENCES

Tex. Const. Art. III, § 16—Constitutional rule on open sessions.

Rule 4, § 13(c)—Discretion to permit broadcasts of committee meetings.

Rule 5, § 34—Proceedings to be recorded electronically.

Govt. Code § 551.003—No secret meetings may be held except as permitted by Texas Constitution.

HOUSE PRECEDENT

Public Hearing Not a Prerequisite to Reporting by a Committee or Consideration by the House. — The speaker laid before the house on second reading H.B. 40, and the caption was read. Mr. Cato raised a point of order on further consideration of the bill on the ground that a “public hearing” had not been held before the bill was reported by the committee. Overruled by the Speaker; Mr. Gilmer. 49 H. Jour. 277 (1945).

[This point of order is raised frequently and arises through a misunderstanding of Sections 10–12 of this rule. Section 12 provides that every committee meeting shall be open to the public. Anyone may attend

committee meetings. Committees, however, have control of their business, and there is nothing in the rules which requires committees to hold “public hearings” in the accepted meaning of the term, i.e., where numbers of persons appear to argue both sides of a question. Public hearings should be and almost always are held on bills of outstanding importance. If a committee elects to hold a “public hearing,” then it must set the bill and post the proper notice. It is these two steps which characterize the “public hearing” as differentiated from the ordinary committee meeting.]

Sec. 13. Rules Governing Operations. (a) The Rules of Procedure of the House of Representatives, and to the extent applicable, the rules of evidence and procedure in the civil courts of Texas, shall govern the hearings and operations of each committee, including a calendars committee. Subject to the foregoing, and to the extent necessary for orderly transaction of business, each committee may promulgate and adopt additional rules and procedures by which it will function. A copy of the rules and procedures adopted by a committee must be filed with the chief clerk. If the house is convened in a regular or special session, a copy of the rules and procedures shall also be delivered to the journal clerk and printed in the journal.

(b) No standing committee, including a calendars committee, or any subcommittee, shall adopt any rule of procedure, including but not limited to an automatic subcommittee rule, which will have the effect of thwarting the will of the majority of the committee or subcommittee or denying the committee or subcommittee the right to ultimately dispose of any pending matter by action of a majority of the committee or subcommittee. A bill or resolution may not be laid on the table subject to call in committee without a majority vote of the committee.

(c) Each committee of the house shall have authority to determine whether or not to permit television, radio, or Internet broadcasts, other than official house broadcasts, of any of its proceedings.

EXPLANATORY NOTE

Subsection (c) of this rule is derived from a rule first adopted by the House in 1969. *See* H. Rule 29, § 15, 61st Legis. (1969) (providing that “[e]ach committee of the House shall have authority to determine whether or not to permit television or broadcast of any of its proceedings”). [2023]

Sec. 14. Appeals From Rulings of the Chair. Appeals from rulings of the chair of a committee shall be in order if seconded by three members of the committee, which may include the member making the appeal. Procedure in committee following an appeal which has been seconded shall be the same as the procedure followed in the house in a similar situation.

CROSS-REFERENCE

Rule 1, § 9—Appeals.

HOUSE PRECEDENTS

1. *Points of Order on Committee Procedure.* — In the 51st Legislature, the Speaker, Mr. Manford, held that a point of order in the house against the consideration of a bill because of some parliamentary error in committee or an erroneous ruling of a committee chair during its consideration is not good provided the bill was eventually voted out favorably (or unfavorably) in conformity with the rules. 51 Tex. Legis. Man. 131–132 (1949).

[Full protection against such errors or rulings is provided under the rules of the house to members of the committee. Failure to take advantage of such protection in a committee is no reason to prejudice consideration of the bill or other measure on the floor of the house. See precedent immediately following.]

2. *Erroneous Rulings by Committee Chairs Are Insufficient Grounds for Sending Bills Back to Committees on Points of Order; Provided Reports Are Made in Accordance With the Rules.* — H.B. 236 was laid before the house. Mr. Pearson raised a point of order on further consideration because the bill was not “properly and legally” voted out of the committee. He contended that the chairman of the committee had made certain erroneous rulings, but agreed that the bill had finally received a majority vote for favorable report and that a quorum was present. Overruled by the Speaker, Mr. Reed, holding that the stated grounds were insufficient to send the bill back to committee, particularly in view of the fact that committee members have recourse to appeals from the rulings of committee chairs and that the committee minutes failed to show any protest or appeal. 50 H. Jour. 1750 (1947).

Sec. 15. Previous Question. Before the previous question can be ordered in a committee, the motion therefor must be seconded by not less than 4 members of a committee consisting of 21 or more members, 3 members of a committee consisting of less than 21 members and more than 10 members, or 2 members of a committee consisting of 10 members or less. If the motion is properly seconded and ordered by a majority vote of the committee, further debate on the proposition under consideration shall be terminated, and the proposition shall be immediately put to a vote of the committee for its action.

Sec. 16. Quorum. A majority of a committee shall constitute a quorum. No action or recommendation of a committee shall be valid unless taken at a meeting of the committee with a quorum actually present, and the committee minutes shall reflect the names of those members of the committee who were actually present. No committee report shall be made to the house nor shall bills or resolutions be placed on a calendar unless ordered by a majority of the membership of the committee, except as otherwise provided in the rules, and a quorum of the committee must be present when the vote is taken on reporting a bill or resolution, on placing bills or resolutions on a calendar, or on taking any other formal action within the authority of the committee. No committee report shall be made nor shall bills or resolutions be placed on a calendar except by record vote of the members of the committee, with

the yeas and nays to be recorded in the minutes of the committee. Proxies cannot be used in committees.

CROSS-REFERENCES

Tex. Const. Art. III, § 37—Constitutional requirement for committee report.

Rule 4, § 61(c)—Adoption of interim study reports by standing committees.

EXPLANATORY NOTE

Under the ruling of Speaker Claud Gilmer (House Precedent No. 2, below), a valid committee report is the report made by the committee, i.e., the report is the committee's work. If the report is not the work of the committee, it does not comply with the Constitution. [2023]

HOUSE PRECEDENTS

1. *Not in Order to Circumvent Committee Action by Suspension of the Rules.* — The speaker laid S.B. 235 before the house, and Mr. Mangum raised a point of order that the bill had not been reported properly from the committee, the minutes showing that a quorum was not present at the time. The speaker, Mr. Reed, called for and examined the minutes and then sustained the point of order. Mr. Miller moved to suspend all rules for the purpose of considering the bill at this time. Mr. Mangum raised a point of order against such procedure. Sustained by the Speaker, Mr. Reed, holding that to allow it would set a precedent whereby the constitutional requirement for committee consideration would be abrogated. 50 H. Jour. 2732 (1947).

2. *Valid Committee Report Necessary Under the Constitution.* — During the consideration of H.B. 33, a point of order was raised that the minutes of the committee reporting the bill showed that in fact a quorum was not present at the time the bill was reported. Mr. McAllister then moved to suspend the house rule requiring the presence of a quorum of a committee at the time of reporting a bill, resolution, or other measure. Mr. Bell of DeWitt raised the point of order against such a motion on the ground that Section 37 of Article III of the constitution requires a valid committee report. Sustained by the Speaker, Mr. Gilmer, who ordered the bill returned to the committee for further consideration and pointed out that to do otherwise would render meaningless the constitutional requirement of committee consideration and report. 49 H. Jour. 1714 (1945).

3. *Presence of a Quorum.* — A quorum is presumed present when no official records on file prove the absence of a quorum. 86 H. Jour. 4072–4073 (2019).

CONGRESSIONAL PRECEDENTS

Committee Delegation of Duties. — A committee may act when together only; but having convened at a regularly constituted meeting, it may delegate to its chairman or to a member of the committee duties to be performed within the discretion of the chairman or member. 8 Cannon § 2210.

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Quorum Required for Committee Action. — Action of a committee is valid only when taken at a formal meeting of the committee actually assembled. 8 Cannon § 2209. Action of a committee is recognized by the house only when taken with a quorum actually assembled and meeting. 8 Cannon § 2211. Action taken by a committee in the absence of a quorum was held to be invalid when reported to the house. 8 Cannon § 2212.

Sec. 17. Moving a Call of a Committee. (a) It shall be in order to move a call of a committee at any time to secure and maintain a quorum for any one or more of the following purposes:

- (1) for the consideration of a specific bill, resolution, or other matter;
- (2) for a definite period of time; or
- (3) for the consideration of any designated class of bills or other matters.

(b) When a call of a committee is moved for one or more of the foregoing purposes and seconded by two members, one of whom may be the chair, and is ordered by a majority of the members present, no member shall thereafter be permitted to leave the committee meeting without written permission from the chair. After the call is ordered, and in the absence of a quorum, the chair shall have the authority to authorize the sergeant-at-arms to locate absent members of the committee and to compel their attendance for the duration of the call.

CROSS-REFERENCE

Rule 5, § 7, precedent following—Illustration of “class of bills.”

Sec. 18. Minutes of Proceedings. (a) For each committee, including a calendars committee, the chair, or the member acting as chair, shall keep complete minutes of the proceedings in committee, which shall include:

- (1) the time and place of each meeting of the committee;
- (2) a roll call to determine the members present at each meeting of the committee, whether that meeting follows an adjournment or a recess from a previous committee meeting;
- (3) an accurate record of all votes taken, including a listing of the yeas and nays cast on a record vote;
- (4) the date of posting of notice of the meeting; and
- (5) other information that the chair shall determine.

(b) The minutes for each public hearing of a committee shall also include an attachment listing the names of the persons, other than members of the legislature, and the persons or entities represented by those persons, who were recognized by the chair to address the committee. The attachment shall also list the name of each person, other than a member of the legislature, who submitted to the committee a sworn statement indicating that the person was present in favor of, in opposition to, or without taking a position on the

measure or other matter, but who because of the person's departure or other reason was not recognized by the chair to address the committee; provided that the omission of the name of such a person is not subject to a point of order.

(c) Committee minutes shall be corrected only at the direction of the chair as authorized by a majority vote of the committee. Duplicate originals of committee minutes shall be maintained, one to remain with the committee chair and the other to be filed with the committee coordinator. The committee minutes of a meeting of the Appropriations Committee on the general appropriations bill must be filed with the committee coordinator within five days of the committee meeting. All other committee minutes must be filed with the committee coordinator within three days of the committee meeting for a substantive committee or the Committee on Redistricting, and within one day of the committee meeting for a procedural committee other than the Committee on Redistricting. If the date on which the committee minutes are due occurs on a Saturday, Sunday, or holiday on which the house is not in session, the committee minutes shall be filed on the following working day. The time at which the minutes are filed shall be time-stamped on the duplicate originals of the minutes that are filed with the committee coordinator. The duplicate originals shall be available at all reasonable business hours for inspection by members or the public.

(d) The committee coordinator shall maintain the minutes and records safe from loss, destruction, and alteration at all times, and may, at any time, turn them, or any portion, over to the Committee on House Administration.

HOUSE PRECEDENTS

1. *Omission on Witness List of Witness Who Submitted Sworn Statement Invalidates Minutes.* — The House was considering H.B. 32, relating to required individual health insurance coverage, on second reading as a matter of postponed business.

Mr. Coleman raised a point of order against further consideration of the bill on the grounds that the committee minutes were incomplete because the witness list did not list Steven Hotze as testifying for the bill although the witness submitted a witness affirmation form for the bill and testified at the hearing.

Sustained by the Speaker, Mr. Straus, holding, after examination of the witness affirmation form and the witness list for the committee meeting, that the “witness list does not reflect the information on the witness affirmation form that the witness testified on” [sic]; because the committee minutes failed to list the name of a person who submitted to the committee a sworn statement indicating that the person was present in favor of, in opposition to, or without taking a position on the measure, the witness list violated the rule. 82 H. Jour. 3771 (2011).

2. *Errors in Minutes.* — An error in the minutes related to record votes must affect the bill under consideration for a point of order to lie against that bill's further consideration. 86 H. Jour. 3272 (2019). A committee's minutes must recite all authority under which a committee assembles and

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a point of order will lie against the omission of an authority. 86 H. Jour. 3435–3436 (2019). Minutes are not impeached by a committee report’s summary of committee action simply where the latter records the same events in a different chronological sequence that is merely trivial. 87 H. Jour. 3014 (2021).

Sec. 18A. Internet Access to Committee Documents. (a) The committee coordinator shall establish procedures for making available to the public on the Internet documents relating to the proceedings of substantive committees.

(b) A substantive committee shall make available to the public on the Internet:

(1) any committee substitute or amendment laid before the committee; and

(2) any nonconfidential written testimony submitted by a state agency for consideration by the committee that relates to a measure referred to the committee.

(c) A committee’s failure to comply with this section is not subject to a point of order.

Sec. 19. Recording of Testimony. All testimony before committees and subcommittees shall be electronically recorded under the direction of the Committee on House Administration. Copies of the testimony may be released under guidelines promulgated by the Committee on House Administration.

Sec. 19A. Recording of Appropriations Meetings. (a) The Committee on House Administration shall ensure that an audio and video recording of any public hearing, formal meeting, or work session of the Committee on Appropriations or a subcommittee of the Committee on Appropriations is made available to the public on the Internet in a timely manner.

(b) To the extent that current technological capabilities prohibit immediate implementation of this section, the Committee on House Administration shall use the committee’s best efforts to conform to the requirements of this section as soon as practicable.

Sec. 20. Sworn Statement of Witnesses. (a) The committee coordinator, under the direction of the Committee on House Administration, shall prescribe the form of a sworn statement, which may be in electronic or paper format, to be executed by all persons, other than members, who wish to be recognized by the chair to address the committee. The statement shall provide for showing at least:

(1) the committee or subcommittee;

(2) the name, address, and telephone number of the person appearing;

(3) the person, firm, corporation, class, or group represented;

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(4) the type of business, profession, or occupation in which the person is engaged, if the person is representing himself or herself; and

(5) the matter before the committee on which the person wishes to be recognized to address the committee and whether for, against, or neutral on the matter.

(b) No person shall be recognized by the chair to address the committee in favor of, in opposition to, or without taking a position on a matter until the sworn statement has been filed with the chair of the committee. The chair of the committee shall indicate whether the person completing the statement was recognized to address the committee.

(c) Sworn statements submitted in paper format for those persons recognized by the chair to address the committee shall accompany the copy of the minutes of the meeting filed with the committee coordinator.

(d) All persons, other than members, recognized by the chair to address the committee shall give their testimony under oath, and each committee may avail itself of additional powers and prerogatives authorized by law.

(e) The committee shall ensure that an individual who is blind receives any necessary assistance in executing the sworn statement.

(f) The committee shall inform a witness who is blind which members of the committee are present when the witness begins to testify and shall inform the witness during the testimony of the departure and arrival of committee members.

(g) The chair may recognize a witness who has been invited by the committee to attend the meeting but is not present in the same physical location as the committee to testify before the committee through an Internet or other videoconferencing system if:

(1) the witness has executed a sworn statement, in electronic or paper format, under this section;

(2) the witness has filed the statement or a copy of the statement with the chair before testifying; and

(3) two-way communication has been enabled to allow the witness to be clearly visible and audible to the committee members and the committee members to be clearly visible and audible to the witness.

(h) A person who serves as a translator, including an interpreter, for a witness before a committee must execute a form prescribed by the committee coordinator, under the direction of the Committee on House Administration. The form must at least include the name of the translator and the name of the witness whom the translator is serving.

CROSS-REFERENCES

Govt. Code Ch. 301, Subch. B—Statutory powers of committees.

Govt. Code § 301.022—Witnesses required to give testimony under oath subject to perjury penalties unless committee (other than a general investigating committee) waives requirement.

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Govt. Code § 301.023—Individuals authorized to administer oath to witnesses.

Sec. 21. Power to Issue Process and Summon Witnesses. (a) By a record vote of not less than two-thirds of those present and voting, a quorum being present, each standing committee shall have the power and authority to issue process to witnesses at any place in the State of Texas, to compel their attendance, and to compel the production of all books, records, and instruments. If necessary to obtain compliance with subpoenas or other process, the committee shall have the power to issue writs of attachment. All process issued by the committee may be addressed to and served by an agent of the committee or a sergeant-at-arms appointed by the committee or by any peace officer of the State of Texas. The committee shall also have the power to cite and have prosecuted for contempt, in the manner provided by law, anyone disobeying the subpoenas or other process lawfully issued by the committee. The chair of the committee shall issue, in the name of the committee, the subpoenas and other process as the committee may direct.

(b) The chair may summon the governing board or other representatives of a state agency to appear and testify before the committee without issuing process under Subsection (a) of this section. The summons may be communicated in writing, orally, or electronically. If the persons summoned fail or refuse to appear, the committee may issue process under Subsection (a) of this section.

CROSS-REFERENCES

Civ. Prac. & Rem. Code §§ 22.021–22.027—Journalist’s qualified testimonial privilege in any legislative proceeding.

Govt. Code § 301.024—Statutory provision governing issuance of process.

Govt. Code § 301.026—Statutory provision authorizing contempt proceedings.

Govt. Code § 301.027—Statutory provision regarding prosecution for contempt.

Govt. Code § 551.0035—Attendance by a quorum of a governmental body at legislative committee meeting.

Sec. 22. Mileage and Per Diem for Witnesses. Subject to prior approval by the Committee on House Administration, witnesses attending proceedings of any committee under process of the committee shall be allowed the same mileage and per diem as are allowed members of the committee when in a travel status, to be paid out of the contingent expense fund of the house of representatives on vouchers approved by the chair of the committee, the chair of the Committee on House Administration, and the speaker of the house.

CROSS-REFERENCE

Govt. Code § 301.024(e)—Statutory provision authorizing witness mileage and per diem.

Sec. 23. Power to Request Assistance of State Agencies. Each committee is authorized to request the assistance, when needed, of all state departments, agencies, and offices, and it shall be the duty of the departments, agencies, and offices to assist the committee when requested to do so. Each committee shall have the power and authority to inspect the records, documents, and files of every state department, agency, and office, to the extent necessary to the discharge of its duties within the area of its jurisdiction.

Sec. 23A. Assistance of Other Members of Legislature. At a meeting of a committee, the chair may recognize a member of the house who is not a member of the committee to provide information to the committee, and may recognize a member of the senate for that purpose. Recognition is solely within the discretion of the chair and is not subject to appeal by that member.

Chapter C. Committee Functions

Sec. 24. Interim Studies and Hearings. (a) Standing committees, en banc or by subcommittees, are hereby authorized to conduct studies that are authorized by the speaker pursuant to Rule 1, Section 17. Studies may not be authorized by resolution. The speaker may appoint public citizens and officials of state and local governments to standing committees to augment the membership for the purpose of interim studies and shall provide a list of such appointments to the chief clerk. The chair of the standing committee shall have authority to name the subcommittees necessary and desirable for the conduct of the interim studies and shall also prepare a budget for interim studies for approval by the Committee on House Administration.

(b) The Committee on Appropriations shall hold one or more public hearings to examine the requests for legislative appropriations submitted by each major state agency and institution of higher education under Section 322.007, Government Code, and any other law, to the Legislative Budget Board following sine die adjournment of the regular session. The committee may require the head or any employee of an agency or institution submitting a request to appear at a public hearing and present information about the request. A subcommittee may perform the committee's duties under this subsection as determined by the chair of the committee. As used in this subsection, "major state agency" means an agency for which the most recent general appropriations act made an appropriation in the amount of \$40 million or more.

CROSS-REFERENCE

Rule 1, § 17—Speaker's authority to authorize interim studies.

Sec. 25. Motion Preventing Reporting or Placement on a Calendar. No motion is in order in a committee considering a bill, resolution, or other

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matter that would prevent the committee from reporting it back to the house or placing it on a calendar in accordance with the Rules of the House.

EXPLANATORY NOTE

For example, motions to tag a bill, table a bill, postpone consideration of it indefinitely, and postpone consideration of it beyond the time allowed are all out of order and should be ruled out by the chair. [1949; revised 1993]

Sec. 26. Final Action in Form of Report. No action by a committee on bills or resolutions referred to it shall be considered as final unless it is in the form of a favorable report, an unfavorable report, or a report of inability to recommend a course of action.

CROSS-REFERENCES

Tex. Const. Art. III, § 37—Constitutional requirement for committee report.

Rule 7, § 45—Motion to require committee to report.

Sec. 27. Vote on Motion to Report. Motions made in committee to report favorably or unfavorably must receive affirmative majority votes, majority negative votes to either motion being insufficient to report. If a committee is unable to agree on a recommendation for action, as in the case of a tie vote, it should submit a statement of this fact as its report, and the house shall decide, by a majority vote, the disposition of the matter by one of the following alternatives:

- (1) leave the bill in the committee for further consideration;
- (2) refer the bill to some other committee; or
- (3) order the bill printed, in which case the bill shall go to the Committee on Calendars for placement on a calendar and for proposal of an appropriate rule for house consideration.

CONGRESSIONAL PRECEDENTS

Committee Unable to Agree. — A committee being unable to agree on a recommendation for action may submit a statement of this fact as its report. 4 Hinds §§ 4665, 4666. Instance wherein a committee, being equally divided, reported its inability to present a proposition for action. 1 Hinds § 347.

Sec. 28. Minority Reports. The report of a minority of a committee shall be made in the same general form as a majority report. No minority report shall be recognized by the house unless it has been signed by not less than 4 members of a committee consisting of 21 or more members, 3 members of a committee consisting of less than 21 members and more than 10 members, or 2 members of a committee consisting of 10 or less members. Only members who were present when the vote was taken on the bill, resolution, or other matter being reported, and who voted on the losing side, may sign a minority report. Notice of intention to file a minority

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report shall be given to the assembled committee after the vote on the bill, resolution, or other matter, and before the recess or adjournment of the committee, provided ample opportunity is afforded for the giving of notice; otherwise, notice may be given in writing to the chief clerk within 24 hours after the recess or adjournment of the committee.

CROSS-REFERENCE

Elec. Code § 241.016—Minority reports in election contests.

EXPLANATORY NOTE

To be official, a minority report must be signed by the chair, vice-chair, or first named member, whichever presided, and the required minority, as described above. The reports are attached to the bill or resolution to which they relate. [1959]

Sec. 29. Action on Bills Reported Unfavorably. If the majority report on a bill is unfavorable, and a favorable minority report is not signed in accordance with Section 28 of this rule and filed with the chief clerk within two calendar days, exclusive of Sunday and the date of committee action, the chief clerk shall file the bill away as dead; except during the last 15 calendar days of a regular session, or the last 7 calendar days of a special session, when the chief clerk shall hold a bill only one calendar day, exclusive of Sunday and the date of committee action, awaiting the filing of a minority report before the bill is filed away as dead. If the favorable minority report is properly signed and filed, the chief clerk shall hold the bill for five legislative days, exclusive of the legislative day in which the minority report was filed, awaiting adoption by the house of a motion to print the bill on minority report. If the motion to print is carried, the bill shall be printed as if it had been reported favorably, and shall then be immediately forwarded to the Committee on Calendars for placement on a calendar and for proposal of an appropriate rule for house consideration. If a motion to print a bill on minority report is not made within the five legislative days authorized above, the chief clerk shall file the bill away as dead. It shall not be in order to move to recommit a bill adversely reported with no minority report, except as provided in Section 30 of this rule. A two-thirds vote of the house shall be required to print on minority report a joint resolution proposing an amendment to the Constitution of Texas.

CROSS-REFERENCE

Rule 4, § 30—Recommittal if adverse report made without hearing author/sponsor.

EXPLANATORY NOTES

1. The chief clerk transmits one copy of a minority report to the journal clerk when received. [1957; revised 1959]

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2. In the 45th Legislature, the house ordered a bill printed on minority report. The minority report contained amendments which constituted a new bill, and upon the suggestion of the Speaker, Mr. Calvert, the house ordered the amendments printed along with the original bill. [1937]

HOUSE PRECEDENT

Motion to Recommit as Substitute for Motion to Print on Minority Report. — In the 55th Legislature, the Speaker, Mr. Carr, ruled that a motion to recommit a bill was an acceptable substitute for a motion to print a bill on minority report, which motion had been made at a routine motion period. He held further that the substitute motion was undebatable under the general rule that at routine motion periods three-minute pro and con debate is allowed only on an original motion. 55 H. Jour. 761 (1957).

Sec. 30. Making Adverse Reports Without Hearing the Author. No adverse report shall be made on any bill or resolution by any committee without first giving the author or sponsor of the bill an opportunity to be heard. If it becomes evident to the house that a bill has been reported adversely without the author or sponsor having had an opportunity to be heard as provided in this section, the house may, by a majority vote, order the bill recommitted even though no minority report was filed in the manner prescribed by the rules. This provision shall have precedence over Rule 7, Section 20.

CROSS-REFERENCE

Rule 7, § 20—Recommittal second time only if minority report filed.

Sec. 31. Adverse Reports on Local Bills. If a local bill is reported adversely, it shall be subject to the same rules that govern other bills reported adversely.

Sec. 32. Form of Reports. (a) Reports of standing committees on bills and resolutions shall be made in duplicate, with one copy to be filed with the journal clerk for printing in the journal and the other to accompany the original bill.

(b) All committee reports must be in writing and shall:

- (1) be signed by the chair, or the member acting as chair, or a majority of the membership of the committee;
- (2) be addressed to the speaker;
- (3) contain a statement of the recommendations of the committee with reference to the matter which is the subject of the report;
- (4) contain the date the committee made its recommendation;
- (5) indicate whether a copy of a bill or resolution was forwarded to the Legislative Budget Board for preparation of a fiscal note or other impact statement, if applicable;
- (6) contain the record vote by which the report was adopted, including the vote of each member of the committee;

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(7) contain the recommendation that the bill or resolution be sent to the Committee on Local and Consent Calendars for placement on the local, consent, and resolutions calendar if applicable;

(8) state the name of the primary house sponsor of all senate bills and resolutions and indicate the names of all joint sponsors or cosponsors;

(9) include a summary of the committee hearing on the bill or resolution;

(10) include a list of the names of the persons, other than members of the legislature, and persons or entities represented by those persons, who submitted to the committee sworn statements indicating that the persons were present in favor of, in opposition to, or without taking a position on the bill or resolution. The omission from the list of the name of a person who submitted a sworn statement regarding a bill or resolution but who was not recognized by the chair to address the committee is not subject to a point of order;

(11) for a joint resolution proposing a constitutional amendment, include the bill number of any enabling legislation for the constitutional amendment designated as such by the author or sponsor of the joint resolution;

(12) for a bill that is designated by the author or sponsor of the bill as enabling legislation for a constitutional amendment proposed by a joint resolution, include the number of the joint resolution; and

(13) contain a copy of each form executed by a translator for a witness as required by Section 20(h) of this rule.

(c) Except for the general appropriations bill, each committee report on a bill or joint resolution, including a complete committee substitute, and, to the extent considered necessary by the committee, a committee report on any other resolution, must include in summary or section-by-section form a detailed analysis of the subject matter of the bill or resolution, specifically including:

(1) background information on the proposal and information on what the bill or resolution proposes to do;

(2) an analysis of the content of the bill or resolution, including a separate statement that lists each statute or constitutional provision that is expressly repealed by the bill or resolution;

(3) a statement indicating whether or not any rulemaking authority is expressly delegated to a state officer, department, agency, or institution, and, if so, identifying the sections of the measure in which that rulemaking authority is delegated;

(4) a statement indicating whether or not the bill or resolution expressly creates a criminal offense, expressly increases the punishment for an existing criminal offense or category of offenses, or expressly changes

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the eligibility of a person for community supervision, parole, or mandatory supervision;

(5) a statement of substantial differences between a complete committee substitute and the original bill; and

(6) a brief explanation of each amendment adopted by the committee.

(d) The committee to which the bill or resolution is referred may request the Texas Legislative Council to prepare the analysis required by Subsection (c) of this section.

(e) A committee chair shall provide to the author of a house measure a copy of the analysis required by Subsection (c) of this section as soon as the analysis is complete.

(f) The author of a bill or resolution may request that an analysis prepared for purposes of this section include a statement written by the author that includes any additional information that the author considers appropriate.

(g) It shall be the duty of the committee chair, on all matters reported by the committee, to see that all provisions of Rule 12 are satisfied. The chair shall strictly construe this provision to achieve the desired purposes.

CROSS-REFERENCES

Rule 6, § 23—Vote requirements to place bill on local, consent, and resolutions calendar.

Rule 8, § 11(b)—Reports on recommitted bills.

EXPLANATORY NOTES

1. Subsection (c) of this section does not require the bill analysis to be prepared by the Texas Legislative Council and does not prohibit committee staff from preparing a bill analysis based on all available information. [2019]

2. The need for accuracy of a committee report, including the bill analysis required under Subsection (c), is grounded first in aiding Members in casting an informed vote on a measure by providing objectively reliable information about the changes in law being made. *E.g.*, 86 H. Jour. 4355–4356 (2019).

The need for accuracy is also grounded in the Code Construction Act's authorization for courts to consider the relevant legislative history when interpreting statutes. The committee report's bill analysis forms part of the legislative history, and the courts will rely on the bill analysis to resolve questions of statutory interpretation. The attorney general, administrative agencies, and citizens also rely on the bill analysis for statutory interpretation purposes.

Errors that are substantially or materially misleading defeat both of these purposes. Errors that are not deceiving or misleading, such as plainly typographical errors under Rule 12, Section 1(c), do not defeat either purpose. [2021]

HOUSE PRECEDENTS

1. *Bill Analysis Is Misleading When It Omits Substantial Differences Between Substitute and Original; Example of Fatal Omissions.* — The House was considering the committee substitute for H.B. 846, relating to the regulation of deferred presentment transactions and lenders for deferred presentment transactions, on second reading, as a matter of postponed business.

Mr. Martinez Fischer raised a point of order against further consideration on the grounds that the bill analysis did not accurately describe the substantial differences between the original bill and the committee substitute. He argued that the comparison of the original bill to the committee substitute failed to discuss several essential changes between the two versions.

He argued first that the substitute replaced the original bill's definition of the term "renewal" with the term "consecutive transaction," which was a significant expansion of an essential concept because the original bill's term meant only the payment of one deferred presentment transaction in all or in part with another deferred presentment transaction, while the substitute's term included the meaning assigned to the original term and also now included a borrower who paid off one deferred presentment transaction and engaged in a new deferred presentment transaction on the same day.

He argued next that the comparison section's statement that "[t]he substitute also provides for a next business (sic) cooling off period after third loan [and] provides that the consumer must affirm no other outstanding loans and lender must verify" was affirmatively incorrect because there was no reference to (1) a cooling off period in either the original or the substitute; (2) any procedures after a third presentment transaction; or (3) the affirmation or verification of outstanding loans.

He argued finally that the comparison section's statement that "[t]he substitute modifies the original by adding language that specifies annual loan activity to be included in the required annual report" was misleading because it oversimplified the effect of Section 342.621, Finance Code, added by the bill and consisting of five subsections containing multiple provisions, including expanded authority for the Texas Consumer Credit Commissioner. He noted that the statement omitted the fact that the annual report provision was added by the substitute and it was required to be sworn; the information required to be reported; that the Commissioner was required to compile an aggregate report of the filed reports; or that the aggregate report was made public information.

Sustained by the Speaker, Mr. Craddick, holding that the analysis, a mixture of a summary analysis and section-by-section analysis, was misleading because it did not accurately describe substantial changes in the bill nor did it accurately compare the original to the substitute. 79 H. Jour. 2934–2935 (2005).

2. *Bill Analyses; Examples of Alleged Errors That Will Not Support a Point of Order.* — A bill analysis that accurately and consistently describes the bill's provisions, including its description of the substantial differences between the referred bill and the reported committee substitute, complies with the rule. 86 H. Jour. 3290–3291 (2019). A bill analysis that lists all statutes expressly repealed by the bill in compliance with the rule is not required to narratively discuss each of those repeals in the analysis. 86 H.

Jour. 3708–3709 (2019). A bill analysis is not required to make explicit a predicate legal assumption, such as the necessity of a contract for a legal relationship to be formed between two persons or entities. 86 H. Jour. 4008 (2019). A bill analysis that relies on the bill’s own terminology to describe prohibited activity and that provides sufficient detail to determine the parties against whom injunctive relief would be made available complies with the rule. 86 H. Jour. 4076–4077 (2019). A bill analysis that adequately summarizes the changes in law by a four-page, two-section bill is neither substantially nor materially misleading. 87 H. Jour. 1015–1016 (2021) (citing 80 H. Jour. 2999 (2007)). A bill analysis is accurate when it relies on the bill’s own express text amending current law to state that the bill authorizes something that is not currently authorized. 87 H. Jour. 1063–1064 (2021). A bill analysis is neither substantially nor materially misleading where conforming changes are plainly covered by the analysis’s explanation of the purpose of the bill. 87 H. Jour. 1131 (2021). A bill analysis is not inaccurate because it does not compare provisions in the original bill and a committee substitute that are of identical legal effect but expressed using different drafting conventions. 87 H. Jour. 1148 (2021). A bill analysis is not inaccurate because it does not compare ballot language provisions in the original joint resolution and a committee substitute because ballot language must always be updated when a committee substitute changes the content of a proposed constitutional amendment to provide the required fair notice; this background assumption need not be stated. 87 H. Jour. 2821 (2021).

3. *Bill Analyses; Examples of Errors That Will Support a Point of Order.* — A bill analysis that does not mention provisions related to the qualifications of the judge who presides over an action brought by a claimant under the bill’s provisions nor the standard of evidence used to determine recovery of certain damages in a legal proceeding and provides insufficient detail of provisions governing disputes over the amount of accepted coverage for an insurance claim is misleading. 86 H. Jour. 2997 (2019) (citing 80 H. Jour. 5084 (2007)). A bill analysis that summarizes the committee substitute’s omission of original provisions that authorized a plaintiff to recover both compensatory damages and all other appropriate relief simply as revisions of “relief that a person may obtain under the bill” is substantially and materially misleading. 86 H. Jour. 3423 (2019) (citing 80 H. Jour. 5084 (2007)). A bill analysis that fails to describe a bill’s requirement that a person must waive constitutional rights when granting consent for a governmental activity and that uses a broad and undefined term being stricken from current law to describe proposed changes that are narrower in both scope and application does not accurately describe the bill’s changes in legal rights and duties and is materially misleading. 87 H. Jour. 3032 (2021). A bill analysis that describes prohibited conduct in detail, but does not discuss the exceptions to that conduct with the same detail, is substantially misleading. 86 H. Jour. 4186 (2019). A bill analysis that describes the bill’s additions to current law but does not discuss the bill’s repealers in equivalent detail is substantially and materially misleading because that information is necessary to fully understand the bill’s effect on current law. 87 H. Jour. 2285–2286 (2021). A bill analysis that does not identify the composition of a consortium of public institutions that is authorized to receive and direct state appropriations to those institutions nor the composition of its executive committee is materially misleading because a reasonable Member would consider this information critical

to casting an informed vote. 86 H. Jour. 4355–4356 (2019). If a provision is in both the original bill and the committee substitute, a bill analysis is materially misleading when it states that the provision was not in the original bill. 87 H. Jour. 2429–2430 (2021).

4. *Other Alleged Errors in Committee Report That Will Not Support a Point of Order.* — A summary of committee action is not inaccurate where its record of committee proceedings differs chronologically from the minutes in a trivial manner. 87 H. Jour. 3014 (2021).

Sec. 33. Fiscal Notes. (a) If the chair of a standing committee determines that a bill or joint resolution, other than the general appropriations bill, authorizes or requires the expenditure or diversion of state funds for any purpose, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a fiscal note outlining the fiscal implications and probable cost of the measure.

(b) If the chair of a standing committee determines that a bill or joint resolution has statewide impact on units of local government of the same type or class and authorizes or requires the expenditure or diversion of local funds, or creates or impacts a local tax, fee, license charge, or penalty, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a fiscal note outlining the fiscal implications and probable cost of the measure.

(c) In preparing a fiscal note, the director of the Legislative Budget Board may utilize information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. If the director determines that the fiscal implications of the measure cannot be ascertained, the director shall so state in the fiscal note, shall when reasonably ascertainable provide an estimated range of the fiscal implications, and shall include in the note a statement of the reasons the director is unable to ascertain the fiscal implications of the measure, in which case the fiscal note shall be in full compliance with the rules. If the director of the Legislative Budget Board is unable to acquire or develop sufficient information to prepare the fiscal note within 15 days of receiving the measure from the chair of a committee, the director shall so state in the fiscal note, shall when reasonably ascertainable provide an estimated range of the fiscal implications, and shall include in the note a statement of the reasons the director is unable to acquire or develop sufficient information, in which case the note shall be in full compliance with the rules.

(d) If the chair determines that a fiscal note is required, copies of the fiscal note must be distributed to the members of the committee not later than the first time the measure is laid out in a committee meeting. The fiscal note shall be attached to the measure on first printing. If the measure is amended by the committee so as to alter its fiscal implications, the chair shall obtain an updated fiscal note, which shall also be attached to the measure on first printing.

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(e) All fiscal notes shall remain with the measure throughout the entire legislative process, including submission to the governor.

(f) All fiscal notes must include in the summary box on the first page of the fiscal note a statement that indicates whether the bill or joint resolution will have fiscal implications or probable costs in any year.

CROSS-REFERENCE

Rule 13, §§ 9(g)(5), 10(c)—Fiscal notes on conference committee reports.

EXPLANATORY NOTE

It is current practice that a senate fiscal note may be used by a house committee for a senate measure if the measure has not been amended since the preparation of that fiscal note. If the measure has been amended since the senate fiscal note was prepared, the chair of the house committee should request a new fiscal note from the Legislative Budget Board. This practice does not preclude the chair of a house committee from requesting a new fiscal note on any senate measure referred to the committee. [1991]

Sec. 34. Other Impact Statements. (a) It is the intent of this section that all members of the house are timely informed as to the impact of proposed legislation on the state or other unit of government.

(a-1) The chair of the appropriations committee shall send a copy of the general appropriations bill to the Legislative Budget Board for the preparation of a dynamic economic impact statement, specifically including the number of state employees to be affected and the estimated impact on employment by the private sector and local governments in Texas as a result of any change in state expenditures made by the bill as compared to the biennium preceding the biennium to which the bill applies.

(b) If the chair of a standing committee determines that a bill or joint resolution:

(1) authorizes or requires a change in the sanctions applicable to adults convicted of felony crimes, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a criminal justice policy impact statement;

(2) authorizes or requires a change in the public school finance system, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of an equalized education funding impact statement;

(3) proposes to change benefits or participation in benefits of a public retirement system or change the financial obligations of a public retirement system, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of an actuarial impact statement in cooperation with the State Pension Review Board;

(4) proposes to create a water district under the authority of Article XVI, Section 59, of the Texas Constitution, the chair shall send a copy of

the measure to the Legislative Budget Board for the preparation of a water development policy impact statement; or

(5) creates or impacts a state tax or fee, the chair shall send a copy of the measure to the Legislative Budget Board for the preparation of a tax equity note that estimates the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.

(c) In preparing an impact statement, the director of the Legislative Budget Board may utilize information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. If the director determines that the particular implications of the measure cannot be ascertained, the director shall so state in the impact statement, in which case the impact statement shall be in full compliance with the rules.

(d) An impact statement is not required to be present before a measure is laid out in a committee meeting. If timely received, the impact statement shall be attached to the measure on first printing. If the measure is amended by the committee so as to alter its particular implications, the chair shall obtain an updated impact statement. If timely received, the updated impact statement shall also be attached to the measure on first printing.

(e) An impact statement that is received after the first printing of a measure has been distributed to the members shall be forwarded by the chair of the committee to the committee coordinator. The committee coordinator shall have the impact statement printed and distributed to the members.

(f) All impact statements received shall remain with the measure throughout the entire legislative process, including submission to the governor.

CROSS-REFERENCE

Rule 13, § 10(d)—Updated tax equity note required under certain circumstances.

Sec. 35. Reports on House and Concurrent Resolutions. Committee reports on house and concurrent resolutions shall be made in the same manner and shall follow the same procedure as provided for bills, subject to any differences otherwise authorized or directed by the rules.

Sec. 36. Action by House on Reports Not Required. No action by the house is necessary on the report of a standing committee. The bill, resolution, or proposition recommended or reported by the committee shall automatically be before the house for its consideration after the bill or resolution has been referred to the appropriate calendars committee for placement on a calendar and for proposal of an appropriate rule for house consideration.

Sec. 37. Referral of Reports to Committee Coordinator. All committee reports on bills or resolutions shall be immediately referred to

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the committee coordinator. The chair of the committee shall be responsible for delivery of the report to the committee coordinator.

Sec. 38. Delivery of Reports to Calendars Committees. After printing, the chief clerk shall be responsible for delivery of a certified copy of the committee report to the appropriate calendars committee, which committee shall immediately accept the bill or resolution for placement on a calendar and for the proposal of an appropriate rule for house consideration.

Sec. 38A. Notification of Sunset Bills. The chief clerk shall provide notice to each member at the member's designated Capitol e-mail address when a committee report under Section 38 of this rule on a bill extending an agency, commission, or advisory committee under the Texas Sunset Act has been printed or posted and is available to be distributed to the appropriate calendars committee.

Sec. 39. Committee Amendments. No committee shall have the power to amend, delete, or change in any way the nature, purpose, or content of any bill or resolution referred to it, but may draft and recommend amendments to it, which shall become effective only if adopted by a majority vote of the house.

CROSS-REFERENCE

Rule 11, § 7, note following—Offering of committee amendments on floor.

EXPLANATORY NOTE

If amendments are proposed by a committee, they should be numbered for printing, but they should be numbered only after they are finally approved by the committee. That is, the order of offering and adoption in committee has no significance. Thus, a series of committee amendments should appear in the printed bill numbered in an uninterrupted series beginning at No. 1. [1953; revised 1985]

Sec. 40. Substitutes. The committee may adopt and report a complete germane committee substitute containing the title, enacting clause, and text of the bill in lieu of an original bill, in which event the complete substitute bill on committee report shall be laid before the house and shall be the matter then before the house for its consideration, instead of the original bill. If the substitute bill is defeated at any legislative stage, the bill is considered not passed.

CROSS-REFERENCE

Rule 11, § 2 and notes and precedents following—Germaneness rule and its application.

EXPLANATORY NOTE

Whenever a complete committee substitute is agreed to, and in the process of committee consideration amendments thereto have been

adopted, the committee clerk should incorporate these amendments into the complete substitute before filing the bill with the committee coordinator for printing. Thus, only a single and complete substitute representing the new bill body should be printed. The printing of committee amendments to a committee substitute results in much confusion. [1955; revised 1977]

HOUSE PRECEDENT

Committee Substitute May Redefine Class in Original Bill Within Scope of Original Bill's Subject. — A committee substitute that redefines the bill's original class based on a person's sincerely held religious belief or moral conviction to a class based on a person's membership or other ties to a religious organization is germane because both classes were on the same subject. 86 H. Jour. 3422 (2019).

Sec. 41. Germaneness of Substitute. If a point of order is raised that a complete committee substitute is not germane, in whole or in part, and the point of order is sustained, the committee substitute shall be returned to the Committee on Calendars, which may have the original bill printed and distributed and placed on a calendar in lieu of the substitute or may return the original bill to the committee from which it was reported for further action.

HOUSE PRECEDENT

Points of Order Relative to Complete Committee Substitute Being Not Germane. — Mr. Davis raised a point of order against further consideration of the complete committee substitute to H.B. 750, in that it violated Rule 18, Section 7 [now Rule 11, Section 2], the germaneness rule of the house, by the inclusion of items not found in the original bill.

Sustained by the Speaker, Mr. Clayton, stating that H.B. 750 comes under the provisions of Rule 5, Section 36 [now this section], and would be returned to the Committee on Calendars. 65 H. Jour. 1661 (1977). [The Committee on Calendars then returned H.B. 750, as filed with the chief clerk, to the Committee on Public Education for further consideration.]

Mr. Davis raised a point of order against further consideration of the complete committee substitute to S.B. 1275 in that it violated the germaneness rule of the house [now Rule 11, Section 2] by the inclusion of items not found in the original bill.

Sustained by the Speaker, Mr. Clayton, stating that in so sustaining the point of order, C.S.S.B. 1275 comes under the provisions of Rule 5, Section 36 [now this section], and would be returned to the Committee on Calendars. 65 H. Jour. 4093 (1977). [The Committee on Calendars then ordered S.B. 1275, as received from the senate, printed, distributed, and placed on the calendar for future consideration.]

Sec. 42. Author's Right to Offer Amendments to Report. Should the author or sponsor of the bill, resolution, or other proposal not be satisfied with the final recommendation or form of the committee report, the member shall have the privilege of offering on the floor of the house such amendments or changes as he or she considers necessary and desirable, and those amendments or changes shall be given priority during the periods

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of time when original amendments are in order under the provisions of Rule 11, Section 7.

CROSS-REFERENCE

Rule 11, § 7—Order of offering amendments.

Chapter D. Subcommittees

Sec. 43. Jurisdiction. Each committee is authorized to conduct its activities and perform its work through the use of subcommittees as shall be determined by the chair of the committee. Subcommittees shall be created, organized, and operated in such a way that the subject matter and work area of each subcommittee shall be homogeneous and shall pertain to related governmental activities. The size and jurisdiction of each subcommittee shall be determined by the chair of the committee.

Sec. 44. Membership. The chair of each standing committee shall appoint from the membership of the committee the members who are to serve on each subcommittee. Any vacancy on a subcommittee shall be filled by appointment of the chair of the standing committee. The chair and vice-chair of each subcommittee shall be named by the chair of the committee.

Sec. 45. Rules Governing Operations. The Rules of Procedure of the House of Representatives, to the extent applicable, shall govern the hearings and operations of each subcommittee. Subject to the foregoing, and to the extent necessary for orderly transaction of business, each subcommittee may promulgate and adopt additional rules and procedures by which it will function.

Sec. 46. Quorum. A majority of a subcommittee shall constitute a quorum, and no action or recommendation of a subcommittee shall be valid unless taken at a meeting with a quorum actually present. All reports of a subcommittee must be approved by record vote by a majority of the membership of the subcommittee. Minutes of the subcommittee shall be maintained in a manner similar to that required by the rules for standing committees. Proxies cannot be used in subcommittees.

Sec. 47. Power and Authority. Each subcommittee, within the area of its jurisdiction, shall have all of the power, authority, and rights granted by the Rules of Procedure of the House of Representatives to the standing committee, except subpoena power, to the extent necessary to discharge the duties and responsibilities of the subcommittee.

Sec. 48. Referral of Proposed Legislation to Subcommittee. All bills and resolutions referred to a standing committee shall be reviewed by the chair to determine appropriate disposition of the bills and resolutions. All bills and resolutions shall be considered by the entire standing committee

unless the chair of that standing committee determines to refer the bills and resolutions to subcommittee. If a bill or resolution is referred by the chair of the standing committee to a subcommittee, it shall be considered by the subcommittee in the same form in which the measure was referred to the standing committee, and any action taken by the standing committee on a proposed amendment or committee substitute before a measure is referred to subcommittee is therefore voided at the time the measure is referred to subcommittee. The subcommittee shall be charged with the duty and responsibility of conducting the hearing, doing research, and performing such other functions as the subcommittee or its parent standing committee may determine. All meetings of the subcommittee shall be scheduled by the subcommittee chair, with appropriate public notice and notification of each member of the subcommittee under the same rules of procedure as govern the conduct of the standing committee.

Sec. 49. Report by Subcommittee. At the conclusion of its deliberations on a bill, resolution, or other matter referred to it, the subcommittee may prepare a written report, comprehensive in nature, for submission to the full committee. The report shall include background material as well as recommended action and shall be accompanied by a complete draft of the bill, resolution, or other proposal in such form as the subcommittee shall determine.

Sec. 50. Action on Subcommittee Reports. Subcommittee reports shall be directed to the chair of the committee, who shall schedule meetings of the standing committee from time to time as necessary and appropriate for the reception of subcommittee reports and for action on reports by the standing committee. No subcommittee report shall be scheduled for action by the standing committee until at least 24 hours after a copy of the subcommittee report is provided to each member of the standing committee.

Chapter E. Committees of the Whole House

Sec. 51. Resolution Into a Committee of the Whole House. The house may resolve itself into a committee of the whole house to consider any matter referred to it by the house. In forming a committee of the whole house, the speaker shall vacate the chair and shall appoint a chair to preside in committee.

EXPLANATORY NOTE

When the house resolves into the committee of the whole house, the minutes of the committee (except testimony, etc.) are kept by the journal clerk just as though the house were in session. These minutes form the body of the report, which the chair of the committee of the whole makes to the house when the committee rises. Testimony taken before the committee may be printed as an appendix to the journal or may be embodied in the

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minutes of the committee and reported to the house by the chair. During investigations, the chair sometimes instructs the staff to furnish the journal clerk with a complete transcript of the proceedings from the time the committee begins work until it completes its labors and rises. [1931; revised 1987]

Sec. 52. Rules Governing Operations. The rules governing the proceedings of the house and those governing committees shall be observed in committees of the whole, to the extent that they are applicable.

Sec. 53. Motion for a Call of the Committee of the Whole. (a) It shall be in order to move a call of the committee of the whole at any time to secure and maintain a quorum for the following purposes:

- (1) for the consideration of a certain or specific matter; or
- (2) for a definite period of time; or
- (3) for the consideration of any designated class of bills.

(b) When a call of the committee of the whole is moved and seconded by 10 members, of whom the chair may be one, and is ordered by majority vote, the main entrance of the hall and all other doors leading out of the hall shall be locked, and no member shall be permitted to leave the hall without written permission. Other proceedings under a call of the committee shall be the same as under a call of the house.

CROSS-REFERENCE

Rule 5, § 7, precedent following—Illustration of “class of bills.”

CONGRESSIONAL PRECEDENT

Lack of Quorum in Committee of the Whole. — When the Committee of the Whole finds itself without a quorum, the motion to rise is privileged. 6 Cannon § 671.

Sec. 54. Handling of a Bill. A bill committed to a committee of the whole house shall be handled in the same manner as in any other committee. The body of the bill shall not be defaced or interlined, but all amendments shall be duly endorsed by the chief clerk as they are adopted by the committee, and so reported to the house. When a bill is reported by the committee of the whole house it shall be referred immediately to the appropriate calendars committee for placement on the appropriate calendar and shall follow the same procedure as any other bill on committee report.

Sec. 55. Failure to Complete Work at Any Sitting. In the event that the committee of the whole, at any sitting, fails to complete its work on any bill or resolution under consideration for lack of time, or desires to take any action on that measure that is permitted under the rules for other committees, it may, on a motion made and adopted by majority vote, rise, report progress, and ask leave of the house to sit again generally, or at a time certain.

Chapter F. Select and Interim Study Committees

Sec. 56. Reports of Select Committees. Reports of select committees made during a session shall be filed with the chief clerk and printed in the journal, unless otherwise determined by the house.

EXPLANATORY NOTE

Reports of investigating committees and certain other select committees often do not make any recommendations for action on the particular subject for which the committee was appointed, and, in such case, a motion to accept the report may be made as a means of discharging the committee. When a report carries recommendations for legislative action, the report is accepted and the committee discharged without action on the report itself. If legislative action is desired, action or expression must be taken through introduction of a bill or concurrent resolution. [1915; revised 1927, 1981]

Sec. 57. Interim Studies. Pursuant to Rule 1, Section 17, the speaker may create interim study committees to conduct studies by issuing a proclamation for each committee, which shall specify the issue to be studied, committee membership, and any additional authority and duties. A copy of each proclamation creating an interim study committee shall be filed with the chief clerk. An interim study committee expires on release of its final report or when the next legislature convenes, whichever is earlier. An interim study committee may not be created by resolution.

Sec. 58. Appointment and Membership. The speaker shall appoint all members of an interim study committee, which may include public citizens and officials of state and local governments. The speaker shall also designate the chair and vice-chair and may authorize the chair to create subcommittees and appoint citizen advisory committees.

Sec. 59. Rules Governing Operations. The rules governing the proceedings of the house and those governing standing committees shall be observed by an interim study committee, to the extent that they are applicable. An interim study committee shall have the power to issue process and to request assistance of state agencies as provided for a standing committee in Sections 21, 22, and 23 of this rule.

Sec. 60. Funding and Staff. An interim study committee shall use existing staff resources of its members, standing committees, house offices, and legislative service agencies. The chair of an interim study committee shall prepare a detailed budget for approval by the speaker and the Committee on House Administration. An interim study committee may accept gifts, grants, and donations for the purpose of funding its activities as provided by Sections 301.032(b) and (c), Government Code.

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Sec. 61. Study Reports. (a) The final report or recommendations of an interim study committee shall be approved by a majority of the committee membership. Dissenting members may attach statements to the final report.

(b) An interim study committee shall submit the committee's final report to the committee coordinator in the manner prescribed by the committee coordinator. The committee coordinator shall:

(1) distribute copies of the final report to the speaker, the Legislative Reference Library, and other appropriate agencies; and

(2) make a copy of the final report available on the house's Internet website.

(c) This section shall also apply to interim study reports of standing committees.

Sec. 62. Joint House and Senate Interim Studies. Procedures may be established by a concurrent resolution adopted by both houses, by which the speaker may authorize and appoint, jointly with the senate, committees to conduct interim studies. A copy of the authorization for and the appointments to a joint interim study committee shall be filed with the chief clerk. Individual joint interim study committees may not be authorized or created by resolution.

Rule 5. Floor Procedure

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Rule 5

Floor Procedure

Chapter A. Quorum and Attendance

Sec. 1. Quorum. Two-thirds of the house shall constitute a quorum to do business.

CROSS-REFERENCE

Tex. Const. Art. III, § 10—Constitutional rule.

Sec. 2. Roll Calls. On every roll call or registration, the names of the members shall be called or listed, as the case may be, alphabetically by surname, except when two or more have the same surname, in which case the initials of the members shall be added.

Sec. 3. Leave of Absence. (a) No member shall be absent from the sessions of the house without leave, and no member shall be excused on his or her own motion.

(b) A leave of absence may be granted by a majority vote of the house and may be revoked at any time by a similar vote.

(c) Any member granted a leave of absence due to a meeting of a committee or conference committee that has authority to meet while the house is in session shall be so designated on each roll call or registration for which that member is excused.

(d) If a member is absent without leave for the purpose of impeding the action of the house, the member is subject to one or more of the following:

- (1) fines as provided by this section;
- (2) payment of costs incurred by the sergeant-at-arms;
- (3) reprimand;
- (4) censure; or
- (5) expulsion in the manner prescribed by Section 11, Article III, Texas Constitution.

(e) Unless the house excuses the payment by a majority vote, each member who is absent without leave is liable to the house for:

- (1) a fine in the amount of \$500 for each calendar day of absence; and
- (2) the member's pro rata share of the costs incurred by the sergeant-at-arms to secure the attendance of absentees.

(f) The Committee on House Administration shall notify a member of the total amount of fines and costs for which payment is not excused. A member must pay the amount stated in the committee's notice by making payment of that amount to the House Business Office not later than the third

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business day of the first calendar month after the date of the committee's notice. A member may not make any payment from funds in the member's operating account or from funds accepted as political contributions under Title 15, Election Code. If a member does not make full payment as required by this subsection, the committee shall direct the House Business Office to reduce the amount of the monthly credit to the member's operating account established under the housekeeping resolution by 30 percent in each month that any amount of a fine remains past due and owing. When a member has made full payment as required by this subsection, the committee shall direct the House Business Office to restore the impounded funds to the member's operating account subject to any limitations on the carrying forward of unexpended funds established by the housekeeping resolution.

(g) Before a member is expelled under this section, the matter shall be referred to the Committee on House Administration for investigation and report. A report issued under this subsection shall not be considered by the house until a printed copy of the report has been provided to each member of the house at least 24 hours before consideration.

EXPLANATORY NOTE

The constitutional authorization for penalties associated with compelling the attendance of absent members requires that any "such penalties [are] as each House may provide." Tex. Const. Art. III, § 10. A legislator's "interest in his elected position, though not 'property' in the conventional sense, is a recognizable interest for purposes of procedural due process analysis." *Tarrant County v. Ashmore*, 635 S.W.2d 417, 422 (Tex. 1982). To satisfy the requirements of the constitution and procedural due process, any penalty intended to compel the attendance of absent members must be adopted by the House *before* that penalty may be imposed *after* members absent themselves without leave. Subsections (d)-(f) comply with these requirements by establishing the constitutionally permissible range of penalties to compel the attendance of an absent member upon adoption of the permanent rules. [2023]

Sec. 4. Failure to Answer Roll Call. Any member who is present and fails or refuses to record on a roll call after being requested to do so by the speaker shall be recorded as present by the speaker and shall be counted for the purpose of making a quorum.

Sec. 5. Point of Order of "No Quorum." (a) The point of order of "No Quorum" shall not be accepted by the chair if the last roll call showed the presence of a quorum, provided the last roll call was taken within two hours of the time the point of order is raised.

(b) If the last roll call was taken more than two hours before the point of order is raised, it shall be in order for the member who raised the point of order to request a roll call. Such a request must be seconded by 25 members. If the request for a roll call is properly seconded, the chair shall order a roll call.

(c) Once a point of order has been made that a quorum is not present, it may not be withdrawn after the absence of a quorum has been ascertained and announced.

CONGRESSIONAL PRECEDENT

Applicability of Restrictions Under General Parliamentary Law. — Before the adoption of rules, a member may make a point of order of no quorum based on the Constitutional rule because the House rule restricting its availability is not yet applicable. Wickham ch. 5, § 5.3.

Sec. 6. Motions in Order When Quorum Not Present. If a registration or record vote reveals that a quorum is not present, only a motion to adjourn or a motion for a call of the house and the motions incidental thereto shall be in order.

CROSS-REFERENCE

Rule 7, § 11—Adjourning with less than a quorum.

Sec. 7. Motion for Call of the House. It shall be in order to move a call of the house at any time to secure and maintain a quorum for one of the following purposes:

- (1) for the consideration of a specific bill, resolution, motion, or other measure;
- (2) for the consideration of any designated class of bills; or
- (3) for a definite period of time.

Motions for, and incidental to, a call of the house are not debatable.

CROSS-REFERENCES

Tex. Const. Art. III, § 10—Compelling attendance of absent members.
Rule 5, § 57—Motion for a call of the house during verification of a vote.

EXPLANATORY NOTE

The motion for a call of the house to secure a quorum is in order under general parliamentary law as an exercise of the constitutional power to compel the attendance of absent members. [2021]

HOUSE PRECEDENTS

1. *Bill Considered Under Call of the House Made a Special Order.* — In the 51st Legislature, the Speaker, Mr. Manford, held that when a bill was being considered under a call of the house, pursuant to (1) above, a motion to set the bill as a special order for another time was in order. 51 Tex. Legis. Man. 212 (1949).

2. *Illustration of a “Class of Bills.”* — The house was considering H.B. 231. Mr. Pool moved a call of the house until House Bills 231, 232, 233, and 238 were disposed of. Mr. Hale raised a point of order that such was not a valid motion in that it encompassed four separate bills that did not constitute a “class” under Section 2(b) of Rule XV [now this section].

The speaker, Mr. Carr, overruled the point of order, because all four bills dealt with the same general subject matter, i.e., segregation in the public

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schools, and accordingly it was his opinion that they constituted a proper “class of bills” within the meaning of this section. 55 H. Jour. 1527 (1957).

CONGRESSIONAL PRECEDENTS

Call of the House Before the Adoption of Rules. — A call of the House is in order both under the general parliamentary law and the Constitution. 4 Hinds § 2981; Deschler ch. 1, § 9.8.

Interrupting a Call of the House. — The Speaker may interrupt a call of the House to administer the oath to a Member-elect. Wickham ch. 2, § 3.16.

Sec. 8. Securing a Quorum. When a call of the house is moved for one of the above purposes and seconded by 15 members (of whom the speaker may be one) and ordered by a majority vote, the main entrance to the hall and all other doors leading out of the hall shall be locked and no member permitted to leave the house without the written permission of the speaker. The names of members present shall be recorded. All absentees for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by the sergeant-at-arms or an officer appointed by the sergeant-at-arms for that purpose, and their attendance shall be secured and retained. The house shall determine on what conditions they shall be discharged. Members who voluntarily appear shall, unless the house otherwise directs, be immediately admitted to the hall of the house and shall report their names to the clerk to be entered in the journal as present.

Until a quorum appears, should the roll call fail to show one present, no business shall be transacted, except to compel the attendance of absent members or to adjourn. It shall not be in order to recess under a call of the house.

CROSS-REFERENCES

Tex. Const. Art. III, § 10—Compelling attendance of absent members.
Rule 7, § 11—Compelling the attendance of absent members.

EXPLANATORY NOTE

The procedure outlined in this section is mandatory after a call of the house is “moved,” a motion to recess not being acceptable between the “seconding” and the “ordering” vote on the call. However, due to its high priority, a motion to adjourn could come between, or even ahead of, the “seconding” procedure. [1949]

HOUSE PRECEDENTS

1. *No Substitute for a Call of the House.* — In the 51st Legislature, the Speaker, Mr. Manford, held that there is no substitute for a call of the house, i.e., a different time or purpose cannot be substituted. 51 Tex. Legis. Man. 213 (1949).

2. *Call of the House in Effect Pending Verification.* — In the 51st Legislature, the Speaker, Mr. Manford, as the result of a 65 to 64 vote for a

call of the house, ordered the doors of the house closed immediately despite a request for verification which he accepted and allowed. 51 Tex. Legis. Man. 213 (1949). [The verification sustained the announced vote.]

CONGRESSIONAL PRECEDENTS

Call of the House. — A member who appears and answers is not subject to arrest. 4 Hinds § 3019. During a call less than a quorum may revoke leaves of absence, 4 Hinds § 3003, and excuse a member from attendance. 5 Hinds §§ 3000, 3001. During a call, incidental motions may be agreed to by less than a quorum. 4 Hinds §§ 2994, 3029. Motions incidental to a call of the house are not debatable. 6 Cannon § 688. The point of no quorum may not be withdrawn after the absence of a quorum has been ascertained and announced, 6 Cannon § 657, and in the absence of a quorum no business may be transacted, even by unanimous consent. 6 Cannon § 660. When the Committee of the Whole finds itself without a quorum, the motion to rise is privileged. 6 Cannon § 671.

Sec. 9. Following Achievement of a Quorum. When a quorum is shown to be present, the house may proceed with the matters on which the call was ordered, or may enforce the call and await the attendance of as many of the absentees as it desires. When the house proceeds to the business on which the call was ordered, it may, by a majority vote, direct the sergeant-at-arms to cease bringing in absent members.

Sec. 10. Repeating a Record Vote. When a record vote reveals the lack of a quorum, and a call is ordered to secure one, a record vote shall again be taken when the house resumes business with a quorum present.

Chapter B. Admittance to House Chamber

Sec. 11. Privileges of the House Floor. Only the following persons shall be entitled to the privileges of the floor of the house when the house is in session: members of the house; employees of the house when performing their official duties as determined by the Committee on House Administration; members of the senate; employees of the senate when performing their official duties; the Governor of Texas and the governor's chief of staff and director of legislative affairs; the lieutenant governor; the secretary of state; duly accredited media representatives as permitted by Section 20 of this rule; contestants in election cases pending before the house; and immediate families of the members of the legislature on such special occasions as may be determined by the Committee on House Administration.

CROSS-REFERENCE

Rule 5, § 20—Media access to house chamber.

Sec. 12. Admittance Within the Railing. Only the following persons shall be admitted to the area on the floor of the house enclosed by the railing when the house is in session: members of the house; members of the

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senate; the governor; the lieutenant governor; officers and employees of the senate and house when those officers and employees are actually engaged in performing their official duties as determined by the Committee on House Administration; spouses of members of the house on such occasions as may be determined by the Committee on House Administration; and, within the area specifically designated for media representatives, duly accredited media representatives as permitted by Section 20 of this rule.

CROSS-REFERENCE

Rule 5, § 20—Media access to house chamber.

Sec. 13. Solicitors and Collectors Prohibited. Solicitors and collectors shall not be admitted to the floor of the house while the house is in session.

Sec. 14. Invitation to Address the House. A motion to invite a person to address the house while it is in session shall be in order only if the person invited is entitled to the privileges of the floor as defined by Section 11 of this rule and if no business is pending before the house.

EXPLANATORY NOTE

Invitations to persons to address the house are usually extended by house resolution, adopted by majority vote. If the invitation is for an address to a joint session, a concurrent resolution is required. [1959]

Sec. 15. Lobbying on Floor. No one, except the governor or a member of the legislature, who is lobbying or working for or against any pending or prospective legislative measure shall be permitted on the floor of the house or in the adjacent rooms while the house is in session.

CROSS-REFERENCE

Govt. Code § 305.023—Registered lobbyists barred from floor absent invitation from house.

Sec. 16. Suspension of Floor Privileges. If any person admitted to the floor of the house under the rules, except the governor or a member of the legislature, lobbies or works for or against any pending or prospective legislation or violates any of the other rules of the house, the privileges extended to that person under the rules shall be suspended by a majority vote of the Committee on House Administration. The action of the committee shall be reviewable by the house only if two members of the committee request an appeal from the decision of the committee. The request shall be in the form of a minority report and shall be subject to the same rules that are applicable to minority reports on bills. Suspension shall remain in force until the accused person purges himself or herself and comes within the rules, or until the house, by majority vote, reverses the action of the committee.

CROSS-REFERENCE

Rule 4, §§ 28–29—Minority reports.

Sec. 17. Members' Lounge Privileges. Only the following persons shall be admitted to the members' lounge at any time: members of the house; members of the senate; and former members of the house and senate who are not engaged in any form of employment requiring them to lobby or work for or against any pending or prospective legislative measures.

Sec. 18. Floor Duties of House Officers and Employees. It shall be the duty of the Committee on House Administration to determine what duties are to be discharged by officers and employees of the house on the floor of the house, specifically in the area enclosed by the railing, when the house is in session. It shall be the duty of the speaker to see that the officers and employees do not violate the regulations promulgated by the Committee on House Administration.

Sec. 19. Proper Decorum. No person shall be admitted to, or allowed to remain in, the house chamber while the house is in session unless properly attired, and all gentlemen shall wear a coat and tie. Food or beverage shall not be permitted in the house chamber at any time, and no person carrying food or beverage shall be admitted to the chamber, whether the house is in session or in recess. Reading newspapers shall not be permitted in the house chamber while the house is in session. Smoking is not permitted in the members' lounge or bathrooms. The Committee on House Administration shall designate an area for smoking that is easily accessible to the house chamber.

CROSS-REFERENCES

Rule 1, § 5—Preservation of order and decorum by the Speaker.

Rule 5, § 32—Passing between microphones during debate.

Sec. 20. Media Access to House Chamber. (a) When the house is in session, no media representative shall be admitted to the floor of the house or allowed its privileges unless the person is:

(1) employed by a print, broadcast, or Internet news organization, or by a wire service serving those organizations:

(A) whose principal business is the periodic dissemination of original news and opinion of interest to a broad segment of the public;

(B) which has published or operated continuously for 18 months:

(i) as a for-profit organization that is supported chiefly by advertising or subscription revenue; or

(ii) as a nonprofit organization that has qualified as a public charity under Section 501(c)(3), Internal Revenue Code of 1986; and

(C) whose publications or operations are editorially independent of any institution, foundation, or interest group that lobbies the government or that is not principally a general news organization; and

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(2) not engaged in any lobbying or paid advocacy, advertising, publicity, or promotion work for any individual, political party, corporation, organization, or government agency.

(b) Any media representative seeking admission to the floor of the house under the provisions of this section must submit to the Committee on House Administration:

(1) a notarized application in a form determined by the committee; and

(2) a letter from the media representative's employer certifying that:

(A) the media representative is engaged primarily in reporting the sessions of the legislature; and

(B) no part of the media representative's salary for legislative coverage is paid from a source other than the news organization or wire service that employs the media representative.

(c) Regularly accredited media representatives who have duly qualified under the provisions of this section may, when requested to do so, make recommendations through their professional committees to the Committee on House Administration as to the sufficiency or insufficiency of the credentials of any person seeking admission to the floor of the house under this section.

(d) If the Committee on House Administration determines that a person's media credentials meet the requirements of this section, the committee shall issue a pass card to the person. The committee may impose a fee to cover the costs of issuing a pass card. This pass card must be presented to the doorkeeper each time the person seeks admission to the floor of the house while the house is in session. Pass cards issued under this section shall not be transferable. The failure of a media representative to maintain the requirements of this section may result in the revocation of the pass card. Persons admitted to the floor of the house pursuant to the provisions of this section shall work in appropriate convenient seats or work stations in the house, which shall be designated for that purpose by the Committee on House Administration.

(e) Members of the house shall not engage in interviews and press conferences on the house floor while the house is in session. The Committee on House Administration is authorized to enforce this provision and to prescribe such other regulations as may be necessary and desirable to achieve these purposes.

(f) Permission to make recordings in or from the house chamber while the house is in session may be granted only by the Committee on House Administration. The committee shall promulgate rules governing recordings. When recordings from the house chamber are permitted by the Committee on House Administration, the permission shall, if necessary, identify those

persons in the technical crews to whom pass cards to the floor of the house and galleries are to be issued. Passes granted under this authority shall be subject to revocation by the Committee on House Administration. As used in this subsection, “recording” means an audio, video, or photographic recording for immediate or delayed transmission by television or radio or through the Internet.

(g) The following individuals may submit a written complaint regarding a decision by the Committee on House Administration under this section:

(1) an individual who is aggrieved by the committee’s failure or refusal to grant privileges under this section; or

(2) a member of the house who believes a media representative granted privileges under this section either does not meet the requirements of this section or has abused the privileges granted under this section.

(h) The Committee on House Administration shall investigate the complaint and may, if necessary, temporarily suspend the media representative’s privileges pending the investigation. The committee shall notify the aggrieved individual or subject of the complaint of the time and place of a hearing on the complaint. Following the hearing, which must be conducted as provided by committee rule, the committee shall determine whether the aggrieved individual meets the requirements of this section and, as applicable:

(1) issue a pass card if the committee determines that the individual’s media credentials meet the requirements of this section; or

(2) revoke the media representative’s privileges granted under this section if the committee determines that the allegations contained in the complaint are valid.

(i) The final determination by the Committee on House Administration on a complaint:

(1) must be entered in the committee minutes and, if the house is convened in a regular or special session, delivered to the journal clerk and printed in the journal; and

(2) is not subject to further review except as provided by this section.

CROSS-REFERENCES

Rule 5, §§ 11, 12—Admittance to floor and area within the railing.

Rule 5, § 15—Lobbying on floor prohibited.

Sec. 21. Public Admission to and Nonlegislative Use of the House Chamber. When the house is not in session, the floor of the house shall remain open on days and hours determined by the Committee on House Administration. By resolution, the house may open the floor of the house during its sessions for the inauguration of the governor and lieutenant governor and for such other public ceremonies as may be deemed warranted.

CROSS-REFERENCE

Rule 1, § 14—Speaker’s control over Hall of the House.

Chapter C. Speaking and Debate

Sec. 22. Addressing the House. When a member desires to speak or deliver any matter to the house, the member shall rise and respectfully address the speaker as “Mr. (or Madam) Speaker” and, on being recognized, may address the house from the microphone at the reading clerk’s desk, and shall confine all remarks to the question under debate, avoiding personalities.

CROSS-REFERENCES

Rule 1, § 5—Preservation of order and decorum by the Speaker.

Rule 5, § 24—Recognition.

Rule 5, § 25—Interrupting member who has the floor.

Rule 5, § 33—Transgression of rules while speaking.

EXPLANATORY NOTES

1. No member is entitled to the floor unless the member adheres to the rules. If the member indulges in accusations against the integrity of other representatives, the member may be taken off the floor and reprimanded. If the member persists, the member will be in disorder. [1913]

2. “Personalities” as used in this rule refers to negative remarks referencing an individual’s personal qualities rather than the individual’s ideas or arguments. The prohibition against personalities in debate is applicable before the adoption of rules. [2021]

HOUSE PRECEDENT

A Member Is Not Entitled to the Floor When the Evident Purpose Is to Delay the Transaction of Business. — Mr. Reedy, being recognized to speak to his amendment, Mr. Rayburn raised the point of order that he was not entitled to the floor for the reason that he was using it for dilatory purposes. Sustained by the Speaker, Mr. Marshall. 31 H. Jour. 1204 (1909).

CONGRESSIONAL PRECEDENTS

Obtaining the Floor. — It is a general rule that a motion must be made before a member may proceed in debate. 5 Hinds §§ 4984, 4985. A motion must also be stated by the speaker or read by the clerk before debate may begin. 5 Hinds §§ 4982, 4983, 5304. In addressing the house, the member should also address the chair. 5 Hinds § 4980.

Relevancy in Debate. — It has always been held, and generally quite strictly, that in the house a member must confine himself or herself to the subject under debate. 5 Hinds §§ 5043, 5048. In general, on a motion to amend, the debate is confined to the amendment and may not include the general merits of the bill. 5 Hinds §§ 5049, 5051.

Personalities in Debate Forbidden. — The chair normally does not take the initiative but waits for the question of relevancy of debate to be raised, 148 Cong. Rec. 3663 (2002), which is untimely after intervening debate. 153 Cong. Rec. 21963 (2007). The chair may intervene to prevent improper

references if it is evident that a particular member is being described. 135 Cong. Rec. 27082 (1989). The arraignment of the motives of members is not permitted. 5 Hinds §§ 5147–5151. Members must avoid personalities in debate even in the absence of an adopted rule. 5 Hinds §§ 4979, 5145, 5163, 5169. There is a distinction between general language that characterizes a measure or the political motivations behind a measure and language that engages in personalities. 5 Hinds §§ 5153, 5163, 5169. Accusing a member of deceit engages in personalities, but merely accusing a member of making a mistake does not. 5 Hinds § 5157. It is not in order in debate to cast reflection on either the house or its membership or its decisions, whether past or present. 5 Hinds §§ 5132–5138. Examples of references that have been held as engaging in personalities: referring to an identifiable group of members as having committed a crime such as stealing an election or obstructing justice, 131 Cong. Rec. 3898 (1985), 135 Cong. Rec. 5016 (1989), 144 Cong. Rec. 9738 (1998), 150 Cong. Rec. 15859 (2004); referring in a personally critical manner to the political tactics of the speaker or other members, 127 Cong. Rec. 14056 (1981); referring to a particular member in a derogatory fashion, 135 Cong. Rec. 27082 (1989); using a member's surname as an adjective for a word of ridicule, 148 Cong. Rec. 10232 (2002), 154 Cong. Rec. 8923 (2008); labeling the remarks of a member “hypocritical and dishonest.” 158 Cong. Rec. 3045 (2012). Under this rule, members may not direct remarks to a former member present on the floor. Wickham ch. 4, § 6.9.

References in Debate to the Senate. — While the senate may be referred to properly in debate, it is not in order to discuss its functions or criticize its acts. 5 Hinds §§ 5114–5121. It is not in order in debate to refer to a senator in terms of personal criticism. 5 Hinds §§ 5121, 5122. It is not in order in debate for a Member to impugn the motives or criticize the actions of senators. 8 Cannon § 2520.

Sec. 23. When Two Members Rise at Once. When two or more members rise at once, the speaker shall name the one who is to speak first. This decision shall be final and not open to debate or appeal.

Sec. 24. Recognition. (a) Except as otherwise provided by this section, there shall be no appeal from the speaker's recognition, but the speaker shall be governed by rules and usage in priority of entertaining motions from the floor. When a member seeks recognition, the speaker may ask, “For what purpose does the member rise?” or “For what purpose does the member seek recognition?” and may then decide if recognition is to be granted, except that the speaker shall recognize a member who seeks recognition on a question of privilege.

(b) If the speaker denies recognition of a member who seeks recognition on a question of privilege, other than a question of privilege relating to the right of the house to remove the speaker and elect a new speaker, the decision of recognition may be appealed using the procedures provided in Rule 1, Section 9.

(c) If the speaker denies recognition of a member who seeks recognition on a question of privilege relating to the right of the house to remove the

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speaker and elect a new speaker, the member may appeal the speaker's denial of recognition if the member submits to the speaker a written request, signed by at least 76 members of the house, to appeal the decision of recognition. Upon receiving a request for appeal in accordance with this subsection, the speaker shall announce the request to the house. The names of the members who signed the request and the time that the announcement was made shall be entered in the journal. The appeal of a decision of recognition under this subsection is eligible for consideration 24 hours after the request for appeal has been announced in accordance with this subsection. The appeal and consideration of the question of privilege, if the appeal is successful, takes precedence over all other questions except motions to adjourn.

CROSS-REFERENCES

Rule 1, § 9—Appeals, procedure for.

Rule 1, § 3—Laying business before the house.

Rule 5, § 35—Questions of privilege, what constitute.

EXPLANATORY NOTES

1. In recognition for general debate, the speaker alternates between those favoring and those opposing a measure. [1913]

2. While the Speaker has the unchallenged right of recognition from which no appeal can be taken (except as provided by this section concerning questions of privilege), the speaker is not, however, a free lance in determining who is to have the floor. Precedents and practices have established certain rules from which the speaker must not depart if the speaker would preserve an orderly discussion of a matter before the house. [1913; revised 2019]

Sec. 25. Interruption of a Member Who Has the Floor. A member who has the floor shall not be interrupted by another member for any purpose, unless he or she consents to yield to the other member. A member desiring to interrupt another in debate should first address the speaker for the permission of the member speaking. The speaker shall then ask the member who has the floor if he or she wishes to yield, and then announce the decision of that member. The member who has the floor may exercise personal discretion as to whether or not to yield, and it is entirely within the member's discretion to determine who shall interrupt and when.

EXPLANATORY NOTE

Under no condition does a member having the floor have the right to yield to another member for a specific purpose determined by the member or through agreement with the member to whom the member yields, unless the second member first secures recognition from the speaker to make the motion. For example, a member cannot yield directly to another member for a motion to adjourn without the second member having been recognized by the chair for the purpose. Further, if a member yields the floor, the member does so completely and cannot in any way bind the chair to a subsequent recognition. [1941; revised 1964]

CONGRESSIONAL PRECEDENTS

General Rules — Decorum and Debate. — It is a general rule that a motion must be made before a member may proceed in debate. 5 Hinds §§ 4984, 4985. A motion must also be stated by the speaker or read by the clerk before debate may begin. 5 Hinds §§ 4982, 4983, 5304. In addressing the house, the member should also address the chair. 5 Hinds § 4980. It is a breach of order for members from their seats to interject remarks into the speech of a member having the floor. 8 Cannon § 2463. It has always been held, and generally quite strictly, that in the house a member must confine himself or herself to the subject under debate. 5 Hinds §§ 5043, 5048. In general, on a motion to amend, the debate is confined to the amendment and may not include the general merits of the bill. 5 Hinds §§ 5049, 5051. While the senate may be referred to properly in debate, it is not in order to discuss its functions or criticize its acts. 5 Hinds §§ 5114, 5140. It is not in order in debate to refer to a senator in terms of personal criticism. 5 Hinds §§ 5121, 5122. It is not in order in debate for a member to impugn the motives or criticize the actions of members of the senate. 8 Cannon § 2520. It is not in order in debate to cast reflection on either the house or its membership or its decisions, whether past or present. 5 Hinds §§ 5132–5138.

Interruption of Member Having Floor. — It is a breach of order for members from their seats to interject remarks into the speech of a member having the floor. 8 Cannon § 2463. Members should not engage in disruption while another is speaking. 141 Cong. Rec. 37878 (1995), 142 Cong. Rec. 15915 (1996).

Sec. 26. Yielding the Floor. A member who obtains the floor on recognition of the speaker may not be taken off the floor by a motion, even the highly privileged motion to adjourn, but if the member yields to another to make a motion or to offer an amendment, he or she thereby loses the floor.

CONGRESSIONAL PRECEDENT

Yielding the Floor Before the Adoption of Rules. — Before the adoption of rules and while proceeding under general parliamentary law, a Member having the floor in debate may not yield the floor to another without losing the right to resume. 5 Hinds §§ 5038–5040.

Sec. 27. Right to Open and Close Debate. The mover of any proposition, or the member reporting any measure from a committee, or, in the absence of either of them, any other member designated by such absentee, shall have the right to open and close the debate, and for this purpose may speak each time not more than 20 minutes.

EXPLANATORY NOTES

1. The “mover of a proposition” is the mover of the original proposition before the house for consideration. In the case of a bill being considered, the member having the bill in charge is the mover of the proposition. [1915]

2. Since an amendment to strike out the enacting clause of a bill, if adopted, has the effect of killing the bill, it opens for debate the merits of the entire bill. [1915]

3. Debate on any debatable motion may be had (unless the previous question has been ordered) whenever that motion is before the house

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regardless of the fate of any motion made thereto. For example, if a motion to recommit is made and a motion to table same is made and lost, the motion to recommit is still open to debate. [1951]

4. Before the adoption of rules, the 20-minute limit on speeches made by an author governs debate in the house. [2021]

CONGRESSIONAL PRECEDENTS

Loss of Right to Prior Recognition. — When an essential motion made by the member in charge of the bill is decided adversely, the right to prior recognition passes to the member leading the opposition. 2 Hinds §§ 1465–1468, 6 Cannon § 308. However, the mere defeat of an amendment proposed by the member in charge does not cause prior right of recognition to pass to the opponents. 2 Hinds §§ 1478, 1479.

Sec. 28. Time Limits on Speeches. All speeches shall be limited to 10 minutes in duration, except as provided in Section 27 of this rule, and the speaker shall call the members to order at the expiration of their time. If the house by a majority vote extends the time of any member, the extension shall be for 10 minutes only. A second extension of time shall be granted only by unanimous consent. During the last 10 calendar days of the regular session, and the last 5 calendar days of a special session, Sundays excepted, all speeches shall be limited to 10 minutes and shall not be extended. The time limits established by this rule shall include time consumed in yielding to questions from the floor.

CROSS-REFERENCE

Rule 7, § 2—Motions subject to the three-minute debate rule.

EXPLANATORY NOTES

1. When a motion to suspend the rules to extend a member's time in debate carries, the extension, under prevailing practice, is for ten minutes in ordinary debate and three minutes in three-minute pro and con debate, unless a specific time is mentioned in the motion. [1959]

2. Before the adoption of rules, the 10-minute limit on speeches made by members other than the author governs debate in the house. [2021]

Sec. 29. Limit on Number of Times to Speak. No member shall speak more than twice on the same question without leave of the house, nor more than once until every member choosing to speak has spoken, nor shall any member be permitted to consume the time of another member without leave of the house being given by a majority vote.

CONGRESSIONAL PRECEDENTS

Member Speaking More Than Once. — A member who has spoken once on a main question may speak again on an amendment. 5 Hinds §§ 4993, 4994. It is too late to make the point that a member has spoken already if

no one claims the floor until the member has made some progress in the member's speech. 5 Hinds § 4992.

Sec. 30. Effect of Adjournment on Speaking Limit. If a pending question is not disposed of because of an adjournment of the house, a member who has spoken twice on the subject shall not be allowed to speak again without leave of the house.

Sec. 31. Objection to Reading a Paper. When the reading of a paper is called for, and objection is made, the matter shall be determined by a majority vote of the house, without debate.

Sec. 32. Passing Between Microphones During Debate. No person shall pass between the front and back microphones during debate or when a member has the floor and is addressing the house.

Sec. 33. Transgression of Rules While Speaking. If any member, in speaking or otherwise, transgresses the rules of the house, the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately be seated; however, that member may move for an appeal to the house, and if appeal is duly seconded by 10 members, the matter shall be submitted to the house for decision by majority vote. In such cases, the speaker shall not be required to relinquish the chair, as is required in cases of appeals from the speaker's decisions. The house shall, if appealed to, decide the matter without debate. If the decision is in favor of the member called to order, the member shall be at liberty to proceed; but if the decision is against the member, he or she shall not be allowed to proceed, and, if the case requires it, shall be liable to the censure of the house, or such other punishment as the house may consider proper.

CROSS-REFERENCE

Rule 1, § 5—Preservation of order and decorum by the Speaker.

Sec. 34. Electronic Recording of All House Proceedings. (a) All proceedings of the house of representatives shall be electronically recorded under the direction of the Committee on House Administration. Copies of the proceedings may be released under guidelines promulgated by the Committee on House Administration.

(b) Archived video broadcasts of proceedings in the house chamber that are available through the house's Internet or intranet website may, under the direction of the Committee on House Administration, include a link to the point in time in the video where each measure under consideration by the house is laid out. Such a link shall be provided as soon as the committee determines is practical.

Chapter D. Questions of Privilege

Sec. 35. Questions of Privilege Defined. Questions of privilege shall be:

(1) those affecting the rights of the house collectively, its safety and dignity, and the integrity of its proceedings, including the right of the house to remove the speaker and elect a new speaker; and

(2) those affecting the rights, reputation, and conduct of members individually in their representative capacity only.

CROSS-REFERENCE

Rule 5, § 24—Appeals of denials of recognition to a member seeking to raise a question of privilege.

EXPLANATORY NOTE

In the past, Members taking advantage of their right to speak to a question of privilege have often discussed matters which were clearly not matters “affecting the rights of the house collectively, its safety and dignity, and the integrity of its proceedings” or of the “rights, reputation, and conduct of members individually in their representative capacity only.” This practice is an open violation of the Rules and is not permitted. The Rules do not give members the right to address themselves to a question of personal privilege solely upon the plea that their “feelings are hurt.” Since only matters incidental to obtaining a quorum under a call of the house, or adjourning, are in order, questions of personal privilege under such conditions are out of order. [1959; 2021]

CONGRESSIONAL PRECEDENTS

Privilege of the House. — The privilege of the house, as distinguished from that of the individual member, includes questions relating to its constitutional prerogatives, in respect to revenue legislation, etc., 2 Hinds §§ 1480–1501; its power to punish for contempt, whether of its own members, 2 Hinds §§ 1641–1665, of witnesses who are summoned to give information, 2 Hinds §§ 1608, 1612; 3 Hinds §§ 1666–1724, or of other persons, 2 Hinds §§ 1597–1640; questions relating to its organization, 1 Hinds §§ 22–24, 189, 212, 290, and the title of its members to their seats, 3 Hinds §§ 2579–2587; the conduct of officers and employees, 1 Hinds §§ 284, 285; 3 Hinds §§ 2628, 2645–2647; comfort and convenience of members and employees, 3 Hinds §§ 2629–2636; admission to the floor of the house, 3 Hinds §§ 2624–2626; the accuracy and propriety of reports in the Congressional Record, 5 Hinds §§ 7005–7023; the conduct of representatives of the press, 2 Hinds §§ 1630, 1631; 3 Hinds § 2627; the integrity of its journal, 2 Hinds § 1363; 3 Hinds § 2620; the protection of its records, 3 Hinds § 2659; the accuracy of its documents, 5 Hinds § 7329, and messages, 3 Hinds § 2613; and the integrity of the processes by which bills are considered, 3 Hinds §§ 2597–2601, 2614; 4 Hinds §§ 3383, 3388, 3478. Questions of privilege of the House are raised by resolution. 3 Hinds § 2546; 8 Cannon § 3464; Deschler ch. 11, § 4.2.

Privilege of the Member. — The privilege of the member rests primarily on the constitution, which gives the member a conditional immunity from arrest, etc. 3 Hinds § 2670. A menace to the personal safety of members

from an insecure ceiling in the hall was held to involve a question of the highest privilege. 3 Hinds § 2685. Charges against the conduct of a member are held to involve privilege when they relate to the member's representative capacity. 3 Hinds §§ 1828–1830, 2716; 6 Cannon §§ 604, 612; 8 Cannon § 2479. A distinction has been drawn between charges made by one member against another in a newspaper and the same when made on the floor. 3 Hinds §§ 1827, 2691, 2717. Charges made in newspapers against members in their representative capacities involve privilege. 3 Hinds §§ 1832, 2694, 2696–2699, 2703, 2704; 6 Cannon §§ 576, 621; 8 Cannon § 2479. This is so even though the names of the individual members be not given. 3 Hinds §§ 1831, 2705, 2709; 6 Cannon §§ 616, 617. But vague charges in newspaper articles, 6 Cannon § 570; 3 Hinds § 2711; criticisms, 3 Hinds §§ 2712–2714; 8 Cannon § 2465; or even misrepresentations of the members' acts or speeches have not been entertained. 3 Hinds §§ 2707, 2708; 136 Cong. Rec. 22135 (1990).

Questions of personal privilege are ordinarily raised orally. Deschler ch. 11, § 20. When raising a question of personal privilege, the member must first apprise the speaker of the grounds upon which recognition may be conferred. Deschler ch. 11, § 21.1. The speaker may, in determining whether a matter presents a question of personal privilege, require that the offending material be submitted for examination before conferring recognition. Deschler ch. 11, §§ 21.2, 21.3. A member making a statement on a matter of personal privilege should confine the member's remarks to that which concerns the member personally. 8 Cannon §§ 2481–2483; 5 Hinds § 5078. While a member rising to a question of personal privilege may be allowed some latitude, the rule requiring a member to confine himself or herself to the subject holds in this case. 5 Hinds §§ 5075, 5076.

Sec. 36. Precedence of Questions of Privilege. Questions of privilege shall have precedence over all other questions except motions to adjourn. When in order, a member may address the house on a question of privilege, or may at any time print it in the journal, provided it contains no reflection on any member of the house.

CONGRESSIONAL PRECEDENTS

Precedence of Questions of Personal Privilege. — A member rising to a question of personal privilege may not interrupt a call of the yeas and nays, 5 Hinds §§ 6051, 6052, 6058, 6059, or take from the floor another member who has been recognized for debate. 5 Hinds § 5002.

Sec. 37. When Questions of Privilege Not in Order. (a) It shall not be in order for a member to address the house on a question of privilege:

- (1) between the time an undebatable motion is offered and the vote is taken on the motion;
- (2) between the time the previous question is ordered and the vote is taken on the last proposition included under the previous question; or
- (3) between the time a motion to table is offered and the vote is taken on the motion.

(b) If a question of privilege relating to removal of the speaker and election of a new speaker fails, a subsequent attempt to remove the same

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speaker can be made only by reconsidering the vote by which the original question of privilege failed. Such reconsideration shall be subject to the rules of the house governing reconsideration.

Sec. 38. Confining Remarks to Question of Privilege; Interruptions Prohibited. (a) When speaking on privilege, members must confine their remarks within the limits of Section 35 of this rule, which will be strictly construed to achieve the purposes hereof.

(b) When a member is speaking on privilege, the member shall not be interrupted by another member for any purpose. While the member is speaking, another member may submit a question of order to the speaker in writing or by approaching the podium in person. The member submitting the question of order shall not interrupt the member who is speaking. The speaker may interrupt the member who is speaking if the speaker determines it is appropriate to address the question of order at that time.

Sec. 39. Discussion of Merits of Motion Forbidden. Merits of a main or subsidiary motion shall not be discussed or debated under the guise of speaking to a question of privilege.

Chapter E. Voting

Sec. 40. Recording All Votes on Voting Machine. On all votes, except viva voce votes, members shall record their votes on the voting machine and shall not be recognized by the chair to cast their votes from the floor. If a member attempts to vote from the floor, the speaker shall sustain a point of order directed against the member's so doing. This rule shall not be applicable to the mover or the principal opponent of the proposition being voted on nor to a member whose voting machine is out of order. If a member demands strict enforcement of this section, Section 47 shall not apply to the taking of a vote, and the house may discipline a member in violation of this rule pursuant to its inherent authority.

EXPLANATORY NOTE

It is the practice of the chair, on close votes and on demand for a "strict enforcement of the rules," to accept only one "yea" and one "nay" vote from the floor, refusing to accept others. Actually, under the above section, the chair could refuse any floor votes but these two, but the chair allows floor votes frequently as an accommodation to members who are temporarily away from their seats. [1955; revised 1959]

Sec. 41. Registration Equivalent to Roll Call Vote. A registration or vote taken on the voting machine of the house shall in all instances be considered the equivalent of a roll call or yea and nay vote, which might be had for the same purpose.

EXPLANATORY NOTE

This provision allows the house to use a voting machine to register a vote in place of a verbal roll call of the members. [1987]

Sec. 42. Disclosure of Personal or Private Interest. Any member who has a personal or private interest in any measure or bill proposed or pending before the house shall disclose the fact and not vote thereon.

CROSS-REFERENCES

Tex. Const. Art. III, § 22—Constitutional provisions on conflict of interest.

Govt. Code § 572.053—Voting by legislators on certain measures or bills and related criminal offense.

Govt. Code § 572.0531—Notice required for introduction of, sponsorship of, or voting on certain measures by legislators.

EXPLANATORY NOTE

This is a constitutional provision embodied in the rules of the house, with which each member is left to comply according to his or her own judgment as to what constitutes a personal or private interest. [1915]

CONGRESSIONAL PRECEDENTS

Personal Interest. — In one or two instances, the speaker has decided that because of personal interest, a member should not vote; 5 Hinds §§ 5955, 5958. Ordinarily, the speaker has held that the member should determine this question. 5 Hinds §§ 5950, 5951; 8 Cannon § 3071; 121 Cong. Rec. 38135 (1975); 125 Cong. Rec. 3748 (1979); 142 Cong. Rec. 19952 (1996); 155 Cong. Rec. 18126 (2009). Speakers have denied their own power to deprive a member of the constitutional right to vote. 5 Hinds § 5956; 121 Cong. Rec. 38135 (1975); 125 Cong. Rec. 3748 (1979). It has been held that the disqualifying interest must be such as affects the member directly, 5 Hinds §§ 5954, 5955, 5963, and not as one of a class. 5 Hinds § 5952; 8 Cannon §§ 3071, 3072; 84 Cong. Rec. 6359 (1939); 121 Cong. Rec. 38135 (1980).

Sec. 43. Dividing the Question. By a majority vote of the house, a quorum being present, the question shall be divided, if it includes propositions so distinct in substance that, one being taken away, a substantive proposition remains. A motion for a division vote cannot be made after the previous question has been ordered, after a motion to table has been offered, after the question has been put, nor after the yeas and nays have been ordered. Under this subsection, the speaker may divide the question into groups of propositions that are closely related.

CONGRESSIONAL PRECEDENTS

Division of the Question. — After the question has been put it may not be divided, 5 Hinds § 6162, nor after the yeas and nays have been ordered, 5 Hinds §§ 6160, 6161, but it may be demanded after the previous question

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has been ordered. 5 Hinds §§ 5468, 6149; 8 Cannon § 3173. The principle that there must be at least two substantive propositions in order to satisfy a division is insisted on rigidly. 5 Hinds §§ 6108–6113. In passing on a demand for a division, the chair considers only substantive propositions and not the merits of the questions presented. 5 Hinds § 6122. It seems to be most proper, also, that the division should depend upon grammatical structure rather than on the legislative propositions involved. 1 Hinds § 394; 5 Hinds § 6119. Although a question presents two propositions grammatically, it is not divisible if either does not constitute a substantive proposition when considered alone. 8 Cannon § 3165. Decisions have been made that a resolution affecting two individuals may be divided, although such division may involve a reconstruction of the text. 1 Hinds § 623; 5 Hinds §§ 6119–6121. The better practice seems to be, however, that this reconstruction of the text should be made by the adoption of a substitute of two branches, rather than by interpretation of the chair. 2 Hinds § 1621. When a motion is made to lay several connected propositions on the table, a division is not in order. 5 Hinds §§ 6138–6140. On a decision of the speaker involving two distinct questions, there may be a division on appeal. 5 Hinds § 6157.

Sec. 44. Failure or Refusal to Vote. Any member who is present and fails or refuses to vote after being requested to do so by the speaker shall be recorded as present but not voting, and shall be counted for the purpose of making a quorum.

EXPLANATORY NOTE

Neither the journal clerk nor the voting clerk has the authority to show a member as “Absent — Excused,” when in fact the member has not been excused by a formal vote of the house. Occasionally the house, by formal vote, excuses a member temporarily, i.e., for a short period of time during a working day. [1953]

Sec. 45. Presence in House Required in Order to Vote. A member must be on the floor of the house or in an adjacent room or hallway on the same level as the house floor, in order to vote.

HOUSE PRECEDENT

Member Cannot Vote From the Gallery. — The house was considering H.B. 42. On the record vote on engrossment, a member sought to vote from the gallery. Mr. Norton raised the point of order that such a vote was not in order since members must be “in the house.” Sustained by the Speaker, Mr. Manford. 51 H. Jour. 3020 (1949).

CONGRESSIONAL PRECEDENTS

Right of Members to Vote. — It has been found impracticable to enforce the provisions requiring every member to vote, 5 Hinds §§ 5942–5948, and the weight of authority also favors the idea that there is no authority in the house to deprive a member of his right to vote. 5 Hinds §§ 5937, 5952, 5959, 5966, 5967.

Sec. 46. Locking Voting Machines of Absent Members. During each calendar day in which the house is in session, it shall be the duty of the journal clerk to lock the voting machine of each member who is excused or who is otherwise known to be absent. Each such machine shall remain locked until the member in person contacts the journal clerk and personally requests the unlocking of the machine. Unless otherwise directed by the speaker, the journal clerk shall not unlock any machine except at the personal request of the member to whom the machine is assigned. Any violation, or any attempt by a member or employee to circumvent the letter or spirit of this section, shall be reported immediately to the speaker for such disciplinary action by the speaker, or by the house, as may be warranted under the circumstances.

Sec. 47. Voting for Another Member. Any member found guilty by the house of knowingly voting for another member on the voting machine without that other member's permission shall be subject to discipline deemed appropriate by the house.

EXPLANATORY NOTE

A possible serious consequence of permitting this practice would be a vote recorded for or against some important question contrary to the intent of the absent member. Such a vote might not be detected until after the permanent journal is published, when it would be too late to make correction. [1947; revised 1964]

Sec. 48. Interruption of a Roll Call. Once a roll call has begun, it may not be interrupted for any reason. While a yea and nay vote is being taken, or the vote is being counted, no member shall visit the reading clerk's desk or the voting clerk's desk.

CONGRESSIONAL PRECEDENTS

Interruption of the Roll Call. — Once begun, the roll call may not be interrupted by a motion to adjourn, 5 Hinds § 6053, a parliamentary inquiry, a question of personal privilege, 5 Hinds §§ 6058, 6059, the arrival of the time fixed for another order of business, 5 Hinds § 6056, or for a recess, 5 Hinds §§ 6054, 6055, or the presentation of a conference report. 5 Hinds § 6443.

Sec. 49. Explanation of Vote. (a) No member shall be allowed to interrupt the vote or to make any explanation of a vote that the member is about to give after the voting machine has been opened, but may record in the journal the reasons for giving such a vote.

(b) A "Reason for Vote" must be in writing and filed with the journal clerk. If timely received, the "Reason for Vote" shall be printed immediately following the results of the vote in the journal. Otherwise, "Reasons for Vote" shall be printed in a separate section at the end of the journal for the day on which the reasons were recorded with the journal clerk. Such "Reason

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for Vote” shall not deal in personalities or contain any personal reflection on any member of the legislature, the speaker, the lieutenant governor, or the governor, and shall not in any other manner transgress the rules of the house relating to decorum and debate.

(c) A member absent when a vote was taken may file with the journal clerk while the house is in session a statement of how the member would have voted if present. If timely received, the statement shall be printed immediately following the results of the vote in the journal. Otherwise, statements shall be printed in a separate section at the end of the journal for the day on which the statements were recorded with the journal clerk.

EXPLANATORY NOTE

In the 58th Legislature, the Speaker, Mr. Tunnell, instituted the practice of reviewing the reasons for vote submitted to the journal clerk to assure compliance with Subsection (b) of this section. Those reasons for vote that would be subject to objection according to the rules of decorum and debate were denied printing in the journal. [1964]

Sec. 50. Pairs. (a) All pairs must be announced before the vote is declared by the speaker, and a written statement sent to the journal clerk. The statement must be signed by the absent member to the pair, or the member’s signature must have been authorized in writing or by telephone, and satisfactory evidence presented to the speaker if deemed necessary. If authorized in writing, the writing shall be delivered to the chief clerk by personal delivery or by commercially acceptable means of delivery, including electronic transmission by PDF or similar secure format that is capable of transmitting an accurate image of the member’s signature. If authorized by telephone, the call must be to and confirmed by the chief clerk in advance of the vote to which it applies. Pairs shall be entered in the journal, and the member present shall be counted to make a quorum.

(b) The speaker may not refuse to recognize a pair that complies with the requirements of Subsection (a), if both members consent to the pair.

EXPLANATORY NOTES

1. Since a pair represents a private agreement between two members, the house has no control whatsoever over it except as provided in the above section. Where two members are “paired” on a vote or series of votes, the member present agrees with a member who is to be absent that the member present will not vote, but will be “present and not voting.” The “pair” states how each of the members would have voted. [1931; revised 1957]

2. At one time, the point of order was raised that while pairs could be accepted on a vote on a proposed constitutional amendment, the present “aye” votes should be counted, but the Speaker and the House held to the contrary because a member cannot be compelled to vote if the member does not so desire. [1931]

CONGRESSIONAL PRECEDENTS

Pairs. — Pairs may not be announced at a time other than that prescribed by the rule. 5 Hinds § 6046. The house does not consider questions arising out of the breaking of a pair. 5 Hinds §§ 5982, 5983, 6095; 8 Cannon §§ 3085, 3087, 3089, 3093. The house does not permit a member to vote after the call on a plea that the member had refrained because of a misunderstanding as to a pair. 5 Hinds §§ 6080, 6081; *see also* 8 Cannon § 3089 (showing Speaker Clark’s interpretation of the rule and practice of the house of representatives as to pairs).

Sec. 51. Entry of Yea and Nay Vote in Journal. (a) At the desire of any member present, the yeas and nays of the members of the house on any question shall be taken and entered in the journal. No member or members shall be allowed to call for a yea and nay vote after a vote has been declared by the speaker.

(b) A motion to expunge a yea and nay vote from the journal shall not be in order.

(c) The yeas and nays of the members of the house on final passage of any bill, any joint resolution proposing or ratifying a constitutional amendment, and any other resolution, other than a resolution of a purely ceremonial or honorary nature, shall be taken and entered in the journal. For purposes of this subsection, a vote on final passage includes a vote on:

- (1) third reading;
- (2) second reading if the house suspends or otherwise dispenses with the requirement for three readings;
- (3) whether to concur in the senate’s amendments; or
- (4) whether to adopt a conference committee report.

CROSS-REFERENCES

Tex. Const. Art. III, § 12—Constitutional provision on record votes.

Tex. Const. Art. III, § 41—Constitutional provisions on voting for House officers.

EXPLANATORY NOTES

1. Motions to expunge yea and nay votes from the journal have uniformly been held out of order because of the constitutional provision that a record vote shall be taken upon the demand of three members. [1937]

2. Before the adoption of rules, a request for a record vote must be made by three members under the constitutional rule. [2021]

Sec. 51A. Real-Time Access by Public to Yeas and Nays. The Committee on House Administration shall ensure that:

- (1) the recorded yeas and nays are available to the public on the Internet and on any televised broadcast of the house proceedings produced by or under the direction of the house; and

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(2) members of the public may view the yeas and nays in real time to the extent possible on the Internet and on any televised broadcast of the house proceedings produced by or under the direction of the house.

Sec. 52. Journal Recording of Votes on Any Question. On any question where a record of the yeas and nays has not been ordered, members may have their votes recorded in the journal as “yea” or “nay” by filing such information with the journal clerk before adjournment or recess to another calendar day.

CROSS-REFERENCE

Rule 2, § 2(a)(1)(N)—Duties of journal clerk.

Sec. 53. Changing a Vote. Before the result of a vote has been finally and conclusively pronounced by the chair, but not thereafter, a member may change his or her vote; however, if a member’s vote is erroneous, the member shall be allowed to change that vote at a later time provided:

- (1) the result of the record vote is not changed thereby;
- (2) the request is made known to the house by the chair and permission for the change is granted by unanimous consent; and
- (3) a notation is made in the journal that the member’s vote was changed.

Sec. 54. Tie Vote. All matters on which a vote may be taken by the house shall require for adoption a favorable affirmative vote as required by these rules, and in the case of a tie vote, the matter shall be considered lost.

CROSS-REFERENCE

Rule 1, § 8—Speaker may vote to make or break a tie.

Sec. 55. Verification of a Yea and Nay Vote. When the result of a yea and nay vote is close, the speaker may on the request of any member order a verification vote, or the speaker may order a verification on his or her own initiative. During verification, no member shall change a vote unless it was erroneously recorded, nor may any member not having voted cast a vote; however, when the clerk errs in reporting the yeas and nays, and correction thereof leaves decisive effect to the speaker’s vote, the speaker may exercise the right to vote, even though the result has been announced. A verification shall be called for immediately after the vote is announced. The speaker shall not entertain a request for verification after the house has proceeded to the next question, or after a recess or an adjournment. A vote to recess or adjourn, like any other proposition, may be verified. Only one vote verification can be pending at a time. A verification may be dispensed with by a two-thirds vote.

CROSS-REFERENCE

Rule 1, § 8—Speaker's right to vote after verification.

EXPLANATORY NOTES

1. On a verification the speaker directs the reading clerk to call first the names of the apparent prevailing side. If, after this call, the result is clearly established, the remainder of the verification is usually dispensed with by unanimous consent or a suspension of the rules. Motions to adjourn or recess are not in order during a verification. [1949; revised 1957, 1959]

2. Since the voting machine, which is sometimes subject to error, is used in lieu of roll call with voice response, in order to protect the members' right to obtain an accurate record vote, minimum use should be made of the practice of dispensing with the verification. [1964]

HOUSE PRECEDENTS

1. *Motions to Dispense With Verifications.* — In the 52d Legislature, the Speaker, Mr. Senterfitt, refused to accept motions to dispense with the verification of votes on certain motions requiring affirmative two-thirds and four-fifths votes, such as submission of a constitutional amendment (required vote, two-thirds of the members elected to the house) and introduction of a bill after the first sixty calendar days of a session (required vote, four-fifths of the members present and voting). 52 Tex. Legis. Man. 188–189 (1951).

2. *Verification of Vote to Adjourn.* — In the 52d Legislature, the Speaker, Mr. Senterfitt, allowed the verification of a record vote to adjourn, the request for same having come before he could declare the result of the vote, i.e., that “the house stands adjourned.” The machine vote showed an adjournment by a close vote, but the verification reversed the result. He held that the verification of a vote to adjourn should be allowed just as any other, particularly because often so much may depend upon an adjournment vote. He also held similarly in regard to a motion for a recess. 52 Tex. Legis. Man. 189 (1951). [This section incorporates this ruling.]

Sec. 56. Verification of a Registration. The speaker may allow the verification of a registration (as differentiated from a record vote) if in the speaker's opinion there is serious doubt as to the presence of a quorum.

Sec. 57. Motion for a Call of the House Pending Verification. A motion for a call of the house, and all incidental motions relating to it, shall be in order pending the verification of a vote. These motions must be made before the roll call on verification begins, and it shall not be in order to break into the roll call to make them.

Sec. 58. Erroneous Announcement of the Result of a Vote. If, by an error of the voting clerk or reading clerk in reporting the yeas and nays from a registration or verification, the speaker announces a result different from that shown by the registration or verification, the status of the question shall be determined by the vote as actually recorded. If the vote is erroneously announced in such a way as to change the true result, all

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subsequent proceedings in connection therewith shall fail, and the journal shall be amended accordingly.

CROSS-REFERENCE

Rule 5, § 48—Visiting clerks' desks during voting.

EXPLANATORY NOTE

Error of the clerk, as used in this section and Section 55 of this rule, covers any error in the process of recording a vote and reporting. The most frequent error, aside from the voting machine itself, comes from duplication of members' votes — on the voting machine and from the floor. All record votes are double-checked for errors by the clerk, and any significant error is reported to the speaker. [1957; revised 1975]

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Rule 6

Order of Business and Calendars

Sec. 1. Daily Order of Business. (a) When the house convenes on a new legislative day, the daily order of business shall be as follows:

- (1) Call to order by speaker.
- (2) Registration of members.
- (3) Prayer by chaplain, unless the invocation has been given previously on the particular calendar day.
- (4) Pledge of allegiance to the United States flag.
- (5) Pledge of allegiance to the Texas flag.
- (6) Excuses for absence of members and officers.
- (7) First reading and reference to committee of bills filed with the chief clerk; and motions to introduce bills, when such motions are required.
- (8) Requests to print bills and other papers; requests of committees for further time to consider papers referred to them; and all other routine motions and business not otherwise provided for, all of which shall be undebatable except that the mover and one opponent of the motion shall be allowed three minutes each.

The mover of a routine motion shall be allowed his or her choice of making the opening or the closing speech under this rule. If the house, under a suspension of the rules, extends the time of a member under this rule, such extensions shall be for three minutes. Subsidiary motions that are applicable to routine motions shall be in order, but the makers of such subsidiary motions shall not be entitled to speak thereon in the routine motion period, nor shall the authors of the original routine motions be allowed any additional time because of subsidiary motions.

- (9) Unfinished business.

(10) Third reading calendars of the house in their order of priority in accordance with Section 7 of this rule, unless a different order is determined under other provisions of these rules.

(11) Postponed matters to be laid before the house in accordance with Rule 7, Section 15.

(12) Second reading calendars of the house in their order of priority in accordance with Section 7 of this rule, unless a different order is determined under other provisions of these rules.

(b) When the house reconvenes for the first time on a new calendar day following a recess, the daily order of business shall be:

- (1) Call to order by the speaker.
- (2) Registration of members.
- (3) Prayer by the chaplain.

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- (4) Pledge of allegiance to the United States flag.
- (5) Pledge of allegiance to the Texas flag.
- (6) Excuses for absence of members and officers.
- (7) Pending business.
- (8) Calendars of the house in their order of priority in accordance with Section 7 of this rule, unless a different order is determined under other provisions of these rules.

CROSS-REFERENCES

Rule 4, § 29—Action on bills reported unfavorably.
Rule 7, § 37—Time for making motion to reconsider vote.
Rule 14, § 3—Motions to suspend rules in order at any time.
Rule 14, § 4—Notice required to suspend the regular order of business in certain circumstances.

EXPLANATORY NOTES

1. “Daily order of business” means all the items set out in Subsections (a) and (b) of this section, while the regular order or “order of the day,” as used in the reconsideration rule, means the several calendars under the 11th main item of Subsection (a). [1915; revised 1931, 1975, 1981]

2. Due to the heavy increase of routine motions during the latter part of a session, the chair will frequently receive noncontroversial routine motions at various times during the day other than at the regular routine motion period, e.g., just before or after a recess or before an adjournment. [1947]

3. The author or member in charge of a bill or proposition reached on the calendar in regular order, or by any other route, has no right to yield for himself or herself or for some other member to call up another bill or proposition unless the house permits it by a suspension of the rules. [1941; revised 1959]

4. The terms “unfinished business” and “pending business” both apply to a partially completed item of business. The question arises as to just where each fits into the daily order of business. The “ninth” item in Subsection (a) of this section is set aside for the consideration of “unfinished business,” but there is no definite mention of where “pending business” is to be considered.

The test as to whether an incomplete item of business is to be classified as “unfinished” or “pending” is as follows:

a. If an item (bill or joint resolution) is incomplete at the time of an adjournment (terminating that legislative day), it then becomes the “unfinished business” for the next legislative day upon which it can be considered under the rules, and as such must be considered as the “ninth” item in the daily order of business for a legislative day.

b. If an item (bill or joint resolution) is incomplete at the time of a recess, it then becomes the “pending business” when and if the house reconvenes on the same calendar day, or, if the recess occurs at the end of a calendar day, then on the next calendar day it can be considered under the rules, provided, of course, an adjournment does not occur before it is reached on the calendar. [1959]

5. When the house reconvenes after a recess on the same calendar day, consideration of the business pending at recess is resumed. [1951; revised 1953, 1981]

HOUSE PRECEDENTS

1. *Motion to Reconsider Vote on Re-Referral Out of Order Unless Made During the Routine Motion Period.* — During the routine motion period, on the motion of Mr. Celaya, the house re-referred S.B. 143 from the Committee on Privileges, Suffrage and Elections to the Committee on Highways and Motor Traffic.

Later in the day Mr. Leonard moved to reconsider the vote by which S.B. 143 was re-referred from the Committee on Privileges, Suffrage and Elections to the Committee on Highways and Motor Traffic.

Mr. Greathouse raised a point of order on further consideration of the motion to reconsider the vote to re-refer, on the ground that since a motion to re-refer a bill is in order only in the routine motion period, then a motion to reconsider a vote to re-refer is not in order at this time. Sustained by the Speaker, Mr. Stevenson. 43 H. Jour. 2368 (1933).

2. *Motion to Print a Bill on a Minority Report Is Out of Order Unless Made During the Routine Motion Period.* — Mr. Greathouse moved that S.B. 246, reported adversely, with a minority favorable report, be printed.

Mrs. Hughes raised a point of order on further consideration of the motion at this time on the ground that, under the rules of the house, the motion is out of order at this time.

Sustained by the Speaker, Mr. Stevenson. 43 H. Jour. 2366 (1933).

3. *In Order in Routine Motion Period to Recommit a Bill Already Passed to a Third Reading.* — The house had previously passed S.B. 21 to a third reading. At a routine motion period, Mr. Young moved to recommit the bill to the Committee on Highways and Roads. Mr. Sparks raised the point of order that such a motion was out of order. Overruled by the Chair, Mr. Johnson. 51 H. Jour. 3055 (1949).

Sec. 2. Special Orders. (a) Any bill, resolution, or other measure may on any day be made a special order for the same day or for a future day of the session by an affirmative vote of two-thirds of the members present. A motion to set a special order shall be subject to the three-minute pro and con debate rule. When once established as a special order, a bill, resolution, or other measure shall be considered from day to day until disposed of; and until it has been disposed of, no further special orders shall be made.

A three-fourths vote of the members present shall be required to suspend the portion of this rule which specifies that only one special order may be made and pending at a time.

(b) After the first eight items under the daily order of business for a legislative day have been passed, a special order shall have precedence when the hour for its consideration has arrived, except as provided in Section 9 of this rule.

(c) After the 115th day of a regular session, if a joint resolution has appeared on a daily house calendar and is adopted, and a bill that is enabling legislation for the joint resolution is either on or eligible to be

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placed on a calendar, the author or sponsor of the bill or another member may immediately be recognized for a motion to set the bill that is the enabling legislation as a special order pursuant to this section. For purposes of this subsection, the bill must have been designated as the enabling legislation for the joint resolution in writing filed with the chief clerk not later than the date the committee report for the enabling legislation is printed and distributed.

CROSS-REFERENCES

Rule 6, § 9—Precedence of Senate measures on Senate bill days.

Rule 13, § 2(b)—Precedence of certain privileged matters.

EXPLANATORY NOTES

1. If a special order is not taken up for consideration at the time set, the special order character of the bill or resolution is not changed. It remains eligible for consideration at the time for which it has been set or thereafter, provided that other rules covering consideration of classes of business do not become operative so as to defer consideration of the special order further. [1951; revised 1981]

2. Privileged matters as described in Rule 13, Section 2(b), take precedence over special orders. [1941]

3. A house bill may be set as a special order on a senate bill day, but it cannot be considered on that day as long as there are any senate bills remaining on the daily calendar. [1915; revised 1989]

HOUSE PRECEDENTS

1. *When Special Order Motion in Order.* — In the 50th Legislature, the Speaker, Mr. Reed, ruled that a motion to set a special order is in order any time other business is not pending. 50 Tex. Legis. Man. 271 (1947). [At that time, when one special order was disposed of, a member would move immediately to set another, and this ruling formally recognized and approved this practice.]

2. *Suspension of Rules to Consider Other Matter Ahead of a Special Order.* — In the 52d Legislature, the Speaker, Mr. Senterfitt, accepted, when the time set for a special order arrived, a motion to suspend the Rules to consider another bill instead of the bill previously set as a special order for that time. 52 Tex. Legis. Man. 283 (1951).

3. *Taking Up a Special Order After the Time for Consideration of It Has Arrived.* — The house had been considering H.B. 49 for some time after the hour set for the consideration of H.B. 662 as a special order.

Mr. McDonald raised the point of order that even though the time set for the consideration of H.B. 662 as a special order had passed, it was still the special order and therefore had right of way at that time.

Sustained by the Speaker, Mr. Calvert. 45 H. Jour. 1587 (1937).

4. *Setting a Bill as Special Order When the Bill Is Being Considered Under a Call of the House.* — In the 51st Legislature, the Speaker, Mr. Manford, held that when a bill was being considered under a call of the house, a motion to set the bill as a special order for another time is in order. 51 Tex. Legis. Man. 212 (1949).

Sec. 3. Postponement of a Special Order. A special order may be postponed to a day certain by a two-thirds vote of those present, and when so postponed, shall be considered as disposed of so far as its place as a special order is concerned.

Sec. 4. Tabled Measures as Special Orders. A bill or resolution laid on the table subject to call may be made a special order.

Sec. 5. Substitution in Motion for a Special Order. When a motion is pending to set a particular bill or resolution as a special order, it shall not be in order to move as a substitute to set another bill or resolution as a special order. It shall be in order, however, to substitute, by majority vote, a different time for the special order consideration than that given in the original motion.

Sec. 6. Member's Suspension and Special Order Privileges. If a member moves to set a bill or joint resolution as a special order, or moves to suspend the rules to take up a bill or joint resolution out of its regular order, and the motion prevails, the member shall not have the right to make either of these motions again until every other member has had an opportunity, via either of these motions, to have some bill or joint resolution considered out of its regular order during that session of the legislature. A member shall not lose the suspension privilege if the motion to suspend or set for special order does not prevail.

EXPLANATORY NOTES

1. When a bill is under consideration, it may be set as a special order as elsewhere provided in these rules. Such special order setting is not chargeable to the member making the motion, as might be interpreted from this section. [1959]

2. Since the above rule can be suspended by a two-thirds vote, that portion limiting a member to one suspension of the rules to take up a bill out of regular order is meaningless. However, the speaker tries to spread recognitions to make such motions throughout the membership. [1959]

HOUSE PRECEDENT

Suspension of Rules to Consider Resolution Out of Regular Order Is Not Chargeable to the Member. — In the 53d Legislature, the Speaker, Mr. Senterfitt, held that a successful suspension of the rules to consider a resolution out of regular order did not come under the terms of the above section, i.e., was not chargeable to the member. 53 Tex. Legis. Man. 297 (1953).

Sec. 7. System of Calendars. (a) Legislative business of the house shall be controlled by a system of calendars, consisting of the following:

(1) EMERGENCY CALENDAR, on which shall appear bills considered to be of such pressing and imperative import as to demand immediate action, bills to raise revenue and levy taxes, and the general

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appropriations bill. A bill submitted as an emergency matter by the governor may also be placed on this calendar.

(2) **MAJOR STATE CALENDAR**, on which shall appear bills of statewide effect, not emergency in nature, which establish or change state policy in a major field of governmental activity and which will have a major impact in application throughout the state without regard to class, area, or other limiting factors.

(3) **CONSTITUTIONAL AMENDMENTS CALENDAR**, on which shall appear joint resolutions proposing amendments to the Texas Constitution, joint resolutions proposing the ratification of amendments to the Constitution of the United States, and joint resolutions applying to Congress for a convention to amend the Constitution of the United States.

(4) **GENERAL STATE CALENDAR**, on which shall appear bills of statewide effect, not emergency in nature, which establish or change state law and which have application to all areas but are limited in legal effect by classification or other factors which minimize the impact to something less than major state policy, and bills, not emergency in nature, which are not on the local, consent, and resolutions calendar.

(5) **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**, on which shall appear bills, house resolutions, and concurrent resolutions, not emergency in nature, regardless of extent and scope, on which there is such general agreement as to render improbable any opposition to the consideration and passage thereof, and which have been recommended by the appropriate standing committee for placement on the local, consent, and resolutions calendar by the Committee on Local and Consent Calendars.

(6) **RESOLUTIONS CALENDAR**, on which shall appear house resolutions and concurrent resolutions, not emergency in nature and not privileged.

(7) **CONGRATULATORY AND MEMORIAL RESOLUTIONS CALENDAR**, on which shall appear congratulatory and memorial resolutions whose sole intent is to congratulate, memorialize, or otherwise express concern or commendation. The Committee on Resolutions Calendars may provide separate categories for congratulatory and memorial resolutions.

(b) A calendars committee shall strictly construe and the speaker shall strictly enforce this system of calendars.

Sec. 8. Senate Bill Calendars. (a) Senate bills and resolutions pending in the house shall follow the same procedure with regard to calendars as house bills and resolutions, but separate calendars shall be maintained for senate bills and resolutions, and consideration of them on senate bill days shall have priority in the manner and order specified in this rule.

(b) No other business shall be considered on days devoted to the consideration of senate bills when there remain any bills on any of the senate calendars, except with the consent of the senate. When all senate calendars

are clear, the house may proceed to consideration of house calendars on senate bill days.

Sec. 9. Senate Bill Days. (a) On calendar Wednesday and on calendar Thursday of each week, only senate bills and senate resolutions shall be taken up and considered, until disposed of. Senate bills and senate resolutions shall be considered in the order prescribed in Section 7 of this rule on separate senate calendars prepared by the Committee on Calendars. In case a senate bill or senate resolution is pending at adjournment on calendar Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business.

(b) Precedence given in Rule 8 to certain classes of bills during the first 60 calendar days of a regular session shall also apply to senate bills on senate bill days.

EXPLANATORY NOTES

1. This section does not preclude the consideration of conference committee reports on house bills on senate bill days. [1959]

2. A house biennial appropriations bill does not have priority on senate bill days, unless permission for consideration has been given by the senate. [1964]

Sec. 10. Consideration of Senate Bill on Same Subject. When any house bill is reached on the calendar or is before the house for consideration, it shall be the duty of the speaker to give the place on the calendar of the house bill to any senate bill containing the same subject that has been referred to and reported from a committee of the house and to lay the senate bill before the house, to be considered in lieu of the house bill.

EXPLANATORY NOTE

Such senate bill must be at the same parliamentary stage as the house bill, i.e., 2d reading or 3d reading. [1987]

Sec. 11. Periods for Consideration of Congratulatory and Memorial Calendars. As the volume of legislation shall warrant, the chair of the Committee on Resolutions Calendars shall move to designate periods for the consideration of congratulatory and memorial calendars. Each such motion shall require a two-thirds vote for its adoption. In each instance, the Committee on Resolutions Calendars shall prepare and post on the electronic legislative information system a calendar at least 24 hours in advance of the hour set for consideration. No memorial or congratulatory resolution will be heard by the full house without having first been approved, at least 24 hours in advance, by a majority of the membership of the Committee on Resolutions Calendars, in accordance with Rule 4, Section 16. It shall not be necessary for the Committee on Resolutions Calendars to report a memorial or congratulatory resolution from committee in order to place the resolution on a congratulatory and memorial calendar. If the Committee on Resolutions Calendars determines that a resolution is not eligible for

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placement on the congratulatory and memorial calendar the measure shall be sent to the Committee on Calendars for further action. A congratulatory and memorial calendar will contain the resolution number, the author's name, and a brief description of the intent of the resolution. On the congratulatory and memorial calendar, congratulatory resolutions may be listed separately from memorial resolutions. Once a calendar is posted, no additional resolutions will be added to it, and the requirements of this section shall not be subject to suspension.

Sec. 12. Procedure for Consideration of Congratulatory and Memorial Calendars. During the consideration of a congratulatory and memorial calendar, resolutions shall not be read in full unless they pertain to members or former members of the legislature, or unless the intended recipient of the resolution is present on the house floor or in the gallery. All other such resolutions shall be read only by number, type of resolution, and name of the person or persons designated in the resolutions. Members shall notify the chair, in advance of consideration of the calendar, of any resolutions that will be required to be read in full. In addition, the following procedures shall be observed:

(1) The chair shall recognize the reading clerk to read the resolutions within each category on the calendar only by number, type of resolution, author or sponsor, and name of the person or persons designated in the resolutions, except for those resolutions that have been withdrawn or that are required to be read in full. The resolutions read by the clerk shall then be adopted in one motion for each category.

(2) Subsequent to the adoption of the resolutions read by the clerk, the chair shall proceed to lay before the house the resolutions on the calendar that are required to be read in full. Each such resolution shall be read and adopted individually.

(3) If it develops that any resolution on the congratulatory and memorial calendar does not belong on that calendar, the chair shall withdraw the resolution from further consideration, remove it from the calendar, and refer it to the appropriate calendars committee for placement on the proper calendar.

Sec. 13. Periods for Consideration of Local, Consent, and Resolutions Calendars. (a) As the volume of legislation shall warrant, the chair of the Committee on Local and Consent Calendars shall move to designate periods for the consideration of local, consent, and resolutions calendars. Each such motion shall require a two-thirds vote for its adoption. In each instance, the Committee on Local and Consent Calendars shall prepare and post on the electronic legislative information system a calendar at least 48 hours in advance of the hour set for consideration. Once a calendar is posted, no additional bills or resolutions will be added to it. This

requirement can be suspended only by unanimous consent. No local, consent, and resolutions calendar may be considered by the house if it is determined that the rules of the house were not complied with by the Committee on Local and Consent Calendars in preparing that calendar.

(b) The period designated for the consideration of a local, consent, and resolutions calendar under this section or under a special order under Section 2 of this rule may not exceed one calendar day.

Sec. 14. Procedure for Consideration of Local, Consent, and Resolutions Calendars. During the consideration of a local, consent, and resolutions calendar set by the Committee on Local and Consent Calendars the following procedures shall be observed:

(1) The chair shall allow the sponsor of each bill or resolution three minutes to explain the measure, and the time shall not be extended except by unanimous consent of the house. This rule shall have precedence over all other rules limiting time for debate.

(2) If it develops that any bill or resolution on a local, consent, and resolutions calendar is to be contested on the floor of the house under Subdivision (3) or (4) of this section, the chair shall withdraw the bill or resolution from further consideration and remove it from the calendar.

(3) Any bill or resolution on a local, consent, and resolutions calendar shall be considered contested if notice is given by five or more members present in the house under Rule 5, Section 45, that they intend to oppose the bill or resolution, either by a raising of hands or the delivery of written notice to the chair.

(4) Any bill or resolution on a local, consent, and resolutions calendar shall be considered contested if debate exceeds 10 minutes, after the chair lays out the bill or resolution following the sponsor's explanation under Subdivision (1) of this section. The chair shall strictly enforce this time limit and automatically withdraw the bill from further consideration if the time limit herein imposed is exceeded.

(5) Any bill or resolution on a local, consent, and resolutions calendar that is not reached for floor consideration because of the expiration of the calendar day period for consideration established by Section 13 of this rule shall carry over onto the next local, consent, and resolutions calendar. Bills or resolutions that carry over must appear in the same relative order as on the calendar on which the bills or resolutions initially appeared, and bills or resolutions originally from older calendars must appear before those originally from more recent calendars.

(6) A motion to postpone a bill or resolution on a local, consent, and resolutions calendar to a subsequent legislative or calendar day requires an affirmative vote of two-thirds of the members present.

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CROSS-REFERENCES

Rule 7, § 14(b)—Motion to postpone measure on local, consent, and resolutions calendar.

Rule 11, § 4—Amendments to bills and resolutions on local, consent, and resolutions calendar.

Sec. 15. Order of Consideration of Calendars. Except for local, consent, and resolutions calendars and congratulatory and memorial calendars, consideration of calendars shall be in the order named in Section 7 of this rule, subject to any exceptions ordered by the Committee on Calendars. Bills and resolutions on third reading shall have precedence over bills and resolutions on second reading.

CROSS-REFERENCE

Rule 6, § 7—System of calendars.

Sec. 16. Daily Calendars, Supplemental Calendars, and Lists of Items Eligible for Consideration. (a) Calendars shall be prepared daily when the house is in session. A calendar must be posted on the electronic legislative information system at least 36 hours if convened in regular session and 24 hours if convened in special session before the calendar may be considered by the house, except as otherwise provided by these rules for the calendar on which the general appropriations bill is first eligible for consideration on second reading when convened in regular session. A calendar that contains a bill extending an agency, commission, or advisory committee under the Texas Sunset Act must be posted at least 48 hours if convened in regular or special session before the calendar may be considered by the house. Deviations from the calendars as posted shall not be permitted except that the Committee on Calendars shall be authorized to prepare and post, not later than two hours before the house convenes, a supplemental daily house calendar, on which shall appear:

- (1) bills or resolutions which were passed to third reading on the previous legislative day, except as provided by Section 24(b) of this rule;
- (2) bills or resolutions which appeared on the Daily House Calendar for a previous calendar day which were not reached for floor consideration;
- (3) postponed business from a previous calendar day; and
- (4) notice to take from the table a bill or resolution which was laid on the table subject to call on a previous legislative day.

In addition to the items listed above, the bills and resolutions from a daily house calendar that will be eligible for consideration may be incorporated, in their proper order as determined by these rules, into the supplemental daily house calendar.

(a-1) If the house is convened in regular session, the calendar on which the general appropriations bill is first eligible for consideration on second

reading must be posted on the electronic legislative information system at least 144 hours before the calendar may be considered by the house. The posted calendar must indicate the date and time at which the calendar is scheduled for consideration by the house, which date and time must be in accordance with Rule 8, Section 14.

(b) In addition, when the volume of legislation shall warrant, and upon request of the speaker, the chief clerk shall have prepared a list of Items Eligible for Consideration, on which shall appear only:

(1) house bills with senate amendments that are eligible for consideration under Rule 13, Section 5, including the number of senate amendments and the total number of pages of senate amendments;

(2) senate bills for which the senate has requested appointment of a conference committee; and

(3) conference committee reports that are eligible for consideration under Rule 13, Section 10.

(c) The list of Items Eligible for Consideration must be posted on the electronic legislative information system at least six hours before the list may be considered by the house.

(d) The time at which a calendar or list is posted on the electronic legislative information system shall be time-stamped on the originals of the calendar or list.

(e) No house calendar shall be eligible for consideration if it is determined that the rules of the house were not complied with by the Committee on Calendars in preparing that calendar.

(f) If the Committee on Calendars has proposed a rule for floor consideration of a bill or resolution that is eligible to be placed on a calendar of the daily house calendar, the rule must be printed and a copy distributed to each member. If the bill or resolution to which the rule will apply has already been placed on a calendar of the daily house calendar, a copy of the rule must also be posted with the calendar on which the bill or resolution appears. The speaker shall lay a proposed rule before the house prior to the consideration of the bill or resolution to which the rule will apply. The rule shall be laid before the house not earlier than six hours after a copy of the rule has been distributed to each member in accordance with this subsection. The rule shall not be subject to amendment, but to be effective, the rule must be approved by the house by an affirmative vote of two-thirds of those members present and voting, except that the rule must be approved by an affirmative vote of a majority of those members present and voting if the rule applies to a tax bill, an appropriations bill, or a redistricting bill. If approved by the house in accordance with this subsection, the rule will be effective for the consideration of the bill or resolution on both second and third readings.

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CROSS-REFERENCES

Rule 6, § 24(b)—Third reading bills removed from local, consent, and resolutions calendar.

Rule 8, § 14—Copies of measure required before consideration of the floor.

Rule 13, § 5—Distribution of senate amendments before consideration.

Rule 13, § 10—Distribution of conference committee reports before consideration.

HOUSE PRECEDENTS

1. *Example of Remainder of Calendar Being Ineligible for Consideration Based on Violation of Rules in Setting Calendar.* — On Monday, May 26, 1997, the day before the last day for the house to consider senate bills and joint resolutions on second reading, the house was considering S.B. 1500 when Ms. Wohlgemuth raised the point of order under then-Rule 4, Section 11(b), and Rule 6, Section 16(e), of the House Rules on the grounds that the location of the formal meeting of the Calendars Committee in which the bill was placed on the calendar was not announced. A review of the records of the house indicated that the chair of the Calendars Committee had announced the time of the meeting, but had failed to announce the location of the meeting.

Sustained by the Speaker, Mr. Laney, holding that the committee had set the calendar at a meeting for which proper notice had not been given and because the entire calendar was set by a single vote on a single motion at the improper meeting, under the express provisions of the rules, further consideration of the remainder of the bills on that calendar was not in order. 75 H. Jour. 3809–3810 (1997).

2. *Amendment Violating Calendar Rule Will Be Ruled Out; Examples on Appropriations Bill.* — Where the house adopted a calendar rule for the appropriations bill requiring that all increases in spending be equally offset by decreases in spending, an amendment that would have increased spending by \$554 million but would have decreased spending only by \$100.5 million was out of order. 86 H. Jour. 1044–1045 (2019). Where the house adopted a calendar rule for the appropriations bill requiring that all increases in spending be equally offset by decreases in spending, an amendment can offset increases only from an item's available appropriations remaining after adoption of all prior amendments to that item and not from the amount reported by the committee. 87 H. Jour. 3d C.S. 175 (2021).

Sec. 17. Position on a Calendar. (a) Unless removed from the calendar under Subsection (b) of this section, once a bill or resolution is placed on its appropriate calendar under these rules, and has appeared on a house calendar, as posted on the electronic legislative information system, the bill shall retain its relative position on the calendar until reached for floor consideration, and the calendars committee with jurisdiction over the bill or resolution shall have no authority to place other bills on the calendar ahead of that bill, but all additions to the calendar shall appear subsequent to the bill.

(b) If a bill or resolution that has been placed on a house calendar, as posted on the electronic legislative information system, is recommitted or

withdrawn from further consideration, the bill or resolution relinquishes its position on the calendar, and the bill or resolution shall be removed from the calendar.

Sec. 18. Requirements for Placement on a Calendar. Except as provided in Section 11 of this rule as it relates to congratulatory and memorial resolutions, no bill or resolution shall be placed on a calendar until:

(1) it has been referred to and reported from its appropriate standing committee by favorable committee action; or

(2) it is ordered printed on minority report or after a committee has reported its inability to recommend a course of action.

CROSS-REFERENCES

Tex. Const. Art. III, § 37—Constitutional requirement for committee report.

Rule 6, § 11—Congratulatory & Memorial Resolutions Calendar.

Sec. 19. Referral to Calendars Committees. All bills and resolutions, on being reported from committee, shall be referred immediately to the committee coordinator for printing and then to the appropriate calendars committee for placement on the appropriate calendar.

CROSS-REFERENCE

Rule 8, § 14—Vote required to order bill not printed.

Sec. 20. Time Limit for Vote to Place on a Calendar. Within 30 calendar days after a bill or resolution has been referred to the appropriate calendars committee, the committee must vote on whether to place the bill or resolution on one of the calendars of the daily house calendar or the local, consent, and resolutions calendar, as applicable. A vote against placement of the bill or resolution on a calendar does not preclude a calendars committee from later voting in favor of placement of the bill or resolution on a calendar.

Sec. 21. Motion to Place on a Calendar. (a) When a bill or resolution has been in the appropriate calendars committee for 30 calendar days, exclusive of the calendar day on which it was referred, awaiting placement on one of the calendars of the daily house calendar or on the local, consent, and resolutions calendar, it shall be in order for a member to move that the bill or resolution be placed on a specific calendar of the daily house calendar or on the local, consent, and resolutions calendar without action by the committee. This motion must be seconded by five members and shall require a majority vote for adoption.

(b) A motion to place a bill or resolution on a specific calendar of the daily house calendar or on the local, consent, and resolutions calendar is not a privileged motion and must be made during the routine motion period unless made under a suspension of the rules.

Sec. 22. Request for Placement on Local, Consent, and Resolutions Calendar. No bill or resolution shall be considered for placement on the local, consent, and resolutions calendar by the Committee on Local and Consent Calendars unless a request for that placement has been made to the chair of the standing committee from which the bill or resolution was reported and unless the committee report of the standing committee recommends that the bill or resolution be sent to the Committee on Local and Consent Calendars for placement on the local, consent, and resolutions calendar. The recommendation of the standing committee shall be advisory only, and the Committee on Local and Consent Calendars shall have final authority to determine whether or not a bill or resolution shall be placed on the local, consent, and resolutions calendar. If the Committee on Local and Consent Calendars determines that the bill or resolution is not eligible for placement on the local, consent, and resolutions calendar, the measure shall be sent to the Committee on Calendars for further action.

Sec. 23. Qualifications for Placement on the Local, Consent, and Resolutions Calendar. (a) No bill defined as a local bill by Rule 8, Section 10(c), shall be placed on the local, consent, and resolutions calendar unless:

(1) evidence of publication of notice in compliance with the Texas Constitution and these rules is filed with the Committee on Local and Consent Calendars; and

(2) it has been recommended unanimously by the present and voting members of the committee from which it was reported that the bill be sent to the Committee on Local and Consent Calendars for placement on the local, consent, and resolutions calendar.

(b) No other bill or resolution shall be placed on the local, consent, and resolutions calendar unless it has been recommended unanimously by the present and voting members of the committee from which it was reported that the bill be sent to the Committee on Local and Consent Calendars for placement on the local, consent, and resolutions calendar.

(c) No bill or resolution shall be placed on the local, consent, and resolutions calendar that:

(1) directly or indirectly prevents from being available for purposes of funding state government generally any money that under existing law would otherwise be available for that purpose, including a bill that transfers or diverts money in the state treasury from the general revenue fund to another fund; or

(2) authorizes or requires the expenditure or diversion of state funds for any purpose, as determined by a fiscal note attached to the bill.

Sec. 24. Replacement of Contested Bills and Resolutions. (a) A bill on second reading or a resolution once removed from the local, consent, and resolutions calendar by being contested on the floor of the house under

Section 14(3) or (4) of this rule shall be returned to the Committee on Local and Consent Calendars for further action. The Committee on Local and Consent Calendars, if it feels such action is warranted, may again place the bill or resolution on the local, consent, and resolutions calendar; provided, however, that if the bill or resolution is not placed on the next local, consent, and resolutions calendar set by the Committee on Local and Consent Calendars, the bill or resolution shall immediately be referred to the Committee on Calendars for further action. If a bill on second reading or a resolution is then removed from the calendar a second time by being contested on the floor of the house under Section 14(3) or (4) of this rule, the bill or resolution shall not again be placed on the local, consent, and resolutions calendar by the Committee on Local and Consent Calendars during that session of the legislature but shall be returned to the Committee on Calendars for further action.

(b) A bill on third reading removed from the local, consent, and resolutions calendar under Section 14(3) or (4) of this rule shall appear on the supplemental daily house calendar for the next legislative day for which a supplemental daily house calendar has not already been distributed, pursuant to Section 16(a)(1) of this rule.

(c) This section does not apply to a bill or resolution on the local, consent, and resolutions calendar that is withdrawn from the calendar at the request of the author or sponsor without being contested under Section 14(3) or (4) of this rule. A bill or resolution withdrawn under this subsection shall be returned to the Committee on Local and Consent Calendars for further action. The Committee on Local and Consent Calendars, if it feels such action is warranted, may again place the bill or resolution on the local, consent, and resolutions calendar or refer the bill or resolution to the Committee on Calendars for further action.

CROSS-REFERENCE

Rule 6, § 16(a)(1)—Third reading bills on supplemental calendar.

EXPLANATORY NOTES

1. The portion of this section referring to a bill removed from a local or consent calendar is not enforced strictly, because frequently a bill is not fully understood. Sometimes a simple amendment may cure all objections. In either case, a good bill may be saved by allowing it to be placed on a local or consent calendar again. The Committee on Local and Consent Calendars can easily control its calendar so that truly controversial bills do not appear twice. [1949]

2. Occasionally, opposition to a bill develops after it has passed to engrossment and before final passage. It has become the custom for a presiding officer to withdraw such a bill from further consideration at such time if five or more members object to the bill. [1951]

3. Occasionally, a local and consent calendar is set for a time to which the house later adjourns. When convening time arises, it is currently the

Rule 6, Order of Business and Calendars Sec. 25

practice to have the usual registration of members, prayer by the chaplain, and excuses for absences of members. Then, the local and consent calendar is taken up. When it is completed, the remaining items in the daily order of business are covered in order. [1959]

HOUSE PRECEDENT

Privileged Matters Have Priority Over Local and Consent Calendars.
— In the 56th Legislature, the Speaker, Mr. Carr, ruled that a pending privileged matter (concurring in senate amendments) had precedence for consideration over a local and consent calendar which had been set for that particular time. 56 Tex. Legis. Man. 301 (1959).

Sec. 25. Discretion in Placement on Calendars. Subject to the limitations contained in this rule, the Committee on Calendars shall have full authority to make placements on calendars in whatever order is necessary and desirable under the circumstances then existing, except that bills on third reading shall have precedence over bills on second reading. It is the intent of the calendar system to give the Committee on Calendars wide discretion to insure adequate consideration by the house of important legislation.

Rule 7. Motions

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Rule 7

Motions

Chapter A. General Motions

Sec. 1. Motions Decided Without Debate. The following motions, in addition to any elsewhere provided herein, shall be decided without debate, except as otherwise provided in these rules:

- (1) to adjourn;
- (2) to lay on the table;
- (3) to lay on the table subject to call;
- (4) to suspend the rule as to the time for introduction of bills;
- (5) to order a call of the house, and all motions incidental thereto;
- (6) an appeal by a member called to order;
- (7) on questions relating to priority of business;
- (8) to amend the caption of a bill or resolution;
- (9) to extend the time of a member speaking under the previous question or to allow a member who has the right to speak after the previous question is ordered to yield the time, or a part of it, to another;
- (10) to reconsider and table.

Sec. 2. Motions Subject to Debate. The speaker shall permit the mover and one opponent of the motion three minutes each during which to debate the following motions without debating the merits of the bill, resolution, or other matter; and the mover of the motion may elect to either open the debate or close the debate, but the mover's time may not be divided:

- (1) to suspend the regular order of business and take up some measure out of its regular order;
- (2) to instruct a committee to report a certain bill or resolution;
- (3) to rerefer a bill or resolution from one committee to another;
- (4) to place a bill or resolution on a specific calendar without action by the appropriate calendars committee;
- (5) to take up a bill or resolution laid on the table subject to call;
- (6) to set a special order;
- (7) to suspend the rules;
- (8) to suspend the constitutional rule requiring bills to be read on three several days;
- (9) to pass a resolution suspending the joint rules;
- (10) to order the previous question;
- (11) to order the limiting of amendments to a bill or resolution;
- (12) to print documents, reports, or other material in the journal;

Rule 7, Motions Sec. 3

(13) to take any other action required or permitted during the routine motion period by Rule 6, Section 1;

(14) to divide the question.

CROSS-REFERENCES

Rule 5, § 28—Extension of time at session end.

Rule 6, § 1(a)(8)—Three-minute debate rule as applied to routine motions.

EXPLANATORY NOTE

Recent practice has allowed a first extension of time (three minutes) of a member speaking under the three-minute debate rule by majority vote and any further extension by unanimous consent. Such practice has been dictated for general debate by Rule 5, Section 28. This is not the case, however, at the routine motion period. [1959]

HOUSE PRECEDENT

Debate on Reconsidered Matters. — In the 52d Legislature, the Speaker, Mr. Senterfitt, held that if the vote on a motion to which the three-minute debate rule is applicable had been reconsidered, the question was before the house anew, and the three-minute debate rule was again operative. 52 Tex. Legis. Man. 201 (1951).

Sec. 3. Motions Allowed During Debate. When a question is under debate, the following motions, and none other, shall be in order, and such motions shall have precedence in the following order:

- (1) to adjourn;
- (2) to take recess;
- (3) to lay on the table;
- (4) to lay on the table subject to call;
- (5) for the previous question;
- (6) to postpone to a day certain;
- (7) to commit, recommit, refer, or rerefer;
- (8) to amend by striking out the enacting or resolving clause, which, if carried, shall have the effect of defeating the bill or resolution;
- (9) to amend;
- (10) to postpone indefinitely.

CROSS-REFERENCE

Rule 11, § 7—General classification and precedence of amendments.

EXPLANATORY NOTES

1. This rule gives the order of precedence of motions “when a question is under debate,” which means, of course, that an original or main motion is pending, e.g., the passage of a resolution. Illustrating the significance of the above order of listing, if a motion “to amend” is made and pending, the

motion “to commit” can be made and, if no other motion is made, would be voted upon first because it has “precedence” according to the listing. However, the motion “to lay on the table,” for example, could have been made to the motion to commit, and the vote would have come first on that motion, it having higher precedence in the listing. To carry the pattern one step farther, while the motion to table the motion to commit is pending, motions “to recess” or “to adjourn” can be made and voted upon first because they are of still higher precedence. [1953]

2. For many years it has been the custom for the house to “stand at ease,” i.e., remain technically in session without continuing to transact business. This state of inactivity is initiated and terminated by the chair without a motion from the floor. There are many times when the house must stand at ease for one reason or another. Such is also the case in joint sessions. [1961; revised 1981]

HOUSE PRECEDENTS

1. *Precedence of Motions.* — In the 52d Legislature, the Speaker, Mr. Senterfitt, ruled that it is in order to have some two or more of the above listed motions made and pending at the same time, but that they must be voted upon in the order of their precedence as established above, or as prescribed in other rules specifically covering the several motions. For example, a motion that a proposition be laid on the table subject to call could be pending and a motion made to postpone to a day certain, but the vote must be taken first upon the former motion, which is of higher rank in the order of precedence. There are obviously many other similar combinations of two or more motions possible under the Rules. 52 Tex. Legis. Man. 192–193 (1951).

2. *Not in Order to Postpone Indefinitely a Matter Not Before the House Unless Under a Motion to Suspend the Rules.* — The house was considering a resolution. Mr. Thornton raised the point of order that one of the resolving clauses sought, without a direct suspension of the rules, to postpone indefinitely consideration of a bill that was not before the house and was therefore out of order.

Sustained by the Speaker, Mr. Calvert, and ruling out of order the resolving clause in question, which left, however, other substantive propositions. 45 H. Jour. 210 (1937).

Sec. 4. Statement or Reading of a Motion. When a motion has been made, the speaker shall state it, or if it is in writing, order it read by the clerk; and it shall then be in possession of the house.

Sec. 5. Entry of Motions in Journal. Every motion made to the house and entertained by the speaker shall be reduced to writing on the demand of any member, and shall be entered on the journal with the name of the member making it.

Sec. 6. Withdrawal of a Motion. A motion may be withdrawn by the mover at any time before a decision on the motion, even though an amendment may have been offered and is pending. It cannot be withdrawn, however, if the motion has been amended. After the previous question has been ordered, a motion can be withdrawn only by unanimous consent.

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CONGRESSIONAL PRECEDENTS

Withdrawal of Motions. — A motion may be withdrawn although an amendment may have been offered and be pending. 5 Hinds § 5347. A “decision” that prevents withdrawal of a motion may consist of: (1) the ordering of the previous question, 5 Hinds § 5355; 141 Cong. Rec. 17967 (1995); or (2) the refusal to lay certain motions on the table. 5 Hinds §§ 5351, 5352; 8 Cannon § 2640. A member having a right to withdraw a motion before a decision thereon has the resulting power to modify it. 5 Hinds § 5358; 136 Cong. Rec. 32667 (1990). A motion being withdrawn, all proceedings on an appeal arising from a point of order related to it fell thereby. 5 Hinds § 5356.

Sec. 7. Motions to Adjourn or Recess. A motion to adjourn or recess shall always be in order, except:

- (1) when the house is voting on another motion;
- (2) when the previous question has been ordered and before the final vote on the main question, unless a roll call shows the absence of a quorum;
- (3) when a member entitled to the floor has not yielded for that purpose; or
- (4) when no business has been transacted since a motion to adjourn or recess has been defeated.

CROSS-REFERENCES

Tex. Const. Art. III, § 17—Adjournment for more than three days without Senate’s permission.

Rule 1, § 2, and notes thereunder—Call to order by the speaker.

Rule 1, § 11—Emergency adjournment.

Rule 5, § 26—Removal of member from floor does not result from a motion to adjourn.

Rule 5, § 30—Effect on speaking limit.

Rule 5, § 55—Verification of vote on motion.

Rule 7, § 1—Decided without debate.

Rule 7, § 8—Consideration of more than one motion.

Rule 7, § 9—Withdrawal of motion.

Rule 7, § 10—Reconsideration of motion to adjourn or recess.

Rule 7, § 11—Adjournment with less than a quorum.

Rule 7, §§ 33, 35–36—Previous question, in relation to.

EXPLANATORY NOTES

1. Section 7(4) of this rule obviously could not apply to the situation under a call of the house, where no quorum is present and where there are no other eligible motions except to adjourn. In actual practice one or two attempts to adjourn are usually enough to indicate clearly the attitude of the house. [1951]

2. The vote by which a motion to adjourn is carried or lost is not subject to reconsideration. [1959] *See* § 10 of this rule.

3. A parliamentary inquiry is not considered “business” under the above section. [1959]

HOUSE PRECEDENTS

1. *Motions to Adjourn or Recess Not in Order During Registration or Verification.* — In the 55th Legislature, the Speaker, Mr. Carr, ruled that motions to adjourn or recess are not in order while a registration for any purpose or a vote verification is under way. 55 Tex. Legis. Man. 233 (1957).

2. *An Interpretation of Item (4) Above.* — Mr. Isaacks moved to adjourn. On a record vote, the house refused to adjourn, but the absence of a quorum was evident.

Mr. Isaacks then renewed his motion to adjourn, whereupon Mr. Abington raised the point of order that no business had been transacted, as required by the rule, since a motion to adjourn had been defeated.

Overruled by the Speaker, Mr. Senterfitt, holding that the revelation of the absence of a quorum had in itself moved the proceedings to a new stage. 52 H. Jour. 227 (1951).

3. *Held That Speaking Is "Business."* — Mr. Jenkins resumed the floor, addressing the house on the amendments pending to H.B. 20. During the address by Mr. Jenkins, he yielded the floor. Mr. Peeler moved that the house take a recess to 8 p.m. that day, whereupon Mr. Mears raised a point of order on the motion to take a recess, on the ground that it should not be entertained for the reason that no business had been transacted since a similar motion had been rejected by the house.

Overruled by the Speaker, Mr. Love. 30 H. Jour. 1163 (1907).

4. *The House May Adjourn From Saturday to Monday Without a Quorum.* — The house met at 10 a.m. on Saturday, July 6, pursuant to adjournment, and was called to order by Mr. Sanders. The roll was called, and it was established that 27 members were present. The chair announced that there was not a quorum present.

Mr. Tillotson moved that the house adjourn until 10 a.m. next Monday. The motion of Mr. Tillotson prevailed, and the house, accordingly, at 10:04 a.m., adjourned until 10 a.m. Monday. 41 H. Jour. 3d C.S. 5 (1929). [This was in accord with the long established practice of the house.]

5. *Chair Is Required to Announce Vote and Declare Result When Vote Becomes Known Officially, and Finally, Regardless of Effect. Principle Applied to Motion to Adjourn.* — On April 1, Mr. McIlhany moved that the house adjourn until 12:10 p.m. that day. The yeas and nays were demanded. When the speaker announced that the motion had carried by a vote of 67 to 65, a verification was requested and granted. The verification showed 66 to 65 for adjournment, and the speaker so informed the house; but, before he could declare the house adjourned, Mr. McDaniel raised the point of order that the time to which the house would have adjourned under the motion had passed and that the action was, therefore, null and void.

Overruled by the Speaker, Mr. Senterfitt, explaining that whenever the will of the house on a motion finally becomes known, the chair then has no choice but to announce the vote and declare the result accordingly. He did so and then immediately called the house to order on the new legislative day. 53 H. Jour. 1st C.S. 223 (1953).

6. *Concurrent Resolution Granting Permission to Adjourn Is Sufficient Authority to Recess.* — In the 52d Legislature, the Speaker, Mr. Senterfitt, ruled that a concurrent resolution granting each House permission to adjourn "from Wednesday to Monday" is sufficient authority to permit a recess for the same period. 52 Tex. Legis. Man. 195-196 (1951).

CONGRESSIONAL PRECEDENTS

The Motion to Adjourn. — While the motion to adjourn takes precedence over other motions, it may not be put while the house is voting on another motion or while a member has the floor in debate. 5 Hinds § 5360. A motion to adjourn may not interrupt the call of the yeas and nays. 5 Hinds § 6053. There must be intervening business before a motion to adjourn may be repeated, 5 Hinds § 5373, and such “business” may be debate, 5 Hinds § 5374, a decision of the chair on a question of order, 5 Hinds § 5378, or reception of a message, 5 Hinds § 5375. It is not in order to preface a motion to adjourn with preamble or argument touching reason or purpose of the proposed adjournment. 8 Cannon § 2647. After the motion to adjourn is made, neither another motion nor an appeal may intervene before the taking of the vote. 5 Hinds § 5361. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members. 4 Hinds § 2980. A motion to reconsider a vote whereby the house has refused to adjourn is not in order. 5 Hinds §§ 5620–5622.

Adjourning for More Than Three Days. — A concurrent resolution providing for an adjournment of the two houses for more than three days is privileged. 5 Hinds § 6701. The constitutional adjournment of “more than three days” must take into account either the day of adjourning or the day of meeting. 5 Hinds §§ 6673, 6674. Sunday is not taken into account in making the constitutional adjournment of three days. 5 Hinds § 6673; see Wickham ch. 1, § 9. The house may adjourn from Thursday to Monday without any question as to Sunday being included. 5 Hinds § 6674.

ATTORNEY GENERAL OPINION

“Blanket Consent” to Adjourn Unconstitutional. — Article III, Section 17, Texas Constitution, prohibits adjournment of either House for more than three days without the consent of the other. In calculating “three days,” either the day of adjournment or the day of reconvening must be counted. If a Sunday is within the period of adjournment, it should not be counted. Therefore, either House may adjourn from Thursday to Monday without the consent of the other, since the period is not for more than three days, excluding Sunday.

A “blanket” consent of both Houses for adjournment of more than three days at any time during the session would violate the constitutional rule since it contemplates separate and specific consent of the other House each time one House desires to adjourn for more than three days. Atty. Gen. Op. No. V-207 (1947).

Sec. 8. Consideration of Several Motions to Adjourn or Recess.

When several motions to recess or adjourn are made at the same period, the motion to adjourn carrying the shortest time shall be put first, then the next shortest time, and in that order until a motion to adjourn has been adopted or until all have been voted on and lost; and then the same procedure shall be followed for motions to recess.

Sec. 9. Withdrawal or Addition of a Motion to Adjourn or Recess.

A motion to adjourn or recess may not be withdrawn when it is one of a series upon which voting has commenced, nor may an additional motion to adjourn or recess be made when voting has commenced on a series of such motions.

Sec. 10. Reconsideration of Vote to Adjourn or Recess. The vote by which a motion to adjourn or recess is carried or lost shall not be subject to a motion to reconsider.

Sec. 11. Adjourning With Less Than a Quorum. A smaller number of members than a quorum may adjourn from day to day, and may compel the attendance of absent members.

CROSS-REFERENCES

Tex. Const. Art. III, § 10—Adjournments with less than a quorum; compelling attendance of absent members.

Rule 5, § 6—Motion in order with less than a quorum.

Rule 5, § 8—Compelling attendance under a call of the house.

Sec. 12. Motion to Table. A motion to lay on the table, if carried, shall have the effect of killing the bill, resolution, amendment, or other immediate proposition to which it was applied. Such a motion shall not be debatable, but the mover of the proposition to be tabled, or the member reporting it from committee, shall be allowed to close the debate after the motion to table is made and before it is put to a vote. When a motion to table is made to a debatable main motion, the main motion mover shall be allowed 20 minutes to close the debate, whereas the movers of other debatable motions sought to be tabled shall be allowed only 10 minutes to close. The vote by which a motion to table is carried or lost cannot be reconsidered. After the previous question has been ordered, a motion to table is not in order. The provisions of this section do not apply to motions to “lay on the table subject to call”; however, a motion to lay on the table subject to call cannot be made after the previous question has been ordered.

CROSS-REFERENCE

Rule 7, § 42—Double motion to reconsider and table.

EXPLANATORY NOTES

1. With the exception of amendments offered to a bill on third reading, the motion to table is not usually applied to motions requiring a two-thirds or four-fifths vote for adoption. [1959]

2. Due to the precedence of motions set out in Section 3 of this rule, the motion to table can be applied to the motion that a proposition be laid on the table subject to call. [1941]

HOUSE PRECEDENTS

1. *Only One Motion to Table May Be Pending at a Time.* — During the 49th Legislature, an amendment had been offered to a bill, and a motion to table that amendment was pending.

A motion to table the bill was then made and insisted upon because such a motion has high precedence, as shown in Section 3 of Rule XII [now Section 3 of this rule] and would ordinarily be received and considered even though an amendment is pending. The Speaker, Mr. Gilmer, held that the

Rule 7, Motions Sec. 13

motion to table the pending amendment must be considered first, and after that the motion to table the bill proper was accepted. 49 Tex. Legis. Man. 182–183 (1945).

2. *Motion to Table May Not Be Applied to Motions Requiring Extraordinary Vote.* — In the 50th Legislature, the Speaker, Mr. Reed, ruled that the motion to table could not be applied to motions such as: “To suspend the constitutional rule requiring bills to be read on three several days,” “To suspend the rule relating to the introduction of bills after the first sixty calendar days of a regular session,” “To suspend the rules for a stated purpose,” “To set a special order,” etc. 56 Tex. Legis. Man. 238–239 (1959). [The principle established by this ruling has also been applied to consideration of amendments on third reading.]

CONGRESSIONAL PRECEDENTS

The Motion to Lay on the Table. — The motion to lay on the table is used in the house for a final, adverse disposition of a matter without debate. 5 Hinds § 5389. It has the precedence given in the rule but may not be made after the previous question is ordered. 5 Hinds §§ 5415–5422. When a bill is laid on the table, pending motions connected therewith go to the table also. 5 Hinds §§ 5426, 5427. The motion to table may not be amended, 5 Hinds § 5754, or applied to motions for the previous question, 5 Hinds §§ 5410, 5411; 140 Cong. Rec. 27649 (1994), or to suspend the rules. 5 Hinds § 5405. The motion to lay on the table may be repeated after intervening business, 5 Hinds §§ 5398–5400, but the ordering of the previous question, 5 Hinds § 5709, a call of the house, 5 Hinds § 5401, and a decision of a question of order have been held not to be such intervening business, it being essential that the pending matter be carried to a new stage in order to permit a repetition of the motion. 5 Hinds § 5709. The motion to table is admitted under general parliamentary law. 5 Hinds § 5390; Deschler ch. 1, § 9.

Sec. 13. Matters Tabled Subject to Call. When a bill, resolution, or other matter is pending before the house, it may be laid on the table subject to call, and one legislative day’s notice, as provided on the Supplemental House Calendar, must be given before the proposition can be taken from the table, unless it is on the same legislative day, in which case it can be taken from the table at any time except when there is another matter pending before the house. A bill, resolution, or other matter can be taken from the table only by a majority vote of the house. When a special order is pending, a motion to take a proposition from the table cannot be made unless the proposition is a privileged matter.

EXPLANATORY NOTES

1. This motion is applicable to main motions only, e.g., the passage of a bill or resolution, or adoption of a report, and is not applicable to any of the motions listed in Section 3 of this rule. [1959]

2. “Pending before the house” as used above means the matter then under consideration by the house, i.e., the pending business. If the “one legislative day’s notice” as required in the above section has been given, and

for any reason the member making the motion does not get an opportunity during that legislative day for a vote to take the matter from the table, the notice must be repeated so as to give the legislative day's notice. This is necessary to keep the house on notice as to when the particular bill or resolution is to be considered. [1931; revised 1937]

3. Since the motion to lay on the table subject to call is classified as a non-debatable motion, if such a motion is made and the previous question then ordered, the mover of such motion obviously does not have the right "to close under the previous question." [1959]

Sec. 14. Motion to Postpone. (a) A motion to postpone to a day certain may be amended and is debatable within narrow limits, but the merits of the proposition sought to be postponed cannot be debated. A motion to postpone indefinitely opens to debate the entire proposition to which it applies.

(b) A motion to postpone a bill or resolution on a local, consent, and resolutions calendar to a subsequent legislative or calendar day requires an affirmative vote of two-thirds of the members present.

Sec. 15. Postponed Matters. A bill or proposition postponed to a day certain shall be laid before the house at the time on the calendar day to which it was postponed, provided it is otherwise eligible under the rules and no other business is then pending. If business is pending, the postponed matter shall be deferred until the pending business is disposed of without prejudice otherwise to its right of priority. When a privileged matter is postponed to a particular time, and that time arrives, the matter, still retaining its privileged nature, shall be taken up even though another matter is pending.

CROSS-REFERENCE

Rule 6, § 16(a)(3)—Postponed business on the supplemental calendar.

EXPLANATORY NOTES

1. A resolution is interpreted as a "proposition" under the above. [1953]
2. One privileged matter cannot be taken up while another privileged matter is pending. [1931]
3. A motion to reconsider the vote on a privileged matter is likewise privileged. [1959]

CONGRESSIONAL PRECEDENTS

The Motions to Postpone. — The motions to postpone must apply to the whole and not a part of the pending proposition. 5 Hinds § 5306. It may not be applied to the motion to refer; 5 Hinds § 5317, or to suspend the rules. 5 Hinds § 5316. The motion to postpone to a day certain may be amended. 5 Hinds § 5754. It is debatable within narrow limits only, 5 Hinds §§ 5309, 5310, the merits of the proposition to which it is applied not being within those limits. 5 Hinds §§ 5311–5315; 8 Cannon §§ 2372, 2616, 2640. The motion to postpone to a day certain is in order before the adoption of rules. Deschler ch. 1, § 10.7.

Sec. 16. Order of Consideration of Postponed Matters. If two or more bills, resolutions, or other propositions are postponed to the same time, and are otherwise eligible for consideration at that time, they shall be considered in the chronological order of their setting.

Sec. 17. Motion to Refer. When motions are made to refer a subject to a select or standing committee, the question on the subject's referral to a standing committee shall be put first.

EXPLANATORY NOTE

It has been held that a bill, resolution, or other matter re-referred from committee A to committee B could, by a majority vote at the proper time, be re-referred to committee C, but a motion to re-refer from B back to A would have to follow the reconsideration rule or receive a two-thirds vote for a suspension of the rules for the particular purpose. [1941]

HOUSE PRECEDENT

Motion to Re-Refer a Bill Under Consideration by a Subcommittee. — Mr. Wood moved as a substitute motion that H.B. 126 be withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Appropriations.

Mr. Mays raised a point of order against the motion on the ground that a bill being considered in subcommittee may not be re-referred by action of the house.

Overruled by the Speaker, Mr. Morse. 46 H. Jour. 956 (1939).

Sec. 18. Motion to Recommit. A motion to recommit a bill, after being defeated at the routine motion period, may again be made when the bill itself is under consideration; however, a motion to recommit a bill shall not be in order at the routine motion period if the bill is then before the house as either pending business or unfinished business.

A motion to recommit a bill or resolution can be made and voted on even though the author, sponsor, or principal proponent is not present.

Sec. 19. Terms of Debate on Motions to Refer, Rerefer, Commit, or Recommit. A motion to refer, rerefer, commit, or recommit is debatable within narrow limits, but the merits of the proposition may not be brought into the debate. A motion to refer, rerefer, commit, or recommit with instructions is fully debatable.

HOUSE PRECEDENT

Motion to Commit to Committee of the Whole House. — In the 51st Legislature, the Speaker, Mr. Manford, ruled that debate on motions "to recommit to the committee of the whole house" is the same as allowed under the rules for other motions to recommit. 56 Tex. Legis. Man. 237 (1959).

Sec. 20. Recommitting to Committee for a Second Time. Except as provided in Rule 4, Section 30, when a bill has been recommitted once at

any reading and has been reported adversely by the committee to which it was referred, it shall be in order to again recommit the bill only if a minority report has been filed in the time required by the rules of the house. A two-thirds vote of those present shall be required to recommit a second time.

CROSS-REFERENCE

Rule 4, § 30—Recommittal if author/sponsor not heard before adverse report.

HOUSE PRECEDENT

Adverse Committee Report on a Bill Does Not Prevent Consideration of a Similar Bill. — The house was considering a bill similar to one adversely reported to the house when Mr. Bailey raised the point of order that a bill having the same subject had been reported adversely by Judiciary Committee No. 2, which was in effect the defeat of the bill, and that it was not now in order to pass on this bill.

Overruled by the Speaker, Mr. Sherrill. 26 H. Jour. 1206 (1899).

Chapter B. Motion for the Previous Question

Sec. 21. Motion for the Previous Question. There shall be a motion for the previous question, which shall be admitted only when seconded by 25 members. It shall be put by the chair in this manner: “The motion has been seconded. Three minutes pro and con debate will be allowed on the motion for ordering the previous question.” As soon as the debate has ended, the chair shall continue: “As many as are in favor of ordering the previous question on (here state on which question or questions) will say ‘Aye,’” and then, “As many as are opposed say ‘Nay.’” As in all other propositions, a motion for the previous question may be taken by a record vote if demanded by any member. If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate, except as provided in Section 23 of this rule, and bringing the house to a direct vote on the immediate question or questions on which it has been asked and ordered.

CONGRESSIONAL PRECEDENT

Available Before the Adoption of Rules. — The motion for the previous question has been admitted before the adoption of rules and takes precedence over a motion to amend. 5 Hinds §§ 5451–5455.

Sec. 22. Debate on Motion for Previous Question. On the motion for the previous question, there shall be no debate except as provided in Sections 2 and 21 of this rule. All incidental questions of order made pending decision on such motion shall be decided, whether on appeal or otherwise, without debate.

Sec. 23. Limitation of Debate After Previous Question Ordered. After the previous question has been ordered, there shall be no debate upon

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the questions on which it has been ordered, or upon the incidental questions, except that the mover of the proposition or any of the pending amendments or any other motions, or the member making the report from the committee, or, in the case of the absence of either of them, any other member designated by such absentee, shall have the right to close the debate on the particular proposition or amendment. Then a vote shall be taken immediately on the amendments or other motions, if any, and then on the main question.

Sec. 24. Speaking and Voting After the Previous Question Ordered. All members having the right to speak after the previous question has been ordered shall speak before the question is put on the first proposition covered by the previous question. All votes shall then be taken in the correct order, and no vote or votes shall be deferred to allow any member to close on any one of the propositions separately after the voting has commenced.

Sec. 25. Speaking on an Amendment as Substituted. When an amendment has been substituted and the previous question is then moved on the adoption of the amendment as substituted, the author of the amendment as substituted shall have the right to close the debate on that amendment in lieu of the author of the original amendment.

HOUSE PRECEDENT

Order of Speeches When the Previous Question Has Been Ordered on a Series of Pending Motions. — In the 56th Legislature, a bill was pending on second reading and an amendment was adopted thereto. A motion to reconsider the vote on the adoption of the amendment was made. Then a motion for the previous question was made, seconded and voted on all pending motions, i.e., the motion to reconsider, the adoption of the amendment (if the motion to reconsider prevailed), and, lastly, the engrossment of the bill. Since, under the Rule, all speeches must be made before voting begins on a series of motions under the previous question, the Speaker, Mr. Senterfitt, ruled that the mover of the motion to reconsider should speak first, next the author of the amendment, and, lastly, the author of the bill. 56 Tex. Legis. Man. 248 (1959).

[The principle illustrated is that the order of speeches should follow, as nearly as possible, the order which would have been obtained if the previous question had not been ordered. The complicating factor here was that the rights of the author of the amendment had to be protected by allowing him to speak. Had he not been so allowed, even though his amendment was not actually pending, and the motion to reconsider had been adopted, he would have been cut off. Of course, if the previous question had not been ordered, the amendment's author would have spoken first, and the mover of the motion to reconsider would then have closed the debate. This inversion of the order of speaking between these two members was logical because, with no previous question, if the motion to reconsider had prevailed, the amendment's author would have had the right to close on his amendment. As it happened in the precedent above, the motion to reconsider was lost, consequently the only remaining vote was upon the engrossment of the bill.]

Sec. 26. Speaking on a Motion to Postpone or Amend. When the previous question is ordered on a motion to postpone indefinitely or to amend by striking out the enacting clause of a bill, the member moving to postpone or amend shall have the right to close the debate on that motion or amendment, after which the mover of the proposition or bill proposed to be so postponed or amended, or the member reporting it from the committee, or, in the absence of either of them, any other member designated by the absentee, shall be allowed to close the debate on the original proposition.

Sec. 27. Application of the Previous Question. The previous question may be asked and ordered on any debatable single motion or series of motions, or any amendment or amendments pending, or it may be made to embrace all authorized debatable motions or amendments pending and include the bill, resolution, or proposition that is on second or third reading. The previous question cannot be ordered, however, on the main proposition without including other pending motions of lower rank as given in Section 3 of this rule.

CROSS-REFERENCE

Rule 8, § 16—Moving the previous question during section-by-section consideration.

HOUSE PRECEDENT

The House Having Ordered the Consideration of the Appropriations Bill by Departments, the Previous Question Could Not Be Ordered on the Engrossment of the Bill Without Reconsidering the Order or Completing the Consideration of the Sections of the Bill. — During the consideration of an appropriations bill the house had ordered that it be considered by departments, and, while the house was considering the public health and vital statistics division, Mr. Dodd moved the previous question on the engrossment of the bill.

Mr. Rice raised a point of order on the motion, on the ground that the house had passed an order to consider the bill by departments, and that said order must first be reconsidered.

Sustained by the Chair, Mr. Nelms. 29 H. Jour. 1st C.S. 121 (1905).

CONGRESSIONAL PRECEDENTS

The Previous Question. — The motion may not include a provision that it shall take effect at a certain time. 5 Hinds § 5457. It is often ordered on undebatable propositions to prevent amendments, 5 Hinds §§ 5473, 5490, but may not be moved on a motion that is both undebatable and unamendable. 4 Hinds § 3077. It applies to questions of privilege as to other questions. 2 Hinds § 1256; 5 Hinds §§ 5459, 5460; 8 Cannon § 2672.

Sec. 28. Limit of Application. The previous question shall not extend beyond the final vote on a motion or sequence of motions to which the previous question has been ordered.

Sec. 29. Amendments Not Yet Laid Before the House. Amendments on the speaker's desk for consideration which have not actually been laid before the house and read cannot be included under a motion for the previous question.

Sec. 30. Moving the Previous Question After a Motion to Table. If a motion to table is made directly to a main motion, the motion for the previous question is not in order. In a case where an amendment to a main motion is pending, and a motion to table the amendment is made, it is in order to move the previous question on the main motion, the pending amendment, and the motion to table the amendment.

Sec. 31. No Substitute for Motion for the Previous Question. There is no acceptable substitute for a motion for the previous question, nor can other motions be applied to it.

EXPLANATORY NOTE

An inspection of Section 3 of this rule, in regard to the precedence of motions, will show that a motion to table takes precedence over a motion for the previous question when those motions are applied to the same motion. However, if a main motion is pending, e.g., the engrossment of a bill, and a motion of lower rank than the previous question, as given in Section 3 of this rule, is pending, and a motion to table that motion is made, then the previous question may be applied to the whole series of motions pending, including the motion to table. [1937; revised 1945, 1959]

HOUSE PRECEDENT

Acceptance of a Motion for the Previous Question, Provided There Has Been Some Discussion on the Bill. — Mr. Jones of Atascosa moved the previous question on H.B. 365 and the pending committee amendment.

Mr. Pope raised the point of order that such motion was out of order, under the provisions of the constitution, because there had not been full and free discussion on the bill and amendment.

Overruled by the Speaker, Mr. Stevenson, holding that since there had been some discussion on the bill and amendment, the motion was in order, but if there had been no discussion whatsoever on the bill or amendment, the motion would be clearly out of order. 44 H. Jour. 1317 (1935).

Sec. 32. Motion for the Previous Question Not Subject to Tabling. The motion for the previous question is not subject to a motion to table.

Sec. 33. Motion to Adjourn After Motion for Previous Question Accepted. The motion to adjourn is not in order after a motion for the previous question is accepted by the chair, or after the seconding of such motion and before a vote is taken.

Sec. 34. Motions in Order After Previous Question Ordered. After the previous question has been ordered, no motion shall be in order until the question or questions on which it was ordered have been voted on, without debate, except:

- (1) a motion for a call of the house, and motions incidental thereto;
- (2) a motion to extend the time of a member closing on a proposition;
- (3) a motion to permit a member who has the right to speak to yield the time or a part thereof to another member;
- (4) a request for and a verification of a vote;
- (5) a motion to reconsider the vote by which the previous question was ordered. A motion to reconsider may be made only once and that must be before any vote under the previous question has been taken;
- (6) a motion to table a motion to reconsider the vote by which the previous question has been ordered;
- (7) a double motion to reconsider and table the vote by which the previous question was ordered.

CROSS-REFERENCES

Rule 7, § 38—Debate on motion to reconsider.

Rule 7, § 42—Double motion to reconsider and table.

Rule 14, § 3, precedent following—Motion to suspend rules in order at any time, even when house is operating under previous question.

EXPLANATORY NOTE

No debate is allowed on the above motions, and they are decided by majority vote. [1959]

Sec. 35. Motion to Adjourn or Recess After Previous Question Ordered. No motion for an adjournment or a recess shall be in order after the previous question is ordered until the final vote under the previous question has been taken, unless the roll call shows the absence of a quorum.

CROSS-REFERENCE

Rule 7, § 36—Adjourning without a quorum.

EXPLANATORY NOTE

If the house adjourns, the whole matter under consideration is picked up just where it was left off, the previous question still being in effect, as provided in Section 36 of this rule. [1931; revised 1981]

Sec. 36. Adjourning Without a Quorum. When the house adjourns without a quorum under the previous question, the previous question shall remain in force and effect when the bill, resolution, or other proposition is again laid before the house.

Chapter C. Reconsideration

Sec. 37. Motion to Reconsider a Vote. (a) When a question has been decided by the house and the yeas and nays have been called for and recorded, any member voting with the prevailing side may, on the same legislative

Rule 7, Motions Sec. 37

day, or on the next legislative day, move a reconsideration; however, if a reconsideration is moved on the next legislative day, it must be done before the order of the day, as designated in the 10th item of Rule 6, Section 1(a), is taken up. If the house refuses to reconsider, or on reconsideration, affirms its decision, no further action to reconsider shall be in order.

(b) Where the yeas and nays have not been called for and recorded, any member, regardless of whether he or she voted on the prevailing side or not, may make the motion to reconsider; however, even when the yeas and nays have not been recorded, the following shall not be eligible to make a motion to reconsider:

- (1) a member who was absent;
- (2) a member who was paired and, therefore, did not vote; and
- (3) a member who was recorded in the journal as having voted on the losing side.

(c) Except as otherwise provided by this subsection, a motion to reconsider the vote by which a bill, joint resolution, or concurrent resolution was defeated is not in order unless a member has previously provided at least one hour's notice of intent to make the motion by addressing the house when the house is in session and stating that a member intends to make a motion to reconsider the vote by which the bill or resolution was defeated. It is not necessary for the member providing the notice to be eligible to make or to be the member who subsequently makes the motion to reconsider. If notice of intent to make a motion to reconsider is given within the period that the motion to reconsider may be made under Subsection (a) of this section and that period expires during the one-hour period required by this subsection, then the period within which the motion may be made under Subsection (a) is extended by the amount of time, not to exceed one hour during which the house is in session, necessary to satisfy the one-hour notice required by this subsection. This subsection does not apply to a motion to reconsider and table or to a motion to reconsider and spread on the journal, if no business has been transacted after the defeat of the measure.

EXPLANATORY NOTE

The constitution provides that when the governor vetoes a bill it shall be returned to the house in which it originated and that said house shall "proceed to reconsider it." For some time it was held that when a motion to pass a bill over the veto of the governor failed that no further action could be had, specifically that no motion to reconsider such vote could be made on the theory that when the constitution said "reconsider" that it meant only once. Later practice, however, discarded this theory. Speakers Morse, Leonard and Daniel successively held that the constitutional term "reconsider" did not refer to the parliamentary motion "to reconsider." The practice now permits one additional vote on passage over the governor's veto if obtained under the route defined in the reconsideration rule, and an additional vote or votes if obtained under a suspension of the rules. [1941; revised 1943]

HOUSE PRECEDENT

Reconsideration of Routine Motions. — In the 54th Legislature, the Speaker, Mr. Lindsey, ruled that, in view of the provisions of this section, a proper motion to reconsider the vote taken on a motion during a routine motion period could be made at any time permitted under this section, but that voting on reconsideration must go over to a routine motion period in the daily order of business on a subsequent legislative day, in accordance with Section 43 of this rule. 54 Tex. Legis. Man. 236 (1955).

Sec. 38. Debate on Motion to Reconsider. A motion to reconsider shall be debatable only when the question to be reconsidered is debatable. Even though the previous question was in force before the vote on a debatable question was taken, debate is permissible on the reconsideration of such debatable question.

Sec. 39. Majority Vote Required. Every motion to reconsider shall be decided by a majority vote, even though the vote on the original question requires a two-thirds vote for affirmative action. If the motion to reconsider prevails, the question then immediately recurs on the question reconsidered.

EXPLANATORY NOTE

The motion to reconsider is in order under general parliamentary law. See 30 H. Jour. 13 (1907). [2021]

CONGRESSIONAL PRECEDENTS

The Motion to Reconsider. — The provision of the rule that the motion may be made “by any member of the majority” is construed to mean any member of the prevailing side, be the vote a tie vote or one requiring two-thirds. 2 Hinds § 1656; 5 Hinds §§ 5615–5618; 8 Cannon §§ 2778–2780. While the motion has high privilege for entry, it may not be considered while another question is before the house. 5 Hinds §§ 5673–5676. The motion may not be applied to negative votes on motions to adjourn or recess. 5 Hinds §§ 5620–5622, 5625. It is in order to reconsider a vote postponing a bill to a day certain, 5 Hinds § 5643; 126 Cong. Rec. 12663 (1980), but not to reconsider a negative decision on a vote to suspend the rules. 5 Hinds §§ 5645, 5646; 8 Cannon § 2781; 142 Cong. Rec. 25796 (1996). When the motion to reconsider is decided in the affirmative, the question immediately recurs on the question reconsidered. 5 Hinds § 5703. After passage of a bill, reconsideration of the vote on any amendment thereto may be secured only by a motion to reconsider the vote by which the bill was passed. 8 Cannon § 2789. The motion to reconsider may not be applied to the vote whereby the house has laid another motion to reconsider on the table. 5 Hinds §§ 5632–5640. A motion to reconsider is not debatable if the motion proposed to be reconsidered was not debatable. 5 Hinds §§ 5694–5699; 8 Cannon §§ 2437, 2792; 111 Cong. Rec. 23608 (1965). A request for unanimous consent is in effect a motion and action predicated thereon is subject to reconsideration. 8 Cannon § 2794.

Sec. 40. Withdrawal of Motion to Reconsider. A motion to reconsider cannot be withdrawn unless permission is given by a majority vote of the house, and the motion may be called up by any member.

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Sec. 41. Tabling Motion to Reconsider. A motion to reconsider shall be subject to a motion to table, which, if carried, shall be a final disposition of the motion to reconsider.

Sec. 42. Double Motion to Reconsider and Table. The double motion to reconsider and table shall be in order. It shall be undebatable. When carried, the motion to reconsider shall be tabled. When it fails, the question shall then be on the motion to reconsider, and the motion to reconsider shall, without further action, be spread on the journal, but it may be called up by any member, in accordance with the provisions of Section 43 of this rule.

EXPLANATORY NOTES

1. In the practice of the house, the double motion to reconsider the vote on a proposition and to table the motion to reconsider occurs frequently. It is in effect two motions, one to reconsider the vote on a proposition and the other to lay the motion to reconsider on the table. The question is first on the motion to table. If that motion is lost, the question is then on the motion to reconsider. The purpose of this double motion is to prevent a reconsideration of a matter the house has already decided, for when a motion to reconsider is tabled, another motion to reconsider is not permitted under the rules. [1915]

2. As stated above, when the motion to table fails, the question recurs on the motion to reconsider; i.e., the second half of the double motion. Since a motion to reconsider is debatable, if the motion to be reconsidered is debatable, debate may be in order on the motion to be reconsidered. It follows logically that the right to close the debate under the described situation passes to the side favoring a reconsideration. [1945; revised 1981]

3. The motion to reconsider remaining after the defeat of a double motion to reconsider and table is not again subject to a motion to table, even at a later date. [1959]

4. As reported immediately below, the motion to rescind is not permitted under the rules. [1921]

HOUSE PRECEDENTS

1. *A Bill Having Been Defeated, and a Motion to Reconsider the Vote by Which It Was Defeated Being Laid on the Table, a Motion to Rescind the Vote by Which the House Tabled the Motion to Reconsider Is Not in Order; Such Motion Is Not Recognized by the Rules.* — Mr. Savage moved to rescind the vote by which the house, on February 10, tabled the motion to reconsider the vote by which H.B. 4, known as the “full crew bill,” was on that day lost.

Mr. Kennedy raised a point of order “that the motion to rescind is out of order; that such a motion, if carried, would abrogate the Rules of the House, which provide for the reconsideration of all matters adopted by the House, and that the motion must be made by a Member of the majority, or prevailing side, and must be made on the same or next sitting day before the order for the day is taken up, and that one day’s notice must be given before the motion can be called up and disposed of. The Rules of the House further provide that where a motion to table prevails that motion cannot be reconsidered. Immediately after House Bill No. 4 was defeated on

engrossment, a motion to reconsider that vote was made, and the motion to reconsider was tabled. The motion to rescind is but another method of reconsideration, and is now made by a gentleman who voted with the losing side and made several days after the House defeated the bill which he now proposes to revive. The adoption of his motion would establish a dangerous precedent. It would mean an interminable conflict over bills that, under the Rules, have been killed."

In sustaining the point of order raised by the gentleman from Kerr, Mr. Kennedy, the Speaker, Mr. Terrell, gave the following reasons:

Rule 14, Section 1 [now Rule 7, Section 37], provides as follows: "When a motion has been made and carried or lost, or an amendment, resolution or bill voted upon, it shall be in order for any Member of the prevailing side to move for a reconsideration thereof, on the same day or the next sitting day, before the order of the day is taken up."

Rule 12, Section 7 [now Rule 7, Section 12], provides as follows: "A motion to lay on the table, if carried, shall have the effect of killing the bill, resolution or other immediate proposition tabled."

Article III, Section 34, of the Constitution, provides: "After a bill has been considered and defeated by either House of the Legislature, no bill containing the same substance shall be passed into law during the same session."

H.B. 4 was considered fully by the House, and after lengthy debate was defeated; a motion to reconsider and table was made, which motion carried, and, in the opinion of the Chair, the motion to table the motion to reconsider killed the bill. It is just as important to the House to be able to kill a bill as it is to pass it. If a motion to rescind could be made, the motion to reconsider and table would be without value, and if one motion to rescind could be made, such a motion could be made every day in the Session, and thus waste the time and thwart the will of the House deliberately expressed when the bill was defeated.

The Speaker is aware of the action of the House in the Twenty-sixth, Twenty-eighth and Twenty-ninth Legislatures and also familiar with the rulings of the Thirty-second Legislature dealing with the question of rescinding, and he is unhesitatingly of the opinion that the rulings made by Speaker Rayburn in the Thirty-second and by the present Speaker, who was in the Chair during the same session, were correct.

If a motion to rescind could be made on the defeat of any bill, it could also be made after the passage of a bill, and in this way defeat the expressed will of the House. A motion to rescind must be based on the proposition that the only way to defeat a bill is by final adjournment, and if that be true, the provision of Section 34 of Article III of the Constitution would be meaningless.

For the above reasons, the Speaker sustains the point of order. 33 H. Jour. 832 (1913).

2. Motion to Reconsider and Table an Amendment Not in Order After Bill Passed to Engrossment. — In the 55th Legislature, the Speaker, Mr. Carr, ruled that the motion to reconsider and table an amendment adopted on second reading of a bill could not be made after the bill had passed to engrossment. 55 Tex. Legis. Man. 256 (1957).

Sec. 43. Delayed Disposition of Motion to Reconsider. (a) If a motion to reconsider is not disposed of when made, it shall be entered in the journal,

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and cannot, after that legislative day, be called up and disposed of unless one legislative day's notice has been given.

(b) Unless called up and disposed of prior to 72 hours before final adjournment of the session, all motions to reconsider shall be regarded as determined and lost.

(c) All motions to reconsider made during the last 72 hours of the session shall be disposed of when made; otherwise, the motion shall be considered as lost.

Sec. 44. Motion to Reconsider and Spread on Journal. (a) A member voting on the prevailing side may make a motion to reconsider and spread on the journal, which does not require a vote, and on the motion being made, it shall be entered on the journal. Any member, regardless of whether he or she voted on the prevailing side or not, who desires immediate action on a motion to reconsider which has been spread on the journal, can call it up as soon as it is made, and demand a vote on it, or can call it up and move to table it.

(b) If the motion to table the motion to reconsider is defeated, the motion to reconsider remains spread on the journal for future action; however, any member, regardless of whether he or she voted on the prevailing side or not, can call the motion from the journal for action by the house, and, once disposed of, no other motion to reconsider can be made.

EXPLANATORY NOTES

1. If notice has been given by a member that a motion to reconsider, which has been spread upon the journal, will be called up on the next legislative day or on some other day later, then that member or any other member can call up the motion. The fact that the notice required by the rule has been given is sufficient to qualify any member to call up the motion. [1955]

2. If a motion to reconsider, previously spread upon the journal, is not called up on the legislative day for which the required notice has been given, then a new notice must be given before the motion can be called up from the journal. [1955]

Sec. 45. Motion to Require Committee to Report. (a) During the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 6 calendar days, exclusive of the calendar day on which it was referred, it shall be in order for a member to move that the committee be required to report the same within 7 calendar days. This motion shall require a two-thirds vote for passage.

(b) After the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 6 calendar days, exclusive of the calendar day on which it was referred, it shall be in order for a member to move that the committee be required to report the same within 7 calendar days. This motion shall require a majority vote for passage.

(c) A motion to instruct a committee to report is not a privileged motion and must be made during the routine motion period unless made under a suspension of the rules.

(d) The house shall have no authority to instruct a subcommittee directly; however, instructions recognized under the rules may be given to a committee and shall be binding on all subcommittees.

EXPLANATORY NOTE

The house may not instruct a committee to do that which it is not permitted to do under the rules, or to require of it actions not covered by the rules. [1961]

Sec. 46. Motion to Rerefer to Another Committee. (a) During the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 7 calendar days after the committee was instructed by the house to report that measure by a motion made under Section 45 of this rule, it shall be in order for a member to move to rerefer the bill, resolution, or other paper to a different committee. This motion shall require a two-thirds vote for passage.

(b) After the first 76 calendar days of a regular session, when any bill, resolution, or other paper has been in committee for 7 calendar days after the committee has been instructed to report that measure by a motion made under Section 45 of this rule, it shall be in order for a member to move to rerefer the bill, resolution, or other paper to a different committee. This motion shall require a majority vote for passage.

(c) A motion to rerefer a bill, resolution, or other paper from one committee to another committee is not a privileged motion and must be made during the routine motion period unless made under a suspension of the rules.

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Rule 8. Bills

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Rule 8

Bills

Sec. 1. Contents of Bills. (a) Proposed laws or changes in laws must be incorporated in bills, which shall consist of:

(1) a title or caption, beginning with the words “A Bill to be Entitled An Act” and a brief statement that gives the legislature and the public reasonable notice of the subject of the proposed measure;

(2) an enacting clause, “Be It Enacted by the Legislature of the State of Texas”; and

(3) the bill proper.

(b) A house bill that would impose, authorize, increase, or change the rate or amount of a tax, assessment, surcharge, or fee must include a short statement at the end of its title or caption indicating the general effect of the bill on the tax, assessment, surcharge, or fee, such as “imposing a tax (or assessment),” “authorizing a surcharge (or fee),” or “increasing the rate (or amount) of a tax.”

(c) A house bill that would create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision must include a short statement at the end of its title or caption indicating the general effect of the bill on the offense, punishment, or eligibility, such as “creating a criminal offense,” “increasing a criminal penalty,” or “changing the eligibility for community supervision (or parole or mandatory supervision).”

(d) A house bill that would create a requirement that an individual or entity obtain a license, certificate, registration, permit, or other authorization before engaging in a particular occupation or profession or that would expand an existing requirement to additional individuals or entities must include a short statement at the end of its title or caption indicating the general effect of the bill on the occupation or profession, such as “requiring an occupational license” or “expanding the applicability of an occupational license (or permit or certificate).”

CROSS-REFERENCES

Tex. Const. Art. III, § 29—Constitutional requirement for, and specification of, enacting clause.

Tex. Const. Art. III, § 30—Constitutional requirement that all laws be passed by bill.

Tex. Const. Art. III, § 35—Constitutional requirement for captions.

Rule 11, § 7 and notes following—Order of motions to strike.

HOUSE PRECEDENTS

1. *If the Enacting Clause Appears in the Original Copy of a Bill as Filed, Its Omission From the Printed Bill Is Immaterial.* — Mr. Bolin raised a point of order on further consideration of a bill, stating that as the printed bill contains no enacting clause, there is nothing before the house.

Overruled by the Chair, Mr. Green, stating that the original bill on the speaker's table contained the enacting clause, and that the omission was clearly a mistake of the printer. 28 H. Jour. 786 (1903).

2. *Captions.* — A caption gives reasonable notice of the subject of the bill when it reflects the title of the new statutory section being added and that title accurately describes the activities authorized. 86 H. Jour. 1818 (2019). A caption gives reasonable notice that the bill makes conforming changes to implement the bill's purpose by use of the phrase "other provisions related" to that subject. 87 H. Jour. 1121 (2021). A bill does not create a new criminal offense requiring notice in the bill's caption when it amends the statutory definitions of an offense and the new definitions do not materially alter the elements of an existing criminal offense. 86 H. Jour. 3105–3106 (2019). Where all sections of the bill are on the same subject as expressed in the caption, the caption complies with the rule. 86 H. Jour. 3130 (2019).

CONGRESSIONAL PRECEDENTS

Motion to Strike Out the Enacting Clause. — Striking out the enacting clause of a bill constitutes its rejection. 5 Hinds § 5326. On a motion to strike out the enacting clause, a member may debate the merits of the bill, but must confine debate to its provisions. 5 Hinds § 5336.

Sec. 2. Publishing Acts in Their Entirety. No law shall be revived or amended by reference to its title. The act revived, or the section or sections amended, shall be reenacted and published at length. This rule does not apply to revisions adopted under Article III, Section 43, of the Texas Constitution.

CROSS-REFERENCES

Tex. Const. Art. III, § 36—Constitutional prohibition on blind amendment.

Tex. Const. Art. III, § 43—Constitutional provision exempting statutory revisions from prohibition on blind amendment.

Sec. 3. Limiting a Bill to a Single Subject. Each bill (except a general appropriations bill, which may embrace the various subjects and accounts for which money is appropriated or a revision adopted under Article III, Section 43, of the Texas Constitution) shall contain only one subject.

CROSS-REFERENCES

Tex. Const. Art. III, § 35—Constitutional one-subject rule.

Tex. Const. Art. III, § 43—Constitutional provision exempting statutory revisions from one-subject rule.

HOUSE PRECEDENTS

1. *Bills Limited to a Single Subject.* — Where a bill completely prohibited local operation of “photographic traffic signal enforcement systems” by municipalities, a provision in the bill repealing a related civil enforcement mechanism embracing all “traffic control signals” did not constitute a second subject, notwithstanding the differences in terminology. 86 H. Jour. 3130 (2019). Where a bill authorized the carrying or storing of handguns and handgun ammunition by a hotel guest, provisions authorizing the same for firearms and firearm ammunition did not constitute a second impermissible subject. 87 H. Jour. 3790 (2021). Where a bill raised the age at which a person could buy tobacco products from 18 to 21, a provision in the bill that prohibited the distribution of free tobacco products to any person regardless of age did not constitute a second subject because a court would likely limit the application of the provision to minors. 86 H. Jour. 3755–3756 (2019) (citing 76 H. Jour. 2912 (1999)). Where amendments to a bill were ruled as germane and adopted, it was not possible for the bill to violate the rule limiting a bill to a single subject. 86 H. Jour. 4511 (2019). Where a conference committee report altered existing law to address the ethics of local public servants and included associated disclosure requirements, a provision in the report requiring political subdivisions to itemize lobbying expenditures in annual operating budgets did not constitute a second subject. 86 H. Jour. 6240 (2019).

2. *Bill Not Limited to a Single Subject.* — Where a bill established a task force and legislative committees related to studying oil and gas production issues, a provision in the bill repealing current law requiring the comptroller to adjust allocation of certain oil and gas production tax revenue to the rainy day fund constituted a second subject in violation of the rule. 86 H. Jour. 3569 (2019).

Sec. 4. Changing General Law Through an Appropriations Bill.

A general law may not be changed by the provisions in an appropriations bill.

CROSS-REFERENCE

Tex. Const. Art. III, § 35—Constitutional provision granting appropriations bills partial exemption from one-subject rule.

EXPLANATORY NOTES

1. It has been held many times that the legislature is not bound to appropriate the full amount purportedly required by law. Inherent in the power to appropriate funds is the power to determine the amount to be appropriated. A previous legislature, in passing a general law that purports to require a specific amount of funding, may not bind a subsequent legislature to appropriate that amount. Accordingly, the legislature may appropriate less than the amount that general law would otherwise require. For example, when the salaries of many state officers and employees were fixed by statute, it was often held that the legislature could appropriate less than the statutory amount. Similarly, the legislature is empowered to appropriate less funds for formula-driven entitlements such as the foundation school program than the formulas would require to fully fund the program. [1931; revised 1959, 1993]

2. There are many holdings by courts, the attorney general, and presiding officers that a rider to an appropriations bill may detail, restrict, or limit the expenditure of appropriated funds, but may not enact or amend general law. *See* Atty. Gen. Op. Nos. MW-51 (1979), MW-389 (1981); *Moore v. Sheppard*, 192 S.W.2d 559 (Tex. 1946). [1939; revised 1959, 1993]

HOUSE PRECEDENTS

1. *Points Concerning Constitutionality of Certain Appropriations.* — In the 70th Legislature, 2d Called Session, the house was considering S.B. 1, the General Appropriations Act. Representative Horn offered an amendment to transfer certain motor vehicle registration fees from the state highway fund to the general revenue fund. Representative Rudd raised a point of order against consideration of the amendment on the grounds that the amendment directed dedicated funds that could not constitutionally be redirected as Section 7-a, Article VIII, Texas Constitution, directed the use of motor vehicle registration fees. Sustained by the Speaker, Mr. Lewis. 70 H. Jour. 2d C.S. 82 (1987).

The same session, during consideration of the same bill, Representative Hammond raised a point of order against further consideration of a rider included in the committee substitute for S.B. 1 on the grounds that the rider was attempting to change general law in the appropriations bill in violation of this rule and Article III, Section 35, Texas Constitution. Sustained by the Speaker, Mr. Lewis, stating: “The last two sentences of Rider 16 under the Foundation School Program purport to define terms used in general law. While a rider may detail, limit, or restrict the expenditure of funds, these two sentences do not do so but, rather, have the effect of general law.” The rider was stricken from the bill. 70 H. Jour. 2d C.S. 147 (1987).

2. *Amendments Not Changing General Law.* — An amendment making an appropriation solely contingent on the passage of legislation does not change general law. 86 H. Jour. 1011–1012 (2019).

3. *Amendments Changing General Law.* — An amendment directing the governor to make grants for activity that is unrelated to the purpose for which the money may be used under general law changes that general law. 86 H. Jour. 1008–1009 (2019) (citing 70 H. Jour. 2d C.S. 147 (1987)). An amendment prohibiting the comptroller of public accounts from using appropriated funds for providing pandemic relief to certain persons based on their status changes general law because it adds an additional criterion to existing general law governing such relief and because it would impose an affirmative duty on the comptroller to find facts, which an appropriations bill may not authorize under general law. 87 H. Jour. 1424–1425 (2021). An amendment requiring the secretary of state to withhold appropriated funds payable to a county for any violation of the Election Code by a voter registrar changes the general law authorizing the secretary to withhold funds only if the registrar is not in compliance with specific Election Code provisions related to voter registration. 87 H. Jour. 1438 (2021). An amendment imposing a curriculum requirement on public schools that certain subjects may not be taught using appropriated funds changes the general law prohibiting the State Board of Education from designating the methodology of teaching a subject or the time spent by teachers and students thereon. 87 H. Jour. 1473–1474 (2021). An amendment prohibiting the use of funds appropriated from the Foundation School Program to affirm certain perceptions expressed by a child changes

general law because it imposes an affirmative duty not present under general law on the Texas Education Agency and public schools to make factual determinations related to the prohibited expressions and any inconsistencies related thereto. 87 H. Jour. 1474 (2021). An amendment requiring a study by the Legislative Budget Board and a state agency and requiring the board to use the results of the study in determining funding levels for inclusion in the general appropriations bill required by law to be introduced at the beginning of each regular session changes general law because the board director has statutory discretion to prepare that budget and the amendment would make mandatory what was previously discretionary. 86 H. Jour. 1014–1016 (2019). An amendment barring a state agency from using appropriated funds for elective surgery on inmates changes general law where the general law requires the health care provider paid by the agency to provide inmates with the same level of care provided to non-inmates. 86 H. Jour. 1066–1067 (2019) (citing 78 H. Jour. 1647–1648 (2003)).

CONGRESSIONAL PRECEDENT

Amendments Changing General Law. — An amendment to a general appropriations bill requiring random drug testing of legislative branch personnel was held to enact new law. Wickham ch. 5, § 6.24.

Sec. 5. Coauthorship, Joint Authorship, Sponsorship, Cosponsorship, and Joint Sponsorship. (a) A house bill or resolution may have only one primary author. The signature of the primary author shall be the only signature that appears on the measure filed with the chief clerk. The signatures of all coauthors or joint authors shall appear on the appropriate forms in the chief clerk’s office.

(b) Any member may become the coauthor of a bill or resolution by securing permission from the author. If permission is secured from the author prior to the time the measure is filed with the chief clerk, the primary author and the coauthor shall sign the appropriate form, which shall be included with the measure when it is filed with the chief clerk. If a member wishes to become the coauthor of a measure after it has been filed, no action shall be required by the house, but it shall be the duty of the member seeking to be a coauthor to obtain written authorization on the appropriate form from the author. This authorization shall be filed with the chief clerk before the coauthor signs the form for the bill or resolution. The chief clerk shall report daily to the journal clerk the names of members filed as coauthors of bills or resolutions. If a coauthor of a bill or resolution desires to withdraw from such status, the member shall notify the chief clerk, who in turn shall notify the journal clerk.

(c) The primary author of a measure may designate up to four joint authors by providing written authorization on the appropriate form to the chief clerk. If a member designated as a joint author has not already signed on the measure as a coauthor, that member must also sign the form before the records will reflect the joint author status of that member. The names of

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all joint authors shall be shown immediately following the primary author's name on all official printings of the measure, on all house calendars, in the house journal, and in the electronic legislative information system.

(d) The determination of the house sponsor of a senate measure is made at the time the measure is reported from committee. In the case of multiple requests for house sponsorship, the house sponsor of a senate measure shall be determined by the chair of the committee, in consultation with the senate author of the measure. The chair of the committee must designate a primary sponsor and may designate up to four joint sponsors or an unlimited number of cosponsors. The names of all joint sponsors shall be shown immediately following the primary sponsor's name on all official printings of the measure, on all house calendars, in the house journal, and in the electronic legislative information system.

EXPLANATORY NOTES

1. The house sponsor of a senate bill or resolution has all of the rights and privileges accorded a house author under the rules. [1959]

2. Under current practice, a member cannot become the joint author or coauthor of a bill after same has been passed by the house. [1953; revised 1987, 1995]

3. Under current practice, a house member who desires to sponsor a senate measure notifies the chair of the committee to which the senate measure is referred. The determination of the house sponsor of a senate measure is made by the chair of the committee when the measure is reported, and the house sponsor of a senate measure is normally the member who requested a hearing on the measure. If more than one member has requested to sponsor a senate measure, the chair of the committee may designate a primary sponsor and up to four joint sponsors or one or more cosponsors of the measure. [1993; revised 1995, 2019]

Sec. 6. Filing, First Reading, and Referral to Committee. Each bill shall be filed with the chief clerk when introduced and shall be numbered in its regular order. Each bill shall be read first time by caption and referred by the speaker to the appropriate committee with jurisdiction.

CROSS-REFERENCE

Govt. Code § 316.021—Speaker or lieutenant governor may cause to be introduced or any member may introduce in the appropriate house the general appropriations bills prepared by the governor and the Legislative Budget Board director.

Sec. 7. Prefiling. Beginning the first Monday after the general election preceding the next regular legislative session, or within 30 days prior to any special session, it shall be in order to file with the chief clerk bills and resolutions for introduction in that session. On receipt of the bills or resolutions, the chief clerk shall number them and make them a matter of public record, available for distribution. Once a bill or resolution has been

so filed, it may not be recalled. This shall apply only to members-elect of the succeeding legislative session.

Sec. 8. Deadline for Introduction. (a) Bills and joint resolutions introduced during the first 60 calendar days of the regular session may be considered by the committees and in the house and disposed of at any time during the session, in accordance with the rules of the house. After the first 60 calendar days of a regular session, any bill or joint resolution, except local bills, emergency appropriations, and all emergency matters submitted by the governor in special messages to the legislature, shall require an affirmative vote of four-fifths of those members present and voting to be introduced.

(b) In addition to a bill defined as a “local bill” under Section 10(c) of this rule, a bill is considered local for purposes of this section if it relates to a specified district created under Article XVI, Section 59, of the Texas Constitution (water districts, etc.), a specified hospital district, or another specified special purpose district, even if neither these rules nor the Texas Constitution require publication of notice for that bill.

EXPLANATORY NOTE

When the house gives permission for the introduction of a bill or joint resolution under the above section, the chief clerk so endorses the original bill or joint resolution. [1957]

HOUSE PRECEDENT

Application to Joint Resolutions. — In the 54th Legislature, the Speaker, Mr. Lindsey, held that the requirement for a four-fifths vote for introduction after the first 60 days of a regular session also applied to joint resolutions. 54 Tex. Legis. Man. 260 (1955).

Sec. 9. Filing. (a) A bill must be filed with the chief clerk in the manner and in an electronic or other format specified by the chief clerk at the time that the bill is introduced.

(b) A bill relating to conservation and reclamation districts and governed by the provisions of Article XVI, Section 59, of the Texas Constitution must be filed with copies of the notice to introduce the bill attached if the bill is intended to:

- (1) create a particular conservation and reclamation district; or
- (2) amend the act of a particular conservation and reclamation district to:
 - (A) add additional land to the district;
 - (B) alter the taxing authority of the district;
 - (C) alter the authority of the district with respect to issuing bonds; or
 - (D) alter the qualifications or terms of office of the members of the governing body of the district.

EXPLANATORY NOTE

Occasionally an original bill is lost in processing. At times, bills are lost in the senate. Current procedure necessary to remedy the difficulty is to obtain a new copy, certified by the chief clerk of the house or the secretary of the senate, as the situation dictates, complete with all endorsements so as to show the exact status of the bill at the time it was lost. If a bill of one house is lost in the other, a resolution requesting a new copy, with all endorsements, from the house of origin is in order, and the request must be granted as authorization for the substitution. [1951; revised 1959]

HOUSE PRECEDENT

Identical Copies of Bills Must Be Filed When Introduced; Case Where Failure to Do So Caused the Bill to Be Ruled as Not Legally Introduced Even Though Same Had Reached Second Reading. — H.B. 44 was laid before the house, and Mr. Fly raised a point of order on its further consideration on the ground that when it was introduced the author failed to comply with the then-Paragraph 2 of Section 1 of Rule 18 in that the original and the required copy were not identical, but rather there were significant differences between the two.

Sustained by the Speaker, Mr. Reed, after thoroughly investigating the facts and concluding that, while the differences involved were due entirely to an oversight, they were of such a character as to be clearly in violation of the rule cited and, as a consequence, the bill had never been legally introduced; finally, the point of order did not come too late when made on second reading of the bill. 50 H. Jour. 832 (1947).

Sec. 10. Local Bills. (a) The house may not consider a local bill unless notice of intention to apply for the passage of the bill was published as provided by law and evidence of the publication is attached to the bill. If not attached to the bill on filing with the chief clerk or receipt of the bill from the senate, copies of the evidence of timely publication shall be filed with the chief clerk and must be distributed to the members of the committee not later than the first time the bill is laid out in a committee meeting. The evidence shall be attached to the bill on first printing and shall remain with the measure throughout the entire legislative process, including submission to the governor.

(b) Neither the house nor a committee of the house may consider a bill whose application is limited to one or more political subdivisions by means of population brackets or other artificial devices in lieu of identifying the political subdivision or subdivisions by name. However, this subsection does not prevent consideration of a bill that classifies political subdivisions according to a minimum or maximum population or other criterion that bears a reasonable relation to the purpose of the proposed legislation or a bill that updates laws based on population classifications to conform to a federal decennial census.

(c) Except as provided by Subsection (d) of this section, “local bill” for purposes of this section means:

(1) a bill for which publication of notice is required under Article XVI, Section 59, of the Texas Constitution (water districts, etc.);

(2) a bill for which publication of notice is required under Article IX, Section 9, of the Texas Constitution (hospital districts);

(3) a bill relating to hunting, fishing, or conservation of wildlife resources of a specified locality;

(4) a bill creating or affecting a county court or statutory court or courts of one or more specified counties or municipalities;

(5) a bill creating or affecting the juvenile board or boards of a specified county or counties; or

(6) a bill creating or affecting a road utility district under the authority of Article III, Section 52, of the Texas Constitution.

(d) A bill is not considered to be a local bill under Subsection (c)(3), (4), or (5) if it affects a sufficient number of localities, counties, or municipalities so as to be of general application or of statewide importance.

CROSS-REFERENCES

Tex. Const. Art. III, § 56—Constitutional prohibition against most local and special laws.

Tex. Const. Art. IX, § 9—Constitutional rule requiring notice for bills creating a hospital district.

Tex. Const. Art. XVI, § 59—Constitutional rule requiring notice for bills relating to a conservation and reclamation district.

Rule 6, § 23—Qualification for placement of local bill on local, consent, and resolutions calendar.

Govt. Code Ch. 313—Statutory procedure for publishing notice of intent to introduce.

EXPLANATORY NOTES

1. Most local bills are prohibited by Article III, Section 56, Texas Constitution. Where local bills are permitted by the constitution, the constitution requires publication of notice of intent to introduce the bill. A bill that would enact a valid “bracket law” is not considered a local bill for purposes of publishing notice. The procedure for publishing notice is provided by Chapter 313, Government Code. [1993]

2. The constitution requires notice for three of the six types of bills listed in this rule. In addition, the constitution probably requires notice for five additional types of local bills not listed in this rule: (1) grants in cases of public calamity, (2) consolidation of county government offices, (3) creation and operation of airport authorities, (4) fence laws, and (5) stock laws. A bill for which the constitution requires notice is subject to a point of order if the notice is not given, even if the bill is not of a type listed in this rule. However, a bill for which the constitution or rules require notice is probably not subject to a successful court challenge if the notice is not given. [1993]

3. Article IX, Section 9, Texas Constitution, requires publication of notice on all bills that create a hospital district. Other bills concerning hospital districts do not require publication of notice. [1993]

4. Article XVI, Section 59, Texas Constitution, requires publication of notice on all bills that create a conservation and reclamation district (e.g., water district, water authority, river authority, subsidence district, waste disposal authority, etc.). In addition, publication of notice is required on all bills amending a law creating or governing a conservation and reclamation district if the bill (1) adds additional land to the district; (2) alters the taxing authority of the district; (3) alters the authority of the district with respect to the issuance of bonds; or (4) alters the qualifications or terms of office of the members of the governing body of the district. [1993]

HOUSE PRECEDENTS

1. *Bill Relating to the Sale of Public Land on Islands Not Local.* — The house was considering only local bills at a Thursday night session set for that purpose under then-Rule 23, Section 1. The Speaker laid before the house S.B. 84, “provid[ing] for the purchase of public lands in quantities of five acres or less situated on islands by actual settlers who have settled on and placed valuable improvements thereon in good faith, or to their heirs or legal representatives prior to the first day of January, 1895, and prescribing the price, terms and manner and time of such purchase” on second reading. Mr. Bean raised a point of order against further consideration on the grounds that the bill was not a local bill.

Sustained by the Speaker, Mr. Price, holding that the bill was not a local bill. 27 H. Jour. 1162 (1901). [Under the procedure in use at the time, the bill was returned to the Speaker’s desk.]

2. *Bill Creating a District Court Out of Parts of Two or More Counties Not Local.* — The House was considering only local bills at a Wednesday night session designated for that purpose under then-Rule 18, Section 6. The Speaker laid before the house H.B. 181, a courts bill, on third reading.

Mr. Bowles raised a point of order on further consideration of the bill, on the ground that it was not a local bill, for the reasons that it created another district court for half of Dallas County and half of Grayson County and made changes also in the time of the meeting of the district court in Collin County.

Sustained by the Speaker, Mr. Kennedy. 31 H. Jour. 602 (1909).

3. *Fee Bill Applying to Counties of More Than 80,000 Not Local.* — The house was considering a fee bill applying to counties having a population of 80,000 or more.

Mr. Adams raised a point of order on consideration of the amendment on the ground that the bill was a local bill and notice thereof must be advertised before its passage by the legislature.

Overruled by the Speaker, Mr. Kennedy. 31 H. Jour. 837 (1909).

4. *A General Bill Cannot by Amendment Be Changed to a Local Bill.* — The house was considering a bill to provide means of securing fair elections and true returns thereof whenever any election is held when any proposed amendment or amendments to the constitution of this state shall be voted upon. Mr. Smith of Atascosa offered an amendment providing that the provisions of the act should apply only to the Fourth Senatorial District. Mr. Schluter raised a point of order against further consideration on the grounds that the amendment was not germane to the purpose of the bill.

Sustained by the Speaker, Mr. Rayburn. 32 H. Jour. 1153 (1911).

5. *Case Where Game and Fish Bill Was Ruled Not Local.* — During the 58th Legislature, the Speaker, Mr. Tunnell, ruled, in part, regarding publication of game and fish laws, as follows:

The sixth and final numbered point of order relates to the requirement of publication of notice of a local law 30 days before its introduction, in that no publication has been made of S.B. 341. This publication requirement is provided by Section 57, Article III of the Constitution of the State of Texas. The point of order refers to the enrolled bill doctrine and the necessity for the presiding officers of the Legislature to enforce this provision.

The enrolled bill doctrine was established in a Texas Supreme Court decision in 1892 in a case styled *William v. Taylor*. This doctrine provides that a bill which is signed by the presiding officers of both houses and approved by the Governor affords conclusive evidence that it was passed according to the Constitution, and the journals of the houses cannot be looked to in determining a question in judicial review. Now, as to the Chair's duty concerning the lack of publication of S.B. 341. The Chair has found clear judicial precedent to rule that a game and fish law, such as we have proposed before us in S.B. 341, does not require the notice provided by Section 57 of Article III.

As the Chair has ruled in consideration of these points of order that according to the specific proviso contained in Section 56 of Article III of the Constitution, an act of the Legislature for the protection of the fish of the State, as proposed in S.B. 341, is not a "local" law in the sense used in Sections 56 and 57 of Article III of the Constitution. The Chair cites *Stephenson v. Wood*, 35 S.W.2d 795, in clear support of a ruling that the authority of the Legislature to pass game and fish laws such as the one under consideration without notice mentioned in Section 57 of Article III of the Constitution is specially reserved. For these reasons, the point of order is respectfully overruled. 58 H. Jour. 2511 (1963). [The House Rules have since been amended to require publication of notice for game and fish laws.]

6. *Bills Employing Impermissible Artificial Device.* — Where a bill related to the use of municipal hotel occupancy tax revenue was limited in application "to a municipality with a population of at least 95,000, in which the main campus of a component university of The University of Texas System is located, and that is located in a county with a population of not more than 140,000," that limitation was an impermissible artificial device because the chair would be required to find a reasonable distinction between the U.T. System and another university system in the context of hotel occupancy taxes, and the chair could find no such distinction. 86 H. Jour. 4172–4173 (2019). Where a bill related to the disannexation of certain areas not receiving full municipal services was limited "to an area that[, among other things,] was annexed for limited purposes before Subchapter F was enacted and has not received at any time full municipal services," that limitation was an impermissible artificial device because the chair would be required to find a reasonable distinction between areas not receiving full services before the date of enactment and those not receiving full services after the date of enactment, and the chair could find no such distinction because neither class was ever entitled to full municipal services. 87 H. Jour. 2407 (2021). Where a bill requiring a municipality to hold a disannexation election in certain territory was limited "only to an annexed

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area that . . . contain[ed both] an access point to a greenbelt[] and [] at least 1,200 single-family homes; [wa]s separated from two municipalities other than the municipality in which the area is located only by a highway; and [] before annexation[,] was part of a single census designated place; and [] was served by a municipal utility district that owned a water treatment and storage facility,” that limitation was an impermissible artificial device because the chair could not find any reasonable relationship between the bill’s criteria and its purpose. 87 H. Jour. 2473 (2021) (citing 76 H. Jour. 3259–3260 (1999)).

7. *Bill Not Employing Impermissible Artificial Device.* — Where an appropriations bill limited a reporting requirement for state agency use of appropriated funds for activity occurring in designated geographical regions, that requirement is not an impermissible artificial device because the purpose of this section of the rules is to prevent house consideration of unconstitutional local bills, which an appropriations bill is not. 87 H. Jour. 2d C.S. 204–205 (2021).

Sec. 11. Consideration in Committee. (a) No bill shall be considered unless it first has been referred to a committee and reported from it.

(b) After a bill has been recommitted, it shall be considered by the committee as a new subject.

CROSS-REFERENCE

Tex. Const. Art. III, § 37—Constitutional requirement for committee report.

EXPLANATORY NOTES

1. It has long been held that the requirement of Subsection (a) of this section is satisfied if a bill is reported out of a committee of one of the two houses within the time described, three days of final adjournment. Regardless of this holding, long followed, speakers have historically refused to admit motions to suspend the rules so as to keep senate bills from going to house committees. They have contended that to allow such would be a violation of the spirit of Article III, Section 37, of the constitution, as well as legislative committee rules generally, since the two houses of the legislature are of equal importance and each requires committee consideration of its own bills without exception. [1959]

2. Subsection (a) above applies alike to regular and called sessions. [1959]

Sec. 12. Order of Consideration. All bills and resolutions before the house shall be taken up and acted on in the order in which they appear on their respective calendars, and each calendar shall have the priority accorded to it by the provisions of Rule 6, Sections 7 and 8.

CROSS-REFERENCE

Rule 6, § 15—Order of consideration of calendars.

Sec. 13. Deadlines for Consideration. (a) No house bill that is local as defined by Section 10(c) of this rule and that appears on a local, consent,

and resolutions calendar shall be considered for any purpose after the 130th day of a regular session, except to:

- (1) act on senate amendments;
- (2) adopt a conference committee report;
- (3) reconsider the bill to make corrections; or
- (4) pass the bill notwithstanding the objections of the governor.

(b) No other house bill or joint resolution shall be considered on its second reading after the 122nd day of a regular session if it appears on a daily or supplemental daily house calendar, or for any purpose after the 123rd day of a regular session, except to:

- (1) act on senate amendments;
- (2) adopt a conference committee report;
- (3) reconsider the bill or resolution to make corrections; or
- (4) pass the bill notwithstanding the objections of the governor.

(c) No senate bill or joint resolution shall be considered on its second reading after the 134th day of a regular session if it appears on a daily or supplemental daily house calendar, or for any purpose after the 135th day of a regular session, except to:

- (1) adopt a conference committee report;
- (2) reconsider the bill or resolution to remove house amendments;
- (3) reconsider the bill or resolution to make corrections; or
- (4) pass the bill notwithstanding the objections of the governor.

(d) The speaker shall not lay any bill or joint resolution before the house or permit a vote to be taken on its passage on the 136th and 137th days of a regular session, except to:

- (1) act on senate amendments;
- (2) adopt a conference committee report;
- (3) reconsider the bill or resolution to remove house amendments;
- (4) reconsider the bill or resolution to make corrections; or
- (5) pass the bill notwithstanding the objections of the governor.

(e) The speaker shall not lay any bill or joint resolution before the house or permit a vote to be taken on its passage on the 138th and 139th days of a regular session, except to:

- (1) adopt a conference committee report;
- (2) reconsider the bill or resolution to remove house amendments;
- (3) discharge house conferees and concur in senate amendments;
- (4) reconsider the bill or resolution to make corrections; or
- (5) pass the bill notwithstanding the objections of the governor.

(f) No vote shall be taken upon the passage of any bill or resolution within 24 hours of the final adjournment of a regular session unless it be to

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reconsider the bill or resolution to make corrections, or to adopt a corrective resolution.

(g) The clock of record for the house, as determined under Rule 2, Section 2, shall be used to determine compliance with deadlines and other time requirements of the Texas Constitution and these rules. A motion to suspend this rule must be decided by a record vote.

EXPLANATORY NOTE

“Final adjournment” means sine die adjournment of a session. [1959]

HOUSE PRECEDENT

After the Hour Set for Final Adjournment Has Arrived, the Speaker Refuses to Accept Any Business Except Purely Routine Matters Incident to Completion of the Session's Business. — On the last day of the 49th Legislature's regular session, the hour set for final adjournment having actually arrived (though not so indicated by the house clock), the speaker, Mr. Gilmer, refused to accept any business involving a decision of the house except purely routine matters and those necessary to the conclusion of the session, such as signing of bills and resolutions in the presence of the house, reports of notification committees, and the like. The speaker earlier had notified the house of his intention and received unanimous approval. 49 Tex. Legis. Man. 212 (1945).

Sec. 14. Delivery Prior to Consideration. (a) Each bill or resolution, except the general appropriations bill, shall be delivered to each member by making a copy of the bill or resolution available in an electronic format for viewing by the member and, when the electronic format copy of the appropriate printing becomes available, by sending notice of that fact to a Capitol e-mail address designated by the member, at least 36 hours if convened in regular session and 24 hours if convened in special session before the bill can be considered by the house on second reading. If a member informs the chief clerk in writing that the member desires to receive paper copies of bills and resolutions under this section in addition to delivery in an electronic format, the chief clerk shall place a paper copy of the bill or resolution in the newspaper box of the member as soon as practicable after the electronic copies of the bill or resolution are made available for viewing.

(a-1) A printed copy of the general appropriations bill shall be placed in the newspaper mailbox of each member at least 168 hours during a regular session and at least 72 hours during a special session before the bill can be considered by the house on second reading.

(b) By majority vote, the house may order both the original bill or resolution and the complete committee substitute to be printed. It shall not be necessary for the house to order complete committee substitutes printed in lieu of original bills.

(c) A two-thirds vote of the house is necessary to order that bills, other than local bills, be not printed. It shall not be necessary for the house to order that local bills be not printed.

CROSS-REFERENCES

- Rule 4, § 28—Minority reports, making of.
- Rule 4, § 29—Minority reports, printing of bills on.
- Rule 4, § 40—Complete committee substitutes.
- Rule 6, § 19—Referral of reported measures for printing.

EXPLANATORY NOTES

1. Committees have no authority to order not printed bills which they report favorably, except local bills, even though such bills may be considered uncontested, and the chief clerk should disregard such recommendations and send the bills to the printer as required in the above section. A two-thirds vote of the house, by way of a suspension of the rules, is necessary to order bills, other than local bills, not printed. [1937; revised 1977]

2. A “complete committee substitute” takes the form of a complete bill with a title, enacting clause, and text of the bill. [1981]

3. If, for some reason, usually a clerical error, a committee fails to order a local bill not printed, it should be sent to the printer unless, by majority vote, the house orders it not printed. [1953]

Sec. 15. Requirement for Three Readings. A bill shall not have the force of law until it has been read on three several legislative days in each house and free discussion allowed, unless this provision is suspended by a vote of four-fifths of the members present and voting, a quorum being present. The yeas and nays shall be taken on the question of suspension and entered in the journal.

CROSS-REFERENCE

Tex. Const. Art. III, § 32—Constitutional requirement for three readings.

EXPLANATORY NOTES

1. “Days” as used in Section 32, Article III, Texas Constitution, has repeatedly been held to mean “legislative days.” A “legislative day” is that period from a convening following an adjournment until the next adjournment. A common daily session pattern is for the house to meet at 10 a.m., recess for lunch, and adjourn at 5 p.m. A legislative day is thus completed on the particular calendar day. But, if at the end of the day (or any other time) the house recesses, the particular legislative day continues. Also, parts of two legislative days will often fall on a single calendar day, this occurring when the house adjourns and meets again on the same calendar day. It is possible, therefore, to have as much as a fraction of one legislative day and the whole of the next legislative day on the same calendar day, this occurring when the house meets in the morning following a recess, adjourns until 2:30 p.m., for example, and then adjourns later in the day until a future day. It is not possible, however, to create two complete legislative days on the same calendar day; for example, a morning meeting following an adjournment from a previous day, followed by an adjournment before noon until afternoon, followed by a convening in the afternoon, pursuant to the adjournment, and then an adjournment later in the day — constituting two complete legislative days — would not be permitted. As noted, “days” in Section 32, Article III, Texas Constitution, have always been held to be

“legislative days.” Since parts of two legislative days (sometimes a fraction and a whole) can occur on the same calendar day, it is possible to place a bill on two readings on the same calendar day without having to suspend the constitutional rule. Within a single legislative day, however, a constitutional rule suspension must occur if a bill is to be read twice. [1937; revised 1959]

2. The motion to reconsider may not be applied to a vote to suspend the constitutional rule requiring bills to be read on three several days. If a motion to suspend fails, if accepted by the speaker, a new motion may be made, usually after intervening business, but not when another matter is pending. [1931]

HOUSE PRECEDENTS

1. *Interpretation of the Meaning of “Days” as Found in the Constitutional Requirement That Bills Be Read on “Three Several Days.”* — The House met at 10:30 a.m., April 1, 1954, on recess from March 31, 1954, continuing the 10th legislative day. On that legislative day, H.B. 8, a severance tax bill, was taken up as pending business passed to engrossment.

The House then adjourned for a few minutes and was called to order on the 11th legislative day. After a recess that legislative day, the House suspended the regular order of business to take up H.B. 8 on third reading.

Mr. Bergman raised a point of order on the ground that the bill was not properly before the House for consideration because the “term ‘three several days,’ as used in the Constitutional provision, had reference to calendar days as known and applied at the time of the adoption of the Constitution, and the fiction of ‘legislative days,’ as used in the Rules of the House, cannot have the force and effect of changing the meaning of the term ‘several days,’ as used in the Constitution.”

Overruled by the Speaker, Mr. Senterfitt, holding the long-established practice of the House for more than 50 years was to fix the meaning of “days” to be legislative days — a legislative day being the period between a convening following an adjournment and the next adjournment. 53 H. Jour. 1st C.S. 231 (1954).

2. *Instance Wherein the Constitutional Rule Requiring Bills to Be Read on Three Several Days Was Suspended Before the Bill Was Placed on Second Reading and in Anticipation of Its Later Passage to Engrossment; Comments on “Legislative Days.”* — The House suspended the Rules for the purpose of considering H.B. 11, an omnibus tax bill.

As the Speaker was preparing to lay the bill before the House on second reading (it having been read first time on a previous legislative day and reported from a committee), Mr. Zbranek moved to suspend the constitutional rule requiring bills to be read on three several days so that in the event H.B. 11 passed to engrossment on that legislative day it could immediately be placed on third reading and finally passed.

[Lacking a precedent to the contrary, and noting that no constitutional limitation existed on just when such a motion could be made, the Speaker, Mr. Carr, allowed the motion. 56 Tex. Legis. Man. 292 (1959).] The motion prevailed by the necessary four-fifths vote. 56 Tex. Legis. Man. 291–292 (1959).

3. *Case Where the Constitutional Rule Requiring Bills to Be Read on Three Several Days Had to Be Suspended a Second Time.* — During the 42d Legislature, the House was considering S.B. 375 on second reading. It was passed to third reading, the constitutional rule was suspended, and the bill was placed on its third reading.

After consideration, the House reconsidered the vote by which the bill was passed to third reading. After amending the bill, the House again passed it to third reading. The Speaker, Mr. Minor, held that since the bill had been amended, it would be necessary to again suspend the constitutional rule before it could be placed on its third reading on that legislative day. 46 Tex. Legis. Man. 199 (1939).

Sec. 16. Consideration Section by Section. (a) During the consideration of any bill or resolution, the house may, by a majority vote, order the bill or resolution to be considered section by section, or department by department, until each section or department has been given separate consideration. If such a procedure is ordered, only amendments to the section or department under consideration at that time shall be in order. However, after each section or department has been considered separately, the entire bill or resolution shall be open for amendment, subject to the provisions of Rule 11, Section 8(b). Once the consideration of a bill section by section or department by department has been ordered, it shall not be in order to move the previous question on the entire bill, to recommit it, to lay it on the table, or to postpone it, until each section or department has been given separate consideration or until the vote by which section by section consideration was ordered is reconsidered.

(b) A motion to consider a bill section by section is debatable within narrow limits; that is, the pros and cons of the proposed consideration can be debated but not the merits of the bill.

Sec. 17. Passage to Engrossment or Third Reading. After a bill or complete committee substitute for a bill has been taken up and read, amendments shall be in order. If no amendment is made, or if those proposed are disposed of, then the final question on its second reading shall be, in the case of a house bill, whether it shall be passed to engrossment, or, in the case of a senate bill, whether it shall pass to its third reading. All bills ordered passed to engrossment or passed to a third reading shall remain on the calendar on which placed, but with future priority over bills that have not passed second reading.

CROSS-REFERENCES

Rule 6, § 15—Calendars, order of consideration of.

Rule 11, § 7—Amendments, precedence of.

EXPLANATORY NOTES

1. A committee has the power to suggest individual amendments, and these amendments must be offered from the floor by some member. If not offered from the floor, they should not be considered. [1931]

2. House bills “ordered engrossed” must actually be engrossed and returned to the speaker’s desk before they can be laid before the house on third reading, unless the constitutional rule requiring bills to be read on three several days is suspended, in which case practice of long standing

Rule 8, Bills Sec. 18

foregoes actual engrossment at this stage, the four-fifths vote needed for such suspension being considered in effect a simultaneous suspension (only a two-thirds vote needed) of the above section insofar as the actual engrossment requirement is concerned. Such bills are engrossed before they are sent to the senate. [1959]

3. Engrossed “riders” (amendments adopted on second reading) may be used in lieu of full engrossment on second reading passage. *See* Rule 2, § 1(9). [1977]

Sec. 18. Certification of Final Passage. The chief clerk shall certify the final passage of each bill, noting on the bill the date of its passage, and the vote by which it passed, if by a yea and nay vote.

HOUSE PRECEDENT

Not in Order to Direct the Chief Clerk to Make Any Changes in a Bill Which Has Passed the House and Been Sent to the Senate. — The house was considering H.S.R. 190 by Mr. Zivley. The resolution recited actions by the house in amending H.B. 132, and directing the engrossing clerk to send to the senate a “corrective” amendment to be attached to the bill.

Mr. Hull raised the point of order on further consideration of the resolution on the ground that the resolution was an attempt to amend a bill that had passed the house and was then in the senate.

Sustained by the Speaker, Mr. Senterfitt, holding that a bill must be recalled to make any changes therein. 53 H. Jour. 917 (1953).

Sec. 19. Effective Date. Every law passed by the legislature, except the General Appropriations Act, shall take effect or go into force on the 91st day after the adjournment of the session at which it was enacted, unless the legislature provides for an earlier effective date by a vote of two-thirds of all the members elected to each house. The vote shall be taken by yeas and nays and entered in the journals.

CROSS-REFERENCE

Tex. Const. Art. III, § 39—Constitutional rule.

EXPLANATORY NOTES

1. The attorney general has held consistently that a concurrent resolution, passed subsequent to the passage of a bill, which failed to receive the required two-thirds vote in its passage, could not put the bill into immediate effect, even though it declared legislative intent and the bill contained the required emergency clause. *See* Atty. Gen. Op. Nos. O-95 (1939), O-1717 (1939), O-3697 (1941), and V-867 (1949). The requirement for an emergency clause has since been eliminated by a constitutional amendment approved by the voters in 1999.

However, in Opinion No. V-850 (1949), the attorney general held that the date for the submission of a proposed amendment to the constitution could be changed by the adoption of a joint resolution setting a new one. In this latter case, the same legislative method, a joint resolution, was used in both actions. [1949; revised 1959, 2001]

2. On rare occasions a clerk has accidentally shown incorrect votes in endorsements relating to final passage of bills. The attorney general has

ruled that in such matters the journals control if they differ from the endorsements on the enrolled bills. Atty. Gen. Op. No. O-5171A (1943). There have been several instances where bills were recalled from the governor and the endorsements corrected. [1955]

3. Whenever a bill with the appropriate effective date language receives the necessary two-thirds vote and is signed by the governor, or becomes a law by absence of a veto, its terms become effective immediately. If, however, there is a specific recitation in the act which determines its effective date, then such controls. If such a recitation is contained in an act that does not receive the necessary two-thirds vote and such date is prior to 90 days after adjournment, then such specific recitation is of no effect, and the bill becomes effective 90 days after adjournment. [1955; revised 1987, 2001]

Sec. 20. Bills Containing Same Substance as Defeated Bill. After a bill or resolution has been considered and defeated by either house of the legislature, no bill or resolution containing the same substance shall be passed into law during the same session.

CROSS-REFERENCE

Tex. Const. Art. III, § 34—Constitutional rule.

HOUSE PRECEDENTS

1. *Held That a Bill Defeated in the Senate Could Be Considered in the House.* — The House was considering H.B. 3, the Staples real estate redemption bill, as a special order with the motion by Mr. Wooten to substitute the adverse minority report for the favorable majority report pending.

Mr. Shelburne raised a point of order against further consideration of the bill under the constitutional rule on the grounds that a bill containing the same subject matter had been defeated in the senate.

Overruled by the Speaker, Mr. Sherrill. 26 H. Jour. 415 (1899).

[A point of order of this kind must be decided on the actual facts in the case; a bill might be similar, even containing apparently the same substance, and yet be so different as not to come within the rule. If the senate has officially reported the defeat of a particular measure, a point of order on consideration of a similar measure in the house would stand or fall according to whether or not the presiding officer of the house thinks the measure being considered in the house contains the same “substance” as the measure defeated in the senate. See the following precedent.]

2. *Held That a Bill Defeated in the Senate Could Be Considered in the House.* — The speaker laid before the house as a special order H.B. 44 on its second reading and passage to engrossment.

Mr. Thomason raised a point of order on consideration of the bill on the ground that the house has official notification that the senate has defeated a bill containing the same substance.

Overruled by the Speaker, Mr. Thomas, stating that while the constitution prohibits the passage by either house of a bill after being officially notified of a defeat by the other house of a bill containing the same substance, it does not prohibit its consideration. 37 H. Jour. 425 (1921).

[The contention of the speaker was that it was entirely possible for the house to amend the bill and so change it by germane amendments as to make it agreeable to the senate.]

Sec. 21. Consideration of Bills Involving State Funds. (a) In order to assure the continuation of financial support of existing state services through the passage of the general appropriations bill, it shall not be in order during the first 118 days of the regular session for the speaker to lay before the house, prior to the consideration, passage, and certification by the comptroller of the general appropriations bill, any bill that directly or indirectly prevents from being available for purposes of funding state government generally any money that under existing law would otherwise be available for that purpose, including a bill that transfers or diverts money in the state treasury from the general revenue fund to another fund.

(b) In order to assure compliance with the limitation on appropriations of state tax revenue not dedicated by the constitution as provided by Article VIII, Section 22, of the Texas Constitution, it is not in order for the speaker to lay before the house, prior to the time that the general appropriations bill has been finally passed and sent to the comptroller, any bill that appropriates funds from the state treasury that are not dedicated by the constitution.

(c) When bills subject to the provisions of Subsection (a) of this section become eligible for consideration, they shall be considered for passage under the rules of the house and the joint rules as any other bill but shall not be signed by the speaker as required by the Constitution of Texas and the rules of the house until the general appropriations bill has been signed by the presiding officers of both houses of the legislature and transmitted to the comptroller of public accounts for certification as required by Article III, Section 49a, of the Constitution of Texas.

(d) All bills subject to the provisions of Subsection (a) of this section that have finally passed both houses shall be enrolled as required by the rules and transmitted to the speaker. The speaker shall note on each bill the date and hour of final legislative action and shall withhold his or her signature and any further action on all such bills until the general appropriations bill has been signed by the presiding officers of both houses and transmitted to the comptroller of public accounts for certification. Immediately thereafter, the speaker shall sign in the presence of the house all bills on which further action was being withheld because the bills were subject to the provisions of this section. After being signed by the speaker, the bills shall then be transmitted to the comptroller of public accounts for certification or to the governor, as the case may be, in the order in which final legislative action was taken. "Final legislative action," as that term is used in this subsection, shall mean the last act of either house meeting in general session necessary to place the bill in its final form preparatory to enrollment.

(e) Subsections (a)-(d) of this section shall not apply to any bills providing for:

- (1) the payment of expenses of the legislature;
- (2) the payment of judgments against the state;

(3) any emergency matter when requested by the governor in a formal message to the legislature; or

(4) the reduction of taxes.

(e-1) Subsection (a) of this section does not apply to a bill that prevents the deposit into the general revenue fund of money received from the federal government or earnings on that money if the bill does not prevent that money from being available for the purpose of funding state government generally to the same extent as under existing law.

(f) Unless within the authority of a resolution or resolutions adopted pursuant to Article VIII, Section 22(b), of the Texas Constitution, it is not in order for the house to consider for final passage on third reading, on motion to concur in senate amendments, or on motion to adopt a conference committee report, a bill appropriating funds from the state treasury in an amount that, when added to amounts previously appropriated by bills finally passed and sent or due to be sent to the comptroller, would exceed the limit on appropriations established under Chapter 316, Government Code.

(g) The general appropriations bill shall be reported to the house by the Committee on Appropriations not later than the 90th calendar day of the regular session. Should the Committee on Appropriations fail to report by the deadline, Subsections (a)-(d) of this section shall be suspended for the balance of that regular session.

CROSS-REFERENCES

Tex. Const. Art. III, § 49a—Constitutional requirement that Comptroller certify appropriations bills.

Tex. Const. Art. VIII, § 22(b)—Constitutional provision for appropriations in excess of economic growth.

Rule 8, § 4—Changing general law through an appropriations law not permitted.

Govt. Code Ch. 316, Subch. A—Limit on the growth of appropriations.

Govt. Code § 316.009—Governor may prepare and submit a general appropriations bill to the Legislature.

EXPLANATORY NOTES

1. Since Article III, Section 49a, of the constitution has become effective, whenever an appropriations bill is finally passed, the speaker declares, “The bill is finally passed subject to the provisions of Sec. 49a of Art. III of the Constitution.” This declaration is made and noted on the bill when such a bill is “finally passed” on its third reading, when senate amendments thereto are concurred in, or when a conference report thereon is adopted. Whenever the bill is finally passed by both houses, the chief clerk, if it is a house bill, enrolls the bill and then takes it to the comptroller for certification as required in Section 49a. The comptroller then returns the bill to the chief clerk, and the bill is taken to the governor in the usual manner: [1945; revised 1977]

2. If, through an oversight, the speaker fails to make the declaration referred to, and it becomes apparent to the chief clerk that the bill does in

fact contain an appropriation, the chief clerk should nevertheless show the bill passed subject to Section 49a of Article III and take it to the comptroller for certification. [1953]

ATTORNEY GENERAL OPINION

Requirements for Valid Appropriations in Excess of Revenue. — In order to appropriate funds that exceed the amount of cash and anticipated revenue certified by the Comptroller of Public Accounts, an appropriations bill must state the legislature's finding that an "emergency or imperative public necessity" exists, and the bill must then be enacted by a four-fifths vote of the full membership of each house of the legislature. Atty. Gen. Op. No. GA-54 (2003) (citing with approval Atty. Gen. Op. Nos. V-208 (1947) and O-6738A (1946), holding same).

ADDITIONAL NOTES AND PRECEDENTS ON BILLS

I. REVENUE BILLS

HOUSE PRECEDENTS

1. *The House Refuses to Accept a Revenue-Raising (Tax Bill) From the Senate.* — The senate bill having for its purpose the taxing of pool halls was laid before the house and read for the first time. Mr. Terrell of Bexar made the point of order that it is a measure for the purpose of raising revenue and cannot be received by the house from the senate, and that the chair should have it returned to the senate with the suggestion that all bills for raising revenue must, under the constitution, originate in the house of representatives, and the house is therefore compelled to return it to the senate.

Sustained by the Speaker, Mr. Rayburn, and the chief clerk was instructed to return the bill to the senate. 32 H. Jour. 864 (1911).

2. *Held That the Bill Creating a Fund to Pay the State Highway Engineer by Charging a License Fee for the Registration of Motor Vehicles Is Not a Revenue Measure of Such Character as to Prevent Its Originating in the Senate.* — The house was considering S.B. 8, creating a State Highway Department and providing for the appointment of a state highway engineer, and prescribing the duties of each and fixing the compensation of the engineer, creating a fund by the license of motor vehicles, etc., when Mr. Broughton made a point of order on further consideration of the bill on the ground that it was a bill raising revenue and, under the provisions of the constitution, should originate in the house of representatives.

Overruled by the Speaker, Mr. Terrell. 33 H. Jour. 1577 (1913).

3. *Interpretation of Article III, Section 33, Texas Constitution, Which Requires That Revenue-Raising Measures Originate in the House.* — The house was considering S.B. 6, which increased the tuition and certain other fees at state-supported institutions of higher education. Mr. Johnston and Mr. Townsend jointly raised a point of order that the bill was not properly before the house since it was a revenue-raising measure originating in the senate, and that under the provisions of Article III, Section 33, of the constitution, revenue-raising measures must originate in the house. They pointed out that earlier in the session the speaker had held the bill to be within the governor's call because it was a revenue-raising measure.

Overruled by the Speaker, Mr. Carr, citing cases in Vernon's Constitution of the State of Texas Annotated, which held generally that Section 33 "applies to bills to levy taxes in the strict sense of the word, and not to bills for other purposes which may incidentally raise revenue"; regarding the earlier ruling, which had been referred to, the Speaker quoted the wording of the governor's call, which clearly included any bill to raise revenue by whatever means, not just through taxation. He noted that a bill to produce additional revenue for the institutions of higher education by an increase in fees would, to a certain extent at least, relieve the general revenue fund. 56 H. Jour. 2d C.S. 697 (1959).

4. *Interpretation of Article III, Section 33, Texas Constitution, Which Requires That Revenue-Raising Measures Originate in the House.* — The house was considering S.B. 15 to allow pari-mutuel wagering in Texas. Mr. Hudson of Smith raised a point of order against further consideration of S.B. 15 in that it violated Article III, Section 33, of the constitution, which states that all bills for raising revenue shall originate in the house of representatives, but the senate may amend or reject them as it may other bills.

Overruled by the Speaker, Mr. Lewis, holding that generally, a bill for raising revenue is a bill the primary purpose of which is to levy a tax on the public to defray the actual costs of the government and for which the public does not receive a specific benefit in return. If the primary purpose of a bill does not involve raising revenue, but the bill contains a provision that incidentally raises revenue, the bill is not a revenue-raising bill within the meaning of Article III, Section 33. The Speaker determined that the subject of S.B. 15 was to allow pari-mutuel wagering in Texas and was not a measure the primary purpose of which was to raise revenue and therefore was not a revenue-raising bill within the meaning of Article III, Section 33. 69 H. Jour. 2d C.S. 189 (1986).

II. SPECIAL SESSION — LEGISLATION THAT MAY BE CONSIDERED

EXPLANATORY NOTES

1. Article III, Section 40, of the constitution reads in applicable part: "When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor."

Traditionally, it has been held that the legislature has broad discretion within the boundaries of the subjects submitted by the governor during a called session. The speaker is required to determine from time to time whether specific items of legislation are within the parameters of the subjects the governor has submitted. In making these determinations, the speaker is guided by the practice consistently followed by presiding officers of the house and permits the broadest latitude of legislative consideration within the limits of the constitution. Only with free and open consideration of all the issues raised by the subjects the governor has laid before the legislature can representative government function as the framers of our constitution intended. See the House Precedents below for further information on this matter: [1987]

2. In called sessions occurring in recent years, two distinct plans of procedure have been followed by speakers in dealing with bills embodying

subjects not submitted by the governors in their calls or messages. Under the first plan, which is current practice, the speaker gives all introduced bills a first reading and then refers them to appropriate committees without regard as to whether they fit within the stated purposes of the called session. This procedure does not diminish the right of a member to later challenge a measure on the ground that it does not relate to a subject submitted by the governor. This procedure does, however, activate the important committee operations of the house and has proven in the past to expedite significantly the consideration of subjects that the governor may later submit to a called session.

Under the second plan, which follows strictly the provisions of the constitution, the speaker reviews all bills filed with the chief clerk, or coming from the senate, to determine if their subject matter has been submitted by the governor. The speaker will then admit to first reading only those that are so covered. The reasoning behind this plan is that it may protect both members of the legislature and the governor from needless and often unfair pressures.

It is generally conceded that if a bill not within the governor's call or later submissions is passed by the legislature and signed or filed by the governor (not vetoed), it will become law. [1979; revised 1987]

3. The subject matter of house and concurrent resolutions does not have to be submitted by the governor before they can be considered at a special session. *See* Rule 10, § 7.

HOUSE PRECEDENTS

1. *Decisions Regarding Subject Matter Allowed Under Governor's Call at a Special Session; Also Test of Whether or Not Subject Matter of Amendments Comes Under Governor's Call.* — Mr. Lee raised the point of order that an amendment to H.B. 6 by Mr. Watson did not come within the call of the governor convening the special session.

Overruled by the Speaker, Mr. Carr, ruling as follows:

Article III, Section 40, of the Constitution of Texas reads as follows: "When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor."

There are several court decisions interpreting Article III, Section 40, that have a direct bearing on this question.

1. It was not the intention of this section to require the Governor to define with precision as to detail the subject of legislation, but only in a general way, by his call, to confine the business to the particular subjects. *Brown v. State*, 32 Tex. Crim. 133, 22 S.W. 601 (1893); *Long v. State*, 58 Tex. Crim. 209, 127 S.W. 208 (1910).

2. It is not necessary nor proper for the Governor to suggest in detail the legislation desired. It is for the Legislature to determine what the legislation shall be. *Brown v. State*, 32 Tex. Crim. 133, 22 S.W. 601.

3. This section of the Constitution does not require the proclamation of the Governor to define the character or scope of legislation, but only in a general way to present the subjects for legislation. *Long v. State*, 58 Tex. Crim. 209, 127 S.W. 208.

4. The Constitution does not require the proclamation of the Governor to define the character or scope of legislation which may be enacted at a special session but only in a general way to present the subjects for

legislation, and thus confine the business to a particular field which may be covered in such way as the legislature may determine. *Baldwin v. State*, 21 Tex. Ct. App. 591, 3 S.W. 109 (1886); *Devereaux v. City of Brownsville*, 29 Fed. 742 (Cir. Ct. W.D. Tenn. (1887).

5. Governor's proclamation or messages, submitting subject of legislation to special session under Article III, Section 40, need not state the details of the legislation to be considered; such matters being within the discretion of Legislature.

The gist of these opinions is that the legislature is not held to strict interpretation of "subject" submitted in the Governor's call, but rather that it has the authority to determine the specific details of legislation as long as they come generally within the call. And it seems clear that the Governor could not restrict the legislature to a particular bill or plan of legislation.

Item 4 of the Governor's proclamation concerning this session reads as follows:

4. To create and finance a statewide water planning agency to work in cooperation with State, local and Federal agencies in conducting research and planning for an over-all program of water conservation and flood control with authority to contract for water conservation storage in Federal reservoirs to be paid for out of revenue.

Establishment of the precedent of having to rule on whether or not each amendment offered comes within the Governor's call would be cumbersome and useless. Rather, it would seem the part of reason to apply the rule that if a bill is within the Governor's call then it would follow logically that any germane amendment falls within the call. Germaneness would then become the critical test as to whether or not an amendment comes within the Governor's call, so long, of course, as the bill itself comes within the Governor's call.

With regard to the Watson amendment to the committee amendment, the Chair has heretofore refused to rule it out as not germane, realizing at the time that the question was close, since H.B. 6 and Committee Amendment No. 1 have within their provisions a reaffirmation, at least, of a portion of the present law dealing with 200-acre-feet reservoirs, thereby exposing such provision to amendment.

In this case, the bill appears clearly within the Governor's call. 55 H. Jour. 1st C.S. 156 (1957).

2. *Decision Relating to Whether Bill Came Within Governor's Call Passed to House.* — In the 55th Legislature, 1st Called Session, the Speaker, Mr. Carr, in the light of a unique set of circumstances, and under a rarely used procedure, passed directly to the house the decision as to whether a particular bill came within the governor's call. 55 H. Jour. 1st C.S. 156 (1957).

3. *Decision Regarding Subject Matter Allowed Under Governor's Call at a Special Session.* — Mr. Hudson of Smith raised a point of order against further consideration of S.B. 15 in that it violates Article IV, Section 8, and Article III, Section 40, of the constitution.

Overruled by the Speaker, Mr. Lewis, ruling as follows:

Article IV, Section 8, of the Texas Constitution requires the governor, when convening the legislature in called session, to specify the purposes for which the session is convened.

Article III, Section 40, of the constitution restricts the scope of legislative consideration to bills and proposed constitutional amendments embraced by those subjects that the governor submits. Within the

boundaries of these subjects, however, this body has broad discretion. It is the legislature's responsibility to determine the manner in which these subjects are to be addressed.

The chair may be required to determine from time to time whether specific items of legislation are within the parameters of the subjects the governor has submitted. In making these determinations, the chair will be guided by the practice consistently followed by presiding officers of this house and permit the broadest latitude of legislative consideration within the limitations of the constitution. Only with free and open consideration of all the issues raised by the subjects the governor has laid before us can representative government function as the framers of our constitution intended.

As a general rule, legislative power is plenary except when the constitution has imposed limits on it. When limitations such as Article III, Section 40, are imposed, they are an exception to the general rule and must be strictly construed. *Long v. State*, 127 S.W. 208 (Tex. Crim. App. 1910).

Strict construction of the governor's power under Article III, Section 40, results in three conclusions: (1) that the limitations imposed by the governor's proclamation calling a special session do not restrict the general power of the legislature unless the limitations clearly inhibit the act in question; (2) that the governor may not limit the legislature to detailed legislation rather than a general subject; and (3) that the legislature has broad power to determine what the subject is.

As an example, in *Baldwin v. State*, 3 S.W. 109 (Tex. Civ. App. 1886), a defendant found guilty of failing to pay an occupation tax attacked the constitutionality of the statute imposing the tax on the ground that it was not included in the subjects contained in the proclamation convening the special session at which it was enacted. The proclamation stated that one of the purposes for the special session was "to reduce the taxes, both ad valorem and occupation, so far as it may be found consistent with the support of an efficient state government." The court found that the proclamation embraced the whole subject of taxation and that the governor's proclamation merely called attention to the subject on which legislation was desired. Thus, the statute imposing a tax was upheld as being authorized by a proclamation that spoke only to reducing taxes.

The chair has been asked the question of whether revenue enhancement bills, such as pari-mutuel wagering, are now within the call submitted by the governor in light of his proclamations.

The chair feels that the subject submitted by the governor is legislation concerning state finance and necessarily includes revenue enhancement measures as well as reduced spending. Because of court decisions such as *Baldwin v. State*, and legislative precedent, it naturally follows that a measure which enhances revenue deals with the subject of state finance in that the effect is to raise money. 69 H. Jour. 2d C.S. 189 (1986).

4. *Decision Where Subject Matter of Legislation Was Not Allowed Under Governor's Call at a Special Session.* — Where the Governor's proclamation calling a special session submitted the subject of "legislation shielding employers and employees from [certain] political subdivision" regulations governing the employer-employee relationship, that proclamation confined the field of business that may be covered to legislation shielding only private employers; thus, a bill applying to certain public employers was outside the designated field. 87 H. Jour. 2d C.S. 354 (2021).

Rule 9. Joint Resolutions

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Rule 9

Joint Resolutions

Sec. 1. Amendments to the Texas Constitution. (a) A proposed amendment to the Texas Constitution shall take the form of a joint resolution, which shall be subject to the rules that govern the proceedings on bills, except as provided by this section.

(b) A joint resolution is not subject to the provisions of Rule 8, Section 3, or Rule 11, Section 3.

(c) A joint resolution shall be adopted on any reading after the first if it receives a two-thirds vote of the elected membership of the house. If such a joint resolution receives only a majority vote on second reading, it shall be passed to engrossment, and subsequent proceedings shall be the same as those governing the final passage of bills which have been passed to engrossment. If such a joint resolution does not receive a two-thirds vote of the elected membership of the house on third reading and final passage, it shall fail of adoption.

CROSS-REFERENCE

Tex. Const. Art. XVII, § 1—Constitutional requirements for amendments.

EXPLANATORY NOTES

1. The joint resolution has been used for years by Congress and state legislatures as a vehicle for different forms of business. In the Texas Legislature the rules provide that such a resolution should be used as the means of submitting amendments to the state constitution. The above section provides, in effect, that a joint resolution shall take the same course through the two houses as a bill and be like a bill in all respects, except that if it receives, at any reading beyond the first, a two-thirds vote of all members elected to a particular house, then the resolution is passed finally by that house. Current practice is that joint resolutions are not submitted to the governor for signature but are filed directly with the secretary of state. The two-thirds vote requirement in the rules is in keeping with the Texas constitutional requirement that an amendment to the constitution can be proposed only by that vote. [1951; revised 1957, 1987]

2. The germaneness rule applies to joint resolutions as well as to bills. The rule that prohibits a bill from containing more than one subject and the rule that prohibits a bill from being amended to change its original purpose do not apply to joint resolutions, as both rules are based on constitutional provisions that apply exclusively to bills. [1947; revised 1993]

3. Senate amendments to house joint resolutions proposing constitutional amendments must be concurred in by the same two-thirds vote required for their passage, i.e., two-thirds of the elected membership. The same vote is required for the adoption of a conference committee report on a joint resolution. [1951]

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Sec. 2. Ratifying or Proposing Amendments to the Constitution of the United States. Ratification by Texas of a proposed amendment to or application to Congress for a convention to amend the Constitution of the United States shall take the form of a joint resolution, which shall be subject to the rules that govern the proceedings on bills, except that it shall be adopted on second reading if it receives a majority vote of the members present and voting, a quorum being present. If such a joint resolution fails to receive a majority vote, it shall fail of adoption and shall not be considered again unless revived by a motion to reconsider as otherwise provided in the rules.

EXPLANATORY NOTE

Amendments to the federal constitution are considered adopted after submission by the Congress and ratification by the required number of states through the action of their legislatures. It has been the custom to present such proposals for ratification in the Texas Legislature through the vehicle of a joint resolution, but since nothing exists to the contrary, such a resolution can be passed by a majority vote of each house, the two-thirds vote requirement referred to in Section 1 of this rule obviously not being applicable. To illustrate, when the Nineteenth Amendment to the United States Constitution (Suffrage Amendment) was ratified by the Texas Legislature, it received a record vote in the house, but only a voice vote in the senate, and was declared duly ratified. The Twentieth Amendment to the United States Constitution (Presidential Succession) was adopted by a unanimous vote of each house of the Texas Legislature, the vote being recorded but no reference being made to a "two-thirds vote." Had such been considered significant, it would have been appropriately recorded. The same vote requirements apply to resolutions applying to Congress for a convention to amend the federal constitution. [1951; revised 1995]

Sec. 3. Placement of Joint Resolutions on a Calendar. Joint resolutions on committee report shall be referred to the Committee on Calendars for placement on an appropriate calendar. The Committee on Calendars shall maintain a separate calendar for house joint resolutions and a separate calendar for senate joint resolutions. Senate joint resolutions shall be considered on calendar Wednesdays and calendar Thursdays along with senate bills.

Rule 10. House Resolutions and Concurrent Resolutions

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Rule 10

House Resolutions and Concurrent Resolutions

Sec. 1. Filing. Resolutions shall be introduced by filing a resolution with the chief clerk in the manner and in an electronic or other format specified by the chief clerk, who shall number and record house resolutions in one series and concurrent resolutions in a separate series.

CROSS-REFERENCE

Govt. Code Ch. 391—Procedures and effective periods for resolutions designating state symbols, place designations, and recognition days, weeks, and months.

Sec. 2. Referral to Committee. (a) After numbering and recording, all resolutions shall be sent to the speaker for referral to the proper committee.

(b) Resolutions proposing the expenditure of money out of the contingent expense fund of the legislature shall be referred to the Committee on House Administration.

(c) All other resolutions shall be referred to the appropriate committee with jurisdiction.

Sec. 3. Referral to Calendars Committees. All resolutions on committee report, other than privileged resolutions, shall be referred immediately to the appropriate calendars committee for placement on the appropriate calendar.

Sec. 4. Order of Consideration. Unless privileged, resolutions shall be considered by the house only at the time assigned for their consideration on the calendar, in accordance with the provisions of Rule 6, Section 7.

Sec. 4A. Record Vote Required by Texas Constitution. A vote on final passage of a resolution other than a resolution of a purely ceremonial or honorary nature must be by record vote with the vote of each member entered in the journal as required by Section 12(b), Article III, Texas Constitution.

CROSS-REFERENCE

Tex. Const. Art. III, § 12(b)—Record vote requirements.

Sec. 5. Signing by Governor. Concurrent resolutions shall take the same course as house resolutions, except that they shall be sent to the governor for signing when finally passed by both houses.

CROSS-REFERENCE

Tex. Const. Art. IV, § 15—Governor's approval or veto of orders, resolutions, or votes.

EXPLANATORY NOTES

1. Matters of business solely between the two houses are handled by concurrent resolutions; for example, requests for the return of bills for further consideration, corrections, etc., are contained in concurrent resolutions. All concurrent resolutions, except those pertaining to procedural matters between the two houses, must be submitted to the governor for approval. [1941; revised 1981]

2. Presiding officers of both houses have repeatedly held that the provisions of concurrent resolutions dealing solely with procedural matters between the two houses actually become effective as soon as they are approved by both houses. [1981]

3. Concurrent resolutions do not have to be “put into immediate effect” by receiving one hundred votes on passage. A majority vote is all that is necessary to carry out the provisions of any house or concurrent resolution. [1951]

Sec. 6. Mascot Resolutions. (a) All candidates for the office of mascot shall be named in and elected by a single house resolution.

(b) Only children of house members who are under the age of 12 years shall be eligible for election to the honorary office of mascot. A child once named a mascot shall not be eligible for the honor a second time.

(c) No separate classification or special title shall be given to any mascot, but all shall receive the same title of honorary mascot of the house of representatives.

(d) The speaker shall issue a certificate showing the election of each mascot and deliver it to the parent member of the child.

Pictures of mascots shall appear on the panel picture of the house.

Sec. 7. Consideration of Resolutions During Called Sessions. The subject matter of house resolutions and concurrent resolutions does not have to be submitted by the governor in a called session before they can be considered.

Sec. 8. Resolutions Authorizing Technical Corrections. Resolutions authorizing the enrolling clerk of the house or senate to make technical corrections to a measure that has been finally acted upon by both houses of the legislature shall be privileged in nature and need not be referred to committee. Such resolutions shall be eligible for consideration by the house upon introduction in the house or receipt from the senate.

EXPLANATORY NOTES

1. Frequently, concurrent resolutions are passed authorizing the correction of errors in bills in the process of being enrolled, and it is often necessary to recall bills from the governor for correction. Such recall is done by concurrent resolution, usually originating in the house in which the bill originated. [1937; revised 1959, 1977]

2. “Corrective” resolutions should be strictly of that character; it not being allowable under the rules to make changes in substance. To allow such would set a dangerous precedent, because there would be no way of

drawing a line as to what could and what could not be changed by such a resolution. If such practice were allowed, an act that passed both houses under the constitutionally specified three-reading procedure could be set aside or changed in whole or in part. However, over recent years both houses have accepted resolutions (concurrent) which authorized many and various types of corrections in the general appropriations bill after adoption of the conference committee report relating thereto. At times these “corrections” have been to insert unintended omissions due to clerical errors, to remedy obviously faulty wording, and to eliminate any contradictions between provisions. Generally speaking, the houses have accepted genuine corrections, as explained by the chairs of the Committees on Appropriation and Finance, even though such “corrections” are admittedly broader in character than would be allowed through resolutions for other bills. Such course of action has been deemed preferable to recommitting the bill to conference, since under such procedure the entire subject matter of the appropriations bill would thereby be reopened. [1953; revised 1955]

3. When it becomes necessary to recall a bill from the governor, the house in which the bill originated should pass a resolution such as the following:

Resolved by the . . . Legislature of the State of Texas, that the Governor be and is hereby requested to return to the . . . Bill No. . . . for further consideration; and be it further

Resolved, that the action of the Speaker and the President of the Senate in signing . . . Bill No. . . . be declared null and void, and that the two presiding officers be authorized to remove their signatures from the enrolled bill.

If only a simple correction is involved, this additional clause should appear in the resolution: “and be it further Resolved, that the chief clerk of the house (or the enrolling clerk of the senate) be and is hereby directed to correct the enrolled copy of . . . Bill No. . . . in the following manner — (here should follow an exact description of the correction).” This resolution, having been adopted by both houses and properly signed by the two presiding officers, should be officially communicated to the governor, whereupon the governor will doubtless return the bill by message to the house in which it originated. In turn, the presiding officers will remove their signatures.

If further consideration of the bill is involved, every step must be retraced in regular order until the bill is again at a stage that permits the desired action. [1931; revised 1955]

HOUSE PRECEDENTS

1. *The Legislature by Concurrent Resolution Cannot Postpone the Date a Law Is to Become Effective.* — The speaker had laid before the house S.C.R. 12, relating to postponing the date upon which a certain act passed by the regular session was to become effective.

Mr. Keller raised a point of order on further consideration of the resolution on the ground that the legislature cannot by concurrent resolution change the date a law becomes effective.

Sustained by the Speaker, Mr. Barron. 41 H. Jour. 1st C.S. 601 (1929).

2. *Authority Cannot Be Given to a State Agency by Concurrent Resolution If Such Does Not Already Exist by Law.* — The house was considering H.C.R. 68, which required of the Department of Public Safety certain activity not prescribed by law.

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Mr. Carlton raised a point of order on consideration of the resolution on the ground that delegation of authority not authorized by law cannot be accomplished by a concurrent resolution.

Sustained by the Speaker; Mr. Daniel. 48 H. Jour. 1018 (1943).

3. *Cannot Authorize by Resolution an Act in Violation of an Existing Statute.* — H.C.R. 122, authorizing the Game, Fish and Oyster Department to issue complimentary hunting licenses to out-of-state sportsmen, was before the house.

Mr. Alsop raised a point of order against the resolution on the ground that such authorization would be in violation of existing statute, and that the legislature had no authority to change a statute except by bill.

Sustained by the Speaker; Mr. Calvert. 45 H. Jour. 2723 (1937).

4. *Appropriation From the General Revenue Fund of the State Cannot Be Made by Resolution.* — H.C.R. 13, pending before the house, provided an appropriation of \$1,000 “out of the General [Revenue] Fund of the State Treasury” to defray the expenses of a committee, consisting of members of the house and senate and others, to meet with representatives of the State of Oklahoma in regard to certain boundary matters.

Mr. Jones of Wise raised a point of order against the resolution on the ground that the appropriation was in violation of Section 6 of Article VIII of the constitution, which requires that an appropriation must be “made by law.”

Sustained by the Speaker; Mr. Calvert; the resolution was amended by unanimous consent to provide for the appropriation out of the Contingent Expense Fund of the house and senate. 45 H. Jour. 209 (1937).

5. *Sine Die Adjournment Resolution Must Fix a Date Certain for Adjournment.* — The house was considering S.C.R. 64, providing for sine die adjournment on a certain date. An amendment was offered to change the adjournment date to “Twelve (12) days after the departmental appropriation . . . is presented to the Governor.” Mr. Isaacks raised a point of order that the amendment was out of order because it would make the adjournment date vague and indefinite.

Sustained by the Speaker; Mr. Leonard. 47 H. Jour. 3760 (1941).

CONGRESSIONAL PRECEDENTS

Correction of Errors in Bills — Recall. — It is not an uncommon procedure for one house to ask the other (by simple resolution or motion) to return a bill for correction or otherwise. 4 Hinds §§ 3460–3464. There being an error in an engrossed house bill sent to the senate, a request was made that the clerk be permitted to make the correction. 4 Hinds § 3465. The two houses may by concurrent resolution authorize the correction of an error when enrollment is made. 4 Hinds §§ 3446–3450.

Sec. 9. Author’s Signature on Congratulatory or Memorial Resolution. The enrolled printing of a house congratulatory or memorial resolution shall include a place for the signature of the primary author of the resolution. The chief clerk shall provide the primary author with the opportunity to sign the resolution after the resolution is enrolled. The absence of the primary author’s signature does not affect the validity of the resolution as adopted by the house.

Rule 11. Amendments

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Rule 11

Amendments

Sec. 1. Acceptable Motions to Amend. When a bill, resolution, motion, or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order. It shall also be in order to offer a further amendment by way of a substitute. Such a substitute may not be amended. If the substitute is adopted, the question shall then be on the amendment as substituted, and under this condition an amendment is not in order.

EXPLANATORY NOTE

The motion to amend is in order under general parliamentary law. 19 H. Jour. 4 (1885). [2021]

CONGRESSIONAL PRECEDENTS

Amendments. — It is not in order to offer more than one motion to amend at a time. 5 Hinds § 5755; 8 Cannon § 2831. The motion to amend is in order after the rejection of the previous question under general parliamentary law. Deschler ch. 1, § 10.10. A motion to strike out certain words being disagreed to, it is in order to strike out a portion of those words. 5 Hinds § 5769. To a motion to insert words in a bill, a motion to strike out certain words of the bill may not be offered as a substitute. 5 Hinds § 5790. If a portion of a proposed amendment be out of order, the whole of it must be ruled out. 5 Hinds § 5784. When it is proposed to amend by inserting a paragraph, it should be perfected by amendment before the question is put on inserting. 5 Hinds § 5758. A negative vote on a motion to strike out and insert does not prevent the offering of another similar motion or a simple motion to strike out. 5 Hinds § 5758. It is in order to insert by way of amendment a paragraph similar (if not actually identical) to one already stricken out by amendment. 5 Hinds § 5760; 8 Cannon § 2839; 122 Cong. Rec. 28939–28958 (1976). After a vote to insert a new section in a bill, it is too late to perfect the section by amendment. 5 Hinds §§ 5761, 5762; 8 Cannon § 2852. Words inserted by amendment may not afterwards be changed, except that portion of the original paragraph including the words so inserted may be stricken out if, in effect, it presents a new proposition, and a new coherence may also be inserted in place of that stricken out. 5 Hinds § 5758.

It is not in order to amend an amendment that has been agreed to, but the amendment, with other words of the original paragraph, may be stricken out in order to insert a new text of a different meaning. 5 Hinds § 5763. It is not in order to offer an amendment identical with one previously disagreed to. 8 Cannon § 2834. If a proposed amendment is not susceptible to any other interpretation than that which might reasonably be given an amendment previously rejected, it is not admissible. 8 Cannon § 2835. While not in order to insert by way of an amendment a paragraph similar to one already stricken out, an amendment will not be ruled out for that reason unless practically identical. 8 Cannon § 2839. It is in order to offer as an amendment a proposition similar, but not substantially identical, with

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one previously rejected. 8 Cannon § 2838. A motion to strike out certain words being disagreed to, it is in order to strike out a portion of those words. 8 Cannon § 2858. While it is not in order to strike out a portion of an amendment once agreed to, words may be added to the amendment. 5 Hinds §§ 5764, 5765. The fact that a proposed amendment is inconsistent with the text, or embodies a proposition already voted on, constitutes a condition to be passed upon by the house and not by the speaker. 2 Hinds § 1327. A proposition offered as a substitute amendment and rejected may nevertheless be offered again as an amendment in the nature of a new section. 5 Hinds § 5797.

Sec. 2. Motions on a Different Subject Offered as Amendments.

No motion or proposition on a subject different from the subject under consideration shall be admitted as an amendment or as a substitute for the motion or proposition under debate. “Proposition” as used in this section shall include a bill, resolution, joint resolution, or any other motion which is amendable.

Amendments pertaining to the organization, powers, regulation, and management of the agency, commission, or advisory committee under consideration are germane to bills extending state agencies, commissions, or advisory committees under the provisions of the Texas Sunset Act (Chapter 325, Government Code).

An amendment to a committee substitute laid before the house in lieu of an original bill is germane if each subject of the amendment is a subject that is included in the committee substitute or was included in the original bill.

CROSS-REFERENCES

Tex. Const. Art. III, § 30—Constitutional germaneness rule.

Tex. Const. Art. III, § 35(a)—Constitutional one-subject rule.

Rule 4, § 40—Germane substitutes for original bills, House committees may report.

Rule 8, § 3—House one-subject rule.

EXPLANATORY NOTES

1. The fact that rules of the house provide that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, and the further fact that the constitution declares no bill shall be so amended in its passage through either house as to change its original purpose, narrow the scope of germaneness to such an extent that often many amendments are excluded that relate to the general subject of the original proposition, but which so change the original purpose of the bill or proposition by the elimination of essential parts thereof or by adding new matter on the same subject or by alterations in essential points. This necessarily limits and restricts amendments that are germane to any subject. The fact that there is no protection in the courts against the violation of the constitutional provision, which prohibits changing the purposes of bills, makes it imperative that a presiding officer, as well as members, strictly construe the rule and use due precaution in the determination of the germaneness of an amendment. [1913]

2. An amendment (1) adding a new tax, (2) raising or lowering an existing tax, or (3) eliminating a tax altogether is basically germane to an “omnibus tax bill,” provided, however, that (a) the proposed tax is constitutional, (b) the tax feature is clearly paramount, and (c) the proposed tax does not involve an illegal act. *See precedents below.* [1959]

3. The germaneness rule applies to resolutions before the adoption of rules. 34 H. Jour. 17 (1915); 87 H. Jour. 191–192 (2021). [2021; revised 2023]

HOUSE PRECEDENTS

1. *Examples of Amendments That Are Germane.* — An amendment (adopted by the senate) classifying hemp as an agricultural commodity and classifying certain misrepresentations in connection with hemp consumable products as a deceptive trade practice to a bill governing the production, cultivation, and regulation of hemp and hemp consumable products. 87 H. Jour. 4972 (2021).

An amendment establishing a voluntary pilot program in lieu of a permanent statewide program for local workforce development boards to contract with third parties to provide subsidized child care, to a bill authorizing the latter. 86 H. Jour. 1977–1979 (2019).

An amendment establishing a consortium of medical schools to provide resources for children’s mental health, to an amendment providing for the identification of resources related to student mental health that are regionally available to schools. 86 H. Jour. 4410–4415 (2019).

An amendment to have a joint session of the house and the senate to hear evidence from commissioner of agriculture, comptroller, and treasurer of the state as to disposition of certain moneys mentioned in the resolution, to a resolution for the purpose of hearing evidence to be presented by commissioner of agriculture and such other evidence to substantiate the charges set out in the resolution. 44 H. Jour. 2254 (1935).

An amendment to place rangers under bond to a bill creating department of public safety to which rangers were transferred from the adjutant general’s department. 44 H. Jour. 1275 (1935).

An amendment to provide a literacy test for voters to a joint resolution abolishing poll tax and allowing the legislature to provide for registration of voters. 44 H. Jour. 472 (1935).

An amendment to prohibit railroads from owning an interest in any motor carrier, to a bill regulating motor carriers transporting property over the highway for hire. 42 H. Jour. 1105 (1931).

An amendment to provide for election of comptroller of public accounts and other officers by adding these to a joint resolution to elect governor, lieutenant governor, and attorney general at same time and place as members of legislature. 41 H. Jour. 1389 (1929).

An amendment providing the act under consideration shall not affect royalties now being received by the state from river, bayou, or lake beds, to a bill validating all patents to certain lands along rivers and giving the owners thereof all royalties. 41 H. Jour. 512 (1929).

2. *Examples of Amendments That Are Not Germane.* — An amendment adding several additional and unrelated conditions to an amendment containing a single condition governing the scheduling of legislation. 87 H. Jour. 191–192 (2021).

An amendment staying proceedings to enforce a qualified domestic relations order if the parties are disputing the provision of medical care for

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their child to a bill updating state law court procedures to align them with federal law governing such orders. 87 H. Jour. 663–664 (2021).

An amendment altering the composition and selection of the Public Utility Commission to a bill specifying the qualifications of the Electric Reliability Council of Texas governing board members (one of whom is the commission chairman). 87 H. Jour. 765–770 (2021).

An amendment authorizing regulatory authorities and political subdivisions to offer certain energy efficiency rebates to a bill enacting a prohibition on those authorities and subdivisions from taking certain actions to discourage utility connections based on the type and source of energy. 87 H. Jour. 787–788 (2021).

An amendment amending the current law definition of the term “abuse” to include certain acts performed by licensed medical professionals to a bill altering court procedures for certain suits affecting the parent–child relationship that involve the Department of Family and Protective Services. 87 H. Jour. 811–813 (2021).

An amendment amending the proposed definition of the term “neglect” to exclude a parent’s refusal to consent to certain medical procedures desired by a child from that definition to a bill altering court procedures for certain suits affecting the parent–child relationship that involve the Department of Family and Protective Services. 87 H. Jour. 829–830 (2021).

An amendment requiring the comptroller to include information concerning the political speech of a nongovernmental party to a local economic development agreement in an information database of all such agreements to a bill requiring the comptroller to establish and maintain that database. 87 H. Jour. 852–853 (2021).

An amendment authorizing the concealed carrying of handguns on campuses of institutions of higher education and limiting those institutions’ civil liability for the actions of persons so carrying to a bill authorizing the open carrying of handguns by persons 21 years of age or older not otherwise prohibited by law from possessing a firearm. 87 H. Jour. 1148–1153 (2021).

An amendment (committee substitute) taxing alternative nicotine and modified risk tobacco products to a bill taxing e-cigarette and vapor products. 87 H. Jour. 2181 (2021).

An amendment (committee substitute) creating a council responsible for oversight of statewide electric vehicle charging infrastructure to a bill imposing an additional registration fee on alternatively fueled vehicles. 87 H. Jour. 3882 (2021).

An amendment (adopted by the senate) imposing an additional registration fee on alternatively fueled vehicles to a bill making only minor changes to the vehicle registration process. 87 H. Jour. 4222–4223 (2021).

An amendment (adopted by the senate) requiring the commissioner of education to establish certain civics instruction training programs in subject areas other than social studies to a bill specifying civics instruction curriculum and training programs in social studies. 87 H. Jour. 4524 (2021).

An amendment including classes of low-level radioactive waste within the application of a bill regulating only high-level radioactive waste. 87 H. Jour. 2d C.S. 229–230 (2021) (citing 87 H. Jour. 2181 (2021)); 87 H. Jour. 2d C.S. 283 (2021).

An amendment creating an exception for schools that do not provide certain extracurricular activities to the application of a bill requiring public

school students to compete on teams in certain interscholastic competitions that are aligned with their biological sex. 87 H. Jour. 3d C.S. 146 (2021).

An amendment imposing a condition related to the provision of certain sexual harassment and sexual assault prevention training to teachers and coaches that would limit the application of a bill requiring public school students to compete on teams in certain interscholastic competitions that are aligned with their biological sex. 87 H. Jour. 3d C.S. 155 (2021).

An amendment repealing the recapture system, to an amendment requiring certain information on property tax bills related to the Robin Hood recapture system. 86 H. Jour. 1269–1270 (2019).

An amendment requiring a study of the relationship between a school district's size and its cost and effectiveness, to a bill modernizing funding of public education and the education of students with that funding. 86 H. Jour. 1272–1273 (2019).

An amendment waiving handgun license fees for all persons aged 65 years or older; to a bill waiving handgun license fees and training requirements for a qualifying retired peace officer. 86 H. Jour. 1648 (2019).

An amendment requiring the Railroad Commission to adopt water quality standards for all oil and gas wastewater regardless of how produced, to a bill requiring the commission to issue discharge permits for certain types of oil and gas wastewater produced by activities authorized by current law (and unamended by the bill). 86 H. Jour. 1758–1759 (2019).

An amendment authorizing the carrying of a handgun without a license for not more than 365 days during a declared disaster; to a bill authorizing the carrying of a handgun without a license for not more than 168 hours when evacuating from or returning to an area under evacuation orders. 86 H. Jour. 1858 (2019).

An amendment authorizing the carrying of a handgun without a license for not more than 168 *years* when evacuating from or returning to an area under evacuation orders in a disaster; to a bill authorizing the carrying of a handgun without a license for not more than 168 *hours* under those conditions. 86 H. Jour. 1858–1859 (2019).

An amendment authorizing the sale of liquor on Sundays in an area by certain Texas Alcoholic Beverage Commission permit holders if authorized by a local option election in that area, to the commission's sunset bill. 86 H. Jour. 2219–2221 (2019).

An amendment excluding chicken coops and rabbit pens used for certain noncommercial purposes from the value of real property, to a bill requiring generally accepted appraisal methods to be used to increase transparency in the appraisal process. 86 H. Jour. 2477–2478 (2019).

An amendment setting taxable values by use of an arbitrary value (or “freeze”), to a bill requiring generally accepted appraisal methods to be used to increase transparency in the appraisal process. 86 H. Jour. 2480–2481 (2019).

An amendment to limit the annual increase in appraised value of certain property to a percentage of the prior year's appraised value, to a bill requiring generally accepted appraisal methods to be used to increase transparency in the appraisal process. 86 H. Jour. 2482–2483 (2019); 86 H. Jour. 2483–2491 (2019).

An amendment authorizing certain gambling operations by Indian tribes under the Occupations Code, to a bill exempting similar gambling activity from existing Penal Code offenses. 86 H. Jour. 2589–2590 (2019).

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An amendment to limit the increase in appraised value of certain property to an annual percentage, to a bill authorizing correction of errors made on the appraisal roll of a property's market value. 86 H. Jour. 3351–3357 (2019).

An amendment (adopted by the senate) restricting a city's authority to impose fines or fees in certain territory in its extraterritorial jurisdiction, to a house bill prohibiting a city from imposing water quality regulations in its extraterritorial jurisdiction that exceed those required under Federal law. 86 H. Jour. 5217–5218 (2019).

An amendment (adopted by the senate) related to public health laboratory capabilities, to a house bill requiring the Health and Human Services Commission to develop a comprehensive workplace plan for mental health and substance abuse. 86 H. Jour. 5707–5708 (2019).

An amendment granting permission to one person to have a cigar stand in Capitol to resolution granting permission to another person. 44 H. Jour. 124 (1935).

An amendment to include control and the regulation of the natural gas industry to a bill making gas pipelines common carriers. 44 H. Jour. 712 (1935).

An amendment to limit the weight of all trucks on highways by allowing variation of 10 per centum of gross weight, to a bill providing schedule of weights to determine the load weight of lumber. 44 H. Jour. 1251 (1935).

An amendment to pay a reward for bank robbers to bill creating bank deposit insurance funds. 43 H. Jour. 1st C.S. 229 (1933).

An amendment to place tax on natural gas to bill appropriating money for the centennial. 43 H. Jour. 1st C.S. 454 (1933).

An amendment repealing the law creating the board of pardons and paroles to a bill moving the board from Austin to Huntsville. 43 H. Jour. 219 (1933).

An amendment to change the license fee on motor cars and trucks to a bill requiring a tax receipt for ad valorem taxes before registration. 43 H. Jour. 393 (1933).

An amendment relative to teachers' certificates to a bill relating to tuition charges of state schools. 43 H. Jour. 1546 (1933).

An amendment to add light and power companies to a bill relating to ready-to-serve charges of natural gas companies. 43 H. Jour. 1663 (1933).

An amendment taxing cigars to a bill placing a tax on natural gas and regulating the industry. 43 H. Jour. 2347 (1933).

An amendment to pay expenses of eradication of ticks to a bill to pay claims of losses in eradication of pink bollworm. 43 H. Jour. 2601 (1933).

An amendment creating a road bond and indebtedness assumptions plan to a bill relating to tax on gasoline and collection thereof. 42 H. Jour. 1179 (1931).

An amendment to provide an appropriation for relief to DeSoto school district to a bill making appropriation to the Frost independent school district. 42 H. Jour. 870 (1931).

An amendment making the act apply to all the state to a bill making a closed season on quail in Howard County. 42 H. Jour. 590 (1931).

An amendment making it a misdemeanor to make false reports relative to milk or false test of milk or butterfats, and providing an appropriation to carry into effect the provision of the act, to a deficiency appropriations bill. 42 H. Jour. 375 (1931).

An amendment placing a gross production tax on the production of oil to bill providing for the county tax collector to collect a tax or license fee from cigarette dealers. 42 H. Jour. 2d C.S. 313 (1931).

An amendment not to permit a truck to have more than 25 gallons of gasoline for purposes of operation to a bill licensing chauffeurs of trucks. 42 H. Jour. 3d C.S. 180 (1932).

An amendment striking out commissioner of agriculture and substituting therefor authorities at A. & M. College, to a bill making ginners obtain license from commissioner of agriculture. 41 H. Jour. 1041 (1929).

An amendment inserting drugs, groceries, and dry goods industries to a bill making the ice industry a public business. 41 H. Jour. 576 (1929).

3. *Another Example of an Amendment That Is Not Germane.* — The house was considering H.B. 341, “An Act making appropriation to be used for the erection of a monument in the City of Crockett, Houston County, in memory of David Crockett.”

Mr. Cox of Lamar offered the following amendment: Amend H.B. 341, by striking out the words “Crockett, Houston County,” and add in lieu thereof, “on the Capitol grounds at Austin, Texas.”

Mr. Sanford raised the point of order on further consideration of the amendment on the ground that it was not germane to the purposes of the bill.

Sustained by the speaker; Mr. Satterwhite. 39 H. Jour. 1st C.S. 1169 (1926).

4. *Another Example of an Amendment That Is Not Germane.* — The house was considering H.B. 267, an act banning liquor advertisements. Mr. Harris of Dallas offered an amendment seeking to include “tobaccos” under the terms of the bill.

Mr. Harris of Dickens raised a point of order that the amendment was not germane to the purpose of the bill.

Sustained by the speaker; Mr. Calvert. 45 H. Jour. 683 (1937).

5. *An Amendment Amending in Major Particulars an Existing Law Is Germane to a Bill Seeking to Repeal the Law.* — Under a Congressional precedent of many years standing, followed in the House, if an amendatory bill vitally affects “a whole law so as to bring the entire act under consideration,” an amendment providing for repeal of the law is germane.

Conversely, in the 56th Legislature, the Speaker, Mr. Carr, held that an amendment to a bill which vitally affected a whole law, i.e., bringing a major portion of the entire act under consideration in the amendment, was germane to a bill proposing the repeal of the law. 56 Tex. Legis. Man. 325 (1959). [However, Section 3 of this Rule, forbidding the changing of a bill from its original purpose, still applies and the amendment could be ruled out under that provision.]

6. *Substitute Amendments Must Be Germane to Original Amendments.* — In the 56th Legislature, the Speaker, Mr. Carr, ruled that an amendment striking out an entire section of a bill could not be offered as a substitute for a minor amendment to the section. He noted the amendment striking out the entire section could be offered regardless of the fate of the minor amendment. 56 Tex. Legis. Man. 324 (1959).

7. *An Amendment Adding One or More Distinct Propositions to a Bill Containing One Distinct Proposition Is Not Germane Even if the Propositions to Be Added Are of the Same Class as the Original Proposition.* — The house was considering H.B. 277, “An Act providing

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relief for the Old Glory Rural High Common School District No. 4 of Stonewall County . . .” by making an appropriation to replace buildings, etc., destroyed by fire. A committee amendment was pending which proposed to add to the bill appropriations for several other destroyed buildings in other counties of the state. Many amendments were adopted to the committee amendment which added still more appropriations for similar purposes.

Mr. Knetsch raised a point of order against the committee amendment as amended on the ground that it sought to change the purpose of the bill by way of adding other distinct propositions.

Sustained by the speaker, Mr. Calvert. 45 H. Jour. 617 (1937).

[The precedents reported in House Precedent No. 2 above at 87 H. Jour. 191–192 and 87 H. Jour. 765–770 (2021) are modern cases illustrating this principle.]

8. *House May by Amendments Attach Conditions to an Appropriation.* — The house was considering the general appropriations bill when Mr. Terrell of Travis offered an amendment to the Treasury Department as follows: “The appropriation herein made for salary for clerks shall not be paid to more than two clerks who may be related to the State Treasurer in the third degree of consanguinity or affinity.”

Mr. Bertram raised a point of order on consideration of the amendment on the ground that it is not germane to the bill.

Overruled by the Speaker, Mr. Seabury, ruling as follows:

“The Chair thinks that this amendment is a condition attached to an appropriation, upon failure to comply with which the appropriation will cease to be effective. If this view is correct, the amendment is germane and does not amount to legislation on a different subject from that under consideration, more particularly so since the clerks whose qualifications are in a measure prescribed by this amendment are, it seems not statutory officers, but merely employees filling places created by the biennial appropriation bill.” 29 H. Jour. 1st C.S. 94 (1905).

9. *The Legislature Cannot Amend Existing Statute by an Amendment to an Appropriations Bill.* — Mr. Beck offered an amendment to H.B. 167 so as to combine the Board of Mineral Development with the Board of Water Engineers.

Mr. Van Zandt raised a point of order on further consideration of the amendment by Mr. Beck, on the ground that the amendment attempts to amend a statute through an appropriations bill.

Sustained by the Speaker, Mr. Stevenson. 43 H. Jour. 1090 (1933).

10. *Matter Incident to the Main Purpose of a Bill Is Germane, and Its Addition Does Not Constitute a Second “Subject” in the Meaning of the Constitution.* — The house was considering H.B. 48, providing for old age assistance. Mr. Farmer offered a substitute bill in the form of an amendment.

Mr. Gibson raised a point of order against consideration of the amendment on the ground that it was not germane to the original bill since the amendment sought to levy a tax on certain natural resources for payment of the old age assistance, whereas the original bill did not seek to levy a tax and on the further ground that if the amendment were adopted the bill would contain two subjects in violation of the constitution, namely, old age assistance and taxation.

Overruled by the Speaker, Mr. Calvert, stating that any matter incidental to carrying out the provisions of an act was germane; and also,

since the tax feature was incidental to the main proposition, in his opinion the bill did not contain two distinct subjects within the meaning of the constitution. 45 H. Jour. 458 (1937).

11. *Amendments Must Be Germane, and While the House Rule Relating to Germaneness Can Be Suspended, Yet the Constitutional Section Containing the Same Requirement Cannot Be Suspended.* — The house was considering H.B. 72, and Mr. Alexander offered the committee amendment to the bill. Mr. Mays raised the point of order that the amendment was not germane to the bill.

Sustained by the Speaker, Mr. Calvert.

On motion by Mr. Thornton, the house rule relating to germaneness was suspended for the purpose of admitting the amendment. Whereupon Mr. Knetsch raised a point of order against further consideration of the committee amendment on the ground that while it was proper to suspend a house rule, Article III, Section 30, of the constitution, which requires germaneness, could not be suspended.

Sustained by the Speaker. 45 H. Jour. 767 (1937).

12. *General Statement as to Germaneness.* — The house was considering S.B. 305, and Mr. Percy offered an amendment to add emotionally disturbed children to the statutory enumeration of exceptional children. The bill proposed to change the age classification to the existing enumeration.

Sustained by the Speaker, Mr. Tunnell, ruling (in part):

In general, the only purpose of an objection to germaneness is that the proposed amendment is a motion upon a subject different from that under consideration. Its purpose is to prevent hastily and ill-considered legislation, to prevent matters from being presented for the consideration of the body which might not reasonably be anticipated.

It is well settled that an amendment to an existing law and relating to the terms of the law rather than to the bill are not germane. Where an amendment does not vitally affect the entire present law, amendments to that same law have been held not necessarily germane.

In other words the rule of germaneness applies to the relation between the proposed amendment and the pending bill; and not to the relation between such amendment and existing law of which the pending bill is amendatory. 58 H. Jour. 1733 (1963).

13. *The Major Purpose of an Amendment Determines Its Germaneness; Example.* — The House was considering H.B. 8, an omnibus tax bill.

Mr. Dwyer and Mr. Bean offered an amendment which would permit the sale of liquor by the drink and levy certain taxes on the sale thereof.

Mr. Hanna and Mr. Blankenship raised a point of order against further consideration of the amendment on the grounds it was not germane because its major purpose was to legalize the sale of liquor by the drink in violation of existing law, the tax feature being of secondary importance.

Sustained by the Speaker, Mr. Leonard. 47 H. Jour. 1123 (1941).

14. *Additional Examples Where the Major Purpose of an Amendment Determined Its Germaneness; Amendments Held Not Germane.* — The house was considering H.B. 723, a bill that required informed consent before the performance of a hysterectomy, when Ms. Wohlgenuth offered an amendment that would have added a requirement for informed consent before the performance of any medical procedure that leads to a hysterectomy.

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Mr. Berlanga raised the point of order that the amendment was not germane on the grounds that no provision of the bill as reported from committee addressed a medical procedure other than a hysterectomy and that the clear effect of the amendment would be to expand the bill to cover medical procedures other than hysterectomies. Mr. Berlanga argued that, although the additional covered medical procedures would be limited to those procedures that lead to a hysterectomy, the scope and number of procedures meeting that standard were unknown and were clearly broader than the narrower concept of the hysterectomy procedure itself.

Sustained by the Speaker; Mr. Laney. 75 H. Jour. 1147 (1997).

Where an amendment amending the proposed definition of the term “neglect” to exclude a parent’s refusal to consent to certain medical procedures desired by a child from that definition was offered to a bill altering court procedures for certain suits affecting the parent–child relationship that involve the Department of Family and Protective Services, the major purpose of the amendment was parental consent to medical treatments, and any relationship to the judicial proceedings was merely secondary. 87 H. Jour. 829–830 (2021).

Where an amendment authorizing compensation for any governmental action that resulted in a business’s closure and creating a cause of action to obtain such compensation was offered to a bill governing state and local government responses to pandemics (and amended to specify that it did not create any cause of action), the major purpose of the amendment was to create a cause of action. 87 H. Jour. 2687–2688 (2021).

15. *Body of a Bill, Not Its Caption, Must Be Used as the Basis of Determining Germaneness of an Amendment.* — An amendment was pending to H.B. 100. Mr. Love raised a point of order on its consideration on the ground that “it does not conform to the caption of the bill.”

Overruled by the Speaker, Mr. Daniel, explaining that the body of a bill, rather than its caption, must be examined to determine germaneness. He pointed out further that the rules allow amending captions to conform to bodies of bills after the bills have been decided upon, and any amendment that comes under the germaneness rules may be considered regardless of whether the original caption properly reflected the content of the bill. 48 H. Jour. 699 (1943).

15A. *The Burden of Proof of the Germaneness of an Amendment Rests Upon Its Proponents.* — The burden of proof of the amendment’s germaneness rests on its proponent; where an amendment authorizing regulatory authorities and political subdivisions to offer certain energy efficiency rebates was offered to a bill enacting a prohibition on those authorities and subdivisions from taking certain actions to discourage utility connections based on the type and source of energy, the argument that the amendment merely added an exception to the bill’s general application (which also contained an exception) did not meet this burden. 87 H. Jour. 787–788 (2021); 87 H. Jour. 4450 (2021). Where an amendment prohibiting the award of a disaster loan to political subdivisions that took certain actions related to the defense of certain persons in removal proceedings under Federal law was offered to a bill establishing a disaster loan response fund (and denying loans to political subdivisions only if it would affect their eligibility for certain Federal aid), the proponent did not meet this burden because there was no demonstrable relationship between the amendment’s limitation and the bill’s limitation. 87 H. Jour. 1585 (2021).

16. *Several Types of Amendments Held Not Germane, Particularly Relating to Changing Local Bills Into General Bills and Vice Versa.* — At various times during the 50th Legislature, the Speaker, Mr. Reed, and in the 51st Legislature, the Speaker, Mr. Manford, held the following types of amendments out of order as being not germane:

- a. Making a general bill out of a local bill.
- b. Exempting a single county or group of counties from the terms of a general bill by statements of exemption.
- c. Making a local bill out of a general bill by specifying arbitrarily that it be not applicable to any except a single county or group of counties.
- d. Restricting a general bill by some arbitrary and illogical population specification such as “not applicable to cities of 3,000 or less.” 51 Tex. Legis. Man. 265 (1949).

17. *Germaneness Rule Will Be Strictly Enforced at Session’s End.* — The House was considering the Senate amendments to H.B. 325.

Mr. Saunders raised a point of order against further consideration of the Senate amendments under the Constitution and House Rules on the grounds that the Senate amendments were not germane to the engrossed House bill.

Mr. Walker presented the Speaker with an unsolicited brief arguing, among other things, that the Chair should refuse to “decide upon the germaneness of the Senate amendments . . . the decision [on germaneness] is properly left to the House to be expressed by concurrence or non-concurrence.”

Sustained by the Speaker, Mr. Laney, holding that the Senate amendments were not germane and rejecting Mr. Walker’s argument by noting that while the Chair may, at his discretion, decline to rule on a point of order and leave the issue to be decided by the House vote on the amendments, or the concurrence or non-concurrence by the House, the precedents of the House support the Speaker making a ruling on germaneness; that recent practice is for the Speaker to strictly enforce the germaneness rule at the end of a legislative session, the strict enforcement applying equally to House amendments of House and Senate bills and Senate amendments to House bills; strict enforcement protects the integrity of the legislative process at the end of a legislative session when Members face hundreds of bills and amendments with little time for debate and reasoned consideration on the merits of a measure; and if presented with a point of order on the germaneness of Senate amendments, the Speaker will rule; and the amendments are not germane. 74 H. Jour. 4288–4290 (1995).

18. *An Amendment Ruled Out of Order at a Certain Stage of the Proceedings Might Be in Order at Another Time.* — Mr. Jennings’ substitute was not germane to Mr. Ray’s amendment to the bank bill but was germane to the original bill.

Mr. Ray raised a point of order on consideration of the amendment on the ground that the amendment was not in order, for the reason that the subject matter thereof had already been before the house one time in the form of an amendment and killed by the ruling of the chair.

Overruled by the Speaker, Mr. Kennedy. 31 H. Jour. 555 (1909).

CONGRESSIONAL PRECEDENTS

Germaneness. — Whether an amendment is germane should be judged from the provisions of its text rather than from the purposes

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which circumstances may suggest. 5 Hinds §§ 5783, 5803. The rule that amendments should be germane applies to amendments reported by committees. 5 Hinds § 5806. The rule of germaneness applies to resolutions under general parliamentary law. Deschler ch. 1, § 12.7. The rule of germaneness applies to the relation between a proposed amendment and the pending bill to which offered and not to the relation between such amendment and an existing law of which the pending bill is amendatory. 8 Cannon § 2909. The rule providing that amendments must be germane has been construed as requiring that the fundamental purpose of an amendment be germane to the fundamental purpose of the bill to which it is offered. 8 Cannon § 2911. The burden of proof of the germaneness of an amendment rests upon its proponents. 8 Cannon § 2995; Deschler ch. 28, §§ 35.31, 41.8; 121 Cong. Rec. 19967 (1975); 146 Cong. Rec. 13607 (2000).

Under the later practice an amendment should be germane to the particular paragraph or section to which it is offered, 5 Hinds §§ 5811–5820; 8 Cannon §§ 2922, 2936; Deschler ch. 28, § 2. And an amendment inserting an additional section should be germane to the portion of the bill to which it is offered. 5 Hinds § 5822; 8 Cannon §§ 2927, 2931. To a bill amending a general law on a specific point, an amendment relating to the terms of the law rather than to those of the bill was offered and ruled not to be germane. 5 Hinds § 5808; 8 Cannon §§ 2707, 2708. So to a legislative section in a general appropriations bill amending one section of the criminal code, a provision amending the criminal code in other particulars was held not germane. 54 Cong. Rec. 1487 (1917) (Speaker Clark). A bill amending several sections of an act does not necessarily bring the entire act under consideration so as to permit an amendment to any portion of the act sought to be amended by the bill. 61 Cong. Rec. 2415 (1921) (Chairman, Mr. Anderson); 62 Cong. Rec. 200 (1921) (Chairman, Mr. Stafford). To a bill amendatory of existing law in one particular, a proposition to amend the law in another particular is not germane. 8 Cannon § 2937. An amendment to a bill amendatory of an existing law as to one specific particular, an amendment relating to the terms of the law rather than to the terms of the bill was held not to be germane. 8 Cannon §§ 2916, 3045; Deschler ch. 28, § 35. An amendment germane to the bill as a whole, but hardly germane to any one section, may be offered at an appropriate place with notice of motions to strike out the following sections that it would supersede. 5 Hinds § 5823.

In determining whether an amendment is germane, certain principles are established:

a. One individual proposition may not be amended by another individual proposition even though the two belong to the same class. Thus, the following are not germane: To a bill proposing the admission of one territory into the union, an amendment for admission of another territory, 5 Hinds § 5529; to a bill for the relief of one individual, an amendment proposing similar relief for another, 5 Hinds §§ 5826–5829; to a provision for extermination of the cotton boll weevil, an amendment including the gypsy moth, 5 Hinds § 5832; to a provision for a clerk for one committee, an amendment for a clerk to another committee, 5 Hinds § 5833; to a bill prohibiting transportation of messages relating to dealing in cotton futures, an amendment adding wheat, corn, etc. 8 Cannon § 3001. To a bill prohibiting importation of goods “made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor,” an amendment prohibiting importation of goods made by child labor was held not germane

on the ground that the labor described in the bill constituted a single class of labor: 8 Cannon § 2963.

b. A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject. 5 Hinds §§ 5843–5846; 8 Cannon §§ 2997, 2998. Thus, the following are not germane: To a bill for the admission of one territory into the union, an amendment providing for the admission of several other territories, 5 Hinds § 5837; to a bill relating to all corporations engaged in interstate commerce, an amendment relating to all corporations, 5 Hinds § 5842; to a bill modifying an existing law as to one specific particular; an amendment relating to the terms of the law rather than those of the bill, 5 Hinds §§ 5806–5808; to a bill merely extending and re-enacting an existing law, an amendment seeking to further amend the law, 5 Hinds § 5806, *contra* 8 Cannon §§ 2950, 3028; to a bill amending the wartime prohibition act in one particular; an amendment repealing that act, 8 Cannon § 2949.

c. A general subject may be amended by specific propositions of the same class. Thus, the following have been held to be germane: To a bill admitting several territories into the union, an amendment adding another territory, 5 Hinds § 5838; to a bill providing for the construction of buildings in each of two cities, an amendment providing for similar buildings in several other cities, 5 Hinds § 5840; to a resolution embodying two distinct phases of international relationship, an amendment embodying a third. 5 Hinds § 5839. But to a resolution authorizing a class of employees in the service of the house, an amendment providing for the employment of a specified individual was held not to be germane. 5 Hinds §§ 5848, 5849.

d. Two subjects are not necessarily germane because they are related. Thus, the following have been held not to be germane: To a proposition relating to the terms of senators, an amendment changing the manner of their election, 5 Hinds § 5882; to a bill relating to commerce between the states, an amendment relating to commerce within the several states, 5 Hinds § 5841; to a proposition to relieve destitute citizens of the United States in Cuba, a proposition declaring a state of war in Cuba and proclaiming neutrality, 5 Hinds § 5897; to a proposition for the appointment of a select committee to investigate a certain subject, an amendment proposing an inquiry of the executive on that subject, 5 Hinds § 5891; to a bill granting a right of way to a railroad, an amendment providing for the purchase of the railroad by the government, 5 Hinds § 5887; to a provision for the erection of a building for a mint, an amendment to change the coinage laws, 5 Hinds § 5884; to a resolution proposing expulsion, an amendment proposing censure, 6 Cannon § 236; to a general tariff bill, an amendment creating a tariff board, 50 Cong. Rec. 1234 (1913) (Chairman, Mr. Garrett of Tennessee); to a proposition to sell two battleships and build a new battleship with the proceeds, a proposition to devote the proceeds to building wagon roads, 8 Cannon § 2973. To a law providing for the insurance of soldiers upon the payment of premiums, a proposition for the continuance of such insurance for two years without the payment of premiums was held not germane. 8 Cannon § 2986. To a proposition appropriating money for a general increase in the salaries of employees for 1918, a provision making the same increase available for the remainder of 1917 was held not germane, 8 Cannon § 2913, as was also a proposition to establish a minimum wage among the employees affected by the bill. 54 Cong. Rec. 571 (1916) (Chairman, Mr. Harrison of Mississippi). To a bill amending a general law in several particulars, an amendment providing for

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the repeal of the whole law was held germane, 5 Hinds § 5824, but the bill amending the law must so vitally affect the whole law as to bring the entire act under consideration before the chair will hold an amendment repealing the law or amending any section of the law germane to the bill. 65 Cong. Rec. 5437 (1924) (Chairman, Mr. Madden).

e. An amendment that is germane, not being “on a subject different from that under consideration,” belongs to a class illustrated by the following: To a bill providing for an interoceanic canal by one route, an amendment providing for a different route, 5 Hinds § 5909; to a bill providing for the reorganization of the army, an amendment providing for the encouragement of marksmanship, 5 Hinds § 5910; to a proposition to create a board of inquiry, an amendment specifying when the board shall report, 5 Hinds § 5915; to a bill relating to “oleomargarine and other imitation dairy products,” an amendment on the subject of “renovated butter,” 5 Hinds § 5919; to a resolution rescinding an order for final adjournment, an amendment fixing a new date therefor: 5 Hinds § 5920.

Sec. 3. Amending a Bill to Change Its Original Purpose. No bill shall be amended in its passage through either house so as to change its original purpose.

CROSS-REFERENCE

Tex. Const. Art. III, § 30—Constitutional germaneness rule.

HOUSE PRECEDENTS

1. *Example of an Amendment Not Admitted Because It Was Exactly Opposite to the Purpose of the Bill Under Consideration.* — The house was considering H.B. 189, and Mr. Aynsworth offered an amendment.

Mr. Young raised the point of order on further consideration of the amendment on the ground that it sought to permit exactly what the bill sought to prohibit, thus changing the original purpose of the bill.

Sustained by the Speaker, Mr. Senterfitt. 52 H. Jour. 519 (1951).

[This ruling agrees with others in the past. Often attempts have been made to reverse completely the purposes of bills by amendment, sometimes the changing or addition of single words so as to “permit” rather than “prohibit.” These are obviously violations of the constitution. In the proceedings above cited, the opponents of the bill could have rejected it by any one of several parliamentary routes had enough votes been available.]

2. *Examples Where an Amendment, Though on the Same Subject as the Bill, Would Have Changed the Original Purpose of the Bill.* — The house was considering S.B. 1454, a bill that was the general validation act for municipal actions that had occurred since the 74th Legislature, when Mr. Crabb offered an amendment that would have established a process by which certain municipal acts could be invalidated by a local vote.

Ms. Danburg raised the point of order that the amendment changed the original purpose of the bill because the purpose of the amendment, to provide for the invalidation of municipal actions, was exactly the opposite of the purpose of the bill, to validate municipal actions.

Sustained by the Speaker, Mr. Laney. 75 H. Jour. 3773 (1997).

Where an amendment seeking to make the bill effective on a date certain irrespective of any intervening judicial or ratifying action was offered to a bill to prohibit abortion upon a judgment by the U.S. Supreme Court

or an amendment to the U.S. Constitution authorizing states to prohibit abortion, the purpose of the amendment was exactly opposite of that of the bill. 87 H. Jour. 2322 (2021).

2A. *Example Where an Amendment Was on the Same Subject as the Bill and Did Not Change Its Original Purpose.* — Where a bill authorized the carrying or storing of handguns and handgun ammunition by a hotel guest, amendments authorizing the same for firearms and firearm ammunition furthered the original purpose of the bill. 87 H. Jour. 3790 (2021).

3. *Application to Amendments to the Amendment.* — Because an amendment to an amendment is not directly amending a bill, it does not come within the ambit of this rule. 86 H. Jour. 4410–4415 (2019).

Sec. 4. Amendments to Bills and Resolutions on Local, Consent, and Resolutions Calendars. Amendments to a bill or resolution shall not be in order during its consideration on a local, consent, and resolutions calendar set by the Committee on Local and Consent Calendars, unless the amendments have first been submitted to and approved by the Committee on Local and Consent Calendars, which shall be noted thereon by the chair of the Committee on Local and Consent Calendars prior to the offering of the amendments.

Sec. 5. Amendments on Third Reading. When a bill has been taken up on its third reading, amendments shall be in order, but shall require a two-thirds vote of the members present for their adoption. A bill on third reading may be recommitted to a committee and later reported to the house with amendments, in which case the bill shall again take the course of a bill at its second reading.

HOUSE PRECEDENT

An Amendment Lost on a Second Reading of a Bill Is in Order on a Third Reading. — An amendment that had been voted down on the second reading of a bill was offered while the bill was on third reading.

Mr. O’Quinn raised a point of order on consideration of the amendment, stating that it should not be entertained, for the reason that the same proposition had been submitted, voted on, and lost on the second reading of the bill.

The chair overruled the point of order, stating that as this is a different stage in the progress of the bill, the amendment was in order. 28 H. Jour. 212 (1903).

Sec. 6. Filing an Amendment. (a) The chief clerk shall ensure that for an amendment other than a committee amendment, copies of each amendment are filed with the speaker as follows:

- (1) six copies of each amendment; and
- (2) four additional copies of each amendment that exceeds one page in length.

(b) The chief clerk may require the member offering the amendment to provide the number of copies required under Subsection (a) of this section. The chief clerk shall ensure that, as soon as practicable after being filed by the

Rule 11, Amendments Sec. 6

offering member, each amendment is made available on the floor amendment system, or the system's successor in function, through which members of the house may view an electronic image of submitted amendments. When the amendment is read, two copies shall go to the chief clerk, one copy to the journal clerk, one copy to the reading clerk, and one copy to the speaker.

(c) The chief clerk shall retain one copy of each amendment filed with the speaker under this section whether or not the amendment was laid out by the speaker for consideration.

(d) If an amendment is required to be prefiled with the chief clerk pursuant to a rule for floor consideration proposed by the Committee on Calendars and adopted under Rule 6, Section 16(f), the amendment must be provided to the chief clerk, in a manner determined by the chief clerk under the direction of the Committee on House Administration, and available in the chief clerk's office in accordance with the Calendar Committee rule for floor consideration.

(e) The speaker shall not recognize a member to offer an original amendment that exceeds one page in length and that is in the form of a complete substitute for the bill or resolution laid before the house, or in the opinion of the speaker is a substantial substitute, unless the amendment has been provided to the chief clerk, in a manner determined by the chief clerk under the direction of the Committee on House Administration, and was available in the chief clerk's office at least 12 hours prior to the time the calendar on which the bill or resolution to be amended is eligible for consideration.

(f) An amendment may be typed, hand-printed, or handwritten, but must be legible in order to be offered.

(g) The speaker shall not recognize a member to offer an original amendment to a bill on second reading if the bill extends an agency, commission, or advisory committee under the Texas Sunset Act unless the amendment has been provided to the chief clerk, in a manner determined by the chief clerk under the direction of the Committee on House Administration, and was available in the chief clerk's office at least 24 hours prior to the time the calendar on which the bill appears for second reading is first eligible for consideration.

(h) If the house is convened in regular session, the speaker shall not recognize a member to offer an original amendment to the general appropriations bill on second reading unless the amendment has been provided to the chief clerk, in a manner determined by the chief clerk under the direction of the Committee on House Administration, and was available in the chief clerk's office at least 72 hours prior to the time the calendar on which the general appropriations bill appears for second reading is first eligible for consideration.

(i) The Committee on House Administration shall ensure that:

(1) the floor amendment system through which members of the house may view an electronic image of current or past amendments, or the system's successor in function, is available to the public on the Internet;

(2) members of the public using the system available on the Internet may view the same information that members may view at the same time that members may view the information; and

(3) members of the public using the system available on the Internet may view any amendment required to be provided to the chief clerk under Subsections (e), (g), and (h) of this section at least 10 hours prior to the time the calendar on which the bill or resolution to be amended is eligible for consideration.

(j) To the extent practicable, an amendment must include the page and line numbers of the text of the bill, resolution, or amendment being amended. Failure to comply with the requirements of this subsection is not subject to a point of order.

HOUSE PRECEDENTS

1. *Amendments Should Be Clear in Directions and Meaning.* — The house was considering a house resolution, and the following amendment was offered: "Amend the resolution by eliminating the condemnation of the building just erected at Tyler from this resolution."

Mr. Johnson of Dimmit raised a point of order on further consideration of the amendment on the ground that it was indefinite.

Sustained by the Speaker, Mr. Barron. 41 H. Jour. 4th C.S. 52 (1930).

[This type of amendment is encountered frequently. Amendments should be drawn carefully and made definite. An amendment accurately written cannot be questioned as to meaning. It is often difficult for clerks to determine the meaning of amendments, and frequently the time of the house has to be taken to correct some vaguely written amendment. Sometimes a whole law has to be re-enacted to correct some part made indefinite or meaningless by a poorly drawn amendment.]

2. *Another Example That Amendments Should Be Clear in Directions and Meaning.* — An amendment to an appropriations bill that states "appropriate funds in the above amounts" without identifying the source of funds does not comply with the rule. 86 H. Jour. 1054–1055 (2019) (citing 41 H. Jour. 4th C.S. 52 (1930)).

Sec. 7. Order of Offering Motions to Amend. Classes of motions to amend shall be offered in the following order:

(1) motions to amend by striking out the enacting clause of a bill (or the resolving clause of a resolution), which amendment cannot be amended or substituted;

(2) motions to amend an original bill, resolution, motion, or proposition (other than substitute bills as provided for in Subdivision (3) below), which shall have precedence as follows:

(A) original amendment;

(B) amendment to the amendment;

Rule 11, Amendments Sec. 7

(C) substitute for the amendment to the amendment.

Recognition for the offering of original amendments shall be as follows: first, the main author; second, the member or members offering the committee amendment; and third, members offering other amendments from the floor;

(3) motions to amend an original bill by striking out all after the enacting clause (substitute bills), which substitute bills shall be subject to amendment as follows:

(A) amendment to the substitute bill;

(B) substitute for the amendment to the substitute bill.

Recognition for offering such substitute bills shall be as follows: first, the main author of the original bill, if the member has not sought to perfect the bill by amendments as provided for in Subdivision (2) above; second, the member or members offering the committee amendment; and, third, members offering amendments from the floor.

It shall be in order under the procedure described in this subdivision to have as many as four complete measures pending before the house at one time; that is, an original bill, an amendment striking out all after the enacting clause of the bill and inserting a new bill body, an amendment to the amendment striking out all after the enacting clause of the bill and inserting a new bill body, and a substitute for this amendment to the amendment to the original bill which is also a new bill body. These “substitute bills” shall be voted on in the reverse order of their offering;

(4) motions to amend the caption of a bill or joint resolution, which may also be offered in accordance with Section 9(a) of this rule.

CROSS-REFERENCES

Rule 7, § 12—Motion to table.

Rule 7, § 23—Limitation of debate after previous question ordered.

Rule 7, § 25—Speaking on substitute amendments.

Rule 8, § 1—Requirement for captions.

EXPLANATORY NOTES

1. Individual committee amendments must be offered on the floor of the house before they can be considered. Usually, the author of a bill offers the individual committee amendments; but the author is free, under the above provision, to offer any the author pleases. Individual committee amendments can be offered as such, or as substitutes, by others if the author does not choose to offer them. [1953; revised 1959]

2. When a substitute is adopted for an amendment to an amendment, the parliamentary right of authorship moves to the author of the substitute, i.e., the author can close the debate directly, or under a motion to table or under the previous question. [1961; revised 1977]

3. The proper way to substitute a new bill from the floor is to offer two amendments, one striking out all after the enacting clause and inserting a new body, and the other striking out all before the enacting clause and inserting a new caption, if needed. Under current house practice, an

amendment is offered to strike out all after the enacting clause and insert a new body. Then, upon passage of the bill, the appropriate enrolling clerk is empowered to amend the caption to conform to the body of the bill. [1931; revised 1993]

HOUSE PRECEDENTS

1. *If an Amendment Is Lost or Tabled, Another One of the Same Import Is Not in Order on the Same Reading or Stage of the Bill.* — Mr. Shropshire offered the following amendment to an amendment:

“Amend by inserting after the word ‘service,’ in line 30, page 1, the following: ‘Or issue to any person other than any employee of said railroad any free pass or permit to ride over said railroad.’ Strike out all of Section 2, page 2.”

Mr. Wooten raised the point of order that the amendment was not in order, for the reason that a similar amendment had been tabled.

Sustained by the Speaker, Mr. Sherrill. 26 H. Jour. 1193 (1899).

2. *The Chair Does Not Rule on the Effect or Consistency of Amendments.* — The house was considering H.J.R. 10 when Mr. Jones of Wise offered an amendment.

Mr. McKee raised a point of order against consideration of the amendment on the ground that it was in direct conflict with an amendment previously adopted.

Overruled by the Speaker, Mr. Calvert, stating that it was not the duty of the chair to construe the effect or determine the consistency of amendments. 45 H. Jour. 1899 (1937).

3. *Cannot Amend a Bill After Being Vetoed.* — The house had under consideration a bill vetoed by the governor; the question being, “Shall the bill be passed, notwithstanding the objections of the Governor?”

Mr. Nickels offered an amendment.

Mr. Kennedy raised a point of order on consideration of the amendment on the ground that it is not within the province of the house to amend the bill at this time.

Sustained by the Speaker, Mr. Rayburn. 32 H. Jour. 732 (1911).

Sec. 8. Strike Outs and Insertions. (a) A motion to strike out and to insert new matter in lieu of that to be stricken out shall be regarded as a substitute and shall be indivisible.

(b) Matter inserted or stricken out of an original bill by way of amendment may not be taken out or reinserted at a later time on the same reading except under the following conditions:

- (1) reconsideration of the inserting or deleting amendment;
- (2) adoption of a “substitute bill” amendment;
- (3) adoption of an amendment for a whole paragraph, section or subdivision of a bill which so materially changes the original text that the portion inserted or deleted is in fact of minor importance.

EXPLANATORY NOTES

1. Subsection (a) of this section is taken from a rule of Congress, which continues, “but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert.” [1931]

Rule 11, Amendments Sec. 9

2. An amendment to strike out and insert is an acceptable substitute for an amendment to strike out. [1959]

3. “Matter inserted,” as used in the above subsection, means any matter inserted in a bill by way of amendment. Such matter would, of course, be discarded in case a new bill, in amendment form, is adopted. [1931]

HOUSE PRECEDENT

An Amendment to Strike Out Only Matter Previously Inserted in a Bill at the Same Reading Is Not in Order Unless Reconsideration Is Ordered. — Mr. Bolin offered the following amendment:

“Amend the bill as amended by striking out the word ‘lawyer’ wherever it appears in the bill.”

Mr. Hancock raised a point of order for the reason that the house had just inserted such amendment in the bill and had tabled a motion to reconsider the same.

Sustained by the Speaker, Mr. Neff. 28 H. Jour. 175 (1903).

Sec. 9. Amending Captions. (a) An amendment to the caption of a bill or resolution shall not be in order until all other proposed amendments have been acted on and the house is ready to vote on the passage of the measure, and it shall then be decided without debate.

(b) If the previous question has been ordered on a bill or joint resolution at any reading, an amendment to the caption of that bill or joint resolution may be offered and voted on immediately preceding the final vote on the bill or joint resolution.

CROSS-REFERENCES

Rule 2, § 1(a)(10)—Amendment of captions by chief clerk to conform to body of the bill.

Rule 7, § 23—Limiting debate after previous question ordered.

EXPLANATORY NOTE

Rule 2, Section 1(a)(10), empowers the chief clerk to amend captions to conform to bill bodies. This, of course, applies only to house bills. Also, that rule renders the above section of little value. However, the rule would not preclude the offering of caption amendments on the floor if such was desired. [1959; revised 1987]

Sec. 10. Motion to Limit Amendments. (a) A motion to limit amendments shall be admitted only when seconded by 25 members. The motion may take either of two forms:

- (1) to limit amendments to those pending before the house; or
- (2) to limit amendments to those pending on the speaker’s desk.

(b) The motion shall be put by the chair in this manner: “The motion has been seconded. Three minutes pro and con debate will be allowed on the motion to limit amendments.” As soon as the debate has ended, the chair shall continue: “As many as are in favor of limiting amendments on (here state on which question or questions) will say ‘Aye,’” and then “As many

as are opposed say ‘Nay.’” As in all other propositions, a motion to limit amendments shall be decided by a record vote if demanded by any member. If ordered by a majority of the members voting, a quorum being present, the motion shall have the effect of confining further debate and consideration to those amendments included within the motion, and thereafter the chair will accept no more amendments to the proposition to which the motion is applied.

(c) The motion to limit amendments, if adopted, shall not in any way cut off or limit debate or other parliamentary maneuvers on the pending proposition or propositions or amendment or amendments included within the motion. The sole function of the motion is to prevent the chair from accepting further amendments to the proposition to which the motion is applied.

(d) Except as otherwise provided, the motion to limit amendments shall have no effect on the parliamentary situation to which the motion is applied, and the matter to which the motion is applied shall continue to be considered by the house in all other respects as though the motion had not been made.

(e) The amendments that are included within the motion to limit amendments shall each be subject to amendment, if otherwise permitted under the rules.

Sec. 11. Motion to Table a Motion to Limit Amendments. The motion to limit amendments is not subject to a motion to table.

Sec. 12. Order of Voting on Amendments. When an amendment is offered, followed by an amendment to that amendment, and then a substitute for the amendment to the amendment, these questions shall be voted on in the reverse order of their offering.

Sec. 13. Certification of Adoption of Amendments. When an amendment is adopted, such action shall be certified by the chief clerk on the amendment, and the official copy of the amendment shall then be securely attached to the bill or resolution which it amends.

HOUSE PRECEDENT

Case Where an Amendment and Action Thereon Was Ruled Out Because the Amendment Had Been Changed After Being Read to the House and Without Its Knowledge. — The house was considering H.B. 136. An amendment was offered, read to the house, and then adopted. Mr. Westbrook then raised the point of order that the words “and snuff” were added to the amendment by its author after it was read to the house and without its knowledge and that such action was sufficient reason for the speaker to declare the amendment and the action of the house thereon null and void.

Sustained by the Speaker, Mr. Daniel, stating that the house could not be held to action taken on an amendment that had been changed without its knowledge. 48 H. Jour. 1024 (1943).

CONGRESSIONAL PRECEDENTS

Amendments. — A proposed amendment may not be accepted by the member in charge of the pending measure but can be agreed to only by the house. 5 Hinds §§ 5756, 5757. A motion may be withdrawn in the house although an amendment to it may have been offered and be pending. 5 Hinds § 5347.

Rule 12. Printing

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Rule 12

Printing

Sec. 1. Printings of Bills and Joint Resolutions. (a) Except as otherwise provided in this rule, all bills and joint resolutions shall be printed and a copy provided to each member at each of the following stages in the parliamentary progress of the bill or joint resolution:

(1) at the time of the committee report on the bill or joint resolution, which shall be known as “First Printing” and which shall consist of:

(A) a complete text of the bill or joint resolution as reported from committee;

(B) a complete copy of the bill analysis, a complete copy of the summary of committee action, and a complete copy of the witness list;

(C) the text of the committee report;

(D) the record vote by which the measure was reported from committee, including the vote of individual members;

(E) a copy of the latest fiscal note; and

(F) a copy of each impact statement received by the committee;

(2) at the time the bill or joint resolution, if amended, finally passes the senate, senate amendments and house engrossment text will be printed, which shall be known as “Second Printing”; and

(3) at the time the conference committee, if any, makes its report on the bill or joint resolution, which shall be known as “Third Printing.”

(b) In any section of the first printing of a bill or joint resolution that proposes to amend an existing statute or constitutional provision, language sought to be deleted must be bracketed and stricken through, and language sought to be added must be underlined. This requirement does not apply to:

(1) an appropriations bill;

(2) a local bill;

(3) a game bill;

(4) a recodification bill;

(5) a redistricting bill;

(6) a section of a bill or joint resolution not purporting to amend an existing statute or constitutional provision;

(7) a section of a bill or joint resolution that revises the entire text of an existing statute or constitutional provision, to the extent that it would confuse rather than clarify to show deletions and additions; and

(8) a section of a bill or joint resolution providing for severability, nonseverability, emergency, or repeal of an existing statute or constitutional provision.

Rule 12, Printing Sec. 2

(c) The speaker may overrule a point of order raised as to a violation of Subsection (b) of this section if the violation is typographical or minor and does not tend to deceive or mislead.

(d) The requirement to provide a copy of a printing to each member may be accomplished by making a copy of the printing available in an electronic format for viewing by the member and, when the electronic format copy of the appropriate printing becomes available, sending notice of that fact to a Capitol e-mail address designated by the member. If a member informs the chief clerk that the member also desires to receive a paper copy of printings at first, second, or third printing, the chief clerk shall place paper copies of those printings designated by the member in the newspaper box of the member as soon as practicable after the electronic copies of the printings are made available for viewing.

(e) The provisions of Subsection (d) of this section authorizing delivery of a printing by electronic means also apply to any fiscal note, impact statement, analysis, or other item required by these rules to be delivered or made available to each member as an attachment to or in connection with the applicable printing.

CROSS-REFERENCES

Rule 8, § 14—Printed copies of bill required prior to consideration.

Rule 13, §§ 5, 10—Printed copies of Senate amendments and conference committee reports required prior to consideration.

Sec. 2. Local Bills. Local bills shall not be reprinted after the first printing except when ordered printed by a majority vote of the house.

Sec. 3. Concurrent Resolutions. A concurrent resolution shall be printed only if the resolution:

- (1) grants permission to sue the state;
- (2) memorializes Congress to take or to refrain from taking certain action;
- (3) sets legislative policy or declares legislative intent;
- (4) makes corrective changes in any bill, joint resolution, or conference committee report;
- (5) establishes or interprets policy for a state agency, department, or political subdivision;
- (6) establishes, modifies, or changes internal procedures or administration of the legislature or any component part thereof;
- (7) proposes an amendment to the Joint Rules of the Senate and the House of Representatives; or
- (8) is ordered printed by a majority vote of the house.

Sec. 4. House Resolutions. A house resolution shall be printed only if the resolution:

- (1) proposes an amendment to the rules of the house;
- (2) establishes, modifies, or changes the internal procedures and administration of the house;
- (3) establishes legislative policy or interprets legislative intent; or
- (4) is ordered printed by a majority of the house.

EXPLANATORY NOTE

If house and concurrent resolutions are required to be printed, the printing stages would be the same as those provided in Section 1 of this rule. [1977]

Sec. 5. Acceptable Standards of Compliance With Printing Requirements. Except for matter to be printed in the journal, all requirements contained in the rules with respect to the printing of bills, resolutions, reports, and other matters shall be considered complied with if the material is adequately and properly reproduced by any acceptable means of reproduction.

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Rule 13. Interactions With the Governor and Senate

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Rule 13

Interactions With the Governor and Senate

Chapter A. Messages

Sec. 1. Messages From the Governor. Messages and communications from the governor shall be received when announced, and shall be read on the calendar day received.

Sec. 2. Messages From the Senate. (a) All messages from the senate shall be received when announced. Senate bills announced as passed shall be read for the first time and referred to the appropriate committee as soon as practicable.

(b) Messages from the senate announcing amendments to house bills and resolutions, nonconcurrence in house amendments to senate bills and resolutions, requests for conference committees, reports of conference committees, and all other matters of disagreement, amendments, and requests between the two houses, shall go to the speaker's desk in their regular order, but may be called up for action by the house at any time as a privileged matter, yielding only to a motion to adjourn.

EXPLANATORY NOTE

A motion to reconsider the vote on a privileged matter, such as those described in Subsection (b) of this section, has the same high priority as the original motion. [1959]

HOUSE PRECEDENT

Consideration of House Conference Committee Reports on Senate Bill Days. — In the 50th Legislature, the Speaker, Mr. Reed, held that, in view of the high priority given conference committee reports in the above rule, a conference committee report on a house bill could properly be considered on a senate bill day. 50 Tex. Legis. Man. 280–281 (1947).

CONGRESSIONAL PRECEDENT

Houses Officially Communicate Solely by Message. — Messages constitute the sole source of official information as to the actions taken by the Senate and may not be supplemented or questioned. 8 Cannon § 3342.

Chapter B. Senate Amendments

Sec. 3. House Action on Senate Amendments. When a bill, resolution, or other matter is returned to the house with senate amendments, the house may:

- (1) agree to the amendments; or

Rule 13, Interactions With the Governor and Senate Sec. 3

(2) disagree to all of the amendments and ask for a conference committee; or

(3) agree to one or more of the amendments and disagree as to the remainder and request a conference committee to consider those in disagreement; or

(4) agree to one or more and disagree as to the remainder; or

(5) disagree to all amendments.

CROSS-REFERENCES

Rule 5, § 28—Granting additional time in debate.

Rule 11, § 2—Germaneness rule.

EXPLANATORY NOTES

1. The chief clerk should notify members when their bills are returned to the house with senate amendments. [1955]

2. The mover of a main motion to concur in senate amendments or not to concur and request a conference committee, or a variation of these motions, is allowed the usual 20 minutes to open and close debate on the motion if the mover so desires. Additional time may be allowed by the house under Rule 5, Section 28. [1951]

3. Since direct negatives as substitutes are not in order, if a motion “to concur” in senate amendments is pending, a substitute “not to concur” is not in order because a refusal to adopt the first motion would gain the same end. A motion not to concur and ask for a conference would be in order; however, because it contains other matter which keeps it from being a direct negative. [1941]

4. A senate committee substitute for a house bill reported out of a senate committee and then amended on the senate floor and finally passed is, so far as the motions to concur or not concur and request a conference in the house are concerned, a single senate amendment. It is not divisible. [1959]

HOUSE PRECEDENTS

1. *Making Motion to Concur Is Not Exclusively the Author's Right.* — In the 54th Legislature, the Speaker, Mr. Lindsey, ruled that making the motion “to concur” or “not to concur” is not exclusively the right of the author (or member in charge) of a bill, same being the right of any member. He noted that custom and propriety dictated that the bill's author should be given full opportunity to determine the course of action and he would refuse to recognize any other member until it became evident that the author would refuse to act. 54 Tex. Legis. Man. 330 (1955).

2. *In Order to Postpone a Privileged Matter; and When Postponed the Privileged Nature Is Retained.* — The house was considering a conference committee report. Mr. Hartzog moved to postpone the report to a time certain.

Mr. Morris raised the point of order that the motion was out of order because the report was privileged matter under Section 2(b) of this rule.

Overruled by the Speaker, Mr. Leonard, stating that privileged matters could be postponed or laid on the table subject to call by a majority vote, and that when the time came for their consideration they would retain their privileged nature. 47 H. Jour. 3710 (1941).

3. *Case Where the Speaker Ruled Out a Senate Amendment to a House Bill, Which Amendment Clearly Changed the Purpose of the House Bill in a Major Degree.* — Mr. Celaya moved to concur in senate amendments to H.B. 1116.

Mr. Wood raised a point of order on consideration of the motion to concur on the ground that the amendments were put on the bill in violation of Article III, Section 30, of the constitution, which provides that “no bill shall be so amended in its passage through either house, as to change its original purpose.”

Sustained by the Speaker, Mr. Calvert, pointing out that the original house bill as passed and sent to the senate was a local fishing license law for McLennan County, and that the senate, by amendments striking out all below and above the enacting clause, had substituted an entirely new bill which was a general fishing license law for the entire state; such a change in the purpose of the original bill being clearly a violation of the constitution. 45 H. Jour. 2592 (1937).

4. *Case Where Bill Was Declared Passed When the Senate Receded From Its Amendments.* — H.B. 373 passed the house and then passed the senate with amendments. The house refused to concur in the senate amendments and asked for the appointment of a conference committee. This request was granted, and, while the lieutenant governor was considering naming of the conference committee on the part of the senate, a resolution was offered and adopted in the senate receding from the amendments to which the house had disagreed originally. The house was duly notified of the passage of the resolution. Mr. Harris of Dallas raised a point of order that when the house disagreed on the amendments and the matter had moved to the status just described that the senate could not recede.

Overruled by the speaker, Mr. Leonard, calling the attention of the house, first to the fact that the bill and amendments had not been turned over to a conference committee because none existed as yet, the lieutenant governor not having named the senate conferees; pointing next to the fact that when the senate receded from its position there were, in fact, no differences between the two houses, both having passed the bill in identical form, and, in support of this position he discussed congressional precedents which upheld the idea that whenever by receding or by other parliamentary method the two houses are brought together on the text of a bill then the bill is considered passed. 47 H. Jour. 3003 (1941).

CONGRESSIONAL PRECEDENTS

Senate Amendments. — Revenue bills must originate in the house, but the senate may concur with amendments. 2 Hinds § 1480. Instances wherein the senate has acquiesced in the constitutional requirement as to revenue bills, while holding to a broad power of amendment. 2 Hinds §§ 1497–1499.

Sending to Conference. — The motion to agree or concur should be put in the affirmative and not in the negative form. 5 Hinds § 6166. Sometimes one house disregards the request of the other for a conference and recedes from its disagreement, thereby rendering a conference unnecessary. 5 Hinds §§ 6316, 6318. A conference may be had on only a portion of the amendments in disagreement, leaving the differences as to the remainder to be settled by the action of the two houses themselves. 5 Hinds § 6401.

Rule 13, Interactions With the Governor and Senate Sec. 4

Sec. 4. Adoption of Senate Amendments for Bills With Immediate Effect. If a bill is to go into immediate effect, senate amendments thereto must be adopted by a vote of two-thirds of the elected membership of the house.

CROSS-REFERENCES

Tex. Const. Art. III, § 39—Vote required for immediate effect.

Rule 8, § 19—Vote required for immediate effect.

EXPLANATORY NOTE

The mere concurrence in senate amendments by a two-thirds vote does not put a measure into immediate effect unless final passage in each house was obtained by a two-thirds vote. [1941]

Sec. 5. Printing Senate Amendments. (a) Senate amendments to house bills and resolutions must be printed and copies provided to the members at least 24 hours before any action can be taken thereon by the house during a regular or special session.

(b) When a house bill or joint resolution, other than the general appropriations bill, with senate amendments is returned to the house, the chief clerk shall request the Legislative Budget Board to prepare a fiscal note outlining the fiscal implications and probable cost of the measure as impacted by the senate amendments. A copy of the fiscal note shall be distributed with the senate amendments on their printing before any action can be taken on the senate amendments by the house.

(c) When a house bill or joint resolution, other than the general appropriations bill, with senate amendments is returned to the house, the chief clerk shall request the Texas Legislative Council to prepare an analysis that describes the substantive changes made to the house version of the bill by the senate amendments. A copy of the council's analysis of senate amendments shall be provided to the members electronically or as a printed copy at least 12 hours before action is taken on the senate amendments by the house. The Texas Legislative Council shall make all reasonable efforts to timely provide the analysis in as accurate a form as time allows. However, an unavoidable inability to provide the analysis or an inadvertent error in the analysis is not subject to a point of order.

(d) When a house bill or joint resolution for which a tax equity note was required under Rule 4, Section 34(b)(5), is returned to the house with senate amendments, the chief clerk shall request the Legislative Budget Board to prepare a tax equity note estimating the general effects of the senate amendments on the distribution of tax and fee burdens among individuals and businesses. A copy of the updated tax equity note shall be made available to each member, in some format, before any vote on the floor can be taken on the senate amendments by the house.

EXPLANATORY NOTE

The motion “to suspend the rules for the purpose of concurring in senate amendments” to a bill or resolution is in order. The motion requires a two-thirds vote of the membership if the bill is to go into immediate effect. The endorsement of the chief clerk regarding affirmative action on a motion of this sort should be as follows: “Rules suspended and house concurred in senate amendments by the following vote: Yeas , Nays .” Whenever a motion to suspend this particular rule is made and carried, even before senate amendments are distributed to the members, the amendments are nevertheless printed in the journal if concurred in by the house. [1959; revised 2003, 2019]

Chapter C. Conference Committees

Sec. 6. Membership and Operation. (a) In all conferences between the senate and the house by committee, the number of committee members from each house shall be five. All votes on matters of difference shall be taken by each committee separately. A majority of each committee shall be required to determine the matter in dispute. Reports by conference committees must be signed by a majority of each committee of the conference.

(b) A copy of the report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member’s newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not subject to a point of order.

CROSS-REFERENCES

Rule 1, § 16—Speaker appoints all conference committees.

Rule 13, § 10(b)—Form and submission of conference committee reports.

EXPLANATORY NOTES

1. The names of house conferees should accompany a request to the senate for a conference, not be sent later. [1959]

2. Six official copies of conference committee reports are signed by the conferees, three going to each house, usually in keeping of the chairs who file the copies with the appropriate clerks. When a conference committee report on a house bill is laid before the house one copy of the report goes immediately to the journal clerk. If adopted, the chief clerk so endorses the other two copies, sending one by messenger to the senate, and holds the other copy awaiting action on the report by the senate. If the senate adopts the report, an officially endorsed copy will be sent to the house, and the

Rule 13, Interactions With the Governor and Senate Sec. 7

chief clerk causes the conference committee report to be enrolled showing action thereon by both houses and it is printed in the journal. [1953; revised 1995]

3. Conference committees are composed of five members, as provided above. Usually where the vote in the house has been close on the major point or points at issue, the speaker gives the majority three members and the minority two members on the committee. When the vote is not close but there has been a strong minority fight, the minority is usually given one place on the committee. [1941]

CONGRESSIONAL PRECEDENTS

Appointment; Generally. — The majority of the managers of a conference should represent the attitude of a majority of the house on the disagreements. 5 Hinds § 6336. After a conference has been agreed to and the managers for the house appointed it is too late to reconsider the vote whereby the house acted on the amendments in disagreement. 5 Hinds § 5664.

Sec. 7. Meetings. (a) House conferees when meeting with senate conferees to adjust differences shall meet in public and shall give a reasonable amount of notice of the meeting in the place designated for giving notice of meetings of house standing committees. Any such meeting shall be open to the news media. Any conference committee report adopted in private shall not be considered by the house.

(b) At a meeting of the conferees to adjust differences on the general appropriations bill, the chair of the house conferees may request the assistance of any house member who serves on the appropriations committee.

EXPLANATORY NOTE

The plain language of this section does not require conferees to actually meet to resolve any disagreement between the two houses; in the absence of a meeting, a conference committee report is “adopted” when it is signed by three conferees from each house. However, if a meeting is held, as is often the practice of the House and Senate conferees on the general appropriations bill, notice should be posted, although as noted in the precedent reported immediately below, a point of order may not lie against a report if notice was not properly posted. [2019]

HOUSE PRECEDENT

Conference Committee Meetings Not Governed by the Requirement Applicable to Other Committees Requiring Certain Official Records to Be Kept. — The house was considering the conference committee report for S.B. 1, the revision of the Education Code relating to public education.

Mr. Turner of Harris raised a point of order against further consideration of the report on the grounds that the posting of the notice of a meeting of the conference committee violated Rule 13, Section 7, because reasonable notice of the committee’s May 12 meeting was not given. According to the posting, the meeting was scheduled to begin at 9:30 a.m.; the notice was time-stamped at 9:40 a.m., 10 minutes after the meeting was scheduled to begin.

Overruled by the Speaker, Mr. Laney, holding that, since the rules do not require minutes to be kept on conference committee meetings, there did not exist official records from which the actual time that a conference committee convened could be determined; in the absence of those official records, the Chair had no basis for resolving a question of fact. 74 H. Jour. 4349, 4349–4350 (1995).

CONGRESSIONAL PRECEDENTS

Meetings. — Conferees do not usually admit persons to make arguments before them. 5 Hinds § 6263. In a conference the managers of the two houses vote separately. 5 Hinds § 6336.

Sec. 8. Instructions. Instructions to a conference committee shall be made after the conference is ordered and before the conferees are appointed by the speaker, and not thereafter.

HOUSE PRECEDENTS

1. *Cannot Instruct Conference Committee When to Report if the Committee Has Already Been Appointed.* — Mr. Alsup moved to instruct the conference committee on H.B. 1 to bring in a conference committee report within a certain time.

Mr. Van Zandt raised a point of order on the ground that a conference committee cannot be instructed when to report after they have already been appointed.

Sustained by the Speaker, Mr. Stevenson. 43 H. Jour. 3d C.S. 294 (1934).

[Also, any action the house could take would only affect the house conferees, and they alone could not, of course, bring back any report for adoption.]

2. *Not in Order to Instruct a Conference Committee to Include in Its Report, in Violation of the Rules, Matter Not in Disagreement Between the Two Houses.* — The house had just refused to concur in the senate amendments to H.B. 5. Mr. Morse moved that the conference committee be instructed to include certain matter in its report.

Mr. Jones of Wise raised a point of order against the motion on the ground that it sought, in violation of the rules, to have the committee include matter which was not in disagreement between the houses.

Sustained by the Speaker, Mr. Calvert. 45 H. Jour. 3056 (1937).

[The senate amendments to H.B. 5 were of minor importance in form and content, so far as the bill was concerned, and affected only parts of the bill, so they did not bring the disagreement situation under the exceptions set out in then-Section 8.]

3. *Further Point Regarding Instructions to Conferees on Inclusion in Their Report of Matter Not in Disagreement Between the Two Houses.* — Mr. Sewell moved that the house conferees on H.B. 285 be instructed as follows: That the provisions of H.B. 669 as same passed the house be included in H.B. 285.

Mr. Murphy raised the point of order that the inclusion of H.B. 669 in H.B. 285 is not a matter of disagreement between the two houses, and that any attempt to instruct the house conferees to include same as a part of H.B. 285 would be out of order.

Sustained by the Speaker, Mr. Senterfitt. 52 H. Jour. 2580 (1951).

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[Had the substance of H.B. 669 become a part of H.B. 285 in its passage through either house, resulting in a matter of difference, then instructions relating thereto would have unquestionably been in order, but such was not the case.]

CONGRESSIONAL PRECEDENTS

Instructions. — The house may instruct its managers of a conference, and the motion to instruct should be offered after the vote to ask for or to agree to a conference, and before the managers are appointed. 5 Hinds §§ 6379–6382. The motion to instruct conferees may be amended unless the previous question has been ordered. 5 Hinds § 6525. While it is unusual to instruct conferees before a conference is had, it is in order to move instructions for a first conference as for any subsequent conference. 8 Cannon § 3230.

Sec. 9. Limitations on Jurisdiction. (a) Conference committees shall limit their discussions and their actions solely to the matters in disagreement between the two houses. A conference committee shall have no authority with respect to any bill or resolution:

- (1) to change, alter, or amend text which is not in disagreement;
- (2) to omit text which is not in disagreement;
- (3) to add text on any matter which is not in disagreement;
- (4) to add text on any matter which is not included in either the

house or senate version of the bill or resolution.

This rule shall be strictly construed by the presiding officer in each house to achieve these purposes.

(b) Conference committees on appropriations bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two houses. In addition to the limitations contained elsewhere in the rules, a conference committee on appropriations bills shall be strictly limited in its authority as follows:

(1) If an item of appropriation appears in both house and senate versions of the bill, the item must be included in the conference committee report.

(2) If an item of appropriation appears in both house and senate versions of the bill, and in identical amounts, no change can be made in the item or the amount.

(3) If an item of appropriation appears in both house and senate versions of the bill but in different amounts, no change can be made in the item, but the amount shall be at the discretion of the conference committee, provided that the amount shall not exceed the larger version and shall not be less than the smaller version.

(4) If an item of appropriation appears in one version of the bill and not in the other, the item can be included or omitted at the discretion

of the conference committee. If the item is included, the amount shall not exceed the sum specified in the version containing the item.

(5) If an item of appropriation appears in neither the house nor the senate version of the bill, the item must not be included in the conference committee report. However, the conference committee report may include appropriations for purposes or programs authorized by bills that have been passed and sent to the governor and may include contingent appropriations for purposes or programs authorized by bills that have been passed by at least one house.

This rule shall be strictly construed by the presiding officer in each house to achieve these purposes.

(c) Conference committees on tax bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two houses. In addition to the limitations contained elsewhere in the rules, a conference committee on a tax bill shall be strictly limited in its authority as follows:

(1) If a tax item appears in both house and senate versions of the bill, the item must be included in the conference committee report.

(2) If a tax item appears in both house and senate versions of the bill, and in identical form and with identical rates, no change can be made in the item or the rate provided.

(3) If a tax item appears in both house and senate versions of the bill but at differing rates, no change can be made in the item, but the rate shall be at the discretion of the conference committee, provided that the rate shall not exceed the higher version and shall not be less than the lower version.

(4) If a tax item appears in one version of the bill and not in the other, the item can be included or omitted at the discretion of the conference committee. If the item is included, the rate shall not exceed the rate specified in the version containing the item.

(5) If a tax item appears in neither the house nor the senate version of the bill, the item must not be included in the conference committee report.

This rule shall be strictly construed by the presiding officer in each house to achieve these purposes.

(d) Conference committees on reapportionment bills, to the extent possible, shall limit their discussions and their actions to the matters in disagreement between the two houses. Since the adjustment of one district in a reapportionment bill will inevitably affect other districts, the strict rule of construction imposed on other conference committees must be relaxed somewhat when reapportionment bills are involved. Accordingly, the following authority and limitations shall apply only to conference committees on reapportionment bills:

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(1) If the matters in disagreement affect only certain districts, and other districts are identical in both house and senate versions of the bill, the conference committee shall make adjustments only in those districts whose rearrangement is essential to the effective resolving of the matters in disagreement. All other districts shall remain unchanged.

(2) If the matters in disagreement permeate the entire bill and affect most, if not all, of the districts, the conference committee shall have wide discretion in rearranging the districts to the extent necessary to resolve all differences between the two houses.

(3) Insofar as the actual structure of the districts is concerned, and only to that extent, the provisions of Subsection (a) of this section shall not apply to conference committees on reapportionment bills.

(e) Conference committees on recodification bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two houses. The comprehensive and complicated nature of recodification bills makes necessary the relaxing of the strict rule of construction imposed on other conference committees only to the following extent:

(1) If it develops in conference committee that material has been inadvertently included in both house and senate versions which properly has no place in the recodification, that material may be omitted from the conference committee report, if by that omission the existing statute is not repealed, altered, or amended.

(2) If it develops in conference committee that material has been inadvertently omitted from both the house and senate versions which properly should be included if the recodification is to achieve its purpose of being all-inclusive of the statutes being recodified, that material may be added to the conference committee report, if by the addition the existing statute is merely restated without substantive change in existing law.

(f) Limitations imposed on certain conference committees by the provisions of this section may be suspended in part by permission of the house to allow consideration of and action on a specific matter or matters which otherwise would be prohibited. Permission shall be granted only by resolution passed by majority vote of the house. All such resolutions shall be privileged in nature and need not be referred to a committee. The introduction of such a resolution shall be announced from the house floor and the resolution shall be eligible for consideration by the house:

(1) three hours after a copy of the resolution has been distributed to each member; or

(2) for a resolution suspending limitations on a conference committee considering the general appropriations bill, 48 hours in a regular session and 24 hours in a special session after a copy of the resolution has been distributed to each member.

(g) The time at which the copies of such a resolution are distributed to the members shall be time-stamped on the originals of the resolution. The resolution shall specify in detail:

- (1) the exact language of the matter or matters proposed to be considered;
- (2) the specific limitation or limitations to be suspended;
- (3) the specific action contemplated by the conference committee;
- (4) except for a resolution suspending the limitations on the conferees for the general appropriations bill, the reasons that suspension of the limitations is being requested; and
- (5) a fiscal note distributed with the resolution outlining the fiscal implications and probable cost of the items to be included in the conference committee report that would otherwise be prohibited but for the passage of the resolution.

(h) In the application of Subsection (g) of this section to appropriations bills, the resolution:

- (1) need not include changes in amounts resulting from a proposed salary plan or changes in format that do not affect the amount of an appropriation or the method of finance of an appropriation, but shall include a general statement describing the salary plan or format change;
- (2) need not include differences in language which do not affect the substance of the bill;
- (3) if suspending a limitation imposed by Subsection (b)(2), (3), (4), or (5) of this section, must specify the amount by which the appropriation in the conference committee report is less than or greater than the amount permitted for that item of appropriation under Subsection (b) of this section; and
- (4) shall be available in its entirety on the electronic legislative information system that is accessible by the general public.

(i) Permission granted by a resolution under Subsection (f) of this section shall suspend the limitations only for the matter or matters clearly specified in the resolution, and the action of the conference committee shall be in conformity with the resolution.

HOUSE PRECEDENTS

1. *Cases Where Conferees Did Not Exceed Their Jurisdiction.* — Where the two houses were in wide disagreement on the subject of election administration, the conferees may omit substantially similar text in the overall context of adjusting differences on the subject matter in disagreement. 87 H. Jour. 5466 (2021) (citing 74 H. Jour. 4444–4446 (1995)). Where necessary to resolve all differences in district lines for a given county, the conferees on a redistricting bill properly exercised their discretion in determining that a district boundary that was identical in both versions of the bill required adjustment and the chair declined to

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disturb such a determination absent manifest evidence they abused their discretion. 87 H. Jour. 3d C.S. 328–329 (2021).

2. *Resolution Suspending Limitations on Conferees Need Only Explain the Major Purpose of New Language.* — The explanation of reasons for suspending limitations on conferees is only required to explain the major purpose of the proposed new language and is not required to be a detailed analysis of the effect of the new language on current law. 87 H. Jour. 5463–5464 (2021).

CONGRESSIONAL PRECEDENT

Report Ruled Out if Conferees Exceed Jurisdiction. — The speaker may rule a conference report out of order if it is shown that the conferees have exceeded their authority. 8 Cannon § 3256.

Sec. 10. Printing and Distribution of Reports. (a) A conference committee report on the general appropriations bill must be printed and a copy furnished to each member as provided by Rule 12, Section 1, at least 48 hours before action can be taken on the report by the house during a regular session or at least 24 hours before action can be taken by the house during a special session. All other conference committee reports must be printed and a copy furnished to each member as provided by Rule 12, Section 1, at least 24 hours before action can be taken on the report by the house during a regular or special session.

(b) Three original copies of a conference committee report shall be submitted to the chief clerk for printing. Each original conference committee report shall contain the following:

- (1) the signatures of the house conferees and senate conferees who voted to adopt the conference committee report;
- (2) the text of the bill or resolution as adopted by the conference committee; and
- (3) an analysis of the conference committee report as required by Section 11 of this rule.

(c) Before action can be taken by the house on a conference committee report on a bill or joint resolution, other than the general appropriations bill, a fiscal note outlining the fiscal implications and probable cost of the conference committee report shall be submitted to the chief clerk, and a copy of the fiscal note shall be distributed with the conference committee report on its printing.

(d) Before a vote on the floor can be taken by the house on a conference committee report on a bill or joint resolution for which a tax equity note was required under Rule 4, Section 34(b)(5), a tax equity note estimating the general effects of the conference committee report on the distribution of tax and fee burdens among individuals and businesses shall be submitted to the chief clerk, and a copy of the tax equity note shall be made available to each member.

CROSS-REFERENCE

Rule 13, § 6, note following—Disposition of official copies of conference committee reports.

EXPLANATORY NOTES

1. Frequently, usually to avoid the time lapses required in the above section, the motion “To suspend the rules for the purpose of adopting the conference report” on a particular bill is made. Basically, such a motion requires only a two-thirds vote (of the members present and voting) for adoption. If the motion is adopted, the speaker declares the rules suspended and the report adopted. However, such motion must be adopted by a record vote, and receive at least 100 (two-thirds of the membership) affirmative votes if the bill covered by the conference report is to go into immediate effect. The endorsement by the chief clerk regarding affirmative action on a motion of this sort should be as follows: “Rules suspended and Conference Report adopted by the following vote: Yeas , Nays .” [1955]

2. If it is not desired to put a bill into immediate effect, but for reasons it is desired to suspend the rules to obtain a vote on the conference report, a non-record vote should be taken. If it becomes evident that a record vote is to be demanded (by three members or more), then two separate motions could be utilized. The first motion should be, “To suspend the rules for the purpose of making the motion to adopt the conference report on .” The second should be, “To adopt the conference report on .” Of course, if a record vote is demanded on the latter motion, and it receives 100 affirmative votes, in so far as the house is concerned the bill would go into immediate effect. This situation is unlikely. A better route would be not to put an “immediate effect” clause in the bill reported by the conference. [1955; revised 1959]

Sec. 11. Analysis of Reports. (a) All reports of conference committees shall include an analysis showing wherein the report differs from the house and senate versions of the bill, resolution, or other matter in disagreement. The analysis of appropriations bills shall show in dollar amounts the differences between the conference committee report and the house and senate versions. No conference committee report shall be considered by the house unless such an analysis has been prepared and distributed to each member.

(b) The analysis shall to the extent practical indicate any instance wherein the conference committee in its report appears to have exceeded the limitations imposed on its jurisdiction by Section 9 of this rule. An analysis and the conference committee report in which the analysis is included are not subject to a point of order due to a failure to comply with this subsection or due to a mistake made in complying with this subsection.

Sec. 12. Consideration of Reports. A conference committee report is not subject to amendment, but must be accepted or rejected in its entirety. While a conference committee report is pending, a motion to deal with individual amendments in disagreement is not in order.

CROSS-REFERENCES

Rule 9, § 1, note following—Vote required to concur in senate amendments to a house joint resolution and to adopt a conference committee report on a joint resolution.

Rule 10, § 8—Corrective resolutions.

EXPLANATORY NOTES

1. A number of rulings have made it clear that conference committee reports could not be changed by concurrent resolutions after adoption. Such resolutions have sought to “amend” such reports or to direct the appropriate engrossing and enrolling clerk to make specified changes. However, from time to time concurrent resolutions have been adopted which instructed an engrossing and enrolling clerk to make corrections of typographical errors, punctuation, section numbering, accidental omissions due to stenographic errors, and the like, all of which were changes to which there was little or no objection and all of which were designed to perfect the final legislative product. [1957]

2. In the case of conference committee reports on biennial appropriations bills, for a number of years it has been the practice, because of the size and nature of the bills, to admit concurrent resolutions to correct accidental omissions, wording, titles, totals, typographical errors, and the like. Often these were admitted under protest that such changes could not be made in such a manner. Admitting the question of procedural legality in general, presiding officers went along with the procedure as the best for all practical purposes. However, in the 55th Legislature, the Speaker, Mr. Carr, ruled in order a supplement to the original conference committee report which contained all needed corrections, holding this type of procedure was preferable to a concurrent resolution. The report was adopted. [1957]

3. A conference committee report must receive a two-thirds vote of each house in order to put the measure into immediate effect, except in case of the General Appropriations Act. [1931; revised 1941]

4. A slight deviation from the conference committee report rule just stated is recognized, because in a decision handed down on June 27, 1931, Judge Morrow, presiding judge of the Court of Criminal Appeals, said: “It seems enough to say that a reasonable and logical interpretation of the controlling provision of the Constitution of this State confers upon the Legislature both the power (by a record vote of two-thirds vote of the Members of each House) to change the time within which an act of the Legislature may ordinarily become effective, and requires that they exercise such authority and power at the time when they become aware of the terms of the law as finally agreed upon. Previous action upon a bill in its initial stages, before material and radical changes have been made, would not control.” In the light of this decision, it would be reasonable to assume that if a bill did not receive the necessary two-thirds record vote on final passage in both houses and was not subjected to “material and radical changes” in conference, the adoption of the conference committee report by the necessary two-thirds record vote in both houses would not put the bill into immediate effect. On the other hand, if such changes had been made in conference and the necessary two-thirds record vote obtained on the adoption of the conference committee report, then the bill would go into immediate effect. [1931; revised 1959]

CONGRESSIONAL PRECEDENTS

Consideration and Disposition. — A conference report being presented, the question on agreeing to it is regarded as pending. 5 Hinds § 6517. The motion to agree is the pending question to a conference report, and the motion to disagree is not admitted. 2 Hinds § 1473. Although a conference report may be in disregard of the instructions given the managers, yet it may not be ruled out on a point of order. 5 Hinds § 6395. A conference report must be accepted or rejected in its entirety, and while it is pending no motion to deal with individual amendments in disagreement is in order. 5 Hinds § 6323. A conference report is not subject to amendment, but must be considered and disposed of as a whole. 8 Cannon § 3306. The rejection of a conference report leaves the matter in the position it occupied before the conference was asked. 5 Hinds § 6525. Action on a conference report by either house discharges the committee of conference and precludes a motion to recommit, but until one house has acted on the report the motion to recommit to the conferees, with or without instructions, is in order. 8 Cannon § 3241.

Sec. 13. When Reports Not Acceptable. When a conference committee report is not acceptable to the house for any reason, it may be recommitted to the same committee with the request for further consideration, and the house may or may not give any specific instructions on the report to the conference committee; or the house may request the appointment by the senate of a new conference committee and then proceed to empower the speaker to name new conferees for the house.

HOUSE PRECEDENT

House Has No Right to Discharge Its Conferees on a Senate Bill While Bill Is Still in Conference. — Mr. Love moved that the conferees on S.B. 167 be discharged and that a new conference committee be appointed on the part of the house and that the senate be requested to appoint a new committee to adjust the differences between the two houses. Mr. Cato raised a point of order on further consideration of the motion on the ground that such a motion as Mr. Love's must originate in the house where the bill originated while the bill is still in conference. The speaker, Mr. Gilmer, sustained the point of order. 49 H. Jour. 2758 (1945).

CONGRESSIONAL PRECEDENTS

New Conferences. — Where managers of a conference are unable to agree, or where a report is disagreed to in either house, another conference is usually asked. 5 Hinds §§ 6288–6291. Where a conference report is ruled out of order, the bill and amendments are again before the house as when first presented, and motions relating to amendments and conference are again in order. 8 Cannon § 3257. The failure of a conference does not prevent either house taking such independent action as may be necessary to pass a bill. 5 Hinds § 6320.

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Rule 14. General Provisions

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Rule 14

General Provisions

Sec. 1. When Rules Are Silent. If the rules are silent or inexplicit on any question of order or parliamentary practice, the Rules of the House of Representatives of the United States Congress, and its practice as reflected in published precedents, and Mason’s Manual of Legislative Procedure shall be considered as authority.

Sec. 2. Amendments to the Rules. (a) Amendments to the rules of the house shall be proposed by house resolutions which shall be referred at once, without debate, to the Committee on House Administration for study and recommendation.

(b) A resolution proposing an amendment to the rules shall not be considered by the house until a printed copy of the resolution has been provided to each member of the house at least 48 hours before consideration.

(c) Amendments to the rules shall require a majority vote of the house for adoption.

Sec. 3. Motion to Suspend the Rules. A motion to suspend the rules shall be in order at any time, except when motions to adjourn or recess are pending, even when the house is operating under the previous question. A motion to “suspend all rules” shall be sufficient to suspend every rule under which the house is operating for a particular purpose except the provisions of the constitution and the joint rules of the two houses. If the rules have been suspended on a main motion for a given purpose, no other motion to suspend the rules on a main motion shall be in order until the original purpose has been accomplished.

EXPLANATORY NOTES

1. The wording “at any time,” as used in the above paragraph, does not, however, give such a motion priority over the motions to adjourn or recess. Those motions can be made and entertained when a motion to “suspend the rules” is pending. [1955]

2. Under the above rule it has been the practice for many years for a member, having in mind “a particular purpose,” to move a suspension of the rules for that purpose. Members have a wide latitude — practically unlimited — in describing such purpose. A single vote, if carried by the required two-thirds, is sufficient to obtain the desired result. For example, in the house journal of the 50th Legislature there is recorded certain action on H.B. 44. The bill was ruled illegally introduced because three identical copies had not been filed with the chief clerk. Then “Mr. Sadler moved that Sec. 1 of Rule XVIII [now revised as Rule 8, Sec. 9] be suspended in order to consider H.B. 44 in the same status as before the point of order by Mr. Fly”

This motion was passed, 100 yeas to 38 nays. Thus a suspension occurred “for a particular purpose.” The notion that some motions to suspend the

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rules “for the purpose of” are “double motions” is entirely erroneous. The above section gives full and specific authority for a member to define the “purpose” as the member wishes. See 50 H. Jour. 948–950 (1947) and the congressional precedents following. [1951]

3. If a resolution contains a provision which, if adopted, would be equivalent to a suspension of the rules, it would require a two-thirds vote for adoption. [1941]

4. There is nothing in the above section or elsewhere in these rules requiring a record vote for a suspension of the rules. [1941]

5. The first sentence of this section codified the ruling reported at 44 H. Jour. 479 (1935), holding same. [2019]

HOUSE PRECEDENTS

1. *One Suspension in Order at a Time.* — In the 51st Legislature, the Speaker, Mr. Manford, ruled that the purpose for which the rules were suspended must be accomplished before another suspension of the rules is in order. 51 Tex. Legis. Man. 280 (1949).

2. *Motion to Reconsider a Successful Suspension of the Rules Vote in Order Under Certain Conditions.* — A motion to refer a bill having been ruled out because the routine motion period had been passed, Mr. Favors moved a suspension of the rules so the house could consider his motion. This motion prevailed. Mr. Harris of Dallas moved to reconsider the vote on suspension of the rules and Mr. Lucas raised the point of order that this motion was out of order.

Overruled by the Speaker, Mr. Leonard, stating that such a motion was in order and could be adopted by a majority vote, unless action following the rules suspension had moved the matter to a new stage, such as the actual reading of a bill the first, second, or third time. 47 H. Jour. 2257 (1941). [Obviously a reading of a bill could not be undone. Under such conditions the matter could be disposed of by several other motions.]

3. *May Suspend the Rules for the Purpose of Reconsidering a Vote, Even Though the Time for Making the Motion to Reconsider Has Passed.* — Mr. Russell moved to suspend Rule XIII, Section 7 [now Rule 7, Section 34] so as to make a motion to reconsider the vote by which the “Heart Balm Bill” failed to pass.

Mr. Alsop raised a point of order on the motion to suspend the rules so as to move to reconsider the vote on the failure of the bill, on the ground such motion to reconsider would violate Article III, Section 34, of the constitution relative to passage of a defeated measure.

Overruled by the Speaker, Mr. Stevenson, on the grounds that the house may, by a two-thirds vote, suspend the rule and then vote to revive the bill. 44 H. Jour. 1995 (1935).

CONGRESSIONAL PRECEDENTS

Motion to Suspend the Rules. — The motion may not be amended, 5 Hinds §§ 5322, 5405, 6858, Deschler ch. 21, § 14.6; postponed, 5 Hinds § 5322; or laid on the table, 5 Hinds § 5405. A motion to suspend the rules applies to the parliamentary law of Jefferson’s Manual as well as to the rules of the house. 5 Hinds § 6796. When the rules are suspended to enable a matter to be considered, another motion to suspend the rules may not be made during that consideration. 5 Hinds §§ 6836, 6837. A motion to suspend the rules may be entertained, although the previous question has

been ordered. 5 Hinds § 6827. Adoption of a motion to “suspend the rules” suspends all rules, including the unwritten law and practice of the house. 8 Cannon § 3406.

Sec. 4. Notice of Pending Motion to Suspend the Rules. It shall not be in order to move to suspend the rules or the regular order of business to take up a measure out of its regular order; and the speaker shall not recognize anyone for either purpose, unless the speaker has announced to the house in session that the speaker would recognize a member for that purpose at least one hour before the member is so recognized to make the motion. In making the announcement to the house, the speaker shall advise the house of the member’s name and the bill number; and this information, together with the time that the announcement was made, shall be entered in the journal. This rule may be suspended only by unanimous consent.

Sec. 5. Vote Requirements for Suspension. A standing rule of the house may be suspended by an affirmative vote of two-thirds of the members present. However, if a rule contains a specific provision showing the vote by which that rule may be suspended, that vote shall be required for the suspension of the rule. The specific provision may not be suspended under the provisions of this section.

Sec. 6. Disposal of Measures Taken Up Under Suspension. Any measure taken up under suspension and not disposed of on the same day shall go over as pending or unfinished business to the next day that the house is in session, and shall be considered thereafter from day to day (except the days used for the consideration of senate bills) until disposed of.

CROSS-REFERENCE

Rule 6, § 1, note following—Difference between “pending business” and “unfinished business.”

EXPLANATORY NOTES

1. A suspension of the regular order of business, as distinguished from a suspension of the rules, is a suspension of that order of business on the speaker’s table as described in the 11th item of Rule 6, Section 1(a). As directed in the rules, the chair holds to the regular order of business unless the house directs otherwise by a suspension of the rules. [1915; revised 1951, 1957]

2. The order of recognition to suspend rules is determined entirely by the speaker. While the speaker is guided somewhat by the order in which the speaker receives suspension requests from the members, there is neither rule nor precedent which requires the speaker to adhere to such an order for recognition. In fact, to adhere strictly to a request order would prevent a speaker from recognizing members to bring up matters of major importance such as public and party demands, emergency measures, etc. Also, if a strict request order is followed (and the order is generally known), it is possible for abuses to occur which are not to the best interests of the membership. [1937]

HOUSE PRECEDENTS

1. *Not in Order to Reconsider Vote by Which a Bill Is Taken Up on Suspension of the Regular Order; In Order If Vote to Take Up Failed.* — On a Monday the house was considering a bill taken up on a suspension of the regular order of business. It had been read the second time and debate was proceeding. The motion to reconsider the vote by which the bill was taken up was made and, on a point of order that such could not be done, the speaker, Mr. Homer Leonard, sustained the point of order. He held that other disposition must be made of the bill if the house did not wish to continue its consideration since to permit the reconsideration motion would have the effect of wiping out the second reading and proceedings following. 47 H. Jour. (1941).

2. *Reconsideration of Motion to Suspend.* — In the 52d Legislature, the Speaker, Mr. Senterfitt, admitted a motion to reconsider the vote by which a motion to suspend the regular order of business failed. This motion should not be confused with a motion to suspend the rules, which may not be reconsidered. 52 Tex. Legis. Man. 289–290 (1951).

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Rule 15

Appropriate Workplace Conduct

Sec. 1. Statement of Policy. (a) The house finds that:

(1) a safe and professional environment in which each individual is treated with respect is essential for conducting the legislative business of Texas;

(2) harassment based on an individual's characteristics and activity protected by law is inconsistent with the necessary safe and professional environment; and

(3) there is a need for policies designed to prevent harassment and to appropriately address it if it occurs.

(b) The house declares that all forms of harassment prohibited by law (including harassment by the making of a complaint of harassment or discrimination or by participating in the investigation of a complaint) are against the policy of the house.

(c) Members, officers, and employees of the house are expected to promote public confidence in the integrity of the house by:

(1) conducting themselves in a manner that is free of harassment in each setting related to the service of the member, officer, or employee; and

(2) reporting any harassment in the workplace of which they have direct, personal knowledge.

(d) This rule is the policy on which the house relies for guidance in promoting appropriate workplace conduct. This rule is not intended to, and does not, create an independent cause of action, substantive or procedural, enforceable at law or in equity, by any party against:

(1) the house or its officers, employees, or agents;

(2) the State of Texas or its departments, agencies, entities, officers, employees, or agents; or

(3) any other person.

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Chapter N. General Provisions

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Rule 16

Special Rule

Chapter A. General Provisions

Sec. 1. Purpose; Scope; Application. (a) This rule is adopted to ensure that the house is able to carry out its legislative responsibilities under the Texas Constitution in the event of disruptions caused by actual or imminent threat of an emergency, including an epidemic or a pandemic.

(b) A section of this rule governs the procedure of the house and its committees only when the section is activated as provided by this rule.

(c) During the time a section of this rule is activated, the provisions of that section prevail over a provision of Rules 1 through 15 to the extent of any conflict between the provisions.

(d) This chapter is not subject to deactivation under Section 4 of this rule.

Sec. 2. Activation and Reactivation. (a) A section of this rule may be activated only as provided by this section. A section of this rule that has been deactivated under this chapter may be reactivated only as provided by this section.

(b) Activation or reactivation of a section of this rule may occur only if:

(1) a disaster has been declared and is currently in effect in this state as the result of a declaration by:

(A) the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.), as amended, or other law;

(B) the governor under Chapter 418, Government Code, or other law, including the Texas Constitution; or

(C) the governing body of a political subdivision under Chapter 418, Government Code, or other law, including the Texas Constitution; or

(2) a determination of a public health disaster has been made and is currently in effect under Chapter 81, Health and Safety Code, or other law by:

(A) the commissioner of state health services; or

(B) a local health authority.

(c) If the house is convened in regular or special session and at least one condition listed in Subsection (b) of this section has been met, the house may activate or reactivate one or more sections of this rule by resolution. A resolution proposed under this subsection is subject to the provisions of Rule 14, Section 2, and must:

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(1) identify the section or sections proposed to be activated or reactivated; and

(2) cite the authorities relied on to determine that at least one condition listed in Subsection (b) of this section has been met.

(d) If the house is not convened in a regular or special session and at least one condition listed in Subsection (b) of this section has been met, the Committee on House Administration may activate or reactivate one or more sections of this rule only by a vote of a majority of the membership of the committee in a meeting of the committee conducted in accordance with the rules. The notice of the committee meeting must identify the section or sections of this rule that are proposed to be activated or reactivated and cite the authorities relied on to determine that at least one condition listed in Subsection (b) of this section has been met. The minutes of the committee meeting must identify the section or sections of this rule that were activated or reactivated by the committee and cite the authorities relied on to determine that at least one condition listed in Subsection (b) of this section has been met.

Sec. 3. Deactivation. (a) If the house is convened in a regular or special session, a section of this rule may be deactivated only by resolution. A resolution proposed under this subsection is subject to the provisions of Rule 14, Section 2, and must identify the section or sections of this rule to be deactivated.

(b) If the house is not convened in a regular or special session, the Committee on House Administration may deactivate one or more sections of this rule. A section of this rule may be deactivated only by a vote of a majority of the membership of the committee in a meeting of the committee conducted in accordance with the rules. The notice of the committee meeting must identify the section or sections of this rule that are proposed to be deactivated. The minutes of the committee meeting must identify the section or sections of this rule that were deactivated by the committee.

Chapter B. Duties and Rights of the Speaker

Sec. 4. A new Rule 1, Section 10A, relating to the designation of a temporary chair, shall read as follows:

Rule 1, Sec. 10A. Designation of Alternate Temporary Chair. (a) If the speaker and permanent speaker pro tempore are both unavailable for any reason, the chair of the Committee on State Affairs is authorized to convene the house and preside over its deliberations.

(b) At any time, the speaker may provide a written order to the chief clerk, with a copy to the journal clerk, naming those members, in priority order, authorized to call the house

to order and preside if the speaker, permanent speaker pro tempore, and chair of the Committee on State Affairs are all absent or unable to preside. If the speaker, permanent speaker pro tempore, and chair of the Committee on State Affairs are all unavailable for any reason, and it becomes necessary for the house to convene pursuant to an adjournment, recess, or other provision of the constitution or other law, the chief clerk shall contact the members, in the order listed on the speaker's written order, until the chief clerk locates a member who is available to convene and preside over the deliberations of the house.

Sec. 5. Rule 1, Section 11, relating to emergency adjournment, shall read as follows:

Rule 1, Sec. 11. Emergency Adjournment. In the event of an emergency of such compelling nature that the speaker must adjourn the house without fixing a date and hour of reconvening, the speaker shall have authority, subject to the provisions of Section 17, Article III, Texas Constitution, to determine the date and hour of reconvening and to notify the members of the house by any means the speaker considers adequate. Should the speaker be disabled or otherwise unable to exercise these emergency powers, the permanent speaker pro tempore, if one has been named, shall have authority to act. If there is no permanent speaker pro tempore, or if that officer is unable to act, authority shall be exercised by one of the following members, in the order listed below [~~the chair of the Committee on State Affairs~~], who shall preside until the house can proceed to the selection of a temporary presiding officer to function until the speaker or the speaker pro tempore is again able to exercise the duties and responsibilities of the office;

- (1) the chair of the Committee on State Affairs; or
- (2) the first available member on the speaker's written order filed with the chief clerk under Section 10A of this rule.

Sec. 6. Rule 1, Section 12, relating to postponement of reconvening, shall read as follows:

Rule 1, Sec. 12. Postponement of Reconvening. When the house is not in session, if the speaker determines that it would be a hazard to the safety of the members, officers, employees, and others attending the legislature to reconvene at the time determined by the house at its last sitting, the

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speaker may clear the area of the capitol under the control of the house and, subject to the provisions of Section 17, Article III, Texas Constitution, postpone the reconvening of the house for a period of not more than three calendar days, not including Sundays [12 hours]. On making that determination, the speaker shall order the sergeant-at-arms to post an assistant at each first floor entrance to the capitol and other places and advise all persons entering of the determination and the time set for the house to reconvene. The speaker shall also notify the journal clerk and the news media of the action, and the action shall be entered in the house journal. If the speaker is unavailable or unable to act, the authority to postpone reconvening under this section may be exercised by one of the following members, in the order listed below:

- (1) the permanent speaker pro tempore;
- (2) the chair of the Committee on State Affairs; or
- (3) the first available member on the speaker's written order filed with the chief clerk under Section 10A of this rule.

Chapter C. Officers and Employees

[RESERVED FOR EXPANSION]

Chapter D. Organization, Powers, and Duties of Committees

Sec. 7. A new Rule 4, Section 8A, relating to required face masks during committee meetings, shall read as follows:

Rule 4, Sec. 8A. Face Masks Required for Committee Meetings. Each person admitted to a meeting room for the purpose of participating in or attending a committee or subcommittee meeting is required to wear at all times a face mask that complies with the recommendations of the Centers for Disease Control and Prevention. A member of the house or a witness may temporarily remove the person's face mask only while speaking from a microphone on the dais or the witness podium. An officer or employee of the house may temporarily remove the person's face mask only while speaking from a microphone or as directed by the chair. If the Committee on House Administration has installed clear barriers that comply with epidemiological best practices on the dais in a meeting room, a member, officer, or employee may remove the person's face mask when the person is protected by the barriers if other

persons who are not protected by the barriers are at least six feet away from the member, officer, or employee.

Sec. 8. Rule 4, Section 11, and new Rule 4, Section 11A, relating to posting notice of committee meetings, shall read as follows:

Rule 4, Sec. 11. Posting Notice. (a) No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a public hearing during a regular session unless notice of the hearing has been posted in accordance with the rules at least five calendar days in advance of the hearing. No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a public hearing during a special session unless notice of the hearing has been posted in accordance with the rules at least 24 hours in advance of the hearing. The committee minutes shall reflect the date of each posting of notice. Notice shall not be required for a public hearing or a formal meeting on a senate bill which is substantially the same as a house bill that has previously been the subject of a duly posted public hearing by the committee.

(b) No committee or subcommittee, including a calendars committee, shall assemble for the purpose of a formal meeting or work session during a regular or special session unless written notice has been posted and transmitted to each member of the committee two hours in advance of the meeting or an announcement has been filed with the journal clerk and read by the reading clerk while the house is in session at least 30 minutes in advance of the meeting.

(c) All committees meeting during the interim for the purpose of a formal meeting, work session, or public hearing shall post notice in accordance with the rules and notify members of the committee at least five calendar days in advance of the meeting.

Rule 4, Sec. 11A. Contents of Notice. In addition to other information required by the rules, the notice of a committee meeting must include:

(1) instructions, or a link to instructions on the house's Internet website, related to public access to the meeting location and health and safety protocols for attending the meeting;

(2) for a meeting that will be video broadcast under Section 12A of this rule, the link to that broadcast on the house's Internet website; and

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(3) for a public hearing, instructions, or a link to instructions on the house's Internet website, for individuals who wish to:

(A) testify in person at the hearing; or

(B) electronically submit public comments without testifying.

Sec. 9. A new Rule 4, Section 12A, relating to public access to committee meetings, shall read as follows:

Rule 4, Sec. 12A. Public Access to Committee Meetings. The requirement for all meetings of a committee or subcommittee to be open to other members, the press, and the public may be satisfied by video broadcasting the meeting in real time through the Internet. The video broadcast must be accessible from a link on the house's Internet website.

Sec. 10. A new Rule 4, Section 16A, relating to quorum requirements for taking testimony, shall read as follows:

Rule 4, Sec. 16A. Quorum Requirements for Taking Testimony. Two members of a committee shall constitute a quorum for the sole purpose of taking testimony during a public hearing. Any other committee member may participate in the public hearing through an Internet or other videoconferencing system if two-way communication has been enabled to allow all committee members to be clearly visible and audible to each other and clearly audible to the testifying witness.

Sec. 11. A new Rule 4, Section 20A, relating to invited testimony, and a new Rule 4, Section 20B, relating to public comments, shall read as follows:

Rule 4, Sec. 20A. Invited Testimony. When inviting witnesses to testify at a public hearing in the manner described by Section 20(g) of this rule, the chair of a committee or subcommittee shall make a reasonable effort to invite witnesses representing different viewpoints on the measures and other matters scheduled for a public hearing.

Rule 4, Sec. 20B. Public Comments. For each public hearing scheduled, the chair of the committee must allow persons domiciled in this state to electronically submit comments to the committee that relate to the measures or matters included on the notice for the public hearing. The Committee on House Administration shall establish a standard process for the electronic submission and posting of public comments submitted to house committees.

Chapter E. Floor Procedure

Sec. 12. Rule 5, Sections 11 and 12, and new Rule 5, Section 20A, relating to admission privileges of accredited media, shall read as follows:

Rule 5, Sec. 11. Privileges of the House Floor. Only the following persons shall be entitled to the privileges of the floor of the house when the house is in session: members of the house; employees of the house when performing their official duties as determined by the Committee on House Administration; members of the senate; employees of the senate when performing their official duties; the Governor of Texas and the governor's chief of staff and director of legislative affairs; the lieutenant governor; the secretary of state; duly accredited media representatives only as permitted by Section 20(f) of this rule; contestants in election cases pending before the house; and immediate families of the members of the legislature on such special occasions as may be determined by the Committee on House Administration.

Rule 5, Sec. 12. Admittance Within the Railing. Only the following persons shall be admitted to the area on the floor of the house enclosed by the railing when the house is in session: members of the house; members of the senate; the governor; the lieutenant governor; officers and employees of the senate and house when those officers and employees are actually engaged in performing their official duties as determined by the Committee on House Administration; and spouses of members of the house on such occasions as may be determined by the Committee on House Administration[; ~~and, within the area specifically designated for media representatives, duly accredited media representatives as permitted by Section 20 of this rule~~].

Rule 5, Sec. 20A. Media Access to House Chamber Under Rule 16. (a) When the house is in session, an accredited media representative:

(1) is entitled to admission to that portion of the gallery specifically designated for media representatives, subject to available seating; and

(2) is not entitled to admission to the floor of the house or allowed its privileges, except as permitted by Section 20(f) of this rule.

(b) A pass card issued under Section 20 of this rule must be presented to the sergeant-at-arms each time the media representative seeks admission to that portion of the

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gallery specifically designated for media representatives. Media representatives admitted to that portion of the gallery specifically designated for media representatives pursuant to the provisions of this section shall work in seats designated by the Committee on House Administration for use by accredited media representatives.

Sec. 13. A new Rule 5, Section 19A, relating to face masks during floor sessions, shall read as follows:

Rule 5, Sec. 19A. Face Masks Required During Floor Sessions. Each person admitted to the house floor or gallery for the purpose of participating in, attending, providing support for, or observing house proceedings is required to wear at all times a face mask that complies with the recommendations of the Centers for Disease Control and Prevention. A member of the house may temporarily remove the member's face mask only while speaking from the front or back microphone. An officer or employee of the house or senate may temporarily remove the person's face mask only while speaking from the front or back microphone or as directed by the presiding officer. The speaker, or a member presiding under Rule 1, may temporarily remove the person's face mask only while speaking from the microphone at the speaker's desk.

Sec. 14. Rule 5, Section 40, relating to recording votes on the voting machine, shall read as follows:

Rule 5, Sec. 40. Recording All Votes on Voting Machine. On all votes, except viva voce votes, members shall record their votes on the voting machine and shall not be recognized by the chair to cast their votes from the floor or gallery. If a member attempts to vote from the floor or gallery, the speaker shall sustain a point of order directed against the member's so doing. This rule shall not be applicable to the mover or the principal opponent of the proposition being voted on nor to a member whose voting machine is out of order. If a member demands strict enforcement of this section, Section 47 of this rule shall not apply to the taking of a vote, and the house may discipline a member in violation of this rule pursuant to its inherent authority. As used in these rules, the term "voting machine" includes a device issued to a member by the Texas Legislative Council and configured to provide access to a secure website through which the member, when present in the house under Section 45 of this rule, may:

- (1) register presence during a registration; or
- (2) cast a vote during a division or record vote.

Sec. 15. Rule 5, Section 45, relating to areas from which voting is allowed, shall read as follows:

Rule 5, Sec. 45. Presence in House Required in Order to Vote. A member must be on the floor of the house, in the house gallery, or in an adjacent room or hallway on the same level as the house floor or gallery, in order to vote.

Chapter F. Order of Business and Calendars

Sec. 16. Rule 6, Section 1, relating to the daily order of business, shall read as follows:

Rule 6, Sec. 1. Daily Order of Business. (a) When the house convenes on a new legislative day, the daily order of business shall be as follows:

- (1) Call to order by speaker.
- (2) Registration of members.
- (3) Prayer [~~by chaplain~~], unless the invocation has been given previously on the particular calendar day.
- (4) Pledge of allegiance to the United States flag.
- (5) Pledge of allegiance to the Texas flag.
- (6) Excuses for absence of members and officers.
- (7) First reading and reference to committee of bills filed with the chief clerk; and motions to introduce bills, when such motions are required.

(8) Requests to print bills and other papers; requests of committees for further time to consider papers referred to them; and all other routine motions and business not otherwise provided for, all of which shall be undebatable except that the mover and one opponent of the motion shall be allowed three minutes each.

The mover of a routine motion shall be allowed his or her choice of making the opening or the closing speech under this rule. If the house, under a suspension of the rules, extends the time of a member under this rule, such extensions shall be for three minutes. Subsidiary motions that are applicable to routine motions shall be in order, but the makers of such subsidiary motions shall not be entitled to speak thereon in the routine motion period, nor shall the authors of the original

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routine motions be allowed any additional time because of subsidiary motions.

(9) Unfinished business.

(10) Third reading calendars of the house in their order of priority in accordance with Section 7 of this rule, unless a different order is determined under other provisions of these rules.

(11) Postponed matters to be laid before the house in accordance with Rule 7, Section 15.

(12) Second reading calendars of the house in their order of priority in accordance with Section 7 of this rule, unless a different order is determined under other provisions of these rules.

(13) First reading and reference to committee of bills filed with the chief clerk; and motions to introduce bills, when such motions are required.

(b) When the house reconvenes for the first time on a new calendar day following a recess, the daily order of business shall be:

(1) Call to order by the speaker.

(2) ~~[Registration of members:~~

~~[(3)] Prayer [by the chaplain].~~

~~(3) [(4)]~~ Pledge of allegiance to the United States flag.

~~(4) [(5)]~~ Pledge of allegiance to the Texas flag.

~~(5) [(6)]~~ Excuses for absence of members and officers.

(6) Requests to print bills and other papers; requests of committees for further time to consider papers referred to them; and all other routine motions and business not otherwise provided for, all of which shall be undebatable except that the mover and one opponent of the motion shall be allowed three minutes each.

The mover of a routine motion shall be allowed his or her choice of making the opening or the closing speech under this rule. If the house, under a suspension of the rules, extends the time of a member under this rule, such extensions shall be for three minutes. Subsidiary motions that are applicable to routine motions shall be in order, but the makers of such subsidiary motions shall not be entitled to speak thereon in the routine motion period, nor shall the authors of the original routine motions be allowed any additional time because of subsidiary motions.

(7) Pending business.

(8) Calendars of the house in their order of priority in accordance with Section 7 of this rule, unless a different order is determined under other provisions of these rules.

(9) First reading and reference to committee of bills filed with the chief clerk; and motions to introduce bills, when such motions are required.

Chapter G. Motions

[RESERVED FOR EXPANSION]

Chapter H. Bills

Sec. 17. Rule 8, Section 14, relating to distribution of committee reports, shall read as follows:

Rule 8, Sec. 14. Delivery Prior to Consideration. (a) Each bill or resolution, except the general appropriations bill, shall be delivered to each member by making a copy of the bill or resolution available in an electronic format for viewing by the member and, when the electronic format copy of the appropriate printing becomes available, by sending notice of that fact to a Capitol e-mail address designated by the member; at least 36 hours if convened in regular session and 24 hours if convened in special session before the bill can be considered by the house on second reading. If a member informs the chief clerk in writing that the member desires to receive paper copies of bills and resolutions under this section in addition to delivery in an electronic format, the chief clerk shall place a paper copy of the bill or resolution in the newspaper box of the member as soon as practicable after the electronic copies of the bill or resolution are made available for viewing.

(a-1) At [A printed copy of the general appropriations bill shall be placed in the newspaper mailbox of each member at] least 168 hours during a regular session and at least 72 hours during a special session before the general appropriations bill can be considered by the house on second reading:

(1) a copy of the bill must be made available to each member in an electronic format; and

(2) notice of availability of the electronic format of the bill must be sent to the Capitol e-mail address designated by each member under Subsection (a) of this section.

(a-2) A printed copy of the general appropriations bill shall be placed in the newspaper mailbox of each member as soon as practicable after the requirements of Subsection (a-1) of this section have been met.

(b) By majority vote, the house may order both the original bill or resolution and the complete committee substitute to be printed. It shall not be necessary for the house to order complete committee substitutes printed in lieu of original bills.

(c) A two-thirds vote of the house is necessary to order that bills, other than local bills, be not printed. It shall not be necessary for the house to order that local bills be not printed.

Chapter I. Joint Resolutions

[RESERVED FOR EXPANSION]

Chapter J. House Resolutions and Concurrent Resolutions

[RESERVED FOR EXPANSION]

Chapter K. Amendments

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Article 1. General Provisions

Section 1.01. Purpose. This resolution is adopted by the members of the House of Representatives of the 88th Legislature to provide for the efficient and orderly operation of the house under the supervision of the speaker and the Committee on House Administration.

Section 1.02. Precedence. The provisions of this resolution take precedence over the provisions of any resolution not passed in full compliance with the rules of the house and, except as otherwise noted herein, shall be in effect during the full term of the 88th Legislature whether in session or adjournment.

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Article 2. Speaker of the House

Section 2.01. Speaker's General Powers and Duties. The speaker may make any expenditures or transfers and perform any function deemed necessary for the effective and efficient operation of the house of representatives.

Section 2.02. Speaker's Apartment and Offices. (a) The speaker's apartment and offices shall be set aside for the use of the speaker, the speaker's family, and house members, as the speaker may designate, throughout the speaker's term of office.

(b) The Committee on House Administration may make the necessary expenditures to operate and properly equip and service the speaker's apartment and offices and may employ such help as may be necessary to properly maintain and care for the apartment and offices.

(c) The speaker and the speaker's family may occupy the speaker's apartment during the speaker's term of office, utilizing the services of employees of the house and others on a temporary basis, if and as needed.

(d) The speaker may obtain through the Committee on House Administration the necessary supplies and services to operate the speaker's office and may also have paid through that committee necessary telephone charges.

Section 2.03. Interstate or Federal-State Associations; Training Seminars. (a) The speaker may attend any meetings of or sponsored by the Council of State Governments and any meetings on problems of federal-state relations and interstate relations and cooperation, and any other governmental meeting in or outside the state.

(b) The speaker may appoint members of the house, staff members, and other employees of the house to accompany or represent the speaker at these meetings or to attend in-service training courses sponsored by the Council of State Governments or the National Conference of State Legislatures or similar training courses, conferences, or seminars as the speaker may determine.

(c) Members of the house attending meetings under this section while the legislature is in session may be reimbursed for actual and necessary expenses. Members of the house attending meetings under this section while the legislature is not in session and staff members and other employees of the house attending meetings at any time under this section may be reimbursed for either actual and necessary expenses or receive a per diem not to exceed that provided by law for state officials or state employees. In addition, members, staff, and other employees attending meetings under this section may be reimbursed for mileage or other transportation expenses at the same rate as provided by law for state officials or state employees

Article 2. Speaker of the House

together with registration fees and tuition. To receive payment under this subsection, sworn expense accounts must be filed with and approved by the chair of the Committee on House Administration or an officer of the house designated in writing by the Committee on House Administration. Prior written approval of the chair of the Committee on House Administration to attend any such meetings, conferences, seminars, or training courses is a prerequisite for reimbursement for travel and other related expenses.

(d) Reimbursement for expenses incurred by a member, staff member, or employee of the house in an appointive capacity resulting from an appointment made by anyone other than the speaker shall be made only in the event that the appointment and expenses to be incurred have been previously approved in writing by the Committee on House Administration.

(e) The speaker may expend money for memberships in interstate associations of legislators considered necessary to discharge properly the duties and responsibilities of the office of speaker.

Section 2.04. Deans. The speaker shall recognize as deans both the male member and the female member having the greatest seniority based on cumulative years of service in the house.

Article 3. General Powers and Duties of the Committee on House Administration

Section 3.01. Contracts. The Committee on House Administration shall approve all contracts necessary for the effective operation of the divisions of the house and its committees.

Section 3.02. House and Committee Operating Budgets. The Committee on House Administration shall consider and adopt operating budgets that cover both session and interim periods for the divisions of the house and all committees appointed pursuant to the resolution adopting the rules of the house or appointed by the speaker pursuant to any other resolution. A budget adopted by the Committee on House Administration must be adopted in a public hearing. Each requested operating budget and each operating budget proposed for adoption must be posted on the Internet website of the committee in advance of the hearing.

Section 3.03. Operating Policies. The Committee on House Administration shall effectuate policies and determine guidelines for the operation of the divisions and committees of the house.

Section 3.04. House Policy Manual. The Committee on House Administration shall prepare and distribute to all members, within 60 days after the convening of the regular session, policy statements to include, but not be limited to, policies pertaining to members as a class.

Section 3.05. House Property, Supplies, Accounting. The Committee on House Administration shall:

- (1) provide and maintain for the use of the speaker, members, employees, divisions, and committees of the house such stationery, stamps, office equipment, furniture, fixtures, supplies, and telephone and other services as may be necessary;
- (2) keep an itemized account of the quantity and cost of every kind of material received, and the source from which it was received;
- (3) maintain an annual operating account for each member, division, and committee authorized by the Committee on House Administration to make expenditures and charge each operating account with daily expenditures, withdrawals from inventory, and interdepartmental services;
- (4) furnish a monthly statement for the expenditures of each member, division, and committee of the house; and
- (5) adopt any rules, regulations, and policies necessary to effectively provide and account for the above-mentioned services.

Section 3.06. Use of House Chamber and Facilities; Assignment of Desks, Offices, and Parking Spaces. (a) The Committee on House Administration shall:

Article 3. Gen. Powers and Duties of the Committee on House Admin.

(1) be in charge of and provide for the protection, maintenance, and use of the hall of the house, all committee rooms, offices of members and house departments, the speaker's office and apartment, and other space under the jurisdiction of the house;

(2) make permanent assignments of desks and offices to members of the house;

(3) adopt and enforce a plan for the parking of motor vehicles on the portion of the Capitol grounds under house jurisdiction;

(4) be in charge of and provide for the protection, maintenance, and use of the furniture, fixtures, equipment, and records of the house;

(5) purchase, remodel, repair, restore, or replace any furniture, fixtures, equipment, and other furnishings to maintain the dignity and appearance of space occupied by the house;

(6) in consultation with the State Preservation Board, identify and establish a space that provides privacy, security, a water faucet, and a power outlet, within or near the hall of the house for use for breastfeeding or breast pumping by house members and employees of the house or media representatives entitled to the privileges of the floor when the house is in session; and

(7) determine the hours the hall of the house shall be open to visitors.

(b) Any member who is not a member-elect of the 89th Legislature shall vacate the member's office space before December 1, 2024. If the office is not vacated on that date, the Committee on House Administration shall immediately remove the member's personal effects and store them in an appropriate place in order that the member-elect to whom the office space is assigned may move in. The Committee on House Administration shall ensure that each member-elect of the 89th Legislature who was not a member of the 88th Legislature is permitted to move into and begin using the member-elect's office space at least 72 hours before the time the 89th Legislature is scheduled to convene.

Section 3.07. Records of the House; Printing; Journals; Copies of Legislative Documents. (a) The Committee on House Administration shall:

(1) have completed and preserved the official records of the house;

(2) have charge of and approve the operation and maintenance of the printing and duplicating facilities of the house, provided, however, that the use of the house printing and duplicating facilities is restricted to agencies of the legislative branch and any other operation thereof is strictly prohibited unless previously authorized in writing by the Committee on House Administration or an officer of the house designated in writing by the speaker;

Article 3. Gen. Powers and Duties of the Committee on House Admin.

(3) determine the number of copies of the daily House Journal to be printed and have jurisdiction over the mailing and distribution of the daily journal; and

(4) determine the number of copies of the House Journal that will be furnished to each member for distribution by the member.

(b) The employee in charge of the printing facilities must keep at least one copy of all items printed or duplicated and a copy of the work order authorizing such printing.

(c) Copies of bills, resolutions, and attachments thereto shall be made available free of charge to members of the house who call at the bill distribution office and request them, and the cost of these copies shall be paid from funds appropriated for that purpose by the legislature. If the Committee on House Administration finds gross abuse of this privilege, it may establish a policy regarding such distribution.

Section 3.08. Honorary Certificates. The Committee on House Administration shall provide for the use of members appropriate certificates to commend, congratulate, and memorialize. Such certificates shall be printed with a signature line for the name of the presenting member and adequate space for insertion of the name of the individual or organization to be honored.

Section 3.09. Composite Photograph. (a) The Committee on House Administration shall select a suitable photographer to take individual photographs of each member. The photographer shall prepare a composite photograph of the members of the house composed of the individual photographs of each member arranged on a panel, of the same size as used in previous sessions, in such manner as to approximate the location of each member's desk on the house floor. The member's name and the county of residence shall be printed under the member's photograph, and the composite shall be framed and hung in the hall of the house during the regular session.

(b) The photographs for the composite panel shall be provided without cost to the members, and the expense of the composite panel shall be paid from the expense fund of the house.

(c) The Committee on House Administration shall establish, with concurrence of the photographer, a price to charge members for any prints of photographs they wish to purchase.

Section 3.10. Policies Regarding Temporary Acting Members. If a person is serving as a temporary acting member of the house under Section 72, Article XVI, Texas Constitution, in the place of a house member on active military duty, the Committee on House Administration, with the approval of the speaker and in consultation with the temporary acting member and, if available, the member on military duty, may adopt policies regarding a temporary acting member that the committee considers necessary for the

Article 3. Gen. Powers and Duties of the Committee on House Admin.

efficient administration and performance of the duties of the house consistent with this resolution, the rules of the house, and the Texas Constitution.

Section 3.11. Display of “In God We Trust” in House. The Committee on House Administration shall direct the State Preservation Board to maintain the permanent display of the motto “In God We Trust” on the face of the portico located over the speaker’s podium.

Section 3.12. House Recycling Program. The Committee on House Administration, in coordination with the State Preservation Board, shall implement a program for recycling paper, plastic, and other recyclable materials from house offices.

Section 3.13. Joint Committee Hearing Notices on Website. The Committee on House Administration shall provide for the posting of all notices for hearings of joint committees of the house and senate on the house website regardless of whether the notice is posted on the senate website.

Section 3.14. Access to House Offices. A house member and the member’s staff may control access by the public to the member’s office and may exclude visitors from the office at their discretion. If a person refuses to leave the member’s office when requested, the member may request assistance from the Department of Public Safety.

Section 3.15. DPS Panic Buttons. The Committee on House Administration shall work with the Department of Public Safety to ensure that each house office may request a panic button that the house member and the member’s staff may use to alert the department to an emergency in the office. The member may reimburse the Committee on House Administration for the cost of the panic button equipment in monthly installments over the fiscal year.

Section 3.16. Use of House Audio or Video Resources. The Committee on House Administration shall adopt a policy that allows members the use of house audio or visual resources. Use of house audio or visual resources may only be prohibited for the following reasons:

- (1) the use is otherwise prohibited by law;
- (2) the use maligns the reputation of an individual; or
- (3) the use is for political advertising, as defined by Section 251.001,

Election Code.

Article 4. Employees and Employment Policies

Section 4.01. Definition. Unless expressly provided otherwise, in this article “employee” means any person compensated from funds appropriated to the house. The term includes persons for whom the employing authority is the speaker, the Committee on House Administration, an individual member, or a committee.

Section 4.02. Officers and Supervisory Administrative Employees of the House. (a) Officers of the house authorized to be appointed under this section shall be appointed by and serve at the pleasure of the speaker. Employees of the house responsible for supervising the departments and divisions that support the operation of the house shall also be appointed by and serve at the pleasure of the speaker.

(a-1) The following are the officers of the house that shall be appointed by the speaker under this section:

- (1) Chief Clerk;
- (2) Journal Clerk;
- (3) Reading Clerks;
- (4) Sergeant-at-Arms;
- (5) Doorkeeper;
- (6) Chaplain;
- (7) Voting Clerk;
- (8) Committee Coordinator;
- (9) Parliamentarians (not more than two individuals); and
- (10) Executive Director, House Business Office.

(a-2) In addition to the officers listed in Subsection (a-1) of this section, the speaker may also appoint a chief assistant to any officer listed in Subsection (a-1) of this section. An assistant appointed under this subsection is also an officer of the house who serves at the pleasure of the speaker.

(b) The speaker shall have the right to discharge any officer or supervisory administrative employee when the best interest of the house of representatives would be served by so doing.

(c) The authority to appoint and discharge officers and supervisory administrative employees may be delegated to the Committee on House Administration to the extent and for the length of time the speaker determines.

(d) In the event of the absence, resignation, or death of any officer or supervisory administrative employee the speaker may designate a person to take charge of and attend to all the duties of the office affected until the officer or employee returns or until a successor is chosen.

Article 4. Employees and Employment Policies

CROSS-REFERENCES

Rule 2, generally—Duties of House officers.

Govt. Code § 301.006(b)—Speaker administers official oath to House officers after appointment.

EXPLANATORY NOTE

House officers are selected and appointed solely on the basis of merit and ability to discharge the duties of their respective offices as specified by law, the House Rules of Procedure, this resolution, the House policies and procedures manual, and by the speaker or the Committee on House Administration. As required by the United States and Texas Constitutions, each individual appointed as a House officer swears or affirms the official oath prescribed by Section 1, Article XVI, Texas Constitution, to support and defend both charters. House officers serve on a strictly nonpartisan basis. [2023]

Section 4.03. Other Central House Personnel. (a) The Committee on House Administration shall employ all personnel necessary for the operation of the house other than:

- (1) those appointed under Section 4.02; or
- (2) employees of an individual member or committee.

(b) For purposes of this article, the Committee on House Administration is the employing authority for all house employees other than those for whom the employing authority is the speaker, an individual member, or a committee.

Section 4.04. Employees of Individual Member. A member may employ, with funds from the member's operating budget, such staff as the member deems necessary.

Section 4.05. Committee Staff; Authority to Request Assistance.

(a) The Committee on House Administration shall provide funds for the adequate staffing of all standing committees of the house and all other committees appointed by the speaker.

(b) Select committees, interim study committees, standing committees, or subcommittees appointed pursuant to the resolution adopting the rules of the house or appointed by the speaker pursuant to any other resolution may employ any person, firm, or corporation, subject to budget limitations. Those committees or subcommittees may ask for the assistance of any of the employees, agencies, departments, or branches of the state government.

Section 4.06. Work Schedule; Hours of House Operations.

(a) An employee shall be on duty on the days and hours determined by the employing authority.

(b) All offices of the departments and divisions that support the operations of the house shall be open on days and hours determined by the Committee on House Administration or the speaker and other hours that the house or its committees are in session.

Article 4. Employees and Employment Policies

Section 4.07. Compensation. (a) Officers and supervisory administrative employees of the house shall receive the compensation that the speaker or Committee on House Administration determines.

(b) The Committee on House Administration shall fix the compensation of house personnel employed under Section 4.03. A person employed under that section who is absent without leave shall not receive compensation for the time missed.

(c) The salaries of employees of individual members, committees, and the house shall begin when they are instructed to start work by their respective employing authority.

(d) Except as provided by Subsections (e) and (f) of this section, an employee of an individual member, a committee employee, or any person, firm, or corporation employed by a committee or subcommittee may not be paid a salary in excess of \$6,780 for any one month.

(e) A member may exempt one employee of the individual member and, if the member is a chair of a standing or select committee, one employee of the standing or select committee the member chairs from the salary cap imposed by Subsection (d) of this section. Each calendar year the member shall file with the Committee on House Administration a statement designating the exempt employee or employees, as appropriate. During a calendar year after an exempt employee has been designated, the member may exempt a different employee from the salary cap only if the employee previously designated as exempt for the calendar year is no longer employed by the member or committee, as appropriate. The exempt employee may not receive compensation from the operating account of any other committee or member.

(f) The Committee on House Administration may increase the amount of the salary cap imposed by Subsection (d) of this section to account for any increase in salary provided to all state employees during the biennium to which this resolution applies.

Section 4.08. Duties. An employee shall perform all duties directed by the employing authority.

Section 4.09. Appearance Before Committees. An employee may appear before a standing or select committee on a measure when granted permission by majority vote of the committee.

Section 4.10. Chamber Access. (a) An employee may not enter the house chamber when the house is in session except when performing official duties and specifically authorized by the Committee on House Administration.

(b) An employee may not enter the area on the floor of the house enclosed by the railing when the house is in session except when specifically authorized by the Committee on House Administration.

Section 4.11. Voting. An employee may not cast a vote for a member on the voting machine or otherwise.

Article 4. Employees and Employment Policies

Section 4.12. Voting Records. An employee may not compile or release any information concerning the voting record of any member of the house for any session of the legislature except when a member requests information about that member's personal voting record or when the information is for the journal or other official records.

Section 4.13. Campaign for Speaker. An employee may not campaign or assist in the campaign of any candidate for speaker.

Section 4.14. Political Influence. An employee may not attempt to, or aid anyone in an attempt to, influence any member of the house in favor of or against any measure pending before the legislature, either directly or indirectly, except when answering questions or giving information at the request of a member of the house.

Section 4.15. Outside Employment, Extra Compensation, or Gifts. An employee may not receive, directly or indirectly, any compensation, by gift or otherwise, from any other source, unless specifically authorized by the employing authority.

Section 4.16. Discharge. (a) The employing authority of an employee shall have primary responsibility for overseeing and discharging the employee. An employee is subject to immediate discharge by the employing authority for violation of any section of this article or any other applicable rule.

(b) An individual member or chair of a committee employing an employee who violates any applicable section of this article or any rule shall be advised of the violation by the chair of the Committee on House Administration, and the employing authority shall take appropriate action with regard to the employee in question.

(c) In addition to being subject to immediate discharge by the employing authority under Subsection (a) of this section, an employee is subject to discharge by the chair of the Committee on House Administration, with the approval of the committee, if:

(1) the employee is not needed and, if the employee is employed in an individual member's office or by a committee, the member or committee chair has resigned, is deceased, or is incapacitated; or

(2) the employee is guilty of gross misconduct.

(d) The Committee on House Administration may authorize the chair of the Committee on House Administration to conduct an investigation into allegations of gross misconduct. The chair may, with the approval of the committee, discharge or otherwise discipline an employee of an individual member or committee if the Committee on House Administration finds that the employee has engaged in gross misconduct.

Article 4. Employees and Employment Policies

Section 4.17. Duration of Employment. The period of employment of all employees shall be determined by the employing authority, except that employees of all committees and of individual members who are not members-elect of the next legislature shall be terminated not later than noon on the day of the convening of the next regular session.

Section 4.18. Employment by More Than One Member or Committee. (a) Members may join in the employment of a research assistant or assistants to be paid jointly from their operating budgets. Unless expressly authorized by the provisions of this resolution, the members who join together to sponsor such research shall not constitute a committee, task force, or group to operate in any official or quasi-official manner not specifically authorized under the Rules of the House of Representatives.

(b) No person, firm, or corporation may be employed by more than two committees or subcommittees.

Section 4.19. Position Titles and Classifications. The job title for each position shall be determined by the employing authority. The employing authority and the house business office shall classify each job title for accounting purposes according to the following position classifications, unless otherwise determined by the Committee on House Administration:

- (a) Member Employees
 - 1. Chief of Staff
 - 2. General Counsel
 - 3. Legislative Director
 - 4. Legislative Assistant
 - 5. Administrative Assistant
 - 6. Special Project Coordinator
 - 7. Intern
- (b) Committee Employees
 - 1. Committee General Counsel
 - 2. Chief Committee Clerk
 - 3. Committee Clerk
- (c) Research Employees
 - 1. Research Director
 - 2. Research Assistant
 - 3. Policy Analyst

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Article 5. Accounting

Section 5.01. Funding of Office Operations. (a) Each member of the house shall be allocated funds for staff, office supplies, office equipment, postage, printing, telephone, travel, and such other reasonable and necessary office expenses as may be determined by the Committee on House Administration.

(b) The manner in which funds are allocated, and the amounts thereof, are as provided by this article.

Section 5.02. Operating Accounts. (a) Each member who served in the 87th Legislature shall have the following operating accounts for the 88th Legislature:

(1) a Fiscal Year 23 Operating Account (September 1, 2022, through August 31, 2023);

(2) a Fiscal Year 24 Operating Account (September 1, 2023, through August 31, 2024); and

(3) a Fiscal Year 25 Operating Account (September 1, 2024, through January 14, 2025).

(b) Each member who did not serve in the 87th Legislature shall have the same operating accounts for the 88th Legislature as a returning member under Subsection (a) of this section except that the duration of the Fiscal Year 23 Operating Account is from January 10, 2023, through August 31, 2023.

(c) For each member who served in the 87th Legislature, it shall not be necessary to close the member's Fiscal Year 23 Operating Account when the 88th Legislature convenes.

Section 5.03. Credit for Newly Elected Members. Each member who did not serve in the 87th Legislature may have credited to the member's Fiscal Year 23 Operating Account the amount of \$2,000.

Section 5.04. Monthly Credit. (a) Each member's operating account shall be credited with \$19,250 for each month that falls wholly or partly during the regular legislative session or a special legislative session. In any other month, each member's operating account shall be credited with \$17,500.

(b) The Committee on House Administration may provide to the deans and the speaker pro tempore of the house additional funds as may be determined to be necessary for the duties of those offices to be fulfilled.

(c) The Committee on House Administration may increase the amount credited each month to each member's operating account in an amount to allow for an increase in:

- (1) the salary cap as provided by Section 4.07(f); or
- (2) longevity pay as authorized by legislation.

Article 5. Accounting

Section 5.045. Determination of Operating Account Balance. (a)

On the third business day of each calendar month, the House Business Office shall determine the available, unobligated balance at the end of the preceding calendar month for each member's operating account and each committee operating account. If the House Business Office determines that a member's operating account has a negative balance at the end of the preceding calendar month, the office shall provide notice to the member and the member shall deposit funds in the account equal to the negative balance not later than the 10th business day after the date the member receives notice of the deficit from the House Business Office; provided, however, that if a member deposits funds in the member's operating account to cover a negative balance under this subsection and the member later has a positive balance in the member's operating account at the end of a calendar month in the same fiscal year in which the member deposited the funds to cover the negative balance, the member may use the excess money in the member's operating account at that time to reimburse the member in an amount not to exceed the amount the member earlier deposited to cover the negative balance.

(b) A committee operating account may not operate at a deficit.

(c) If a member is not a member-elect of the 89th Legislature, the member's operating account may not operate at a deficit after November 30, 2024.

Section 5.05. Account Closing. (a) Each member's Fiscal Year 23 Operating Account shall be closed as of August 31, 2023.

(b) Each member may carry forward and have credited to the member's Fiscal Year 24 Operating Account the unexpended balance of the member's Fiscal Year 23 Operating Account, not to exceed \$20,000. If the member is the chair of a committee, the member may transfer and have credited to that committee's operating account all or part of that unexpended balance, not to exceed \$20,000, and may have the remainder of that amount credited to the member's Fiscal Year 24 Operating Account.

(c) Each member's Fiscal Year 24 Operating Account shall be closed as of August 31, 2024.

(d) Each member may carry forward and have credited to the member's Fiscal Year 25 Operating Account the unexpended balance of the member's Fiscal Year 24 Operating Account, not to exceed \$20,000. If the member is the chair of a committee, the member may transfer and have credited to that committee's operating account all or part of that unexpended balance, not to exceed \$20,000, and may have the remainder of that amount credited to the member's Fiscal Year 25 Operating Account.

(e) A member who is the chair of a committee may not transfer and have credited to that member's operating account any portion of the unexpended balance of the committee's operating account.

Section 5.06. Expenditures Charged When Encumbered. All expenditures shall be charged to the period in which they are encumbered.

Section 5.07. Travel from Austin During Session Not Charged to Operating Account. While the legislature is in session, the travel expenses of members for one trip each week between Austin and their districts and return shall not be charged against the members' operating accounts but shall be paid from funds appropriated for that purpose by the legislature.

Section 5.08. Travel Outside Texas. A member is entitled to be reimbursed for actual and necessary expenses incurred while traveling outside Texas in the performance of legislative duties and responsibilities. If the reimbursement is for travel inside the conterminous United States, reimbursement is limited to twice the amount that would be reimbursed to state employees for the same travel under the comptroller's guidelines and rates governing travel by state employees.

Section 5.09. Approval of Expenditures. (a) No allowance included in this resolution shall be expended except for actual salaries or actual expenses of the house, its members, departments, committees, and employees and for such other expenses as are authorized by the Committee on House Administration.

(b) The Committee on House Administration may not authorize any expenditures of funds for personal or political campaign reasons.

(c) All expenditures authorized by this resolution shall be paid from funds appropriated for the use of the house of representatives by vouchers or other forms approved by the speaker of the house and the Committee on House Administration.

Section 5.10. Use of Funds for Informal Settlements Prohibited. No public funds appropriated to the house or expended by any house member, committee, or office may be spent or promised to settle in whole or part a legal claim brought or threatened to be brought against the house or a member, committee, office, or employee of the house unless the settlement is made with the participation and approval of the attorney general and notice of any settlement is promptly given to the public.

Section 5.11. Use of House Resources for Political Purposes Prohibited. Pursuant to Section 51, Article III, Texas Constitution, house resources may be used only for a public purpose. A house member, committee, officer, or employee may not use or direct the use of any house resources to further any political purpose. In this section, "house resources" includes appropriated funds, property, services, personnel, or any other thing of value belonging to the government that comes into the custody, possession, or control of a house member, committee, officer, or employee by virtue of public office or employment.

Article 5. Accounting

CROSS-REFERENCES

Tex. Const. Art. III, § 51—Constitutional prohibition on use of public resources for nonpublic purposes.

Tex. Const. Art. VIII, § 3—Taxes may be levied and collected for public purposes only.

Tex. Const. Art. XVI, § 6—No appropriations for nonpublic purposes may be made.

EXPLANATORY NOTE

Section 51, Article III, Texas Constitution, prohibits the use of public resources for nonpublic purposes and specifically for political purposes. In Ethics Advisory Opinion No. 550 (2019), the Texas Ethics Commission held that this constitutional prohibition (and the related laws implementing this prohibition) applies to all government resources that are not equally available to the general public. This section codifies the constitutional prohibition to ensure that members, officers, and employees have express notice of the prohibition and encourage its careful observance.

The framers of the Texas Constitution sought to prevent the “gross corruption of legislatures” and they included this constitutional prohibition, among several others, as they “sought all possible means to forestall” any future occurrences of public money used for nonpublic purposes. *Terrazas v. Ramirez*, 829 S.W.2d 712, 732 n.2 (Tex. 1991) (Cornyn, J. concurring) (quoting Harold H. Bruff, *Separation of Powers Under the Texas Constitution*, 68 Texas L. Rev. 1337, 1339 (1990)). Two other sections of the Texas Constitution included by the framers echo this principle. First, under Section 3, Article VIII, Texas Constitution, “[t]axes shall be levied and collected by general laws and for public purposes only.” Secondly, under Section 6, Article XVI, Texas Constitution, “[n]o appropriation for private or individual purposes shall be made, unless authorized by [the] Constitution” itself.

Successive attorneys general have held that political parties are not public entities. Atty. Gen. Op. Nos. GA-880 (2011), JC-562 (2002). Thus, under this section, House resources cannot be used for any nonpublic purpose and specifically cannot be used to conduct political party activities or activities that benefit political campaigns. *See* Ethics Advisory Op. Nos. 431 (2000), 190 (1997). In recognition of the impracticalities of completely separating official work from personal lives, a de minimis exception is recognized for a very narrow category covering only the reasonable and purely incidental use of state time or state property. *See* Ethics Advisory Op. No. 372 (1997). [2023]

Article 6. Caucuses

Section 6.01. Definition. In this article, “caucus” means an organization that is composed exclusively of members of the legislature, that elects or appoints officers and recognizes identified legislators as members of the organization, and that exists for research and other support of policy development and interests that the membership holds in common. An organization whose only nonlegislator members are the lieutenant governor or the governor remains a “caucus” for purposes of this section.

Section 6.02. Use of House Funds, Employees, Equipment, and Facilities. (a) Except as expressly authorized by this section, funds appropriated to the house may not be expended in support of a caucus, employees compensated from funds appropriated to the house may not perform caucus activities, and state-owned equipment may not be used in the performance of caucus activities.

(b) An individual member of the house may authorize the use of state equipment assigned to the member’s office and the performance of caucus activities by an employee of the member only if:

- (1) the member determines that the activities support the member’s official duties;
- (2) the caucus does not endorse or support a candidate for public office; and
- (3) the caucus does not accept contributions from nonmembers that are in violation of Section 253.0341, Election Code.

(c) A caucus may use the meeting rooms of the Capitol and Capitol extension to conduct meetings of the caucus membership, to host public forums on matters of interest to the caucus, or to facilitate the work of the caucus or a caucus employee.

(d) An individual member may house, in the state office space assigned to the member, caucus employees or equipment owned by a caucus. A member may retain in the member’s office a telephone, facsimile machine, or computer owned by the caucus for purposes of the member’s communication with the caucus or caucus employees.

(e) From space under the jurisdiction of the house, the Committee on House Administration may assign:

- (1) one office space and one parking space for use by the Texas Republican Legislative Caucus; and
- (2) one office space and one parking space for use by the House Democratic Caucus.

Section 6.03. Contributions. (a) A person acting on behalf of a caucus may not knowingly accept a contribution in violation of Section 253.0341, Election Code.

Article 6. Caucuses

(b) A person acting on behalf of a caucus may not knowingly accept a contribution, and shall refuse a contribution that is received, in the Capitol.

Section 6.04. Membership and Officer Lists. Each caucus shall provide to the chief clerk, on a regular basis, a list of its current membership and officers.

Section 6.05. Report to Ethics Commission. Each caucus shall file a report of contributions and expenditures with the Texas Ethics Commission as required by Section 254.0311, Election Code.

Article 7. House Research Organization

Section 7.01. Establishment. The Committee on House Administration shall provide operating funds for a house research organization that will be an administrative department of the house and may for that purpose adopt policies and procedures relating to the administrative operation of that organization.

Section 7.02. Steering Committee. The functions and duties performed by the house research organization shall be governed by a 15-member steering committee composed of house members serving staggered four-year terms, who are subject to approval of the house membership.

Section 7.03. Budget. The house research organization shall have an operating account and in compliance with the terms of its establishment shall operate under a budget approved by the steering committee and the Committee on House Administration.

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Article 8. Special Provisions for Interim

Section 8.01. Interim Committee Activities. (a) Pursuant to the Legislative Reorganization Act of 1961 (Subchapter B, Chapter 301, Government Code), standing committees of the house established by the rules of the house may hold meetings while the legislature is not in session.

(b) The speaker may grant authority to select committees, interim study committees, subcommittees, or standing committees of the house to hold meetings while the legislature is not in session as the speaker considers necessary and desirable to conduct the business of the house and to assist the speaker in conducting the business of the house, under a pattern of operation and restrictions determined by the rules of the house.

(c) The committee members and employees may either be reimbursed for actual and necessary expenses or receive a per diem not to exceed that provided by law for state officials or state employees, along with mileage or other transportation expenses at the same rate as provided by law for state officials or state employees when conducting such business and attending those meetings when approved by the Committee on House Administration.

Section 8.02. Powers and Duties of Committee on House Administration During Interim. (a) When the legislature is not in session, the Committee on House Administration may act as provided by this section.

(b) The committee may call meetings for the transaction of necessary business, and the committee members shall be reimbursed for expenses incurred by them when attending such meetings or when in performance of their duties as members of the Committee on House Administration, the reimbursement to be either actual and necessary expenses or a per diem not to exceed that provided by law for state officials or state employees, along with mileage or other transportation expenses at the same rate as provided by law for state officials or state employees.

(c) The committee may reimburse authorized members and employees for expenses incurred by them when traveling in the performance of their legislative duties and responsibilities within their respective districts or within any county in which any part of their districts lie or from their districts to the State Capitol, the reimbursement to be either actual and necessary expenses or a per diem not to exceed that provided by law for state officials or state employees, along with mileage or other transportation expenses at the same rate as provided by law for state officials or state employees.

(d) The committee may pay for all other reasonable and necessary expenses, including operation of each member's district office, incurred by the members of the house of representatives. The expenses shall be paid from funds appropriated for that purpose, or any other funds appropriated for the use of the house of representatives, on vouchers or other forms approved

Article 8. Special Provisions for Interim

by the chair of the Committee on House Administration, in accordance with regulations governing such expenditures.

(e) The committee may assign or reassign parking places in the best interest of the house under such terms and conditions as the committee deems necessary.

Article 9. Appropriate Workplace Conduct

Section 9.01. Purpose. (a) The house finds that early intervention is often the most effective way to resolve incidents of inappropriate behavior and ensure appropriate workplace conduct.

(b) The house encourages the prompt reporting of concerns and complaints, as appropriate, so that constructive action can be taken before the offensive conduct continues, escalates, or affects others, and to ensure that a timely and thorough investigation can occur if necessary.

(c) This article is adopted to further early intervention and remediation of complaints and implements the house rules.

Section 9.02. Training. (a) Each member, officer, and employee is required to complete an interactive training program related to preventing and resolving violations of the house rules, this resolution, and house policy related to appropriate workplace conduct that is approved every two years by the Committee on House Administration. This training may be combined with training on other employment-related topics such as employment discrimination and workplace violence.

(b) The training must include specific information related to the process for reporting violations of a house rule, this resolution, and house policy related to appropriate workplace conduct, for utilizing informal methods of resolving those violations, and for filing formal complaints with the house or another agency designated by law to receive those complaints.

(c) The training required by this section must be completed not later than the 30th day after:

- (1) the member qualifies;
- (2) the officer is appointed; or
- (3) the employee starts employment.

(d) A member, officer, or employee is required to complete a subsequent approved interactive training program not later than each biennial anniversary of the date the individual was initially required to complete the training under Subsection (c) of this section.

(e) The Committee on House Administration shall designate an officer or supervisory administrative employee to keep accurate records of each individual required to complete an approved training program. The officer or employee shall make those records available to the public.

Section 9.03. Complaints; Filing, Investigation, and Resolution.

(a) An individual claiming to be aggrieved by a violation of the house rules, this resolution, or house policy related to appropriate workplace conduct may file a complaint with:

Article 9. Appropriate Workplace Conduct

(1) the chair of the house general investigating committee established under Section 301.017, Government Code, if the individual whose complained-of conduct is an individual other than the chair, the chair's employee, or an individual related to the chair or the chair's employee within the third degree by consanguinity or within the second degree by affinity as determined under Chapter 573, Government Code; or

(2) the vice chair of the committee, if the individual whose complained-of conduct is the chair of the committee, the chair's employee, or an individual related to the chair or the chair's employee within the third degree by consanguinity or within the second degree by affinity as determined under Chapter 573, Government Code.

(b) Any complaint must be substantially similar in form to the requirements of Sections 21.201(b) and (c), Labor Code.

(c) Upon receipt of a complaint that meets the requirements of Subsection (b) of this section, the receiving official may, with the agreement of the parties, endeavor to address the alleged violation by informal, voluntary, and confidential methods of conference and conciliation.

(d) During the pendency of a complaint, the committee may take any appropriate action to reduce the likelihood of a complainant and respondent being in regular contact with each other.

(e) The committee shall conduct an investigation of a complaint, determine whether reasonable cause exists to believe that the respondent violated a house rule, this resolution, or house policy, and attempt to resolve the complaint through informal or formal methods, as provided by committee rule. The committee's rules must provide for a process substantially similar to the process provided for the administrative review of complaints under Subchapter E, Chapter 21, Labor Code, where applicable, and must include a due process hearing by the committee before a report is prepared under Subsection (h) of this section.

(f) If the respondent is a member of the house, the committee's investigation must be conducted by a competent individual who is not an officer, employee, or annuitant of state government. The prohibition under this subsection does not apply to a retired or former judge subject to assignment under Subchapter C, Chapter 74, Government Code.

(g) The individual employed or compensated by the committee under Subsection (f) of this section shall only perform the investigative functions of determining facts and reporting those facts to the committee and shall not perform any other functions for, or provide other services to, the committee in connection with a complaint.

(h) If the committee cannot resolve the complaint, the committee shall determine whether the respondent violated a house rule, this resolution, or house policy as alleged in a complaint and shall prepare a report containing:

Article 9. Appropriate Workplace Conduct

(1) the committee's findings of fact and conclusions of law to support its final determination; and

(2) if the committee finds that the respondent violated a house rule, this resolution, or house policy, a recommendation for any discipline or remedial action, in proportion to the seriousness of the conduct, necessary to prevent the violation from occurring again.

(i) No committee report shall be made unless ordered by two-thirds of the membership of the committee. If a committee report is ordered, any member of the committee dissenting from the views of the majority may file a minority report, which is not subject to House Rule 4, Section 28. The minority report shall be included with the majority report at each distribution. If the committee is unable to agree on a recommendation for action or has an insufficient number of votes to adopt the report prepared by the committee, it shall submit a statement of this fact as its report. The committee shall deliver a copy of its report to the complainant and respondent and, if the respondent is:

(1) a member of the house, to the speaker and the chief clerk;

(2) an officer of the house, to the speaker; and

(3) an employee of the house, to the employee's employing authority as set out in this resolution.

(j) All proceedings on a complaint are completely confidential, and information related to those proceedings may not be released by any person unless authorized by committee rule or by the house. Notices of committee hearings, minutes, and witness lists required under the house rules shall be prepared as directed by the Committee on House Administration to ensure that no information is provided that would reasonably lead to the identification of a complainant, respondent, or witness. If an individual releases information made confidential by this section without authorization, that individual is subject to sanction by the house as authorized by Section 15, Article III, Texas Constitution, or other law. Any report of the house general investigating committee under this section is confidential until it is ordered printed by the house or ordered released by the committee if the house is not in session.

(k) To the extent of any conflict between this section and Rule 4 of the House Rules, this section prevails.

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Article 10. Committee Gifts

Section 10.01. Committee Gifts. (a) Subject to the limitation in Subsection (b) of this section, a member of the house may not offer, confer, or agree to confer to a committee member one or more gifts per year with a total value of more than the amount of the per diem set by the Texas Ethics Commission pursuant to Section 24a(e), Article III, Texas Constitution.

(b) If two or more members of the house join together to offer, confer, or agree to confer to a committee chair or vice chair one or more gifts per year, the total value of the gifts may not exceed three times the amount of the per diem described in Subsection (a) of this section.

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Government Code

Title 3. Legislative Branch

Subtitle A. Legislature

Chapter 301. Legislative Organization

Subchapter A. Initial Meeting and Organization

Sec. 301.001. Time and Place of Meeting. The legislature shall convene at the seat of government in regular session at 12 noon on the second Tuesday in January of each odd-numbered year.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2019 Laws ch. 1250, § 1 (eff. June 14, 2019).]

Sec. 301.002. Who May Organize. (a) The following individuals only may organize the senate:

- (1) senators who have not completed their terms of office; and
- (2) individuals who have received certification of election to the senate.

(b) Only the individuals who have received certification of election to the house of representatives may organize the house of representatives.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2019 Laws ch. 1250, § 1 (eff. June 14, 2019).]

Sec. 301.003. Presiding Officers. (a) The secretary of state shall attend and preside at the organization of the house of representatives.

(b) If there is no secretary of state or if the secretary of state is absent or unable to attend, the attorney general shall attend and preside at the organization of the house of representatives.

(c) The lieutenant governor shall attend and preside at the organization of the senate. If the lieutenant governor is absent or unable to attend, the lieutenant governor may designate a member of the senate who is entitled to organize the senate under Section 301.002(a)(1) to preside.

(d) If there is no lieutenant governor, the senator with the greatest number of years of cumulative service as a member of the senate who is entitled to organize the senate under Section 301.002(a)(1) shall preside.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2019 Laws ch. 1250, § 1 (eff. June 14, 2019).]

Sec. 301.004. Temporary Officers; Duties. (a) If the secretary of the senate for the previous session is present, that individual shall act as temporary secretary of the senate. If the chief clerk of the house of representatives for the previous session is present, the secretary of state shall appoint that individual to act as temporary chief clerk. The presiding

officer of each house of the legislature shall appoint any temporary officers necessary to ensure the organization of the legislature.

(b) Under the direction of the presiding officer, the secretary of the senate or chief clerk shall call the districts of the appropriate house in numerical order regardless of whether the secretary of state has received the election returns for each district.

(c) If an individual appears at the call and presents proper evidence of the individual's election, the individual shall be admitted or qualified as if the individual's election returns had been made to the secretary of state.

(d) After the secretary of the senate has called the districts and the senators-elect have appeared and presented their credentials, the official oath shall be administered to each senator-elect by an officer authorized by law to administer oaths.

(e) After the chief clerk has called the districts and the members-elect of the house of representatives have appeared and presented their credentials, the chief clerk shall administer the official oath to each member-elect.

(f) The presiding officer of each house shall ensure that a journal of the proceedings of that house is kept.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2019 Laws ch. 1250, § 1 (eff. June 14, 2019).]

CROSS-REFERENCE

Govt. Code § 302.001—Election of speaker is first order of business after a quorum of House assembles and qualifies.

Sec. 301.005. Lack of Quorum. If a quorum is not present in a house of the legislature on the day the legislature is to convene, the presiding officer of that house and the secretary of the senate or chief clerk, as appropriate, shall attend each day until a quorum appears and is qualified.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2019 Laws ch. 1250, § 1 (eff. June 14, 2019).]

Sec. 301.006. Selection of Officers. (a) Immediately after election of the speaker of the house of representatives under Section 302.001, the speaker shall take the chair.

(b) After the speaker takes the chair, the house of representatives shall choose necessary officers and the speaker shall administer the official oath to them.

(c) After the senators-elect have taken the official oath, the senate shall choose necessary officers, and the lieutenant governor or an officer authorized by law to administer oaths shall administer the official oath to those officers.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2019 Laws ch. 1250, § 2 (eff. June 14, 2019).]

CROSS-REFERENCE

Govt. Code § 302.001—Election of speaker is first order of business after a quorum of House assembles and qualifies.

EXPLANATORY NOTE

The official oath is administered to House officers en masse by the speaker, and this fact is recorded in the journal. *E.g.*, 86 H. Jour. 192 (2019). [2021]

Subchapter B. Committees and Committee Procedure

Sec. 301.011. Short Title. This subchapter may be cited as the Legislative Reorganization Act of 1961.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.012. Purpose. The legislature believes that it must conduct its activities on a full-time and continuing basis in order to achieve efficiency and continuity in performing its duties. It is the purpose of this subchapter to authorize legislative committees and other legislative instrumentalities to work and meet their responsibilities regardless of whether the legislature is in session.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.013. Selection of Committees. (a) In its rules of procedure or in a simple resolution, each house may determine the number, composition, function, membership, and authority of its committees.

(b) By concurrent resolution, the two houses may determine the number, composition, function, membership, and authority of joint committees.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.014. Powers and Duties of Standing Committees. (a) Each standing committee shall:

(1) conduct a continuing study of any matter within its jurisdiction and of the instrumentalities of government administering or executing the matter;

(2) examine the administration and execution of all laws relating to matters within its jurisdiction;

(3) conduct investigations to collect adequate information and materials necessary to perform its duties; and

(4) recommend to the appropriate house any legislation the committee believes is necessary and desirable.

(b) Each committee may inspect the records, documents, and files of each state department, agency, or office as necessary to perform the committee's duties.

(c) A standing committee is not limited in its legislative endeavors to considering bills, resolutions, or other proposals submitted by individual

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legislators. Each committee shall search for problems within its jurisdiction and develop, formulate, and recommend passage of any legislative solution the committee believes is desirable.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2019 Laws ch. 1250, § 4 (eff. June 14, 2019).]

CROSS-REFERENCES

Govt. Code § 301.022—Authority of committees to require witnesses to give testimony under oath.

Govt. Code § 301.024—Authority of committees to issue process to compel attendance of witnesses and production of documents.

Govt. Code § 301.025—Refusal of witnesses to testify or produce documents; right of witnesses to counsel when testifying.

Occ. Code § 154.055—Required release of certain physician complaint information to legislative committee created under this subchapter.

Sec. 301.015. Meetings of Standing Committees. (a) When the legislature is in session, each standing committee shall, if practicable, meet regularly according to applicable legislative requirements and rules of procedure. A committee shall meet at other times determined by the committee.

(b) When the legislature is not in session, each standing committee shall meet as necessary to transact the committee's business. Each committee shall meet in Austin, except that if authorized by rule or resolution of the house creating the committee, the committee may meet in any location in this state that the committee determines necessary. To the extent authorized by rule or resolution, each committee may determine its meeting times.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2019 Laws ch. 1250, § 5 (eff. June 14, 2019).]

Sec. 301.016. Special Committees. (a) By rule or resolution, each house acting individually or the two houses acting jointly may create special committees.

(b) A special committee shall perform the duties and functions and exercise the powers prescribed by the rule or resolution creating the committee.

(c) Except as limited by the rule or resolution creating the special committee, a special committee shall have and exercise the powers granted under this subchapter to a standing committee. A special committee also has any other powers delegated to it by the rule or resolution creating the committee, subject to the limitations of law.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2019 Laws ch. 1250, § 6 (eff. June 14, 2019).]

Sec. 301.017. General Investigating Committees. (a) By rule or resolution, each house may create a general investigating committee.

(b) The senate general investigating committee must consist of five senators appointed by the president of the senate. The president of the senate shall designate one committee member as chairman and one committee member as vice chairman.

(c) The house general investigating committee must consist of not fewer than five house members appointed by the speaker. The speaker shall designate one committee member as chairman and one committee member as vice chairman.

(d) Each member serves a term beginning on the date of the member's appointment and ending with the convening of the next regular session following the date of appointment.

(e) If a vacancy occurs on a general investigating committee, the appropriate appointing authority shall appoint a person to fill the vacancy in the same manner as the original appointment.

(f) Members of a general investigating committee are entitled to reimbursement for actual and necessary expenses incurred in attending committee meetings and engaging in committee work.

(g) All expenses of a general investigating committee, including compensation of the committee's employees and expenses incurred by members, shall be paid out of any appropriation to the legislature under Section 301.029.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2001 Laws ch. 1005, § 1 (eff. Sept. 1, 2001); 2019 Laws ch. 1250, § 6 (eff. June 14, 2019).]

Sec. 301.018. General Investigating Committee Meetings. (a) Each general investigating committee may begin work as soon as it desires after its members are appointed. Each general investigating committee created under this subchapter shall meet, organize, and adopt rules of evidence and procedure and any other necessary rules. The committee rules may not conflict with Section 301.025.

(b) Whether or not the legislature is in session, each general investigating committee may meet at any time or place in the state determined necessary by the committee.

(c) Each general investigating committee shall keep a record of its proceedings.

(d) A majority of the members of a general investigating committee constitutes a quorum to transact business.

(e) If the general investigating committees decide not to conduct joint hearings as provided by Section 301.019, the committees shall establish a liaison to fully inform each other of the nature and progress of committee inquiries.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2001 Laws ch. 1005, § 2 (eff. Sept. 1, 2001); 2019 Laws ch. 1250, § 7 (eff. June 14, 2019).]

CROSS-REFERENCE

Govt. Code § 301.019—Joint general investigating committee hearings.

Sec. 301.019. Joint General Investigating Committee Hearings. (a) On a majority vote of each general investigating committee, the committees may conduct joint hearings and investigations. The committees may adopt joint rules to govern the hearings.

(b) If the general investigating committees conduct joint inquiries or investigations, the chairman of the senate committee shall be the chairman and the chairman of the house committee shall be the vice-chairman.

(c) A majority of the members from each house's committee constitutes a quorum of a joint general investigating committee.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2019 Laws ch. 1250, § 8 (eff. June 14, 2019).]

Sec. 301.020. Powers and Duties of General Investigating Committees. (a) Each general investigating committee may initiate or continue inquiries and hearings concerning:

- (1) state government;
- (2) any agency or subdivision of government within the state;
- (3) the expenditure of public funds at any level of government within the state; and
- (4) any other matter the committee considers necessary for the information of the legislature or for the welfare and protection of state citizens.

(b) Each general investigating committee may inspect the records, documents, and files and may examine the duties, responsibilities, and activities of each state department, agency, and officer and of each municipality, county, or other political subdivision of the state.

(c) If a person disobeys a subpoena or other process that a general investigating committee lawfully issues, the committee may cite the person for contempt and cause the person to be prosecuted for contempt according to the procedure prescribed by this chapter or by other law.

(d) Each general investigating committee shall make reports to members of the legislature that the committee determines are necessary and appropriate.

(e) Information held by a general investigating committee is confidential and not subject to public disclosure except as provided by the rules of the house establishing the committee.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2001 Laws ch. 1005, § 3 (eff. Sept. 1, 2001); 2019 Laws ch. 1250, § 9 (eff. June 14, 2019).]

CROSS-REFERENCES

Govt. Code § 301.022—Authority of committees to require witnesses to give testimony under oath.

Govt. Code § 301.024—Authority of committees to issue process to compel attendance of witnesses and production of documents.

Govt. Code § 301.025—Refusal of witnesses to testify or produce documents; right of witnesses to counsel when testifying.

Sec. 301.021. General Investigating Committee Employees. (a) If for any reason it is necessary to obtain assistance in addition to the services provided by the State Auditor, attorney general, Texas Legislative Council, or Department of Public Safety, each general investigating committee may employ and compensate assistants to assist in any investigation, audit, or legal matter.

(b) Each general investigating committee may employ and compensate clerks, stenographers, and other employees to conduct committee investigations and hearings and keep proper records.

(c) Before a general investigating committee may employ or compensate an employee, the committee must submit the proposed employment to the president of the senate or speaker of the house, as appropriate, for authorization. If the president of the senate or speaker agrees to the proposed employment, he must authorize the employment in writing.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.022. Testimony Under Oath. (a) All legislative committees shall require witnesses to give testimony under oath, subject to the penalties of perjury.

(b) The oath required by this section may be waived by any committee except a general investigating committee.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.0221. Use of Pseudonym by Victims of Human Trafficking.

(a) Each legislative committee shall allow a witness who is the victim of an offense under Section 20A.02 or 20A.03, Penal Code, to give testimony to the committee relating to the witness's experience as a victim of trafficking of persons using a pseudonym instead of the witness's name.

(b) The name of a witness who uses a pseudonym authorized by Subsection (a) is confidential and may not be included in any public records of the committee.

[2021 Laws ch. 807, § 15 (eff. Sept. 1, 2021).]

Sec. 301.023. Administering Oaths. (a) The following individuals may administer oaths to testifying witnesses:

- (1) the president of the senate;
- (2) the speaker of the house;
- (3) the chairman or acting chairman of a standing or special committee; and
- (4) the chairman or acting chairman of a joint committee.

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(b) If circumstances require, a member of either house may administer an oath to a witness testifying on a matter pending in the member's house or in a committee of that house.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.024. Process. (a) A general investigating committee may issue process to compel the attendance of witnesses and the production of books, records, documents, and instruments required by the committee. Any other committee may issue process if authorized by the resolution creating the committee or the rules of procedure of the creating house. A committee may issue process to a witness at any place in this state.

(b) A committee chairman shall issue in the name of the committee all subpoenas and other process as directed by the committee.

(c) If necessary to obtain compliance with a subpoena or other process, a committee may issue writs of attachment.

(d) All process may be addressed to and served by any peace officer of this state or by the sergeant at arms appointed by the committee.

(e) A witness who attends a committee proceeding or a proceeding of either house under process is entitled to the same mileage and per diem as a witness who appears before a grand jury in this state. Mileage and per diem are paid from that house's contingent expense fund or from the contingent expense fund of the committee conducting the proceeding.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.025. Refusal to Testify. (a) A witness called by either house or by a legislative committee does not have a privilege to refuse to testify to a fact or produce a document on the ground that the testimony or document may tend to disgrace the person or otherwise make the person infamous.

(b) The legislature may require a person to testify or produce a document concerning a matter under inquiry before either house or a legislative committee even if the person claims that the testimony or document may incriminate him.

(c) If a person testifies or produces a document while claiming that the testimony or document may incriminate him, the person may not be indicted or prosecuted for any transaction, matter, or thing about which the person truthfully testified or produced evidence.

(d) A witness has a right to counsel when testifying before the legislature or a legislative committee.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.026. Contempt of Legislature. (a) A person commits an offense if the person:

(1) has been summoned as a witness to testify or produce papers by either house or any legislative committee; and

(2) refuses to appear, refuses to answer relevant questions, or refuses to produce required books, papers, records, or documents.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$100 nor more than \$1,000 and by imprisonment for not less than 30 days nor more than 12 months.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.027. Prosecution for Contempt of Legislature. (a) If a person is summoned by either house or any legislative committee as prescribed by Section 301.024 and fails to appear, refuses to answer relevant questions, or fails to produce required books, papers, records, or documents while the legislature is in session, the fact of the failure may be reported to either house. If the legislature is not in session, a statement of facts concerning the failure may be reported to and filed with the president of the senate or speaker of the house.

(b) If the president of the senate or speaker receives a report or statement of facts as provided by Subsection (a), the president of the senate or speaker shall certify the statement of facts to the appropriate prosecuting attorney as provided under Section 411.0253(d) under the seal of the senate or house of representatives, as appropriate.

(c) The prosecuting attorney to whom a statement of facts is certified under Subsection (a) or the prosecutor selected under Section 411.0255, if applicable, shall bring the matter before the grand jury for action. If the grand jury returns an indictment, the prosecuting attorney shall prosecute the indictment.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2015 Laws ch. 927, § 3 (eff. Sept. 1, 2015).]

Sec. 301.028. Cooperation of Other Agencies. (a) Each standing committee, including a general investigating committee, may request necessary assistance from all state agencies, departments, and offices, including:

- (1) the State Auditor;
- (2) the Texas Legislative Council;
- (3) the Department of Public Safety; and
- (4) the attorney general.

(b) Each state agency, department, and office shall assist any legislative committee that requests assistance.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.029. Appropriations for Salaries, Per Diem, and Expenditures. (a) Each house may pay contingent expenses for the entire term of each member of that house.

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(b) Each house may appropriate money to pay all salaries, per diem, and other expenditures authorized by law.

(c) The appropriations to the legislature shall specify separate appropriations for the house of representatives and for the senate.

(d) The comptroller of public accounts shall keep each house's accounts separate and distinct. Unless authorized by law, money in one account may not be transferred to the other account.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.031. Committee Staff. From its contingent expense fund, each house may provide for necessary clerks, clerical assistance, and staff to each committee created by that house.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 301.032. Gifts and Grants. (a) Either house of the legislature may accept gifts, grants, and donations from any organization described in Section 501(c)(3) of the Internal Revenue Code for the purpose of funding any legislative activity.

(b) Subject to Subsection (c), a committee created by rule or resolution may accept gifts, grants, and donations for purposes of funding the committee's activities unless the rule or resolution prohibits the acceptance.

(c) The acceptance of a gift, grant, or donation under Subsection (b) is not effective until the committee on administration for the appropriate house, or the committees on administration for both houses in the case of acceptance by a joint committee, approves the acceptance.

(d) All gifts, grants, and donations must be accepted in an open meeting by a majority of the voting members of the appropriate body and reported in the public record of the accepting body with the name of the donor and purpose of the gift, grant, or donation.

[Added by 1987 Laws ch. 617, § 1 (eff. Sept. 1, 1987); amended by 2019 Laws ch. 1250, § 10 (eff. June 14, 2019).]

Sec. 301.033. Allocation of Space in Legislative Services Building. (a) The space in the legislative services office building and parking facilities authorized by Chapter 168, Acts of the 74th Legislature, Regular Session, 1995, is allocated to the legislature and legislative agencies for their use. The presiding officers of each house of the legislature shall jointly decide the allocation of the space in the building and facilities.

(b) The building shall be known as the Robert E. Johnson Building.

[Added by 1999 Laws ch. 227, § 2 (eff. Sept. 1, 1999).]

Sec. 301.034. Termination of Membership on Interim Committee. (a) A duly appointed senator's or representative's membership on the Legislative Budget Board, Legislative Library Board, Legislative Audit Committee, Texas Legislative Council, or any other interim committee terminates if the member:

- (1) resigns the membership;
- (2) ceases membership in the legislature for any reason; or
- (3) fails to be nominated or elected to the legislature for the next

term.

(b) A vacancy created under this section shall be immediately filled by appointment for the unexpired term in the same manner as the original appointment.

(c) If a member serves on the Legislative Budget Board, Legislative Library Board, or Legislative Audit Committee because of the member's position as chairman of a standing committee, this section does not affect the member's position as chairman of that standing committee.

(d) In filling a vacancy created under this section, the lieutenant governor or the speaker may appoint a senator or representative, as appropriate, other than a committee chairman designated by law to serve as a member of the Legislative Budget Board, Legislative Library Board, Legislative Audit Committee, Texas Legislative Council, or any other interim committee. An appointment made under this subsection does not constitute an appointment to any position other than that of a member of a board, council, or committee covered by this section.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 1987 Laws ch. 167, § 2.01(a) (eff. Sept. 1, 1987); transferred, redesignated, and amended from Govt. Code § 301.041 by 2019 Laws ch. 1250, § 11 (eff. June 14, 2019); redesignated from Govt. Code § 301.033 by 2021 Laws ch. 915, § 21.001(13) (eff. Sept. 1, 2021).]

Sec. 301.035. Joint Interim Committee Per Diem and Travel Expenses.

Unless a statute expressly provides otherwise, per diem and travel expenses paid to a member of a joint committee established by statute shall be paid by the house to which the member belongs. The per diem and travel expenses paid to a public member of the committee shall be paid by the office of the appointing entity.

[2021 Laws ch. 1042, § 1 (eff. June 18, 2021).]

Subchapter C. Legislative Officers and Employees

Sec. 301.041. Communications With Parliamentarians. (a)

Communications, including conversations, correspondence, and electronic communications, between a member, officer, or employee of the legislative branch and a parliamentarian appointed by the presiding officer of either house that relate to a request by the member, officer, or employee for information, advice, or opinions from a parliamentarian are confidential and subject to legislative privilege. Information, advice, and opinions given privately by a parliamentarian to a member, officer, or employee of the legislative branch, acting in the member's, officer's, or employee's official capacity, are confidential and subject to legislative privilege. However, the member, officer, or employee of the legislative branch may choose to disclose

all or a part of the communications, information, advice, or opinions to which this section applies, and such disclosure does not violate the law of this state.

(b) Records relating to requests made of a parliamentarian appointed under Subsection (a) for assistance, information, advice, or opinion are not public information and are not subject to Chapter 552.

(c) In this section:

(1) “Member, officer, or employee of the legislative branch” includes:

(A) a member, member-elect, or officer of either house of the legislature or of a legislative committee;

(B) an employee of the legislature, including an employee of a legislative agency, office, or committee; and

(C) the lieutenant governor.

(2) “Parliamentarian” includes an employee of a parliamentarian.

[Added by 2019 Laws ch. 1250, § 13 (eff. June 14, 2019).]

SESSION LAW

2019 Laws ch. 1250, § 31 (eff. June 14, 2019)—“Records described by Section 301.041(b) . . . are not subject to request, inspection, or duplication under Chapter 552, Government Code [and a] governmental body may withhold the records without the necessity of requesting a decision from the attorney general under Subchapter G, Chapter 552, Government Code.”

Sec. 301.042. Communications With Engrossing and Enrolling Department. (a) In this section, “department” means an engrossing and enrolling department maintained by either house of the legislature.

(b) Communications, including conversations, correspondence, and electronic communications, between a member of the legislature or the lieutenant governor, an officer of the house or senate, a legislative agency, office, or committee, or a member of the staff of any of those officers or entities and an assistant or employee of a department that relate to a request by the officer or entity for information, advice, or opinions from an assistant or employee of the department are confidential and subject to legislative privilege.

(c) A communication described by Subsection (b) is subject to attorney-client privilege if:

(1) the assistant or employee of the department who is a party to the communication is a department attorney or is working at the direction of a department attorney;

(2) the communication is given privately; and

(3) the communication is made in connection with the department attorney’s provision of legal advice or other legal services.

(d) Information, advice, and opinions given privately by an assistant or employee of a department to a member of the legislature or the lieutenant governor; an officer of the house or senate, a legislative agency, office, or committee, or a member of the staff of any of those officers or entities, when acting in the person's official capacity, are confidential and subject to legislative privilege.

(e) The member of the legislature, lieutenant governor, house or senate officer, or legislative agency, office, or committee may choose to disclose all or a part of the communications, information, advice, or opinions to which this section applies and to which the individual or entity was a party.

(f) This section does not affect the authority of a court to analyze and apply attorney-client privilege under the applicable rules of evidence governing a judicial proceeding.

[Added by 2019 Laws ch. 1250, § 13 (eff. June 14, 2019).]

Sec. 301.043. Engrossing and Enrolling Department Records of Drafting and Other Requests. (a) In this section, "department" has the meaning assigned by Section 301.042(a).

(b) Records relating to requests of department staff for the drafting of proposed legislation or for assistance, information, advice, or opinion are:

- (1) subject to legislative privilege; and
- (2) not public information and not subject to Chapter 552.

[Added by 2019 Laws ch. 1250, § 13 (eff. June 14, 2019).]

SESSION LAW

2019 Laws ch. 1250, § 31 (eff. June 14, 2019)—"Records described by Section . . . 301.043 . . . are not subject to request, inspection, or duplication under Chapter 552, Government Code [and a] governmental body may withhold the records without the necessity of requesting a decision from the attorney general under Subchapter G, Chapter 552, Government Code."

Subchapter D. Legislative Publications

Sec. 301.051. Issuance of Publications. Either house of the legislature or a legislative agency may produce and sell or distribute publications that the house or agency determines to be of interest to the legislature or the general public. The sales price of a publication shall be designed to recover costs incurred in preparing and issuing the publication.

[Added by 1987 Laws ch. 769, § 1 (eff. Aug. 31, 1987).]

Sec. 301.052. Distribution of Journals. (a) The lieutenant governor and speaker shall each appoint an employee to distribute the journal of the respective houses.

(b) The employee shall distribute a copy of the journal to:

- (1) the governor;

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- (2) each member of the legislature; and
- (3) heads of departments, if requested.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); transferred and redesignated from Govt. Code § 301.007 by 2019 Laws ch. 1250, § 14 (eff. June 14, 2019).]

Subchapter E. Legal Representation of Legislature

Sec. 301.061. Legal Representation of Legislature. (a) Subject to the requirements of Subsection (b) and to the exception provided in Subsection (c), the legislature, after notifying and consulting the attorney general, may employ counsel, or authorize the counsel of a legislative agency, to file suits on behalf of the legislature, to intervene in pending litigation on behalf of the legislature, or to otherwise represent the legislature in the courts of this state or in the courts of the United States.

(b) Representation of the legislature under this section is authorized only if:

(1) the speaker and the president of the senate approve the representation in writing; or

(2) both houses by concurrent resolution approve the representation.

(c) Subsection (a) does not apply to the representation of the interests of the legislature before the Supreme Court of Texas in violation of Article IV, Section 22, of the Texas Constitution.

(d) A member of the legislature is immune from civil liability resulting from the legislature's participation in litigation under this section, including liability for attorney fees, costs, and sanctions that may be awarded in the litigation. This subsection is cumulative of the common law immunity applicable to the conduct of members of the legislature.

[Added by 1993 Laws ch. 753, § 1 (eff. June 17, 1993).]

Subchapter F. Miscellaneous Provisions

Sec. 301.071. Sale of Texas Flags and Similar Items. Either house of the legislature may acquire and provide for the sale of Texas flags and other items carrying symbols of the State of Texas.

[Added by 1999 Laws ch. 377, § 1 (eff. May 29, 1999); renumbered from Govt. Code § 301.033 by 2001 Laws ch. 1420, § 21.001(35) (eff. Sept. 1, 2001); transferred and redesignated from Govt. Code § 301.034 by 2019 Laws ch. 1250, § 16 (eff. June 14, 2019).]

Sec. 301.072. State Buildings Occupied by Legislative Offices and Agencies. (a) This section applies to a state building that is:

(1) occupied by a legislative office or agency;

(2) located in the Capitol complex, as defined by Section 443.0071;
and

(3) not described by Section 2165.007(b)(6).

(b) The presiding officers of each house of the legislature, in consultation with the legislative offices or agencies occupying a state building, shall jointly decide the following with respect to a state building to which this section applies, the building's facilities, and the grounds used by occupants of the building:

- (1) the use of space by and allocation of space to a legislative office or agency;
- (2) security and building access for a legislative office or agency;
- (3) the manner in which a legislative office or agency contracts for a construction or remodeling project involving space allocated to the office or agency; and
- (4) the timing and logistics of a maintenance or construction activity involving the building, facilities, or grounds that affects a legislative office or agency.

[Added by 2019 Laws ch. 1250, § 17 (eff. June 14, 2019).]

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Chapter 302, Government Code

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Government Code
Title 3. Legislative Branch
Subtitle A. Legislature
Chapter 302. Speaker of the House of
Representatives

Subchapter A. Election of Speaker

Sec. 302.001. Election. When the house of representatives first convenes in regular session and a quorum is present and has been qualified, the house shall elect a speaker unless a majority of the members present decides to defer the election.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

CROSS-REFERENCES

Tex. Const. Art. III, § 9(b)—Election of speaker is first order of business after House “organize[s] temporarily.”

Tex. Const. Art. III, § 9(b)—Speaker must be elected from the membership of the House.

Subchapter B. Candidate for Speaker: Campaign Finance

Sec. 302.011. Definitions. In this subchapter:

(1) “Speaker candidate” means a member of or candidate for the house of representatives who has announced his candidacy for or who by his actions, words, or deeds seeks election to the office of speaker of the house of representatives.

(2) “Campaign expenditure” means the expenditure of money or the use of services or any other thing of value to aid or defeat the election of a speaker candidate.

(3) “Campaign funds” means the speaker candidate’s personal funds that are devoted to the campaign for speaker and any money, services, or other things of value that are contributed or loaned to the speaker candidate for use in the candidate’s campaign for speaker.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 302.012. Records. (a) Each speaker candidate shall keep records of all information required to be filed under this subchapter.

(b) The records must be kept separate from the records required under the Texas Election Code for the speaker candidate’s campaign for any other public office.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

CROSS-REFERENCE

Elec. Code § 254.001—Recordkeeping requirements for persons seeking or holding elective public office.

Sec. 302.0121. Declaration of Speaker Candidacy. (a) Each speaker candidate shall file a declaration of candidacy with the Texas Ethics Commission as provided by this section.

(b) A declaration of speaker candidacy must:

(1) be in writing;

(2) identify the legislative session as to which the candidacy relates;
and

(3) include:

(A) the speaker candidate's name;

(B) the speaker candidate's residence or business street address;
and

(C) the speaker candidate's telephone number.

(c) Except as provided by Subsection (e), a speaker candidate may not knowingly accept a contribution, loan, or promise of a contribution or loan in connection with the speaker candidacy or make or authorize a campaign expenditure at a time when a declaration of candidacy for the candidate is not in effect.

(d) A declaration of speaker candidacy terminates on the earlier of:

(1) the date the speaker candidate files a written statement with the Texas Ethics Commission stating that the candidate has terminated the candidacy; or

(2) the date a speaker is elected for the legislative session as to which the speaker candidate filed the statement.

(e) A former speaker candidate whose declaration of speaker candidacy is terminated under Subsection (d) may make a campaign expenditure in connection with a debt incurred during the period the former speaker candidate's declaration of candidacy was in effect.

[Added by 2003 Laws ch. 249, § 3.01 (eff. Sept. 1, 2003).]

CROSS-REFERENCE

Tex. Admin. Code tit. 1, § 28.3—Termination of speaker candidacy.

Sec. 302.013. Filing of Statement of Contributions, Loans, and Expenditures. (a) Each speaker candidate shall file a sworn statement with the Texas Ethics Commission listing the information required by Section 302.014.

(b) Each speaker candidate shall file the statement on:

(1) the first filing date after the date on which the speaker candidate files the declaration of candidacy required by Section 302.0121;

(2) each filing date during the candidacy; and

(3) each filing date until all campaign loans have been repaid.

(c) The filing dates are the first day of January, March, May, July, September, and November and the day before each regular or called session of the legislature convenes.

(d) Each speaker candidate shall file the statement by computer diskette, modem, or other means of electronic transfer, using computer software provided by the Texas Ethics Commission or computer software that meets commission specifications for a standard file format.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 1993 Laws ch. 107, § 3.21 (eff. Aug. 30, 1993); 2003 Laws ch. 249, § 3.02 (eff. Sept. 1, 2003).]

CROSS-REFERENCE

Tex. Admin. Code tit. 1, § 28.5—Information to report on speaker candidate's campaign finance report.

Sec. 302.014. Contents of Statement. Each statement must list the following information for the period since the last filing date:

(1) each contribution of money the speaker candidate or the speaker candidate's agent, servant, staff member, or employee received for the campaign, the complete name and address of the contributor, and the date and amount of the contribution;

(2) each contribution of services and other things of value other than money that the speaker candidate or the speaker candidate's agent, servant, staff member, or employee received for the campaign, the nature of the contribution, the complete name and address of the contributor, and the date and value of the contribution;

(3) each loan made to the speaker candidate or to the speaker candidate's agent, servant, staff member, or employee for the campaign, including all loans listed in previous filings that are as yet unpaid or that were paid during the period covered by the present filing, the complete name and address of the lender and each person other than the speaker candidate who is responsible on the note, the date and amount of the note, the intended source of funds to repay the note, and any payments already made on the note and the source of the payments; and

(4) each expenditure of campaign funds that the speaker candidate or the speaker candidate's agent, servant, staff member, or employee made for the campaign, the complete name and address of each person to whom a payment of more than \$10 was made, and the purpose of each expenditure.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 302.015. Requisites of Filing. (a) Except as provided by Subsection (b), a statement is considered to be filed in compliance with this subchapter if the postmark shows that it was sent to the Texas Ethics Commission at its official post office address by registered or certified mail from any point in this state before the filing deadline.

(b) A statement required to be filed on the day before a regular or called session convenes must actually be delivered and in the possession of the Texas Ethics Commission not later than midnight of that day.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 1993 Laws ch. 107, § 3.22 (eff. Aug. 30, 1993); 2003 Laws ch. 249, § 3.03 (eff. Sept. 1, 2003); 2007 Laws ch. 472, § 3 (eff. Sept. 1, 2007).]

Sec. 302.016. Public Records. (a) Each statement filed under this subchapter is public information and shall be preserved for two years after the election for which it was filed.

(b) Unless a court of competent jurisdiction orders further preservation, a statement may be destroyed after the two-year period prescribed by Subsection (a).

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 302.018. Contributions From Executive or Judicial Officers or Employees. An elected officer or employee of the executive or judicial branch of state government may not contribute personal services, money, or goods of value to a speaker candidate's campaign.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 302.0191. Contributions and Expenditures From Political Contributions. A person, including a speaker candidate, may not make a contribution to a speaker candidate's campaign or an expenditure to aid or defeat a speaker candidate from:

- (1) political contributions accepted under Title 15, Election Code;
- (2) interest earned on political contributions accepted under Title 15, Election Code; or
- (3) an asset purchased with political contributions accepted under Title 15, Election Code.

[Added by 2003 Laws ch. 249, § 3.04 (eff. Sept. 1, 2003).]

Sec. 302.020. Permitted Expenditures. A speaker candidate may expend campaign funds for:

- (1) travel for the speaker candidate and the speaker candidate's immediate family and campaign staff;
- (2) the employment of clerks and stenographers;
- (3) clerical and stenographic supplies;
- (4) printing and stationery;
- (5) office rent;
- (6) telephone, telegraph, postage, freight, and express expenses;
- (7) advertising and publicity;
- (8) the expenses of holding political and other meetings designed to promote the candidacy;

(9) the employment of legal counsel; and

(10) the retirement of campaign loans.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

CROSS-REFERENCES

Tex. Admin. Code tit. 1, § 28.7—Permitted expenditures.

Tex. Admin. Code tit. 1, § 28.9—Segregation of speaker campaign funds.

Sec. 302.0201. Disposition of Unexpended Funds; Report. (a) A former speaker candidate may:

(1) use unexpended campaign funds to retire debt incurred in connection with the speaker candidacy; or

(2) remit unexpended campaign funds to one or more of the following:

(A) one or more persons from whom campaign funds were received, in accordance with Subsection (c); or

(B) a recognized charitable organization formed for educational, religious, or scientific purposes that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, and its subsequent amendments.

(b) A former speaker candidate may not retain contributions covered by this subchapter, assets purchased with the contributions, or interest and other income earned on the contributions for more than six years after the date the person ceases to be a speaker candidate or hold the office of speaker.

(c) The amount of campaign funds disposed of under Subsection (a)(2)(A) to one person may not exceed the aggregate amount accepted from that person in connection with the former speaker candidate's most recent campaign for election to the office of speaker.

(d) Not later than January 15 of each year, a former speaker candidate who retains unexpended campaign funds shall file a sworn report with the Texas Ethics Commission that includes:

(1) the full name and address of each person to whom a payment from unexpended campaign funds is made;

(2) the date and amount of each payment reported under Subdivision (1); and

(3) the information required by Section 302.014 as to any contribution, loan, or expenditure not previously reported on a statement filed under Section 302.013.

(e) A report filed under this section covers, as applicable:

(1) the period:

(A) beginning on the date after the last day of the period covered by the most recent statement filed by the former speaker candidate under Section 302.013; and

(B) ending on December 31 of the preceding year; or

(2) the preceding calendar year.

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(f) A former speaker candidate shall file the report on an official form designed by the Texas Ethics Commission. Sections 302.015 and 302.016 apply to a report filed under this section.

(g) For purposes of this section, a speaker candidate elected as speaker of the house of representatives is considered to be a former speaker candidate.

[Added by 2003 Laws ch. 249, § 3.04 (eff. Sept. 1, 2003).]

CROSS-REFERENCE

Tex. Admin. Code tit. 1, § 28.9—Segregation of speaker campaign funds.

Sec. 302.021. Offenses and Penalties. (a) A speaker candidate or former speaker candidate commits an offense if the person:

(1) knowingly fails to file the declaration of candidacy required by Section 302.0121;

(2) knowingly fails to file the statement required by Section 302.013;

(3) knowingly accepts a contribution, loan, or promise of a contribution or loan in violation of Section 302.0121(c);

(4) knowingly accepts a contribution from a person who uses political contributions, interest earned on political contributions, or an asset purchased with political contributions to make the contribution in violation of Section 302.0191;

(5) expends campaign funds for any purpose other than those enumerated in Section 302.020;

(6) knowingly retains contributions, assets purchased with contributions, or interest or other income earned on contributions in violation of Section 302.0201(b); or

(7) knowingly fails to file the report of unexpended campaign funds as required by Section 302.0201(d).

(b) An agent, officer, or director of a corporation, partnership, association, firm, union, foundation, committee, club, or other organization or group of persons commits an offense if the agent, officer, or director consents to a contribution, loan, or promise of a contribution or loan prohibited by this subchapter.

(c) A person commits an offense if the person conspires with another person to circumvent any provision of this subchapter.

(d) An individual other than the speaker candidate commits an offense if the individual, either acting alone or with another individual, expends or authorizes the expenditure of more than \$100 for correspondence to aid or defeat the election of a speaker candidate or expends funds for any purpose other than for personal services and traveling expenses to aid or defeat the election of a speaker candidate.

(e) A person commits an offense if the person contributes personal services, money, or goods in violation of Section 302.018.

(e-1) A person commits an offense if the person knowingly makes a contribution to a speaker candidate's campaign or an expenditure to aid or defeat a speaker candidate from political contributions, interest earned on political contributions, or an asset purchased with political contributions in violation of Section 302.0191.

(f) An offense under this section is a Class A misdemeanor.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2003 Laws ch. 249, § 3.05 (eff. Sept. 1, 2003); 2019 Laws ch. 209, § 2 (eff. Sept. 1, 2019).]

Sec. 302.022. Prosecution by Indictment. Each prosecution under this subchapter must be brought by indictment rather than by complaint and information.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Subchapter C. Legislative Bribery

Sec. 302.031. Definition. In this subchapter, "economic benefit" means anything reasonably regarded as economic gain or advantage, including a campaign contribution.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 302.032. Legislative Bribery: Promises or Threats. A person commits an offense if, with the intent to influence a member of or candidate for the house of representatives in casting a vote for speaker of the house of representatives, the person:

(1) promises or agrees to cause:

(A) the appointment of a person to a chairmanship or vice-chairmanship of a house committee or subcommittee;

(B) the appointment of a person to a particular house committee or subcommittee, the Legislative Budget Board, the Texas Legislative Council, the Legislative Library Board, the Legislative Audit Committee, or any other position the speaker appoints;

(C) preferential treatment on any legislation or appropriation;

(D) the employment of a person; or

(E) economic benefit to a person; or

(2) threatens to cause:

(A) the failure to appoint a person to a chairmanship or vice-chairmanship of a house committee or subcommittee;

(B) the failure to appoint a person to a particular house committee or subcommittee, the Legislative Budget Board, the Texas Legislative Council, the Legislative Library Board, the Legislative Audit Committee, or any other position the speaker appoints;

(C) unfavorable treatment on any legislation or appropriation;

(D) the refusal of or removal from employment of a person; or

(E) the withholding of economic benefit from a person.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

CROSS-REFERENCES

Tex. Const. Art. VI, § 1(b)—Legislature to pass laws prohibiting persons convicted of bribery from voting.

Tex. Const. Art. XVI, § 2—Legislature to pass laws excluding from office persons convicted of bribery.

Tex. Const. Art. XVI, § 5—Disqualification from office for conviction of bribery.

Tex. Const. Art. XVI, § 41—Constitutional bribery provision and prohibition on the solicitation and acceptance of bribes.

Elec. Code § 11.002—Felons who have not fully discharged sentence or been pardoned are not eligible to vote.

Sec. 302.033. Legislative Bribery: Accepting Benefits. A member of or candidate for the house of representatives commits an offense if, on the representation or understanding that the member or candidate will cast a vote for a particular person for speaker of the house of representatives, the member or candidate solicits, accepts, or agrees to accept:

(1) the appointment of or refusal to appoint a person to a chairmanship or vice-chairmanship of a house committee or subcommittee;

(2) the appointment of or refusal to appoint a person to a particular house committee or subcommittee, the Legislative Budget Board, the Texas Legislative Council, the Legislative Library Board, the Legislative Audit Committee, or any other position the speaker appoints;

(3) preferential or unfavorable treatment on any legislation or appropriation;

(4) the employment of, refusal of employment of, or removal from employment of a person; or

(5) economic benefit to or withholding of economic benefit from a person.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

CROSS-REFERENCES

Tex. Const. Art. VI, § 1(b)—Legislature to pass laws prohibiting persons convicted of bribery from voting.

Tex. Const. Art. XVI, § 2—Legislature to pass laws excluding from office persons convicted of bribery.

Tex. Const. Art. XVI, § 5—Disqualification from office for conviction of bribery.

Tex. Const. Art. XVI, § 41—Constitutional bribery provision and prohibition on the solicitation and acceptance of bribes.

Elec. Code § 11.002—Felons who have not fully discharged sentence or been pardoned are not eligible to vote.

Sec. 302.034. Penalty. An offense under this subchapter is a felony punishable by imprisonment for not less than two years nor more than five years.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

CROSS-REFERENCE

Govt. Code § 411.0256—Venue for prosecution is county in which the defendant resided at the time the offense was committed.

Sec. 302.035. Permitted Communications, Discussions, and Advocacy. This subchapter does not prohibit:

- (1) a person from contacting or communicating with a member of or candidate for the house of representatives about a legislative matter; or
- (2) a member of or candidate for the house from discussing, taking a position on, or advocating any action on a substantive issue in a speaker's race or any other legislative matter.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

CROSS-REFERENCE

Govt. Code § 305.003—Requirements for registration as lobbyist for making direct communications with members of the legislature to influence legislation.

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Chapter 304, Government Code

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Title 3. Legislative Branch

Subtitle A. Legislature

Chapter 304. Emergency Interim Legislative Succession

Sec. 304.001. Short Title. This chapter may be cited as the Emergency Interim Legislative Succession Act.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

CROSS-REFERENCE

Tex. Const. Art. III, § 62(a)—Legislature authorized to provide for prompt and temporary succession to elective public office when incumbents are unavailable to discharge duties during periods of emergency resulting from disasters caused by enemy attack.

Sec. 304.002. Definitions. In this chapter:

(1) “Attack” means any action or series of actions taken by an enemy of the United States resulting in substantial damage or injury to persons or property in this state whether by sabotage, bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or by other weapons or methods.

(2) “Unavailable” means dead or unable for physical, mental, or legal reasons to exercise the powers and discharge the duties of a legislator, whether or not the absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 304.004. Designation of Emergency Interim Successors. (a) Each legislator shall designate not less than three nor more than seven individuals to serve as emergency interim successors if the legislator is certified to be unavailable to serve as provided by this chapter. Each individual designated must meet age and residence requirements for a senator or representative, as applicable, and must submit a written acceptance to the legislator.

(b) To be effective, a designation must include the name and address of the designee.

(c) As soon as practicable after a legislator takes the oath of office for the legislator’s term, the legislator shall file a list of the legislator’s designees who have accepted the designation, ranked in order of succession, together with the written acceptance of each designee, with the secretary of the senate or the chief clerk of the house of representatives, as applicable. That officer shall promptly deliver a certified copy of the list and of each acceptance to the secretary of state.

(d) At least annually, each legislator shall review the most recent list of emergency interim successors to the position held by the legislator to ensure that there are at least three qualified emergency interim successors on the list. Each legislator shall make revisions to the list as necessary and may make other revisions the legislator considers appropriate. A revision designating a new emergency interim successor must be accompanied by the written acceptance of the designee. The secretary of the senate or chief clerk of the house, as applicable, shall promptly deliver a certified copy of each revision and of any accompanying acceptance to the secretary of state.

(e) If at any time a legislator has not designated emergency interim successors as required by this section, the lieutenant governor or speaker of the house, as appropriate, may designate in order of succession not more than seven individuals to serve as emergency interim successors if that legislator becomes unavailable. Each individual designated must meet the applicable age and residence requirements and submit a written acceptance of the designation. The lieutenant governor or speaker shall file the list and the written acceptances of the designees with the secretary of the senate or the chief clerk of the house, as applicable, who shall deliver a certified copy of the list and of each acceptance to the secretary of state. At any time, the legislator in the manner provided by this section may make revisions to the list filed under this subsection or file a superseding list of designees.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2005 Laws ch. 297, § 1 (eff. Sept. 1, 2005).]

CROSS-REFERENCE

Tex. Const. Art. III, § 62(a)—Legislature authorized to provide for prompt and temporary succession to elective public office when incumbents are unavailable to discharge duties during periods of emergency resulting from disasters caused by enemy attack.

Sec. 304.005. When Designation or Revision Takes Effect. (a) Each designation of an emergency interim successor becomes effective when the individual making the designation files the designation and the designee's written acceptance with the appropriate senate or house officer under Section 304.004.

(b) The removal of an emergency interim successor from the list or a change in the order of succession becomes effective when an individual authorized to make the change files that information with the appropriate senate or house officer under Section 304.004.

(c) Information filed under this chapter is public information, except that the home address and home telephone number of a designee may be disclosed only if the designee, in a signed writing filed with the secretary of the senate or chief clerk of the house of representatives, as applicable, specifically states that the information may be disclosed.

(d) A certified copy of a list of designated emergency interim successors or of a revision of a list delivered to the secretary of state under this chapter is for informational purposes only unless the lieutenant governor or speaker of the house certifies to the secretary of state that the applicable records of the senate or house have been lost or destroyed or have become unavailable in another manner, in which event the certified records delivered to the secretary of state are treated as if they are the original records.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2005 Laws ch. 297, § 2 (eff. Sept. 1, 2005).]

CROSS-REFERENCE

Tex. Const. Art. III, § 62(a)—Legislature authorized to provide for prompt and temporary succession to elective public office when incumbents are unavailable to discharge duties during periods of emergency resulting from disasters caused by enemy attack.

Sec. 304.006. Status and Qualifications of Emergency Interim Successors. (a) An emergency interim successor is an individual who is designated for possible temporary succession to the powers and duties, but not the office, of a legislator.

(b) An individual may not be designated or serve as an emergency interim successor unless that individual is legally qualified to hold the office of the legislator to whose powers and duties the individual is designated to succeed.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

CROSS-REFERENCE

Tex. Const. Art. III, § 62(a)—Legislature authorized to provide for prompt and temporary succession to elective public office when incumbents are unavailable to discharge duties during periods of emergency resulting from disasters caused by enemy attack.

Sec. 304.007. Oath. When the designation of an emergency interim successor becomes effective, the successor shall take the oath required for the legislator to whose powers and duties the successor is designated to succeed, and no other oath is required.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 304.008. Assumption of Powers and Duties. (a) If the governor has declared an emergency due to enemy attack or the immediate threat of enemy attack under Section 62, Article III, Texas Constitution, and the lieutenant governor or speaker of the house, as applicable, determines that a legislator is unavailable to serve when the legislature has convened or will convene, the lieutenant governor or speaker, as applicable, shall certify to the secretary of state that the legislator is unavailable. If the governor has declared an emergency due to enemy attack or the immediate threat of enemy attack under Section 62, Article III, Texas Constitution, and at

the time and place the legislature is scheduled to convene the lieutenant governor or speaker is absent from the applicable house, a majority of the members of that house who are present may determine that a member of that house who is not present is unavailable and certify that determination to the secretary of state.

(b) If a legislator is certified to be unavailable under Subsection (a), the secretary of state shall notify the legislator's emergency interim successor highest in order of succession who is available that the emergency interim successor is entitled to exercise the powers and duties of the legislator who is unavailable. The secretary of state shall inform the emergency interim successor of the date, time, and place at which the legislature is meeting or will meet, as soon as that is known. If the emergency interim successor declines to serve or does not appear and begin to serve within a reasonable time as determined by the lieutenant governor or speaker of the house, as applicable, the secretary of state at the request of the lieutenant governor or speaker shall notify the emergency interim successor next in order of succession who is available that the emergency interim successor is entitled to exercise the powers and duties of the legislator who is unavailable.

(c) The emergency interim successor shall exercise the powers and assume the duties of the legislator whom the individual succeeds, except that the successor may not designate emergency interim successors or make revisions to a designation.

(d) The emergency interim successor exercises those powers and assumes those duties until the secretary of state notifies the successor that the incumbent legislator, an emergency interim successor higher in order of succession for the same position, or a legislator elected to the same position and legally qualified can act.

(e) Any dispute as to the qualification of an individual to exercise the powers and assume the duties of a legislator under this chapter shall be determined by the applicable house of the legislature as provided by Section 8, Article III, Texas Constitution.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2005 Laws ch. 297, § 3 (eff. Sept. 1, 2005).]

CROSS-REFERENCES

Tex. Const. Art. III, § 8—Each house of the legislature is the judge of the qualifications of its members.

Tex. Const. Art. III, § 62(a)—Legislature authorized to provide for prompt and temporary succession to elective public office when incumbents are unavailable to discharge duties during periods of emergency resulting from disasters caused by enemy attack.

Sec. 304.009. Privileges, Immunities, and Compensation. (a) An emergency interim successor who exercises the powers and assumes the

duties of an unavailable legislator is entitled to the privileges, immunities, compensation, and other allowances to which a legislator is entitled.

(b) This section does not affect the privileges, immunities, compensation, or other allowances to which an incumbent legislator is entitled.

(c) An emergency interim successor's performance of the powers and duties of an unavailable legislator does not affect the successor's entitlement to other compensation or benefits to which the successor might otherwise be entitled. Section 812.203(a) does not apply to an individual serving as an emergency interim successor under this chapter.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 1989 Laws ch. 179, § 2(h) (eff. Sept. 1, 1989); 2005 Laws ch. 297, § 4 (eff. Sept. 1, 2005).]

CROSS-REFERENCE

Govt. Code § 812.203(a)—Suspension of annuity payments to a retiree taking oath for position in retirement system elected class until the person no longer holds that position.

Sec. 304.010. Duty to Remain Informed. Each emergency interim successor shall keep himself generally informed as to the duties, procedures, practices, and current business of the legislature, and each legislator shall assist his emergency interim successors to keep themselves informed.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 304.011. Quorum; Votes. In the event of an attack, the quorum requirements imposed on the legislature are suspended. If the affirmative vote of a specified proportion of members is required to approve a bill or resolution, the same proportion of those present and voting on the bill or resolution is sufficient for its passage.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

CROSS-REFERENCE

Tex. Const. Art. III, §§ 62(b)–(g)—Legislature and Governor may, under certain specified procedures, suspend the quorum rule (and other procedural rules) during periods of emergency resulting from disasters caused by enemy attack or immediate threat of enemy attack.

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Government Code

Title 3. Legislative Branch

Subtitle A. Legislature

Chapter 306. Legislative Information

Sec. 306.001. Definition. In this chapter, “communication” includes conversation, correspondence, and electronic communication.

[Added by 1987 Laws ch. 167, § 2.05(a) (eff. Sept. 1, 1987).]

Sec. 306.002. Application. This chapter applies to records and communications collected and maintained by members of the legislature and the lieutenant governor on June 12, 1985, as well as to records made and communications received by those officials on or after that date.

[Added by 1987 Laws ch. 167, § 2.05(a) (eff. Sept. 1, 1987).]

Sec. 306.003. Confidential Records. (a) Records of a member of the legislature or the lieutenant governor that are composed exclusively of memoranda of communications with residents of this state and of personal information concerning the person communicating with the member or lieutenant governor are confidential. However, the member or the lieutenant governor may disclose all or a part of a record to which this subsection applies, and that disclosure does not violate the law of this state.

(b) The method used to store or maintain a record covered by Subsection (a) does not affect the confidentiality of the record.

(c) If a member of the legislature or the lieutenant governor discloses to the Department of Family and Protective Services or a governmental unit that is a “covered entity” under Section 181.001(b), Health and Safety Code, all or part of a record to which Subsection (a) applies or communicates to the department or governmental unit a description of the information contained in the record that identifies or would tend to identify the resident of this state who communicated with the member or lieutenant governor, the record or the described information, as applicable, in the possession of the department or governmental unit is subject to and confidential under Subsection (a) and may be disclosed to any other person only to the extent that the member of the legislature or lieutenant governor elects to disclose the record or the described information.

(d) If the department or governmental unit that is a “covered entity” under Section 181.001(b), Health and Safety Code, receives a request for public information under Chapter 552, and information subject to the request is information described by Subsection (c), the department or governmental unit shall promptly notify, in writing or by electronic means, the member of the legislature or the lieutenant governor, as applicable, that the department

or governmental entity received the request. The notification must specify the type of information that is requested and include a copy of the request.

[Added by 1987 Laws ch. 167, § 2.05(a) (eff. Sept. 1, 1987); amended by 2013 Laws ch. 633, § 1 (eff. June 14, 2013).]

CROSS-REFERENCES

Govt. Code Ch. 552—Public information law.

Health & Safety Code § 181.001(b)—Definition of “covered entity” under medical records privacy law.

Sec. 306.004. Public Disclosure Prohibited. (a) To ensure the right of the citizens of this state to petition state government, as guaranteed by Article I, Section 27, of the Texas Constitution, by protecting the confidentiality of communications of citizens with a member of the legislature or the lieutenant governor, the public disclosure of all or part of a written or otherwise recorded communication from a citizen of this state received by a member or the lieutenant governor in his official capacity is prohibited unless:

(1) the citizen expressly or by clear implication authorizes the disclosure;

(2) the communication is of a type that is expressly authorized by statute to be disclosed; or

(3) the official determines that the disclosure does not constitute an unwarranted invasion of personal privacy of the communicator or another person.

(b) This section does not apply to a communication to a member of the legislature or the lieutenant governor from a public official or public employee acting in an official capacity.

(c) A member or the lieutenant governor may elect to disclose all or part of a communication to which this section applies, and that disclosure does not violate the law of this state.

(d) If a member of the legislature or the lieutenant governor discloses to the Department of Family and Protective Services or a governmental unit that is a “covered entity” under Section 181.001(b), Health and Safety Code, a communication to which this section applies or communicates to the department or governmental unit a description of the information contained in the communication that identifies or would tend to identify the citizen of this state who communicated with the member or lieutenant governor, the communication or the described information, as applicable, in the possession of the department or governmental unit is subject to and confidential under this section and may be disclosed to another person only to the extent that the member of the legislature or lieutenant governor elects to disclose the communication or the described information.

(e) If the department or governmental unit that is a “covered entity” under Section 181.001(b), Health and Safety Code, receives a request for

public information under Chapter 552, and information subject to the request is information described by Subsection (d), the department or governmental unit shall promptly notify, in writing or by electronic means, the member of the legislature or the lieutenant governor, as applicable, that the department or governmental entity received the request. The notification must specify the type of information that is requested and include a copy of the request.

[Added by 1987 Laws ch. 167, § 2.05(a) (eff. Sept. 1, 1987); amended by 2013 Laws ch. 633, § 2 (eff. June 14, 2013).]

CROSS-REFERENCES

Tex. Const. Art. I, § 27—Right of citizens to petition for redress of grievances.

Govt. Code Ch. 552—Public information law.

Health & Safety Code § 181.001(b)—Definition of “covered entity” under medical records privacy law.

Sec. 306.0055. Legislatively Produced Photographs. A house, committee, or agency of the legislature may charge for a photograph produced by or under the direction of the entity the fair market value of the photograph.

[Added by 2013 Laws ch. 47, § 2 (eff. Sept. 1, 2013).]

Sec. 306.006. Commercial Use of Legislatively Produced Audio or Visual Materials. (a) A person may not use audio or visual materials produced by or under the direction of the legislature or of a house, committee, or agency of the legislature for a commercial purpose unless the legislative entity that produced the audio or visual materials or under whose direction the audio or visual materials were produced gives its permission for the person’s commercial use and:

(1) the person uses the audio or visual materials only for educational or public affairs programming, including news programming; or

(2) the person transmits an unedited feed of the audio or visual materials:

(A) to paid subscribers; or

(B) on an Internet website that is accessible to the public.

(b) A person who violates Subsection (a) commits an offense. An offense under this subsection is a Class C misdemeanor.

(c) The legislative entity that produced the audio or visual materials or under whose direction the audio or visual materials were produced shall give its permission to a person to use the materials for a commercial purpose described by Subsection (a)(1) if the person or the person’s representative submits to the legislative entity a signed, written request for the use that:

(1) states the purpose for which the audio or visual materials will be used and the stated purpose is allowed under Subsection (a)(1); and

(2) contains an agreement by the person that the audio or visual materials will not be used for a commercial purpose other than the stated purpose.

(d) Subsection (a)(2) does not apply to visual materials consisting of photographs or other still images. A legislative entity is not required to give its permission to any person to use materials for a purpose described by Subsection (a)(2) and may limit the number of persons to whom it gives its permission to use materials for a purpose described by Subsection (a)(2).

(e) Subsection (a) and an agreement under Subsection (c)(2) do not prohibit compiling, describing, quoting from, analyzing, or researching the verbal content of the audio or visual materials for a commercial purpose.

(f) In addition to the criminal penalty that may be imposed under Subsection (b), the attorney general shall enforce this section at the request of the legislative entity by bringing a civil action to enjoin a violation of Subsection (a) or of an agreement under Subsection (c)(2).

(g) In this section:

(1) “Commercial purpose” means a purpose that is intended to result in a profit or other tangible benefit.

(2) “Visual materials” means photographic, video, or other material containing a still or moving recorded image or images.

[Added by 1995 Laws ch. 877, § 1 (eff. Sept. 1, 1995); amended by 2013 Laws ch. 47, § 3 (eff. Sept. 1, 2013); 2019 Laws ch. 209, § 3 (eff. Sept. 1, 2019); 2019 Laws ch. 209, § 4 (eff. Sept. 1, 2019); 2019 Laws ch. 721, § 2 (eff. June 10, 2019).]

Sec. 306.007. Minutes and Reports Electronically Available to Legislature. A state officer or board, commission, or other agency in the executive branch of state government, and an agency in the judicial branch of state government other than a court, shall make reports required by law and minutes of meetings of the agency’s governing body available to members of the legislature and to agencies in the legislative branch of state government in an electronic format determined by the Texas Legislative Council.

[Added by 1999 Laws ch. 1499, § 1.03 (eff. Sept. 1, 1999).]

CROSS-REFERENCES

Govt. Code § 2052.001—Secretary of state to distribute copies of certain reports to the standing committees of the senate and house of representatives having primary jurisdiction over the state agency that submitted the report.

Govt. Code § 2052.002—State agencies required to determine whether members of the legislature wish to receive agency publications before distribution.

Govt. Code § 2052.0021—State agencies required to make reports required by law available to members of the legislature only in an electronic format determined by the Texas Legislative Council.

Sec. 306.008. Legislative Privilege. (a) To protect the public's interest in the proper performance of the deliberative and policymaking responsibilities of the legislature and to preserve the legislative branch's independence under the fundamental principle of separation of powers, as guaranteed by Article II and Section 21, Article III, Texas Constitution, a communication is confidential and subject to legislative privilege if the communication:

- (1) is given privately;
- (2) concerns a legislative activity or function; and
- (3) is among or between any of the following:
 - (A) a member of the house or senate;
 - (B) the lieutenant governor;
 - (C) an officer of the house or senate;
 - (D) a member of the governing body of a legislative agency; or
 - (E) a legislative employee.

(b) A communication described by Subsection (a) is subject to attorney-client privilege if:

- (1) one of the parties to the communication is a legislative attorney or a legislative employee working at the direction of a legislative attorney; and
- (2) the communication is made in connection with the legislative attorney's provision of legal advice or other legal services.

(c) A member of the house or senate, the lieutenant governor, or an officer of the house or senate may choose to disclose all or part of a communication to which Subsection (a) or (b) applies and to which the individual or a legislative employee acting on behalf of the individual was a party.

(d) This section does not affect the authority of a court to analyze and apply legislative or attorney-client privileges under the applicable rules of evidence governing a judicial proceeding.

(e) In this section:

(1) "Legislative agency" means a board, commission, committee, council, department, office, or any other agency in the legislative branch of state government. The term does not include the Texas Ethics Commission.

(2) "Legislative attorney" means an attorney employed or engaged by the house, the senate, a member of the house or senate, the lieutenant governor, an officer of the house or senate, a house or senate committee, a joint committee, or a legislative agency.

(3) "Legislative employee" means:

(A) an employee of, assistant to, or credentialed intern for any part of the legislative branch of state government, including the house, the senate, a member of the house or senate, the lieutenant governor, an officer of the house or senate, a house or senate committee, a joint committee, or a legislative agency; or

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(B) a person performing services under a contract entered into with the house, the senate, a house or senate committee, or a legislative agency.

[Added by 2019 Laws ch. 1250, § 19 (eff. June 14, 2019).]

CROSS-REFERENCES

Tex. Const. Art. I, § 2—Separation of powers required.

Tex. Const. Art. III, § 21—Protection for members' speech and debate.

Sec. 306.009. Custodian of Certain Legislative Records. (a) A member of the legislature, the lieutenant governor, an officer of the house or senate, or a legislative agency, office, or committee that stores records with or transfers records to the Legislative Reference Library or the Texas State Library and Archives Commission:

(1) possesses, maintains, or controls the records for purposes of litigation; and

(2) is the custodian of the records for purposes of Chapter 552.

(b) Subsection (a) does not apply to a member of the legislature or the lieutenant governor after the individual's service as a member or lieutenant governor ends.

[Added by 2019 Laws ch. 1250, § 19 (eff. June 14, 2019).]

CROSS-REFERENCE

Govt. Code Ch. 552—Public information law.

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Government Code

Title 3. Legislative Branch

Subtitle B. Legislation

Chapter 316. Appropriations

Subchapter A. Limit on Growth of Appropriations

Sec. 316.001. Limit. (a) For purposes of this subchapter, “consolidated general revenue appropriations” means appropriations from:

- (1) the general revenue fund in the state treasury;
- (2) a dedicated account in the general revenue fund in the state treasury; or

- (3) a general revenue-related fund in the state treasury as identified in the biennial statement required of the comptroller under Section 49a, Article III, Texas Constitution.

(b) The rate of growth of appropriations in a state fiscal biennium from state tax revenues not dedicated by the constitution may not exceed the estimated rate of growth of the state’s economy.

(c) The rate of growth of consolidated general revenue appropriations in a state fiscal biennium may not exceed the estimated average biennial rate of growth of this state’s population during the state fiscal biennium preceding the biennium for which appropriations are made and during the state fiscal biennium for which appropriations are made, adjusted by the estimated average biennial rate of monetary inflation in this state during the same period, as determined under Section 316.002.

(d) For purposes of this subchapter, the following appropriations must be excluded from computations used to determine whether appropriations exceed the amount authorized by Subsection (c):

- (1) an appropriation for a purpose that provides tax relief; or
- (2) an appropriation to pay costs associated with recovery from a disaster declared by the governor under Section 418.014.

(e) The Legislative Budget Board shall determine the rates described by Subsection (c) using the most recent information available from sources the board considers reliable, including the United States Bureau of Labor Statistics Consumer Price Index and the Texas Demographic Center.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2021 Laws ch. 437, § 1 (eff. Sept. 1, 2021).]

Sec. 316.002. Duties of Legislative Budget Board. (a) Before the Legislative Budget Board transmits the budget for the next state fiscal biennium as prescribed by Section 322.008(c), the board shall establish:

- (1) the limit on the rate of growth of appropriations from state tax revenues not dedicated by the constitution for that state fiscal biennium, as

compared to the previous state fiscal biennium, based on the estimated rate of growth of the state's economy from the current state fiscal biennium to the next state fiscal biennium; and

(2) the limit on the rate of growth of consolidated general revenue appropriations for that state fiscal biennium, as compared to the previous state fiscal biennium, by subtracting one from the product of:

(A) the sum of one and the estimated average biennial rate of growth of this state's population during the state fiscal biennium preceding the biennium for which appropriations are made and during the state fiscal biennium for which appropriations are made; and

(B) the sum of one and the estimated average biennial rate of monetary inflation during the state fiscal biennium preceding the biennium for which appropriations are made and during the state fiscal biennium for which appropriations are made.

(b) Except as provided by Subsection (c), the board shall determine the estimated rate of growth of the state's economy for purposes of Subsection (a)(1) by dividing the estimated Texas total personal income for the next state fiscal biennium by the estimated Texas total personal income for the current state fiscal biennium. Using standard statistical methods, the board shall make the estimate by projecting through the biennium the estimated Texas total personal income reported by the United States Department of Commerce or its successor in function.

(c) If a more comprehensive definition of the rate of growth of the state's economy is developed and is approved by the committee established by Section 316.005, the board may use that definition in calculating the limit on the rate of growth of appropriations from state tax revenues not dedicated by the constitution under Subsection (a)(1).

(d) Except as provided by Subsection (e), the board shall determine for the next state fiscal biennium a limit on the amount of:

(1) appropriations from state tax revenues not dedicated by the constitution by multiplying the amount of appropriations from state tax revenues not dedicated by the constitution for the current state fiscal biennium by the sum of one and the limit on the rate of growth of appropriations from state tax revenues not dedicated by the constitution established by the board under Subsection (a)(1); and

(2) consolidated general revenue appropriations by multiplying the amount of consolidated general revenue appropriations for the current state fiscal biennium by the sum of one and the limit on the rate of growth of consolidated general revenue appropriations established by the board under Subsection (a)(2).

(e) If the rate determined under Subsection (a)(2) is a negative number, the amount of consolidated general revenue appropriations for the next state

fiscal biennium may not exceed the amount of consolidated general revenue appropriations in the current state fiscal biennium.

(f) To ensure compliance with this subchapter and Section 22, Article VIII, Texas Constitution, the Legislative Budget Board may not transmit in any form to the governor or the legislature the budget as prescribed by Section 322.008(c) or the general appropriations bill as prescribed by Section 322.008(d) until the board adopts:

(1) the limit on the rate of growth of appropriations from state tax revenues not dedicated by the constitution under Section 316.001(b); and

(2) the limit on the rate of growth of consolidated general revenue appropriations under Section 316.001(c).

(g) In the absence of an action by the Legislative Budget Board to adopt the limits as provided by this section:

(1) for purposes of Section 316.001(b):

(A) the estimated rate of growth of the state's economy from the current state fiscal biennium to the next state fiscal biennium shall be treated as if it were zero; and

(B) the amount of state tax revenues not dedicated by the constitution that could be appropriated within the limit established by the estimated rate of growth of the state's economy shall be the same as the amount of those appropriations for the current state fiscal biennium; and

(2) for purposes of Section 316.001(c):

(A) the estimated average biennial rates of growth of this state's population and of monetary inflation shall be treated as if they were zero; and

(B) the amount of consolidated general revenue appropriations that could be appropriated within the limit established by that subsection shall be the same as the amount of those appropriations for the current state fiscal biennium.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 1991 Laws 1st C.S. ch. 4, § 19.01 (eff. Aug. 22, 1991); 2011 Laws ch. 91, § 11.002 (eff. Sept. 1, 2011); 2021 Laws ch. 437, § 1 (eff. Sept. 1, 2021).]

Sec. 316.003. Publication. Before the Legislative Budget Board approves the items of information required by Section 316.002, the board shall publish in the Texas Register the proposed items of information and a description of the methodology and sources used in the calculations.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 316.004. Public Hearing. Not later than December 1 of each even-numbered year, the Legislative Budget Board shall hold a public hearing to solicit testimony regarding the proposed items of information and the methodology used in making the calculations required by Section 316.002.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 316.005. Adoption by Committee. (a) After the Legislative Budget Board approves the items of information required by Section 316.002, the board shall submit the information to a committee composed of the governor, lieutenant governor, speaker of the house of representatives, and comptroller of public accounts.

(b) Not later than the 10th day after the date on which the board submits the items, the committee shall meet and finally adopt the items, either as submitted by the board or as amended by the committee.

(c) If the committee fails to act within the 10-day period prescribed by Subsection (b), the items of information submitted by the board are treated as if the committee had adopted them as submitted.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 316.006. Limit on Budget Recommendations. Unless authorized by majority vote of the members of the board from each house, the Legislative Budget Board budget recommendations:

(1) relating to the proposed appropriations from state tax revenues not dedicated by the constitution may not exceed the limit on appropriations from those sources adopted by the committee under Section 316.005; and

(2) relating to the proposed consolidated general revenue appropriations may not exceed the limit on appropriations from those sources adopted by the committee under Section 316.005.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2021 Laws ch. 437, § 1 (eff. Sept. 1, 2021).]

Sec. 316.007. Transmission of Recommendations. (a) The Legislative Budget Board shall include in its budget recommendations:

(1) the proposed limit of appropriations from state tax revenues not dedicated by the constitution; and

(2) the proposed limit of consolidated general revenue appropriations.

(b) The board shall transmit the recommendations to the governor and to each member of the legislature.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2021 Laws ch. 437, § 2 (eff. Sept. 1, 2021).]

Sec. 316.008. Effect of Limit; Enforcement. (a) Unless the legislature adopts a resolution under Section 22, Article VIII, Texas Constitution, raising the proposed limit on appropriations from state tax revenues not dedicated by the constitution, the proposed limit is binding on the legislature with respect to all appropriations for the next state fiscal biennium made from those revenues. The proposed limit on consolidated general revenue appropriations is binding on the legislature with respect to all appropriations for the next state fiscal biennium made from those sources unless the legislature adopts a resolution raising the proposed limit that is approved by a record vote of three-fifths of the members of each house of the legislature. The resolution

must find that an emergency exists, identify the nature of the emergency, and specify the amount authorized. The excess amount authorized under this subsection may not exceed the amount specified in the resolution.

(b) The rules of the house of representatives and senate shall provide for enforcement of Subsection (a).

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985); amended by 2021 Laws ch. 437, § 3 (eff. Sept. 1, 2021).]

Sec. 316.009. Submission of Bill by Governor. The governor may prepare a general appropriation bill and submit printed copies of it to the lieutenant governor, speaker of the house of representatives, and each member of the legislature. The bill must be submitted not later than the 30th day of the legislature's regular session, except that if a person is inaugurated as governor who was not governor preceding the inauguration, the bill must be submitted not later than the 20th day after the date of that inauguration.

[Added by 1987 Laws ch. 147, § 2 (eff. Sept. 1, 1987).]

Subchapter B. References to General Appropriations Act

Sec. 316.011. Legislative Intent. It is the intent of the legislature that references in law to a specific article of the General Appropriations Act be by article title only.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 316.012. Construction of Reference. If a statute enacted or last amended before 1982 refers by number to an article of the General Appropriations Act, the reference means the article of the current General Appropriations Act, regardless of numerical designation, that corresponds in substance to the numerically cited article as it existed on the date of the enactment or most recent amendment of the statute.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Subchapter C. Appropriations Bills

Sec. 316.021. Introduction of Appropriations Bills. The lieutenant governor or the speaker of the house may cause the general appropriations bills prepared by the governor and by the director of the Legislative Budget Board to be introduced in the senate and house, or any member of the legislature may introduce the bills in the appropriate branch of the legislature.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 316.022. Committee Hearings. (a) Hearings on the appropriations bills prepared by the director of the Legislative Budget Board and by the governor shall be conducted by the House Appropriations Committee and the Senate Finance Committee.

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(b) The committees may begin preliminary hearings on the budget after receiving the bill prepared by the director without waiting for submission of the bill prepared by the governor.

(c) Each head of a government department, institution, or other agency requesting an appropriation is entitled to appear before either committee in behalf of the requested appropriation. A state taxpayer is entitled to appear and to be heard at any hearing on a proposed appropriation.

[1985 Laws ch. 479, § 1 (eff. Sept. 1, 1985).]

Sec. 316.023. Authorization to Find Fact. The governor may find any fact specified by the legislature in an appropriation Act as a contingency for the expenditure of a designated item of appropriation.

[Added by 1993 Laws ch. 268, § 13 (eff. Sept. 1, 1993).]

Sec. 316.024. Procedure for Finding Fact. (a) The governor shall make a finding of fact under Section 316.023 from the evidence as it exists at the time of the determination.

(b) The governor shall make a finding of fact under Section 316.023 only after a public hearing, if such a hearing is required in an appropriation Act.

(c) The governor shall file a decision, together with a finding of fact made under Section 316.023, with the Legislative Budget Board and the comptroller.

(d) The governor's certificate, under the seal of office, stating the decision or finding is evidence of the decision or finding.

(e) A decision or finding under Section 316.023 is final, subject to judicial review by appropriate legal remedies.

[Added by 1993 Laws ch. 268, § 13 (eff. Sept. 1, 1993).]

Subchapter D. Appropriation of Unobligated Fund Balances to General Revenue Fund

Sec. 316.031. Legislative Finding and Intent. (a) The legislature finds that, to ensure the efficient operation of state agencies and to provide for the necessary costs of state government operation, it is in the public interest to provide a means for periodic legislative review and control of unobligated cash balances and income held by state agencies in funds other than the general revenue fund.

(b) It is the intent of the legislature that:

(1) funds with an unobligated balance at the end of a fiscal year in excess of that amount necessary to fulfill an agency's statutory duties shall be identified within the General Appropriations Act by fund; and

(2) the amounts of unobligated actual or projected balances held in those funds in excess of the amounts determined by the legislature to be sufficient to fulfill statutory requirements shall be appropriated to the general revenue fund.

(c) Any appropriation of fund balances made under this subchapter is for the purpose of providing for the cost of operation of state government. The amount of an unobligated fund balance to be appropriated to the general revenue fund may be designated in the General Appropriations Act as a sum certain or designated through use of a formula or percentage.

[Added by 1987 Laws ch. 167, § 2.06(a) (eff. Sept. 1, 1987).]

Sec. 316.032. Conflicting Laws Suspended. (a) Any law that provides specific purposes for which a fund or revenue source may be used and expended and that restricts the use of revenues and balances is suspended to the extent that it conflicts with the provisions and intent of appropriations made under this subchapter in the General Appropriations Act.

(b) If the General Appropriations Act does not provide for the appropriation of unobligated fund balances to the general revenue fund, any transfer or appropriation of fund balances shall occur as specified by law.

[Added by 1987 Laws ch. 167, § 2.06(a) (eff. Sept. 1, 1987).]

Sec. 316.033. Funds Excluded. This subchapter applies to funds established by state law, but does not apply to any portion of a fund derived from constitutionally dedicated revenues or to funds or fund balances that are:

- (1) dedicated by the Texas Constitution;
- (2) held in trust or escrow for the benefit of any person or entity other than a state agency;
- (3) pledged to the payment of bonds, notes, or other debts;
- (4) derived from gifts, donations, or endowments made to state agencies or institutions of higher education;
- (5) pledged to the capital trust fund to be used for construction; or
- (6) maintained by institutions of higher education, including the Texas State Technical College System.

[Added by 1987 Laws ch. 167, § 2.06(a) (eff. Sept. 1, 1987); amended by 1989 Laws ch. 1104, § 5 (eff. June 16, 1989); 1991 Laws ch. 287, § 30 (eff. Sept. 1, 1991); 1997 Laws ch. 165, § 30.188 (eff. Sept. 1, 1997).]

Subchapter E. Adjustment of State Fees in General Appropriations Act

Sec. 316.041. Legislative Finding and Intent. (a) The legislature finds that, to ensure the efficient operation of state agencies and institutions of higher education and to allow for the assessment of fees adequate to reimburse the state for the costs of state services and regulatory functions, it is in the public interest to provide for the adjustment of state fees by the legislature in the General Appropriations Act. It is the intent of the legislature that fees be adjusted biennially in the General Appropriations Act in a manner that provides for the recovery of any increased costs to the

state resulting from the performance of services and functions for which a fee is levied. It is the intent of the legislature that, to the extent that senate and house rules allow, each substantive committee shall retain jurisdiction over any adjustment in fees as part of the appropriations process.

(b) Any increase in the amount of a fee made under this subchapter is for the purpose of recovering, on an annual basis, the costs to the state agency or institution of higher education increasing the fee. Where fee amounts are increased on a percentage basis, fee amounts may be rounded to the nearest whole dollar.

[Added by 1987 Laws ch. 167, § 2.07(a) (eff. Sept. 1, 1987).]

Sec. 316.042. Application of Subchapter. (a) This subchapter applies to all fees not set by the Texas Constitution, but does not apply to fees that are dedicated to pay bonded indebtedness.

(b) The General Appropriations Act may not specify the amount of a fee unless imposition of that fee is authorized by general law.

(c) This subchapter does not apply to tuition charged by institutions of higher education.

[Added by 1987 Laws ch. 167, § 2.07(a) (eff. Sept. 1, 1987).]

Sec. 316.043. Amount of Fee. (a) The amount of a fee covered by this subchapter is the amount specified for that fee in the General Appropriations Act. Fee adjustments authorized through the General Appropriations Act are only for the purpose of offsetting inflation.

(b) A law that specifies the amount of a fee subject to this subchapter is suspended to the extent that it conflicts with the amount of the fee specified in the General Appropriations Act.

(c) If the General Appropriations Act does not specify the amount of the fee, the fee is the amount specified by law.

(d) If a board of regents has the authority to establish a fee that falls within a statutory range, the amounts set under this subchapter constitute only the maximum amount for those fees.

[Added by 1987 Laws ch. 167, § 2.07(a) (eff. Sept. 1, 1987).]

Sec. 316.044. Hearings on Fee Increases at Institutions of Higher Education. Fees at institutions of higher education may not be increased unless a public hearing is held on the increase.

[Added by 1987 Laws ch. 167, § 2.07(a) (eff. Sept. 1, 1987).]

Sec. 316.045. Reduction in Certain Agency Fees. (a) Each state agency that sets the fees charged by that agency in amounts that are reasonable and necessary to cover the administrative costs of the agency shall review the amounts charged as fees on a biennial basis. The agency shall review the fees before the beginning of each state fiscal biennium and incorporate its recommendations based on that review in its budget request submitted to the Legislative Budget Board and the budget division of the governor's office.

(b) If the agency determines that the fees are set at a level that exceeds the administrative costs of the agency as of the date of the review, the agency shall reduce the amount of the affected fees to the appropriate level and shall charge the reduced fees during the subsequent biennium. Each agency shall give specific recognition to reductions in salary expenses resulting from statutorily directed employee attrition.

[Added by 1987 Laws ch. 167, § 2.07(a) (eff. Sept. 1, 1987).]

Subchapter G. Fiscal Year

Sec. 316.071. Fiscal Year; Appropriations. (a) The state fiscal year ends on August 31 of each year.

(b) Appropriations of state government shall conform to this fiscal year.

[Added by 1993 Laws ch. 268, § 14 (eff. Sept. 1, 1993).]

Sec. 316.072. Reports; Closure of Accounts. (a) All officers required by law to report annually or biennially to the legislature or governor shall close their accounts at the end of the fiscal year.

(b) As soon as practicable after the end of the fiscal year, the officers shall prepare and compile their respective reports.

[Added by 1993 Laws ch. 268, § 14 (eff. Sept. 1, 1993).]

Subchapter H. Allocation of Transfers to Economic Stabilization Fund and State Highway Fund

Sec. 316.091. Definition. In this subchapter, “fund” means the economic stabilization fund.

[Added by 2013 Laws 3d C.S. ch. 1, § 3 (eff. Nov. 22, 2013).]

Sec. 316.092. Determination of Threshold for Constitutional Transfer to State Highway Fund. (a) For the purposes of adjusting the allocations of transfers in accordance with Section 49-g(c-2), Article III, Texas Constitution, and Section 316.093 for a state fiscal biennium, the comptroller shall determine and adopt for the state fiscal biennium an amount equal to seven percent of the certified general revenue-related appropriations made for that state fiscal biennium.

(b) This section expires December 31, 2034.

[Added by 2013 Laws 3d C.S. ch. 1, § 3 (eff. Nov. 22, 2013); amended by 2019 Laws ch. 1336, § 2 (eff. Sept. 1, 2019); 2019 Laws ch. 1372, § 1 (eff. Sept. 1, 2019).]

Sec. 316.093. Adjustment of Constitutional Allocations to Fund and State Highway Fund. (a) Before the comptroller makes transfers for a state fiscal year in accordance with Section 49-g(c), Article III, Texas Constitution, the comptroller shall determine whether the sum of the balance of the fund on the preceding August 31, any projected transfer to the fund under Section 49-g(b) of that article, and any projected transfer to the fund

under Section 49-g(c) of that article in accordance with the allocations for the transfer as provided by Section 49-g(c-1) of that article is less than the amount determined under Section 316.092 for that state fiscal biennium.

(b) If the sum described by Subsection (a) is less than the amount determined under Section 316.092 for that state fiscal biennium, the comptroller shall reduce the allocation to the state highway fund provided by Section 49-g(c), Article III, Texas Constitution, and increase the allocation to the economic stabilization fund, in an equal amount, until the amount determined under Section 316.092 for that state fiscal biennium would be achieved by the transfer to the fund or the total amount of the sum described by Section 49-g(c), Article III, Texas Constitution, is allocated to the fund, whichever occurs first.

(c) For the purposes of Section 49-g(c-2), Article III, Texas Constitution, the comptroller shall adjust the allocation provided by Section 49-g(c-1) of that article of amounts to be transferred to the fund and to the state highway fund under Section 49-g(c) of that article in a state fiscal year beginning on or after September 1, 2035, so that the total of those amounts is transferred to the economic stabilization fund, except that the comptroller shall reduce a transfer made under this subsection as necessary to prevent the amount in the fund from exceeding the limit in effect for that biennium under Section 49-g(g) of that article.

(d) Subsections (a) and (b) and this subsection expire December 31, 2034.

[Added by 2013 Laws 3d C.S. ch. 1, § 3 (eff. Nov. 22, 2013); amended by 2019 Laws ch. 1336, § 2 (eff. Sept. 1, 2019); 2019 Laws ch. 1372, § 2 (eff. Sept. 1, 2019).]

Sec. 316.094. Allocation of Certain Amounts Transferred to State Highway Fund. Amounts transferred to the state highway fund under Section 49-g(c), Article III, Texas Constitution, when appropriated, must be used and allocated throughout the state by the Texas Department of Transportation consistent with existing formulas adopted by the Texas Transportation Commission.

[Added by 2013 Laws 3d C.S. ch. 1, § 3 (eff. Nov. 22, 2013).]

Chapter 391, Government Code

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Government Code
Title 3. Legislative Branch
Subtitle Z. Miscellaneous Provisions
Chapter 391. Resolutions for State Symbols,
Place Designations, and Recognition Days,
Weeks, and Months

Sec. 391.001. Effect of Chapter. (a) This chapter governs the designation of state symbols, place designations, and days, weeks, and months for recognition made by the legislature by resolution approved by each house of the legislature.

(b) This chapter does not affect the designation of:

- (1) a state symbol or a place designation made by:
 - (A) resolution before September 1, 2001; or
 - (B) statute; or
- (2) a day, week, or month for recognition made by:
 - (A) resolution before September 1, 2009; or
 - (B) statute.

[Added by 2001 Laws ch. 395, § 1 (eff. Sept. 1, 2001); amended by 2009 Laws ch. 1081, § 2 (eff. June 19, 2009).]

Sec. 391.002. State Symbols. (a) The legislature must specify an item's historical or cultural significance to the state before designating the item as a state symbol.

(b) The legislature may not designate any of the following as a state symbol:

- (1) a commercial product or an item that promotes or advocates the use of a commercial product;
- (2) an individual;
- (3) an event; or
- (4) a place.

[Added by 2001 Laws ch. 395, § 1 (eff. Sept. 1, 2001); amended by 2009 Laws ch. 1081, § 4 (eff. June 19, 2009).]

Sec. 391.003. Place Designations. (a) In this section, "place designation" means a special observance by the legislature that recognizes and honors an event or location in this state, including a municipality or county.

(b) The legislature may not assign the same place designation to more than one event or location.

(c) The legislature may not assign more than one place designation to any municipality, county, or other location. This subsection does not prohibit

the legislature from assigning more than one place designation within a county.

(d) Before the legislature may assign a place designation to a municipality, county, or other location, the legislature must be presented by persons supporting the designation with:

(1) information related to the historical or cultural significance of the event or location to be designated; and

(2) documentation that a local chamber of commerce or a locally elected governmental body representing the municipality, county, or other location to be designated supports the designation.

(e) A place designation expires on the 10th anniversary of its designation. This subsection does not prevent the legislature from redesignating a place designation during or after the 10-year period.

[Added by 2001 Laws ch. 395, § 1 (eff. Sept. 1, 2001); amended by 2009 Laws ch. 1081, § 4 (eff. June 19, 2009).]

Sec. 391.004. Designating Days, Weeks, or Months for Recognition.

(a) In this section, “date designation” means the special observance authorized by the legislature that annually recognizes and honors a culturally or historically significant day, week, or month in the state.

(b) The legislature may assign more than one designation to a day, week, or month.

(c) Before the legislature may designate a day, week, or month for recognition, the legislature must be presented with information related to the historical or cultural significance of the day, week, or month to be recognized by persons supporting the designation.

(d) A designation of a day, week, or month for recognition expires on the 10th anniversary of the date the legislature finally passes the resolution making the designation. This subsection does not prevent the legislature from redesignating a day, week, or month for recognition during or after the 10-year period.

[Added by 2009 Laws ch. 1081, § 3 (eff. June 19, 2009).]

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Members Present=Sum of Yea, Nay, PNV	
Members Present & Voting=Sum of Yea, Nay	

MEMBERS PRESENT/ QUALIFIED	3/5ths REQUIRES	2/3ds REQUIRES	3/4ths REQUIRES	4/5ths REQUIRES
150	90	100	113	120
149	90	100	112	120
148	89	99	111	119
147	89	98	111	118
146	88	98	110	117
145	87	97	109	116
144	87	96	108	116
143	86	96	108	115
142	86	95	107	114
141	85	94	106	113
140	84	94	105	112
139	84	93	105	112
138	83	92	104	111
137	83	92	103	110
136	82	91	102	109
135	81	90	102	108
134	81	90	101	108
133	80	89	100	107
132	80	88	99	106
131	79	88	99	105
130	78	87	98	104
129	78	86	97	104
128	77	86	96	103
127	77	85	96	102
126	76	84	95	101
125	75	84	94	100
124	75	83	93	100
123	74	82	93	99
122	74	82	92	98
121	73	81	91	97
120	72	80	90	96
119	72	80	90	96
118	71	79	89	95
117	71	78	88	94
116	70	78	87	93
115	69	77	87	92
114	69	76	86	92
113	68	76	85	91
112	68	75	84	90
111	67	74	84	89
110	66	74	83	88
109	66	73	82	88
108	65	72	81	87
107	65	72	81	86
106	64	71	80	85
105	63	70	80	84
104	63	70	78	84
103	62	69	78	83
102	62	68	77	82
101	61	68	76	81
100	60	67	75	80

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88th Legislature, Regular Session

Deadlines for Action Under House and Senate Rules

This deadlines calendar is intended to be a practical summary guide to the end-of-session deadlines. It is not intended as an interpretation of the rules of the House or Senate.

In reviewing this calendar, all members should consider, in addition to the stated deadline, the time needed for the preparation of any ancillary documents related to the bill, any printing time, and any applicable layout rule.

Note 1: The House rules do not contain an express deadline for committees to report measures, but, technically, this is the last day for a House committee to report a measure in order for the measure to have any chance of being placed on a House calendar. ***However***, this deadline ***does not*** take into consideration the time required to: (1) prepare the bill analysis; (2) obtain an updated fiscal note or impact statement; (3) prepare any other paperwork required for a committee report; or (4) prepare the committee report for distribution to the members of the House as required by the rules. ***Realistically***, it normally takes a full day ***or more*** for a measure to reach the Calendars Committee after the measure has been reported from committee.

Note 2: The House rules do not have an express deadline for distributing calendars on the 120th, 121st, 128th, 132nd, and 133rd days. This calendar presumes that the House will convene at 9 a.m. for a local and consent calendar and at 10 a.m. for a daily or supplemental calendar.

Note 3: The Senate deadline for passing all bills and joint resolutions ***does not*** take into consideration the House deadline for passing Senate bills and joint resolutions. ***Realistically***, to be eligible for consideration by the House under its end-of-session deadlines, Senate bills and joint resolutions must be passed by the Senate and received by the House ***before*** the 130th day.

Note 4: Both Senate and House rules require a 48-hour layout for a resolution suspending limitations on a conference committee considering the general appropriations bill, if such a resolution is necessary. Neither rule has an express deadline for considering that resolution, which should occur before consideration of the general appropriations bill.

88th Legislature, Regular Session

MAY 2023

Deadlines for Action Under House and Senate Rules

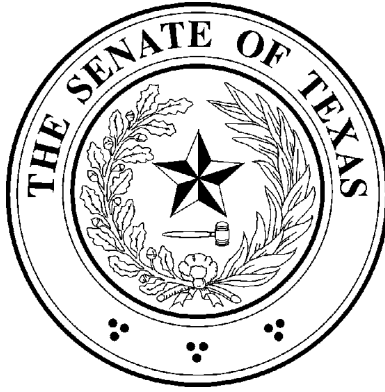
This deadlines calendar is intended to be a practical summary guide to the end-of-session deadlines. It is not intended as an interpretation of the rules of the House or Senate.

A red box indicates the last day for a chamber to take certain actions.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
118 th day 7	119 th day 8 Last day for House committees to report HBs/SJR	120 th day 9 By 10 p.m.—last House daily calendar with HBs/HJR	121 st day 10 By 9 a.m.—last House local and consent calendar with HBs/HJR (48-hour layout)	122 nd day 11 Last day for House to consider 2nd reading HBs/HJR on daily or supplemental calendar	123 rd day 12 Last day for House to consider consent HBs on local calendar and 2nd and 3rd reading HBs/HJR on supplemental calendar	124 th day 13
125 th day 14	126 th day 15 (See Note 1)	127 th day 16 (See Note 2)	128 th day 17 By 9 a.m.—last House local and consent calendar with HBs/HJR (48-hour layout)	129 th day 18	130 th day 19 Last day for House to consider local HBs on local calendar and 2nd and 3rd reading <i>First day Senate can consider bills and resolutions on the first day they are posted on the Notice of Intent Calendar</i>	131 st day 20 Last day for House committees to report SBs/SJR
132 nd day 21 By 10 p.m.—last House daily calendar with SBs/SJR must be distributed (36-hour layout)	133 rd day 22 By 9 a.m.—last House local and consent calendar with SBs must be distributed (48-hour layout)	134 th day 23 Last day for House to consider 2nd reading SBs/SJR on daily or supplemental calendar	135 th day 24 Last day for House to consider local and consent SBs/SJR on supplemental calendar <i>Last day for Senate to consider ALL bills & JR on 2nd or 3rd reading</i>	136 th day 25 <i>Before midnight</i> —Senate amendments must be distributed (24-hour layout)	137 th day 26 <i>Before midnight</i> —House copies of amendments on the general appropriations bill must be distributed (48-hour layout) Last day for House to act on Senate amendments <i>Before midnight</i> —House copies of amendments on the general appropriations bill must be distributed (48-hour layout) <i>Before midnight</i> —Senate copies of amendments on the general appropriations bill must be distributed (24-hour layout)	138 th day 27 <i>Before midnight</i> —House copies of amendments on the general appropriations bill must be distributed (24-hour layout) <i>Before midnight</i> —Senate copies of amendments on the general appropriations bill must be distributed (24-hour layout) <i>Before midnight</i> —House copies of amendments on the general appropriations bill must be distributed (24-hour layout)
139 th day 28 Last day for House to adopt CCRs or discharge House committees and concur in Senate amendments <i>Last day for Senate to concur in House amendments or adopt CCRs</i>	140 th day 29 Corrections only in House and Senate Last day of session (Sine die)	<div>In reviewing this calendar, all members should consider, in addition to the stated deadline, the time needed for the preparation of any ancillary documents related to the bill, any printing time, and any applicable layout rule.</div> <div>Note 1: The House rules do not contain an express deadline for committees to report measures, but, technically, this is the last day for a House committee to report a measure in order for the measure to have any chance of being placed on a House calendar. <i>However</i>, this deadline <i>does not</i> take into consideration the time required to: (1) prepare the bill analysis; (2) obtain an updated fiscal note or impact statement; (3) prepare any other paperwork required for a committee report; or (4) prepare the committee report for distribution to the members of the House as required by the rules. <i>Realistically</i>, it normally takes a full day or more for a measure to reach the Calendars Committee after the measure has been reported from committee.</div> <div>Note 2: The House rules do not have an express deadline for distributing calendars on the 120th, 121st, 128th, 132nd, and 133rd days. This calendar presumes that the House will convene at 9 a.m. for a local and consent calendar and at 10 a.m. for a daily or supplemental calendar.</div> <div>Note 3: The Senate deadline for passing all bills and joint resolutions <i>does not</i> take into consideration the House deadline for passing Senate bills and joint resolutions. <i>Realistically</i>, to be eligible for consideration by the House under its end-of-session deadlines, Senate bills and joint resolutions must be passed by the Senate and received by the House <i>before</i> the 130th day.</div> <div>Note 4: Both Senate and House rules require a 48-hour layout for a resolution suspending limitations on a conference committee considering the general appropriations bill, if such a resolution is necessary. Neither rule has an express deadline for considering that resolution, which should occur before consideration of the general appropriations bill.</div>				

**RULES
OF THE SENATE
88th Legislature**

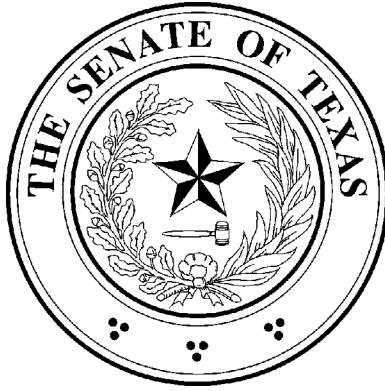
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SENATE RULES

adopted by
88th LEGISLATURE
January 11, 2023

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SENATE RULES

adopted by
88th LEGISLATURE
January 11, 2023
Senate Resolution No. 8

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RULES OF THE SENATE OF THE 88TH TEXAS LEGISLATURE

STATEMENT OF AUTHORIZATION AND PRECEDENCE

Pursuant to and under the authority of Article III, Section 11, of the Constitution of 1876, as amended, and notwithstanding any other provision of statute, the Senate adopts the following rules to govern its operations and procedures. The provisions of these rules and of the Constitution shall be deemed the only requirements binding on the Senate, notwithstanding any other requirements expressed elsewhere in statute.

ARTICLE I SENATE OFFICERS AND ELECTIONS

PRESIDING OFFICER OF THE SENATE

Rule 1.01. The Lieutenant Governor of the State of Texas shall by virtue of office be President of the Senate (Constitution, Article IV, Section 16) and decide all questions of order subject to appeal by any member. The President shall have control of such parts of the Capitol as have been or may be set apart for the use of the Senate and its officers. The President shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond such time as a majority of the Senators present vote to elect another member to preside, and if a majority of the Senators present so vote, the member called to the chair by the Lieutenant Governor or by the President Pro Tempore of the Senate shall vacate the chair, and the member elected by a majority shall preside until the Lieutenant Governor or President Pro Tempore shall take the gavel and preside.

PRESIDENT PRO TEMPORE

Rule 1.02. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President Pro Tempore, who shall perform the duties of Lieutenant Governor in any case of absence or disability of the Lieutenant Governor. (Constitution, Article III, Section 9)

VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR

Rule 1.03. If the office of Lieutenant Governor becomes vacant, the President Pro Tempore of the Senate shall convene the Committee of the Whole Senate within 30 days after the vacancy occurs. The Committee of the Whole Senate shall elect one of its members to perform the duties of the Lieutenant Governor in addition to the duties of Senator until the next general election. If the Senator so elected ceases to be a Senator before the election of a new Lieutenant Governor, another Senator shall be elected in the same manner to perform the duties of the Lieutenant Governor until the next general election. Until the Committee of the Whole Senate elects one of its members for this purpose, the President Pro Tempore shall perform the duties of the Lieutenant Governor. (Constitution, Article III, Section 9)

Editorial Note

In the absence of both the Lieutenant Governor and President Pro Tempore for a short period of time, either of them may designate in writing a Senator to occupy the chair, but in case the President Pro Tempore is compelled, for any reason, to be absent for an extended or indefinite period, the Senate elects another President Pro Tempore. For the form of the designation by the Lieutenant Governor or President Pro Tempore, see 49 S.J. Reg. 515 (1945).

OFFICERS OF THE SENATE

Rule 1.04. A Secretary, Journal Clerk, Calendar Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Chaplain, and such other officers as a majority vote may determine to be necessary shall be elected at the opening of the session of the Legislature to continue in office until discharged by the Senate and shall perform such duties as may be incumbent upon them in their respective offices,

under the direction of the Senate. Such officers may not be related to any current member of the Texas Legislature nor may any employee of the Senate be related to any current member of the Texas Legislature. The Secretary of the Senate shall, in addition to other duties, be responsible for the coordination of the other offices and divisions of the Senate.

Editorial Note

This rule is not binding unless and until it is adopted by the Senate at its biennial session. The Senate may, of course, omit the adoption of the rule as written and provide by a simple resolution for the election of such officers as it sees fit.

ELECTION OF OFFICERS

Rule 1.05. In all elections of the Senate, the vote shall be given viva voce, except in the election of officers of the Senate (Constitution, Article III, Section 41). A majority of the whole number of votes cast shall be necessary for a choice in all elections by the Senate.

Editorial Note

The officers of the Senate for the purposes of Article III, Section 41, Texas Constitution, include the President Pro Tempore and a Senator elected under Rule 1.03 to perform the duties of the Lieutenant Governor. See *In re The Texas Senate and The Honorable Rodney Ellis*, 36 S.W.3d 119 (Tex. 2000); and *The Constitution of the State of Texas, An Annotated and Comparative Analysis*, Vol. 1, pp. 185-186.

ARTICLE II ADMISSION TO SENATE CHAMBER

ACCESS TO SENATE FLOOR

Rule 2.01. (a) The doors of the Senate shall be kept open, except when there is an executive session. (Constitution, Article III, Section 16)

Editorial Note

When the Senate is in session, the entrances to the main floor of the Senate Chamber are closed, but the galleries are always open to the public except when Senate is in executive session.

(b) It shall be the duty of the Sergeant-at-Arms and assistants to clear the Senate Chamber of all persons not entitled to the privilege thereof 30 minutes before the hour of the meeting of the Senate and for 30 minutes after each meeting of the Senate.

RESTRICTIONS ON ADMISSION

Rule 2.02. (a) While the Senate is in session, only the following persons shall be admitted to the floor of the Senate inside the brass rail:

- (1) the Lieutenant Governor and the Lieutenant Governor's family;
- (2) members of the Senate and their families;
- (3) the Secretary of the Senate and the Secretary's family;
- (4) Sergeants-at-Arms of the Senate and officers of the Senate;
- (5) members of the House of Representatives; and
- (6) the Governor and the Governor's family.

(b) While the Senate is in session, the following persons shall be admitted to the floor of the Senate but are required to remain behind the brass rail:

- (1) employees of the Senate and the House of Representatives when on official business;
- (2) the Governor's executive staff;
- (3) the President and Vice-President of the United States;

(4) United States Senators and members of Congress;

(5) Governors of other states;

(6) Justices of the Supreme Court and Judges of the Court of Criminal Appeals; and

(7) the Secretary of State.

(c) It is the special duty of the President to see that officers and employees remain on the floor of the Senate only when actually engaged in the performance of their official duties.

(d) Only the Lieutenant Governor and members of the Senate may work for or against any proposition before the Senate while on the floor.

PERSONS LOBBYING NOT ADMITTED

Rule 2.03. (a) No person, whether a State officer or not, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be permitted upon the floor of the Senate when the Senate is in session.

(b) All officers and employees of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employee violate this rule, the same shall be cause for dismissal from the service of the Senate by the President.

Editorial Note

Section 305.023, Title 3, Government Code, provides:
"A person who is registered or required to be registered under this chapter may not go on the floor of either house of the legislature while that house is in session unless invited by that house."

PRESS CORRESPONDENTS

Rule 2.04. While the Senate is in session, no person shall be admitted to the designated press area or allowed its privileges as a press correspondent or radio commentator or television camera operator and commentator, unless said person is a regularly employed, salaried staff correspondent or reporter in the employ of a newspaper publishing general news, a press association serving newspapers, or a publication requiring telegraphic coverage or the person is a regularly employed, salaried employee of a duly licensed radio or television station.

Every newspaper reporter and correspondent and radio commentator and television camera operator and commentator, before being admitted to the Senate during its session, shall file with the Committee on Administration a written statement showing the paper or papers represented and certifying that no part of the person's salary or compensation is paid by any person, firm, corporation, or association except the paper or papers or radio station or television station represented.

FORFEITURE OF ADMISSION PRIVILEGE

Rule 2.05. If any person admitted to the Senate under this article shall lobby or work for or against any pending or prospective legislation or shall violate any of the other rules of the Senate, the privileges extended to said person under this article shall be suspended by a majority of the Committee on Administration. The action of the committee shall be reviewable by the Senate only if two members of the committee request an appeal from the decision of the committee, which appeal shall be in the form of a minority report, and shall be subject to the same rules that are applicable to minority reports on bills.

EXCEPTIONS

Rule 2.06. (a) Upon request by any member, the President may permit special guests on the floor of the Senate for the purpose of a recognition or resolution. No member may be granted an exception under this subsection more than three times per session.

(b) This article shall not apply to any person who is invited to address the Senate when in session or to any person who desires to appear before any committee while going to or returning from the session of said committee or to the Governor while delivering an official message. This article shall not apply

during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate.

SUSPENSION OF ADMISSION RULE

Rule 2.07. It shall be in order for the President to entertain a request, motion, or resolution for the suspension of the Admission Rules or to present from the chair the request of any member for unanimous consent to suspend the Admission Rules.

Editorial Note

The rule relating to admission to the floor of the Senate, as written prior to 1939, provided that the rule could not be suspended.

ARTICLE III SENATE DECORUM

PERSONS MUST BE PROPERLY ATTIRED IN SENATE CHAMBER

Rule 3.01. While the Senate is actually in session, no male Senator or Representative or any other male person shall come on the floor of the Senate without wearing a coat and tie. The Sergeant-at-Arms and doorkeepers are instructed to strictly enforce this rule, and only the President of the Senate may suspend the rule as to any person or to all persons, and that action to be taken in writing to the Sergeant-at-Arms.

NO EATING OR DRINKING IN SENATE CHAMBER

Rule 3.02. No employee, Senator, Representative, or other person shall be allowed to eat or drink in the Senate Chamber proper at any time. The Sergeant-at-Arms shall strictly enforce this rule.

MESSAGES TO MEMBERS

Rule 3.03. Messages or call slips shall not be delivered to members of the Senate when a roll call is in progress. Individuals desiring to pass a message to members of the Senate must sign their names to that message.

POSTERS, PLACARDS, BANNERS, AND SIGNS

Rule 3.04. No poster, placard, banner, sign, or other similar material shall be carried into the Senate by any person, and no person shall attach or affix any poster, placard, banner, sign, or other similar material to the walls, rails, seats, or bannisters of the Senate Chamber. This rule shall be strictly enforced.

APPLAUSE, OUTBURSTS, OR DEMONSTRATIONS

Rule 3.05. No applause, outburst, or other demonstration by any spectator shall be permitted during a session of the Senate. This rule shall be strictly enforced.

Note of Ruling

After repeated warnings to persons in the gallery to refrain from demonstrating, the chair may direct the Sergeant-at-Arms to clear the gallery and lock the doors leading to the Senate Chamber (55 S.J. Reg. 1117 (1957)).

PUNISHMENT FOR OBSTRUCTING PROCEEDINGS

Rule 3.06. The Senate, during its sessions, may imprison for 48 hours any person, not a member, for violation of the Senate rules, for disrespectful and disorderly conduct in its presence, or for obstructing any Senate proceeding. (Constitution, Article III, Section 15)

**ARTICLE IV
DECORUM AND DEBATE OF MEMBERS OF THE SENATE**

MEMBERS TO ADDRESS PRESIDENT

Rule 4.01. When a Senator is about to speak in debate or to communicate any matter to the Senate, the member shall rise in his or her place and address the President of the Senate.

Editorial Note

A member who desires to speak on a pending question should address the chair and, having obtained recognition, may speak, in an orderly and parliamentary way, and subject to the rules of the Senate, as long as he desires.

Notes of Rulings

When a member has been recognized and is speaking on a motion to re-refer a bill, he must stand upright at his desk and may not lean thereon (61 S.J. Reg. 1760, 1762 (1969)).

When a member has the floor and is speaking on a bill or resolution, he must stand upright at his desk and may not lean or sit on his desk or chair (61 S.J. Reg. 1059 (1969)).

When speaking on a bill, a Senator may not stand at another Senator's desk or use another Senator's desk for any purpose (73 S.J. Reg. 1079 (1993)).

INTERRUPTION OF PRESIDENT

Rule 4.02. The President of the Senate shall not be interrupted while putting the question or addressing the Senate.

INTERRUPTION OF MEMBER SPEAKING

Rule 4.03. No member shall interrupt another Senator who has the floor or otherwise interrupt the business of the Senate, except for the purpose of making a point of order, calling the member having the floor to order, moving the

previous question, demanding that a point of order under discussion or consideration be immediately decided, or making a motion to adjourn or recess. Though another member has the floor, any member shall be recognized by the presiding officer in order to call to order the member, to make a point of order, to move the previous question, or to demand that a point of order be immediately decided. A member who has the floor must yield to permit the Senate to receive messages from the Governor and from the House of Representatives and shall not lose the floor. A member who has the floor may yield for questions from other members and shall not lose the floor. In the event a member is interrupted because of a motion to adjourn or recess and the motion fails, the floor shall be immediately returned to the interrupted member. In the event the interrupted member was speaking under the previous question and a motion to adjourn or recess prevails, the member shall resume the floor and finish speaking when the bill is next considered by the Senate.

Editorial Notes

It is the custom of the President to request a member to yield for a message.

Although there is no Senate rule by which a member can be taken from the floor for pursuing "dilatory tactics" (40 S.J. Reg. 882 (1927)), a Senator who has been repeatedly called to order for not confining his debate to the question before the Senate may be required by the Senate to discontinue his address.

A point of order against further debate of a question by a Senator on the ground that his remarks are not germane to the question before the Senate is often disposed of by the chair with a warning to the Senator who has the floor to confine his remarks to the pending question.

When speaking, a member must confine himself to the subject under debate. In discussing an amendment, the debate must be confined to the amendment and not include the general merits of the bill or other proposition.

The point of order having been raised for the third time that a Senator who had the floor was filibustering and not

confining his remarks to the bill before the Senate, the chair requested the Senate to vote on the point of order. It was sustained and the Senator speaking yielded the floor (44 S.J. Reg. 1780 (1935)).

The withdrawal of a pending motion by its maker is a privilege that may be exercised at any time, even while a member is addressing the Senate (46 S.J. Reg. 1931, 2112-2113 (1939); 50 S.J. Reg. 1237 (1947)).

For an instance when the chair delayed the vote on a motion to put the previous question, see 38 S.J. Reg. 1169 (1923).

Notes of Rulings

By raising a point of order, the speaker loses his right to resume speaking if the previous question has been ordered (42 S.J. Reg. 1683 (1931)).

The motion for the previous question may be made at any time, even when another member has the floor (42 S.J. 2 C.S. 236 (1931)).

A member may not take the floor on a point of personal privilege while another member is addressing the Senate (43 S.J. Reg. 1430 (1933)).

A parliamentary inquiry is a privileged matter (43 S.J. Reg. 1430 (1933)).

A speaker yielding the floor for the reception of a message from the House does not lose his right to resume the floor immediately after message received (46 S.J. Reg. 1873 (1939)).

Remarks not in the nature of an inquiry are not in order by a member to whom a Senator has yielded for a question (48 S.J. Reg. 519 (1943)).

A digression by a Senator in his speech on a pending amendment to another subject does not ban his resuming and continuing a germane discussion of the amendment (50 S.J. Reg. 417 (1947)).

A second digression by a Senator on the floor from a discussion of the pending amendment does not necessarily prevent his resuming and continuing a germane discussion of the amendment (50 S.J. Reg. 418 (1947)).

Raising of a third point of order against further debate by a Senator on the floor who has digressed for a third time from a discussion of the pending amendment, after having been twice requested to confine his debate to the amendment, justifies the presiding officer in calling for a vote by the Senate on the question of whether or not he shall be permitted to resume and continue his remarks (50 S.J. Reg. 418 (1947)).

A Senator addressing the Senate may not yield the floor temporarily except by unanimous consent to allow an address by another Senator on a point of personal privilege (50 S.J. Reg. 483 (1947)).

When a member has been recognized and is speaking on a bill or resolution, he may make a parliamentary inquiry but not raise a point of order without yielding the floor (61 S.J. Reg. 1057 (1969); 67 S.J. Reg. 1483-1484 (1981)).

A member speaking on a bill or resolution must confine his remarks to the subject of the bill or resolution (61 S.J. Reg. 1517 (1969)).

When a member has been recognized and is speaking on an amendment to a bill or resolution, he must confine his remarks to the subject of the amendment pending before the Senate (61 S.J. Reg. 856-857 (1969)).

When a member has been recognized and is speaking on a bill or resolution, he must confine his remarks to the subject of the bill and speak audibly (62 S.J. Reg. 778 (1971)).

No rule of the Senate prohibits repetitious remarks by a Senator if the remarks are germane to the matter under consideration (73 S.J. Reg. 3920 (1993)).

A point of order having been raised and sustained for the third time that a Senator was in violation of the rules of debate, the chair announced that the Senator had yielded the floor (83 S.J. 1 C.S. 306 (2013)).

RECOGNITION OF MEMBERS IN DEBATE

Rule 4.04. When two or more members rise at once, the presiding officer shall decide which one shall speak first, but from the presiding officer's decision an appeal without debate may be taken to the Senate by any member.

Editorial Note

When a bill or other measure is before the Senate, the President first recognizes, for motions for its disposition, the author or sponsor of the bill, who is entitled at all stages to prior recognition for motions that are in order which are intended to expedite the passage of the bill. In recognition for general debate, the President alternates between those favoring and those opposing a measure.

Note of Ruling

If the sponsor of a bill does not seek recognition to debate the question of its passage and another member obtains the floor to debate it, the member so obtaining the floor should be permitted to finish his remarks on the bill before the sponsor is allowed to discuss it (46 S.J. Reg. 1869 (1939)).

SPEAKING MORE THAN ONCE IN SINGLE DEBATE

Rule 4.05. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken and no member shall speak more than twice in any one debate without leave of the Senate.

Note of Ruling

A Senator who yields the floor for an unsuccessful motion to adjourn without having concluded his address does not have to await the debate of all other Senators desiring to be heard on the question being considered before being recognized to resume and conclude his address (51 S.J. Reg. 181 (1949)).

MEMBER CALLED TO ORDER

Rule 4.06. When a member shall be called to order by the President or by a Senator, the member shall sit down and not be allowed to speak, except to the point of order, until the question of order is decided. If the decision be in the member's favor, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the Senate.

Editorial Note

In 1925, Senator Fairchild obtained the floor to discuss a point of order which he had raised. Pending his remarks, Senator Wood raised the point of order that Senator Fairchild was not discussing the point of order but another matter. Lieutenant Governor Barry Miller sustained the point of order and submitted to the Senate the question of whether or not Senator Fairchild would be permitted to continue his discussion. The Senate refused to permit Senator Fairchild to continue the discussion by a vote of yeas 15, nays 16 (39 S.J. Reg. 1110 (1925)).

REFUSAL OF MEMBER CALLED TO ORDER TO BE SEATED

Rule 4.07. Whenever a member is called to order by the President of the Senate or by the presiding officer then in the chair in accordance with Rule 4.06 and such member fails to sit down and be in order but continues disorderly, it shall be the duty of the Sergeant-at-Arms and/or the Sergeant's assistants upon the direction of the presiding officer to require such recalcitrant member to take his or her seat and be in order. Any member who persists in disorderly conduct after being warned by the presiding officer may, by motion duly made and carried by five-ninths vote of the members present, be required to purge himself or

herself of such misconduct. Until such member has purged himself or herself of such misconduct, the member shall not be entitled to the privileges of the floor.

REMOVAL OF SENATOR FROM CHAIR

Rule 4.08. If any Senator, other than the regularly elected President Pro Tempore, be presiding and fails or refuses to recognize any Senator to make a motion that is in order or raise a point of order that it is in order to raise, to entertain an appeal from his or her decision, to put such question to the Senate, to recognize any Senator to demand that a point of order under discussion be immediately decided, or to put the question, if seconded by 10 Senators, "Shall the point of order be now decided?" such Senator so offending shall be deemed guilty of violating the high privileges of the Senate. Until such offending Senator shall purge himself or herself of such contempt and be excused by the Senate, the member shall not again be called to the chair during the session. If such Senator so presiding shall refuse to recognize any Senator when addressed in proper order or to entertain the motion, the point of order, or appeal of any Senator or to pass upon the same or to recognize a Senator to make the demand when seconded by 10 Senators that a point of order under discussion be immediately decided, then the Senator seeking recognition may rise in his or her seat and without recognition read a written demand upon the Senator presiding, provided the same is signed by a majority of the Senators present, and if the Senator presiding persists in refusal, then any number of Senators constituting a majority of the Senators present may present such written demand to the Sergeant-at-Arms or an Assistant Sergeant-at-Arms, and such written demand shall be a full and sufficient warrant for arrest, empowering such officer or assistant to arrest the Senator so presiding, eject him or her from the chair, and retain him or her under arrest until released by order of the Senate.

Should the Sergeant-at-Arms or the Assistant Sergeants-at-Arms fail or refuse to act and carry out such demand, they shall be removed from office on a majority vote of the Senate.

When such Senator is removed as aforesaid and the chair remains vacant, the Secretary shall call the Senate to order, and a President Pro Tempore ad interim shall be elected to preside until the Lieutenant Governor or a regularly elected President Pro Tempore shall appear and take the gavel.

As soon as order is restored, the chair shall cause a record of the fact of removal to be made.

Editorial Note

This rule is one of several first adopted in 1911 to prevent the Lieutenant Governor or any Senator occupying the chair temporarily and the Senators opposing a measure from killing it by dilatory tactics.

PUNISHMENT FOR MISCONDUCT

Rule 4.09. The Senate may punish any member for disorderly conduct and, with the consent of two-thirds of the elected members, may expel a member, but not a second time for the same offense. (Constitution, Article III, Section 11)

A member who is absent without sufficient excuse for more than 72 hours under a call of the Senate under Rule 5.04 shall lose all privileges of accrued seniority established by Senate tradition. A member shall immediately lose the privileges of accrued seniority if the member is absent without sufficient excuse under a call of the Senate within seven calendar days of final adjournment of a regular session of the Legislature or under a call of the Senate during a special session of the Legislature.

BRIBERY

Rule 4.10. Any member who shall receive or offer a bribe or who shall suffer his or her vote to be influenced by promise or preferment of reward shall on conviction be expelled. (Also see Section 36.02, Texas Penal Code.)

ARTICLE V SENATE PROCEDURAL RULES (ORDER OF BUSINESS)

PRESIDING OFFICER TO ASSUME CHAIR

Rule 5.01. The presiding officer shall take the chair at the hour to which the Senate last adjourned.

QUORUM

Rule 5.02. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn or recess from day to day and compel the attendance of absent members (Constitution, Article III, Section 10). In case a less number shall convene, the members present may send the Sergeant-at-Arms or any other person or persons for any or all absent members.

Editorial Note

The exact text of Section 10 of Article III of the State Constitution is as follows:

"Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide."

Notes of Rulings

Twenty members of the Senate constitute a quorum when only 30 members have qualified (35 S.J. 2 C.S. 23, 32 (1917)).

The attendance of absentees may be enforced only on order of Senators present (48 S.J. Reg. 355 (1943)).

The attendance of absentees may be enforced although a quorum is present (48 S.J. Reg. 508 (1943)).

A point of order that no quorum is present does not deter continued transaction of business by Senate if in fact a quorum is known by the presiding officer to be present and he so announces (50 S.J. Reg. 417 (1947)).

The raising of a point of order that no quorum is present justifies an order by the presiding officer that the roll be called to ascertain the presence or absence of a quorum (50 S.J. Reg. 417 (1947)).

Under Senate Rule No. 5.02 . . . a motion to recess (or adjourn) until a later time on the same day is a proper motion (61 S.J. Reg. 945 (1969)).

A quorum of the Senate is present when 21 members answer the roll call (61 S.J. Reg. 954 (1969)).

There is a quorum of the Senate present when the last roll call taken by the Secretary shows that a quorum was present (61 S.J. Reg. 1926 (1969); 66 S.J. Reg. 514, 664 (1979); 67 S.J. Reg. 1483 (1981)).

ABSENCES

Rule 5.03. The Senate determines that a member has a duty under his or her oath or affirmation of office and an obligation under the constitution and laws of this state to attend the sessions of the Senate, and a member shall not absent himself or herself from the sessions of the Senate without leave unless the member be sick or unable to attend.

Editorial Note

Rule 16.07, Subdivision (2), provides that a vote of five-ninths of the members present shall be required "to excuse absentees." The main effect of granting leave to an absent member is that he is recorded "absent-excused" on all votes taken instead of "absent."

CALL OF THE SENATE

Rule 5.04. It shall be in order to move a call of the Senate at any time to secure, to maintain, or to secure and maintain a quorum for the following purposes:

(1) for the consideration of a specific bill, resolution, or other measure;

(2) for a definite period of time or for the consideration of any particular class of bills.

When a call of the Senate is moved for one of the above purposes and seconded by five members and ordered by a majority of those present, the Doorkeeper shall close the main entrance to the floor of the Senate. All other doors leading from the floor of the Senate shall be locked and no member shall be permitted to leave the Senate without written permission of the presiding officer until after the subject matter upon which the call was ordered has been disposed of. The Secretary shall call the roll of members and note the absentees. Those for whom no sufficient excuse is made, by order of the majority of those present, may be sent for and arrested wherever they may be found and their attendance secured and retained by the Sergeant-at-Arms or officers appointed by the Sergeant for that purpose. The President of the Senate shall request a writ of mandamus from the Supreme Court of Texas compelling their return. Any service of notice or process made or required in connection with the mandamus or an order compelling the member's return adopted under this rule may be served upon the member's Capitol office and placed upon the member's desk by the Sergeant-at-Arms in lieu of personal service. The Senate shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall, unless the Senate otherwise directs, be immediately admitted to the floor of the Senate, and they shall report their names to the Secretary to be entered upon the journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent members or to adjourn.

When a quorum is shown to be present, the Senate may proceed with the matters upon which the call was ordered or may enforce and await the attendance of as many of the absentees as it desires to have present. If the Senate decides to proceed, the Sergeant-at-Arms shall not be required to bring in other absentees unless so ordered by a majority vote of the Senate.

Editorial Notes

After a call has been ordered and a quorum has been announced present, it is then proper for the Senate to resume the transaction of business, or, on the adoption of a motion to do so, to secure the attendance of one or more of the members still absent before resuming consideration of any business.

It is, no doubt, within the province of the Senate to adopt a rule authorizing the presiding officer of the Senate during a call of the Senate to issue to any absentee a written

demand that the absentee attend the Senate's session and giving to the Sergeant-at-Arms or his deputies authority to serve and to enforce the demand by whatever means necessary.

Notes of Rulings

The disclosure of the presence of a quorum during a call to secure and maintain a quorum does not automatically dissolve the call (32 S.J. Reg. 1274 (1911)).

A motion for a call of the Senate may not include a further provision to grant leaves of absence to certain members (43 S.J. Reg. 1654 (1933)).

A call of the Senate may not be ordered to maintain a quorum "until the final disposition" of a particular bill unless that bill is "pending before the Senate" (44 S.J. 1 C.S. 262 (1935)).

When under a call, the Senate may compel and await the attendance of all or any number of the absentees before proceeding to transaction of business (48 S.J. Reg. 355, 508 (1943)).

A roll call, following a point of "no quorum," which reveals the absence of a quorum, prevents further consideration of a bill that is being considered on passage to third reading until a quorum is present and permits a motion to be made that a call of the Senate be ordered for the purpose of securing and maintaining a quorum until the disposition of the bill (50 S.J. Reg. 1137, 1181 (1947)).

A motion for a call of the Senate is not debatable (61 S.J. Reg. 1759 (1969)).

ROLL CALL

Rule 5.05. Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

PRAYER BY CHAPLAIN

Rule 5.06. When there is a quorum present, prayer shall be offered by the Chaplain or other person designated by the President of the Senate.

READING OF JOURNAL

Rule 5.07. After the prayer, the journal of the preceding day shall be read and corrected, if necessary.

MORNING CALL

Rule 5.08. The President then shall call:

(1) for Senate bills and resolutions and House bills and resolutions on first reading and referral to committee;

(2) for the introduction and consideration of resolutions;

(3) for messages and executive communications;

(4) for motions to print on minority reports;

(5) for other motions not provided herein, including but not limited to motions to set a bill for special order, to reconsider, to print and not print bills, to rerefer bills, to concur in House amendments to Senate bills, to not concur in House amendments to Senate bills, to request the appointment of conference committees, and to adopt conference committee reports.

This concludes the morning call, which the President shall announce to the Senate.

It shall not be in order, during the morning call, to move to take up a bill or resolution out of its regular order, and the presiding officer shall not recognize any Senator for the purpose of making any such motion or making a motion to suspend this rule.

Editorial Note

A motion to set a bill for a special order may be made under Item (5) of this rule, and motions to reconsider, to print or not print bills, and to re-refer bills may properly be made under Item (5) of the morning call.

ORDER OF CONSIDERING BILLS AND RESOLUTIONS

Rule 5.09. At the conclusion of the morning call, the Senate shall proceed to consider business on the President's table, which shall be disposed of in the following order:

- (1) special orders;
- (2) unfinished business;
- (3) Senate Joint Resolutions;
- (4) Senate Resolutions;
- (5) Senate Concurrent Resolutions;
- (6) Senate bills on third reading;
- (7) Senate bills on second reading;
- (8) House Joint Resolutions;
- (9) House bills on third reading;
- (10) House bills on second reading;
- (11) House Concurrent Resolutions.

The above order is for Senate bill days, except as modified by any Joint Rules.

Notes of Rulings

A House bill laid before the Senate as an unfinished special order should be disposed of before any other House bill which has been set for a special order is taken up for consideration (46 S.J. Reg. 1853 (1939)).

A motion to suspend the regular order of business is not in order while other business is pending under a rule suspension (46 S.J. Reg. 1886 (1939)).

The bill next on calendar is not to be passed over, due to author's absence (47 S.J. Reg. 397 (1941)).

A motion to suspend the regular order of business is not a debatable motion (61 S.J. Reg. 1101 (1969)).

HOUSE BILL DAYS

Rule 5.10. On calendar Wednesday and calendar Thursday of each week, House Joint Resolutions and House bills on special order and on third and second readings, respectively, and House Concurrent Resolutions shall be taken up and considered until disposed of; provided in case one should be pending at adjournment on Thursday, it shall go over until the succeeding calendar Wednesday as unfinished business.

Notes of Rulings

When the Senate adjourns on Thursday of any week with a House bill pending, the bill then pending, whether it is a special order or not, may not be further considered until Wednesday of the next succeeding week unless the Senate suspends the rules to consider it further prior to that day (46 S.J. Reg. 1704 (1939)).

House bills may be considered in Senate under a suspension of the regular order of business on days other than calendar Wednesday and calendar Thursday (48 S.J. Reg. 1051 (1943)).

When a member is discussing a Senate bill on calendar Monday or calendar Tuesday (which are considered Senate bill days in the Senate) and 12:01 o'clock a.m. Wednesday arrives (which is considered a House bill day in the Senate), no further discussion may be had on the Senate bill (61 S.J. Reg. 956 (1969)).

Consideration of a Senate bill taken up out of order on a Senate bill day may not be continued when a House bill day arrives (66 S.J. Reg. 1355 (1979)).

A House Concurrent Resolution taken up in its calendar order on a House bill day may not be further considered when a Senate bill day arrives (71 S.J. 1 C.S. 73 (1989)).

When rules have been suspended to permit consideration of a Senate bill on a House bill day, an additional suspension is not required to permit consideration to continue when a Senate bill day arrives (73 S.J. Reg. 1082 (1993)).

A House bill may be heard on calendar Tuesday without a suspension of the rules if there are no other bills before the Senate (78 S.J. 3 C.S. 37 (2003)).

SPECIAL ORDERS

Rule 5.11. (a) Any bill, resolution, or other measure may on any day be made a special order for a future time of the session by an affirmative vote of five-ninths of the members present.

(b) A special order shall be considered at the time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a five-ninths vote of all the members present. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order. All special orders shall be subject to any Joint Rules and Rule 5.10.

(c) Upon the affirmative vote of four-fifths of the members present, a special order may be reset to an earlier time than previously scheduled.

Editorial Notes

A bill once set as a special order does not lose its place on the calendar of special orders if not taken up at the hour for which it is set.

A special order, the hour for the consideration of which has arrived, takes precedence of the unfinished business unless the unfinished business is itself a special order.

Notes of Rulings

A bill being considered as a special order that is laid on the table subject to call is no longer a special order (43 S.J. Reg. 980 (1933)).

Refusal of Senate to set bill as special order for a certain hour does not prevent a motion being made and adopted immediately thereafter to set the bill as a special order for a different specified hour (45 S.J. Reg. 860 (1937)).

The motion to set a bill for a special order is not a proper substitute for a motion to suspend the regular order of business and take up a bill for immediate consideration (50 S.J. Reg. 1055 (1947)).

When the business before the Senate is a special order, the order of business may be suspended in order to consider other business (61 S.J. Reg. 2034 (1969)).

A motion to set a bill for special order may be made when the Senate is not in morning call (67 S.J. Reg. 1430 (1981)).

When the time set for consideration of a special order arrives, the special order displaces pending business (67 S.J. Reg. 1449 (1981)).

A motion to suspend the regular order of business is not in order when the time set for consideration of a special order has arrived (67 S.J. Reg. 1558 (1981)).

REGULAR ORDER OF BUSINESS

Rule 5.12. (a) Bills and resolutions shall be considered on second reading and shall be listed on the daily calendar of bills and resolutions on the President's table for second reading in the order in which the committee reports on them are received by the Senate. Upon the filing of a committee report on a bill or resolution as provided by Rule 11.12, the Secretary of the Senate shall note the date and time the report was filed. The Journal Clerk shall record the order in which the committee report was received in the Senate Journal for the day on which the Senate next convenes.

(b) Bills and resolutions shall be considered on third reading in the order in which they were passed on second reading.

Editorial Notes

On the very important matter of the order of considering each of the several bills reported from committees, the rules of the Senate were silent until Senate Rule 5.12 was amended on June 6, 1947, to provide that bills be placed on the calendars of Senate and House bills on the President's table in the order in which the committee reports on the bills are submitted by the respective chairmen from the floor. Bills are listed for consideration on third reading in the order in which they have been passed by the Senate to engrossment or to third reading.

The Senate Agenda is prepared daily and lists the bills in their order of consideration.

Notes of Rulings

A bill may not be considered by the Senate which has not been reported from a committee (44 S.J. Reg. 713 (1935)).

A report of a committee on a bill may be received only, and the question of its adoption is not voted on by the Senate (42 S.J. 1 C.S. 748 (1931)).

SUSPENSION OF THE REGULAR ORDER OF BUSINESS

Rule 5.13. No bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless the regular order is suspended by a vote of five-ninths of the members present.

Notes of Rulings

By suspending the regular order of business, the Senate may take up a bill before the day to which it previously was postponed (67 S.J. Reg. 1057 (1981)).

A motion to suspend the regular order of business is not in order when the time set for consideration of a special order has arrived (67 S.J. Reg. 1558 (1981)).

INTENT CALENDAR

Rule 5.14. (a) During a regular session of the Legislature, any member who desires to suspend the regular order of business and take up a bill, joint resolution, or resolution out of its regular order shall give notice of such intent to the Secretary of the Senate, in a manner specified by the Secretary, not later than 3:00 p.m. on the last preceding calendar day that the Senate was in session. Unless the printing rule has been previously suspended, no bill, joint resolution, or resolution shall be eligible to be placed on the Intent Calendar unless at the time that the notice is given to the Secretary of the Senate the bill, joint resolution, or resolution has been printed and furnished to each member of the Senate. Notice must be given from day to day. No member may give notice on more than three bills or resolutions prior to April 15 or on more than five bills or resolutions on or after April 15.

(b) Before the 130th calendar day of the regular session, the Senate may not suspend the regular order of business and take up a bill, joint resolution, or resolution until the second day the bill, joint resolution, or resolution has been posted on the Intent Calendar.

(c) The Secretary shall prepare a list of all legislation for which notice has been given. The list must be made available to each member of the Senate and to the press no later than 6:30 p.m. on the day the notice is filed.

(d) No provision of this rule may be suspended except by vote of four-fifths of the members present.

RULINGS BY PRESIDENT

Rule 5.15. Every question of order shall in the first instance be decided by the President, from whose decision any member may appeal to the Senate. Rulings which set or alter precedent shall be printed as an annotation to the rules.

Editorial Notes

The President of the Senate may refuse to rule on a point of order relating to the constitutionality of the substance of a proposition or on one that does not relate to any question of procedure or practice.

For an instance of when the chair refused to sustain a point of order challenging compliance with a constitutionally required procedure because the Constitution, laws, rules of the Senate, and official records of the Senate did not provide a basis on which to determine compliance, see 74 S.J. Reg. 2458-2461 (1995).

For an instance of when the chair submitted a point of order directly to the Senate for its determination, see 71 S.J. 2 C.S. 554 (1989).

Notes of Rulings

The constitutionality of a bill or resolution should not be ruled on by the presiding officer of the Senate (61 S.J. Reg. 2034 (1969)).

For an instance of when the chair refused to rule on whether a bill authorizes suspension of laws in violation of the Constitution, see 68 S.J. Reg. 835 (1983).

A member called to the chair pending an appeal may entertain a motion to table the motion to appeal the ruling of the chair (83 S.J. 1 C.S. 306 (2013)).

**ARTICLE VI
MOTIONS**

MOTIONS AND THEIR PRECEDENCE

Rule 6.01. (a) When a question is under consideration by the Senate, no motion shall be made except:

- (1) to fix the day to which the Senate shall adjourn or recess;
- (2) to adjourn or recess;
- (3) to proceed to the transaction of executive business;
- (4) the previous question;
- (5) to lay on the table;
- (6) to lay on the table subject to call;
- (7) to postpone to a time certain;
- (8) to commit;
- (9) to amend;
- (10) to postpone indefinitely.

These several motions have precedence in the order named. It shall be in order to make any number of the above motions before any vote is taken, but the votes shall be taken on all such motions made in the order of the precedence above stated.

(b) Upon compliance with pertinent Senate Rules, motions addressing House amendments to Senate bills, resolutions suspending the constitutional limitation on spending, resolutions suspending conference committee limitations, appointment of conference committees, and conference committee reports are privileged and may be taken up at any time when no other matter is pending before the Senate.

Editorial Notes

Rule 6.01 apparently prevents a motion to suspend a pending question for the purpose of taking up another, but the Senate's presiding officers have recently interpreted Subdivision (9) of Rule 16.07 to mean that any rule of the Senate may be suspended or rescinded at any time and that a motion to suspend Rule 6.01 and any other interfering rule in order to take up for immediate consideration a question different from the one pending is in order. However, an undebatable privileged question that is pending or a question that is itself under consideration as the result of a rule suspension should be disposed of by the Senate before another question is taken up under a suspension of the rules. No rule suspension, of course, is in order during the morning call.

There are several kinds of motions to amend, which motions have precedence in the order named below:

1. Committee amendments and amendments by the author or Senator in charge of the bill offered from the floor to the body of the bill.
2. Other amendments offered from the floor to the body of the bill.
3. Amendments to the caption of the bill.
4. Amendments to strike out the enacting clause of a bill.

If a bill is considered section by section, an amendment is not in order except to the section under consideration. After all of the sections have been considered separately, the whole bill is open for amendment.

Notes of Rulings

Adjourn

(See also Rules 6.21 and 6.22.)

After a motion to adjourn has been made no business may precede a vote on the motion except by unanimous consent (43 S.J. Reg. 906 (1933)).

Table

A motion to table report of conference committee is not in order (47 S.J. Reg. 1128 (1941)).

Table Subject to Call

A motion to table a bill subject to call is not a proper substitute motion for a motion to set a bill as special order (45 S.J. Reg. 1426 (1937)).

A motion to call from the table a bill tabled subject to call is not in order while joint resolution on passage to third reading is pending (49 S.J. Reg. 820 (1945)).

The motion to table subject to call is not debatable (51 S.J. Reg. 1336 (1949)).

Postpone

When the hour to which a bill postponed to a time certain arrives, the postponed measure does not immediately displace a special order (or other matter) already under consideration by the Senate (45 S.J. Reg. 1854 (1937)).

Commit

A motion to recommit a bill permits discussion of the merits of the bill (42 S.J. Reg. 496 (1931)).

Amend

[For rulings relating to germaneness of amendments, see under Rule 7.15.]

An amendment directly contrary to and including the same subject matter as an amendment previously adopted is not in order (42 S.J. Reg. 242 (1931)).

An amendment defeated at a particular stage of a bill may not be again submitted at the same stage of the bill (42 S.J. 1 C.S. 647 (1931)).

Amendment having the same effect as an amendment which has been defeated is not in order (42 S.J. 2 C.S. 95 (1931)).

A single substitute for both an amendment and an amendment to an amendment is in order (43 S.J. Reg. 1367 (1933); 44 S.J. 2 C.S. 24 (1935)).

An amendment that has been tabled may not be offered again at the same stage of the bill (44 S.J. Reg. 156 (1935)).

A substitute for a substitute is not in order (44 S.J. Reg. 613 (1935)).

Matter identical with that stricken from a bill by amendment may not be re-inserted at the same stage by further amendment (44 S.J. Reg. 867 (1935)).

An amendment accomplishing same result as defeated amendment but different in text and inserted in bill at different place is in order (45 S.J. Reg. 622 (1937)).

An amendment containing only one of several provisions contained in a defeated amendment is in order (45 S.J. Reg. 1348 (1937)).

An amendment, defeated at one stage of a bill, is again in order when the bill has reached another stage (45 S.J. Reg. 1642 (1937)).

An amendment changing only load limit in bill relating to weight of trucks is a proper substitute for amendment striking out all after enacting clause and inserting new text (47 S.J. Reg. 475 (1941)).

An amendment inserted in a bill by an amendment is not subject to change at same stage of bill (48 S.J. Reg. 841 (1943)).

A substitute for an amendment is not in order if the substitute relates to a different subject matter (49 S.J. Reg. 436 (1945)).

An amendment to a joint resolution, defeated when the resolution is on passage to engrossment, may be offered again when resolution is on final passage (49 S.J. Reg. 444 (1945)).

A point of order that a line and word reference in a proposed amendment is incorrect does not deter consideration of the amendment containing the reference (50 S.J. Reg. 422 (1947)).

An amendment making it mandatory that the salaries of certain county officers be raised is not in order, after the adoption (at the same stage of the bill) of an amendment that makes the raising of those salaries permissive instead of mandatory (50 S.J. Reg. 826 (1947)).

An amendment that has been tabled may not be again considered at the same stage of the bill, even though it is resubmitted as only one of two distinct propositions in another amendment (51 S.J. Reg. 183 (1949)).

An amendment substantially different in any particular from one defeated would not be out of order because of its similarity to the defeated amendment (51 S.J. Reg. 628 (1949)).

An amendment that does not indicate the portion of a bill it seeks to change is not in order (51 S.J. 1 C.S. 95 (1950)).

LIMITATION OF DEBATE ON MOTIONS

Rule 6.02. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn or recess; provided, however, that the author of a measure or whichever one of the several authors of the same may be by them selected so to do shall have the right, when a motion to lay on the table shall have been made, to close the debate, which privilege the member may yield to any other Senator subject to all of the Rules of the Senate.

Editorial Note

If the member having the right to close after a motion to table yields his right to another Senator, he is not permitted himself to debate the question any further.

Notes of Rulings

The substance of a bill may be stated under a motion to suspend the order of business to take up for consideration (35 S.J. Reg. 1149 (1917)).

The motion to reconsider is debatable unless the proposition upon which the motion to reconsider is made is not debatable (44 S.J. Reg. 368-369 (1935)).

The motion to table subject to call is not debatable (46 S.J. Reg. 479 (1939)).

A resolution to fix date of sine die adjournment is debatable (47 S.J. Reg. 1902 (1941)).

When an amendment to a bill is pending, all debate must relate to the amendment (49 S.J. Reg. 1019 (1945)).

The motion to suspend the regular order of business is not debatable, but a limited explanation of the bill to which any such motion applies is permitted (50 S.J. Reg. 1349 (1947)).

The author of a bill who has moved to suspend a rule so that the bill might be introduced may explain it briefly (51 S.J. Reg. 502 (1949)).

A motion for a Call of the Senate is not debatable (61 S.J. Reg. 1759 (1969)).

A congratulatory resolution when offered is not debatable and therefore may be considered immediately or referred to a committee by the presiding officer (61 S.J. 1 C.S. 124 (1969)).

No debate is allowed on the motion to table (67 S.J. Reg. 1483 (1981)).

A motion to suspend the three-day rule is not debatable (68 S.J. Reg. 1922 (1983)).

WRITTEN MOTIONS

Rule 6.03. All motions shall be reduced to writing and read by the Secretary, if desired by the presiding officer or any Senator present.

Note of Ruling

After the commencement of a roll call on the question of agreeing to a motion to suspend the regular order of business, a Senator may not interrupt the roll call to demand that the motion be submitted in writing and may not then insist as a matter of right that the motion be reduced to writing (50 S.J. Reg. 602 (1947)).

WITHDRAWAL OF MOTION

Rule 6.04. After a motion has been stated by the President or read by the Secretary, it shall be deemed to be in possession of the Senate, but it may be withdrawn at any time before it has been amended or decided.

Note of Ruling

An amendment may be withdrawn by its author at any time before it has been voted on, even when a Senator is debating it; and its withdrawal cuts off immediately any further discussion of it (50 S.J. Reg. 1237 (1947)).

MOTIONS TO FIX SUM OR STATE TIME

Rule 6.05. On a motion to fix a sum or state a time, the largest sum and the longest time shall have precedence.

DIVISION OF QUESTION

Rule 6.06. Any member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions. On a motion to strike out and insert, it shall not be in order to move for a division of the question, and the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition or prevent a subsequent motion simply to strike out. The rejection of a motion simply to strike out shall not prevent a subsequent motion to strike out and insert.

Note of Ruling

A motion that Senate Rule 5.09 and the regular order of business be suspended and a certain general bill be laid out is not susceptible of division if Senate Rule 5.09, which relates to the order of business, is the only Senate rule banning the laying out of the bill and its immediate consideration by the Senate (50 S.J. Reg. 1239 (1947)).

MOTION TO TABLE

Rule 6.07. A motion to table shall only affect the matter to which it is directed, and a motion to table an amendment shall never have the effect of tabling the entire measure.

MOTIONS TO REFER OR COMMIT

Rule 6.08. Any bill, petition, or resolution may be referred from one committee or subcommittee to another committee or subcommittee if the motion is approved by the chairs of both committees involved and by a five-ninths vote of the members present and voting. Any bill, petition, or resolution may be committed to any committee or subcommittee at any stage of the proceedings on such bill, petition, or resolution by a majority vote of the elected members of the Senate. A bill or joint resolution committed to a committee or subcommittee while on third reading shall be considered as on its second reading if reported favorably back to the Senate.

When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order:

First: To a Committee of the Whole Senate

Second: To a standing committee

Third: To a standing subcommittee

Fourth: To a special committee.

PREVIOUS QUESTION

Rule 6.09. Pending the consideration of any question before the Senate, any Senator may call for the previous question, and if seconded by five Senators, the presiding officer shall submit the question: "Shall the main question be now put?" If a majority of the members present and voting are in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate and bring the Senate to a direct vote--first upon pending amendments and motions, if there be any, then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition and be decided by a vote upon said amendment or motion.

Editorial Notes

After the previous question has been ordered, no motions are in order until the question or questions on which it

is ordered have been voted upon, except the motions to adjourn, for a call of the Senate and to reconsider the vote by which the previous question was ordered, and the motion to reconsider can be made only once.

It has also been held that a motion may be withdrawn after the previous question has been ordered on it. (See 46 S.J. Reg. 2112-2113 (1939); 50 S.J. Reg. 1237 (1947).)

Notes of Rulings

The previous question may not be ordered on final passage of bill prior to its being placed on third reading (35 S.J. Reg. 1063 (1917)).

When the main question has been ordered but not voted on, a member is not entitled to speak on a question of personal privilege (42 S.J. Reg. 1203; 42 S.J. 1 C.S. 675 (1931)).

The previous question may not be moved to include the votes to be taken on a bill or on any subsidiary motions applied to it at a more advanced stage (42 S.J. 1 C.S. 675 (1931)).

It is not in order to speak to a question of personal privilege after the previous question has been ordered (43 S.J. Reg. 691 (1933)).

A motion may be made (even by a Senator not voting on the prevailing side) to rescind the "action and vote of the Senate" in ordering the previous question (45 S.J. Reg. 432 (1937)).

The vote by which the main question is ordered on series of questions may be reconsidered after vote has been taken on one or more of the questions (45 S.J. 2 C.S. 82 (1937)).

The motion for the previous question on a bill may be made and voted on after the previous question has been ordered

on a proposed amendment to the bill and before a vote has been taken on the amendment (46 S.J. Reg. 2041 (1939)).

A motion for previous question is not in order immediately after defeat of same motion (47 S.J. Reg. 1743 (1941)).

The constitutional rule (Section 32 of Article III) calling for "free discussion" on a bill does not prevent the making of a motion for the previous question on the passage of a bill or prevent the Senate's ordering the main question on the bill as provided for in its own rule relating to the previous question. The Senate determines by its vote on the motion for the previous question whether or not the constitutional rule has been complied with (50 S.J. Reg. 1174 (1947)).

A motion for the previous question may be put at the same time on a motion to re-refer a bill from one committee to another committee and also a substitute motion that the same bill be referred from the original committee to still another committee (61 S.J. Reg. 1762 (1969)).

RECONSIDERATION

Rule 6.10. (a) After a question shall have been decided, either in the affirmative or negative, any member voting with the prevailing side may, at any time on the same legislative day in which the vote was taken or on the next legislative day, move the reconsideration thereof. If the motion to reconsider is successful, the question shall immediately recur on the question reconsidered.

(b) When a bill, resolution, report, amendment, order, or message upon which a vote was taken shall have gone out of the possession of the Senate and have been delivered to the House of Representatives or to the Governor, the motion to reconsider shall be preceded by a motion to request the House or the Governor to return same, which if determined in the negative shall be a final disposition of the motion to reconsider. If the motion to request the House or the Governor to return same is successful, the motion to reconsider shall be acted upon after the return of the bill, resolution, report, amendment, order, or message to the possession of the Senate.

Editorial Notes

If a vote on a Senate bill is reconsidered on House bill day, the bill itself may not be considered in the Senate until the arrival of a Senate bill day.

Under Senate Rule 6.10, recalling is made the first requirement for further considering a bill passed by the Senate and sent to the House. Hence, a motion or resolution to recall the bill is privileged.

A motion to reconsider the vote by which the previous question has been ordered may be made by any Senator voting to order it; and in case the vote is not a "yea and nay" recorded vote, it may be made by any Senator who was present for that vote.

In the case of a tie vote resulting in the defeat of a proposition, the motion to reconsider may be made by any Senator voting in the negative.

The motion to reconsider may not be applied to the vote on a motion to suspend the rules. A motion to suspend the rules, if lost, instead may be renewed at a proper time.

Notes of Rulings

Reconsideration of a vote recommitting a bill has the immediate effect of placing the bill back to its status before the motion to recommit prevailed (34 S.J. Reg. 250 (1915)).

Reconsideration of vote by which a bill passed to engrossment places the bill back before the Senate just as it was before the vote on its engrossment was taken (37 S.J. Reg. 578 (1921)).

A motion to reconsider a vote may be made on the first day after the vote is taken on which there is a quorum of the Senate present (38 S.J. Reg. 619 (1923)).

Vote on adoption of amendment, adopted on second reading of a bill that is later ordered engrossed, may not be reconsidered until vote on passage of bill to engrossment has been reconsidered (40 S.J. Reg. 388 (1927)).

The motion to reconsider a vote is not debatable when the motion on which the vote was taken is not debatable (40 S.J. Reg. 415 (1927)).

Upon reconsideration of the vote on a House bill, it automatically takes its place on the calendar of House bills on the President's table for consideration by the Senate (42 S.J. Reg. 608 (1931)).

A motion to adopt a conference committee report on joint resolution is in order at any time, and without a reconsideration of a previous adverse vote on the report (44 S.J. Reg. 1812 (1935)).

A motion to reconsider a vote is not debatable if at the time the vote was taken the previous question on the proposition voted on had been ordered (44 S.J. 1 C.S. 219 (1935)).

The motion to reconsider the vote on the passage of a bill must be made on the same day the bill was passed to engrossment or on the next succeeding legislative day (46 S.J. Reg. 1129 (1939)).

A bill may be recalled from the House before motion is made to reconsider vote on its passage (46 S.J. Reg. 1209 (1939)).

The vote by which a conference report has been adopted by the Senate may be reconsidered by the Senate (on a bill recalled from the Governor) although the bill has been enrolled, signed by the presiding officers of each House, and presented to the Governor (46 S.J. Reg. 1437 (1939)).

Debate of motion to reconsider vote by which main question ordered is not in order (47 S.J. Reg. 2258 (1941)).

A motion to reconsider a vote must be made on the same day the vote is taken or on the next legislative day (49 S.J. Reg. 807 (1945)).

The motion to reconsider a vote may not be made by a member who is not recorded as having voted on the prevailing side if the vote was a "yea and nay" recorded vote (49 S.J. Reg. 1019, 1214 (1945)).

A concurrent resolution to recall for further consideration a bill passed by the Senate is in accord with Senate Rule 6.10 and is privileged (51 S.J. 1 C.S. 120 (1950)). (See also Hinds' Precedents, 5, 5669-5671.)

A House bill returned by the House with objections and without a request for a conference committee is at the same parliamentary stage as a bill returned at the request of the Senate, and a motion to reconsider passage to third reading is in order under Subsection (b) of Rule 6.10 (85 S.J. 1 C.S. 428 (2017)).

SPREADING MOTION TO RECONSIDER ON JOURNAL

Rule 6.11. At any time before the expiration of the next legislative day following that on which the vote was taken, a motion to reconsider a vote may be made by any Senator who is permitted by Rule 6.10 to make it, and the maker of the motion may accompany it with a request that it be spread on the journal to be called up and acted on at a later time, which request shall be granted unless another Senator demands immediate action thereon. In case a motion to reconsider that has been spread upon the journal is not called up to be acted on by the Senate within five legislative days after it has been made, it shall not thereafter be called up or acted upon. Any such motion that has been made during the last six days of the session that has not been called up before the final 24 hours of the session shall not thereafter be called up or acted upon by the Senate. In all cases, a motion to reconsider shall be decided by a majority vote.

DEMAND FOR IMMEDIATE RULING

Rule 6.12. Pending the consideration or discussion of any point of order before the presiding officer and the Senate, or either, any Senator may demand that the point of order be immediately decided, and if seconded by 10 Senators, the presiding officer shall submit the question: "Shall the point of order be now decided?" If a majority vote in favor of it, the point of order shall immediately be decided by the presiding officer, and if an appeal from the presiding officer's decision is taken, the appeal shall be immediately decided by the Senate without debate.

Editorial Note

The President of the Senate is required by the Rules of the Senate to decide questions of order, but he is not required to rule on the constitutionality of the substance or content of any proposed law, resolution, or amendment. He usually decides questions as to the constitutionality of a certain procedure or as to the Senate's constitutional jurisdiction, but he usually submits to the Senate for its decision questions as to the constitutionality of the substances or content of any proposal. (See also Rule 5.15 and notes following it.)

DISPENSE WITH READING OF PAPERS

Rule 6.13. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by a majority vote of the Senate and without debate.

Notes of Rulings

The Senate may determine whether a Senator who is explaining a bill prior to a vote on a motion to permit its introduction may read the bill in full (51 S.J. Reg. 502 (1949)).

Although the Senate on a previous occasion has ordered the full reading of a certain bill dispensed with, a full reading may be called for when the bill is again before the Senate for consideration and may be dispensed with only on order of the Senate (51 S.J. Reg. 503 (1949)).

A Senator addressing the Senate on the question of whether or not the Senate shall concur in the House amendments to a bill may read in full a legal opinion relating to the subject matter of the amendments unless the Senate orders its reading discontinued (51 S.J. Reg. 603-604 (1949)).

A second reading of an amendment in full may be dispensed with by order of the Senate (51 S.J. Reg. 625, 628 (1949)).

MODE OF STATING AND VOTING UPON QUESTIONS

Rule 6.14. All questions shall be distinctly put by the President and the members shall signify their assent or dissent by answering "yea" or "nay."

Note of Ruling

After a roll call has been ordered and before the calling of the roll has commenced, it is not in order for a member to address the Senate (44 S.J. 2 C.S. 83 (1935)).

WHEN RECORD VOTE REQUIRED; CALLS FOR YEAS AND NAYS

Rule 6.15. (a)(1) A vote on final passage of a bill, a resolution proposing or ratifying a constitutional amendment, or a resolution other than a resolution of a purely ceremonial or honorary nature, shall be by record vote, with the vote of each member entered in the journal.

(2) A vote on all motions to suspend or comply with a constitutional procedure, all questions requiring a vote of two-thirds of the members elected, all motions on whether to concur in House amendments to Senate bills, and all motions on whether to adopt a conference committee report shall be by record vote, with the vote of each member entered in the journal.

(3) Upon all other questions, the presiding officer shall determine if there is objection and, if so, call for the yeas and nays, but they shall not be entered into the journal unless required under Subsection (b) of this rule. If no objection is made, the journal entry shall reflect a unanimous consent vote of the members present without necessity of a roll call of yeas and nays.

(b) On any other question, at the desire of any three members present, the yeas and nays shall be entered on the journal, and the names of the members present and not voting shall be recorded immediately after those voting in the affirmative and negative, and such members shall be counted in determining the presence of a quorum. (Constitution, Article III, Section 12)

(c)(1) Any nonprocedural motion adopted by voice vote, without objection, or with unanimous consent shall be reflected in the journal by showing members present as "yea", unless a member registers otherwise with the Secretary of the Senate.

(2) The following statement shall be entered in the journal after each vote taken as provided in Subdivision (1) of this subsection:

"All members are deemed to have voted 'Yea' except as follows:

Nays:

PNV:

Absent-Excused:

Absent:"

(d) A member must be on the floor of the Senate or in an adjacent room or hallway on the same level as the Senate floor or gallery in order to vote; but a member who is out of the Senate when a record vote is taken and who wishes to be recorded shall be permitted to do so provided:

(1) the member was out of the Senate temporarily, having been recorded earlier as present;

(2) the vote is submitted to the Secretary of the Senate prior to adjournment or recess to another calendar day; and

(3) the recording of the member's vote does not change the result as announced by the chair.

(e) Once begun, a roll call may not be interrupted for any reason.

Editorial Note

Verification of a "yea and nay" vote is not provided for by any rule, but when a vote is close, it has been the practice

for the presiding officer to order a verification when requested by any member to do so.

MEMBERS REFUSING TO ANSWER RECORDED PRESENT

Rule 6.16. Upon a roll call of the Senate, should any member who is on the floor of the Senate fail or refuse to answer the call of the roll, the Secretary of the Senate shall, under the direction of the President of the Senate, record such member as present.

PAIRED VOTES

Rule 6.17. If a member who is absent desires to be recorded on a pending question, the member may cast a paired vote by signing a pair slip which indicates the member's "yea" or "nay" vote with a member who is present and casting an opposite vote, if the member who is present so desires. Pair slips must be signed by both the absent and present member and filed with the Secretary of the Senate before the vote. The paired votes of the present and absent members shall be recorded as an expression of opinion on the matter considered but shall not be counted in the total of votes for or against the measure or motion. However, the member present shall be counted to make a quorum.

LIEUTENANT GOVERNOR TO GIVE CASTING VOTE

Rule 6.18. If the Senate be equally divided on any question, the Lieutenant Governor, if present, shall give the casting vote. (Constitution, Article IV, Section 16)

Editorial Note

A vote on a motion to refer a resolution was yeas 15, nays 15. Lieutenant Governor A. B. Davidson voted "nay" and declared the motion lost. A second vote was taken on a motion to refer to another committee and resulted in a tie. Lieutenant Governor Davidson voted "nay" and declared the motion lost (32 S.J. Reg. 938-939 (1911)).

EFFECT OF TIE VOTE WHEN LIEUTENANT GOVERNOR ABSENT

Rule 6.19. If the Senate is equally divided on any question when the Lieutenant Governor is not present, such question or motion shall be lost.

VETOED BILLS

Rule 6.20. A vote of two-thirds of all members elected to the Senate shall be required for the passage of House bills that have been returned by the Governor with his objections, and a vote of two-thirds of the members of the Senate present shall be required for the passage of Senate bills that have been returned by the Governor with his objections. (Constitution, Article IV, Section 14)

Editorial Note

A specific case in which the vote of yeas and nays did not pass the bill over the Governor's veto is found at 47 S.J. Reg. 2478 (1941).

ADJOURNMENT

Rule 6.21. A motion to adjourn or recess shall always be in order and shall be decided without debate, and the Senate may adjourn or recess while operating under the previous question.

Editorial Note

The motion to recess or adjourn is not debatable, and the maker of either motion may not hold the floor to the exclusion of other Senators who might want to move to adjourn or recess to a different hour. After a series of such motions has been made, the motions must be voted on immediately.

Notes of Rulings

A concurrent resolution containing a provision that "no date for adjournment be fixed until the appropriation bills have been passed and all important measures upon the calendar have been disposed of" was held out of order by Lieutenant

Governor Lynch Davidson, because it sought "to deny the Legislature its constitutional right to adjourn at any time it desires" (37 S.J. Reg. 392 (1921)).

The Legislature may repeal or set aside a resolution setting a future date and hour for sine die adjournment, and a resolution setting a new time for sine die adjournment is in order, and only a majority vote is required to adopt it (42 S.J. Reg. 1656, 1682 (1931)).

The Legislature may repeal or set aside a resolution setting a date for sine die adjournment (42 S.J. Reg. 1656 (1931)).

A resolution setting a new time for sine die adjournment is in order and requires only a majority vote to adopt it (42 S.J. 2 C.S. 189 (1931)).

A motion to adjourn may not be made immediately after the defeat of a series of motions to adjourn and recess (51 S.J. Reg. 577 (1949)).

Under Senate Rule 5.02 which states that "two-thirds of all of the Senators elected shall constitute a quorum but a smaller number may adjourn (or recess) from day to day," a motion to recess (or adjourn) until a later time on the same day is a proper motion (61 S.J. Reg. 945 (1969)).

A motion to adjourn or recess is not a proper motion where further business has not been transacted by the Senate since a previous motion to adjourn or recess had been made and defeated (61 S.J. Reg. 1059 (1969)).

ADJOURNMENT OF SENATE FOR MORE THAN THREE DAYS

Rule 6.22. The Senate shall not adjourn or recess for more than three days or to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. (Constitution, Article III, Section 17)

Note of Ruling

An adjournment from Thursday to Monday is not for more than three days, and consent of the House to such an adjournment by the Senate is not needed (49 S.J. Reg. 640 (1945)).

**ARTICLE VII
INTRODUCTION AND PASSAGE OF BILLS
CUSTODIAN OF BILLS AND RESOLUTIONS**

Rule 7.01. The Calendar Clerk shall be the official custodian of the bills and resolutions pending in the Senate, and the same may not be withdrawn from the custody of such clerk without the consent of the Senate.

CAPTION RULE

Rule 7.02. Each bill must include a caption beginning with the words "A Bill to be Entitled an Act" to be followed by a brief statement that gives the Legislature and the public reasonable notice of the subject of the proposed measure. (Constitution, Article III, Sections 29 and 35)

Note of Ruling

A bill which enacts, amends, or repeals general law may contain an appropriation necessary to accomplish the main object of the bill and does not violate the single-subject limitation of Article III, Section 35, Texas Constitution (71 S.J. 2 C.S. 43-44 (1989)).

ANNOUNCEMENT OF STAGE OF BILL

Rule 7.03. The President shall, at each reading, announce whether the bill originated in the Senate or House of Representatives and whether it be the first, second, or third reading.

FILING BILLS

Rule 7.04. (a) Beginning the first Monday after the general election preceding the next regular legislative session or within 30 days prior to any special session, it shall be in order to prefile with the Secretary of the Senate bills for introduction in that session.

(b) During the session bills may be filed for introduction with the Secretary at any time.

(c) Upon receipt of the bills the Secretary of the Senate shall number them and make them a matter of public record, available for distribution. Once a bill has been filed it may not be recalled.

Notes of Rulings

The Senate may not grant by vote or by unanimous consent permission to a member to introduce a bill not within Governor's call (43 S.J. 1 C.S. 24 (1933)).

A point of order, made and sustained at a special session, that a bill (which has been read second time) is not within the Governor's call prevents any further consideration of it at that session (43 S.J. 2 C.S. 27 (1934)).

A bill making an appropriation for the activation of an agency to distribute surplus commodities to state hospitals and special schools and for certain other related purposes is within the call of the Governor for a special session "to make and to finance such appropriations as the Legislature may deem necessary for State hospitals and special schools. . . ." (51 S.J. 1 C.S. 161 (1950)).

INTRODUCTION AND FIRST READING OF BILLS

Rule 7.05. (a) Senate bills shall be considered introduced when first read in the presence of the Senate.

(b) Senate bills filed for introduction, and House bills received by the Senate, shall be read on first reading at the appropriate point in the morning call.

REFERRAL OF BILLS

Rule 7.06. (a) The President shall refer each bill to a proper committee or standing subcommittee and shall cause such referral to be announced when the bill is first read. A sunset bill must be referred to a committee with appropriate subject-matter jurisdiction.

(b) No action shall be taken on a bill accepting, rejecting, or amending it until the bill has been reported on by a committee.

Editorial Notes

This rule clearly forbids tabling a bill that has not been reported from a committee. The practice of tabling a bill not properly before the Senate for consideration is not in accordance with good parliamentary practice, since the practice deprives the sponsors of a fair opportunity of protecting the life of the bill.

Lieutenant Governor Barry Miller declined to refer a bill that had been presented for introduction at a called session, holding that it was not covered by the call of the Governor (41 S.J. 5 C.S. 9, 14 (1930)). (See also Appendix under heading Jurisdiction -- Special Sessions.)

Note of Ruling

A motion to re-refer a bill is in order at any time there is not another question already before the Senate for immediate consideration (51 S.J. Reg. 755-756 (1949)).

LIMITATIONS ON INTRODUCTION

Rule 7.07. (a) A bill filed for introduction during the first 60 calendar days of the regular session may be thereafter referred to the proper committee and disposed of under the rules of the Senate.

(b) Except as provided in Subsection (a) and in Rule 7.08, no bill shall be introduced after the first 60 calendar days of the session. This provision may only be suspended by an affirmative vote of four-fifths of the members of the Senate.

(c) It shall not be in order to introduce a local bill as defined by Rule 9.01 unless notice of publication, as provided by law, is attached.

Note of Ruling

Refusal of the Senate to suspend the foregoing rule to permit the introduction of a bill does not prevent its being offered again for introduction later (43 S.J. Reg. 1656 (1933)).

CONSIDERATION OF EMERGENCY MATTERS

Rule 7.08. At any time during the session, resolutions, emergency appropriations, emergency matters specifically submitted by the Governor in special messages to the Legislature, and local bills (as defined in Rule 9.01) may be filed with the Secretary of the Senate, introduced and referred to the proper committee, and disposed of under the rules of the Senate.

ANALYSIS OF FISCAL AND OTHER IMPLICATIONS OF BILL OR RESOLUTION

Rule 7.09. (a) It is the intent of this rule that all members of the Senate be timely informed to the impact of proposed legislation on the state or other units of government.

Fiscal Notes

(b) Prior to a final vote by a committee to report any bill or joint resolution, except the general appropriations bill, there shall be attached a fiscal note signed by the director of the Legislative Budget Board.

(c) If a bill or joint resolution is amended by a committee, the committee chair shall obtain an updated fiscal note. The chair may require that the updated fiscal note be distributed to the committee members prior to the final vote to report the measure.

(d) Prior to a motion to concur in House amendments, an updated fiscal note shall be distributed to all members if the director of the Legislative Budget Board determines that a House floor amendment has altered the policy implications of the bill or resolution, except the general appropriations bill.

(e) An updated fiscal note shall be distributed to all members prior to a motion to adopt a conference committee report on any bill or joint resolution, other than the general appropriations bill; provided that an updated fiscal note is not required on a conference committee report if the text of the report is the engrossed text of either the House or Senate version and the report has attached a fiscal note outlining the fiscal implications of that version of the measure.

(f) A fiscal note for a bill or joint resolution which authorizes or requires the expenditure or diversion of any state funds for any purpose shall estimate the fiscal implications and probable cost of the measure each year for the first five years after the implementation of its provisions and state whether there will be a cost involved thereafter. The fiscal note shall include the number of additional employees considered in arriving at the probable cost.

(g) A fiscal note for any bill or joint resolution which imposes, increases, decreases, or repeals any state tax or fee shall estimate the fiscal implications of the measure for the first five years after the implementation of its provisions and state whether there will be fiscal implications thereafter. The committee chair to which the bill or resolution was referred may request the director of the Legislative Budget Board to include with the fiscal note a tax equity note estimating the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.

(h) A fiscal note for any bill or joint resolution which has impact on units of local government of the same type or class shall estimate the fiscal implications and probable cost of the measure to the affected unit or units of local government each year for the first five years after the implementation of its provisions and state whether there will be a cost involved thereafter. As used in this rule, "unit of local government" means county, city, town, school district, conservation district, hospital district, or any other political subdivision or special district.

Impact Statements

(i) If the director of the Legislative Budget Board determines that a bill or joint resolution proposes to change benefits or participation in benefits of a public retirement system or would otherwise change the financial obligations of a public retirement system, the director shall prepare and forward to the chair of the committee to which the measure is referred an actuarial impact statement; provided that an actuarial impact statement is not required for the general appropriations bill, a measure that would change the financial obligations of a retirement system only by modifying the compensation of members of the system or by modifying the administrative duties of the system, or a measure that would change the financial obligations of a retirement system only by imposing an expense on the system in the same manner that the expense is imposed on other agencies or units of government.

In this rule, "public retirement system" means a continuing, organized program of service retirement, disability retirement, or death benefits for officers or employees of the state or a political subdivision, but does not include a program for which benefits are administered by a life insurance company, a program providing only workers' compensation benefits, or a program administered by the federal government.

An actuarial impact statement shall:

(1) summarize the actuarial analysis that has been prepared for the bill or resolution;

(2) identify and comment on the reasonableness of each actuarial assumption used in that actuarial analysis; and

(3) show the economic effect of the proposed bill or resolution on the public retirement system, including a projection of the actuarial cost or liability imposed by the proposal on the system, the effect of the legislation on the amortization schedule for liabilities of the system, and the estimated dollar change in the unfunded liability of the system.

(j) If the director of the Legislative Budget Board determines that a bill or resolution authorizes or requires a change in the sanctions applicable to: (1) adults convicted of felony crimes, or (2) juveniles who have been adjudicated for a misdemeanor or felony conduct; the director shall prepare and forward to

the chair of the committee to which the measure is referred a criminal justice policy impact statement. The statement shall estimate the impact of the proposed policy changes on the programs and workload of state corrections agencies and on the demand for resources and services of those agencies. In this section, "sanctions" includes sentences and dispositions, as well as adjustments to sentences and dispositions such as probation, parole, and mandatory supervision, including changes in policy or statutes related to eligibility, revocation, and good time credits as well as requirements and conditions of probation.

(k) If the director of the Legislative Budget Board determines that a bill or joint resolution authorizes or requires a change in the public school finance system, the director shall prepare and forward to the chair of the committee to which the measure is referred an equalized education funding impact statement. The statement shall estimate the impact of the proposed policy changes on state equalized funding requirements and policies.

(l) If the director of the Legislative Budget Board determines that a bill or joint resolution authorizes or requires a change in the classification, mission, or governance structure of an institution of higher education or would establish such an institution, the director shall, after consultation with the Higher Education Coordinating Board, prepare and forward to the chair of the committee to which the measure is referred a higher education impact statement. The statement shall estimate the need for the new or expanded institution, including information on geographic access to existing institutions, student demand for the institution and programs, the possible duplication of programs with other institutions in the geographical region, and the long-term costs to the state for the institution, including any facilities construction and maintenance. If the measure proposes change in the governance of an institution, the statement shall estimate the programmatic and economic impacts of the change to the state and the affected institutions and systems.

(m) If the director of the Legislative Budget Board determines that a bill or joint resolution expressly or impliedly amends the open records law, the open meetings law, or other law in a manner that may reduce public access to government information or to the transaction of public business, the director shall prepare and forward to the chair of the committee to which the measure is referred an open government impact statement. The statement shall estimate the impact of the proposed policy changes on public access to government information or to the transaction of public business. The provisions of this subsection do not apply if the author or sponsor certifies in writing to the

chairman of the committee to which the bill was referred that the bill does not reduce public access to government information or to the transaction of public business.

(n) If the director of the Legislative Budget Board has determined that an impact statement is required, pursuant to Subsection (i), (j), (k), (l), or (m) of this rule, for any bill or joint resolution, except the general appropriations bill, the impact statement shall be attached to the measure prior to a final vote by a committee to report the measure.

(o) If a bill or joint resolution is amended by a committee other than a conference committee, the committee chair shall obtain an updated impact statement, which shall be attached to the committee report. The chair may require that the updated impact statement be distributed to the committee members prior to the final vote to report the measure.

(p) The director of the Legislative Budget Board may prepare an updated impact statement to reflect House amendments to a Senate bill or joint resolution or a conference committee report. Such statement shall be forwarded to the Secretary of the Senate, who shall have the impact statement printed and distributed to the members.

General Provisions

(q) In preparing a fiscal note or an impact statement, the director of the Legislative Budget Board may use information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable. The director shall state the sources of information or data used and may state the extent to which the director relied on the information or data in preparing the fiscal note or impact statement. If the director is unable to acquire or develop sufficient information to prepare a fiscal note within 15 days after receiving a bill or joint resolution, the director shall prepare the fiscal note stating that fact, and the fiscal note shall be in full compliance with the rules. If the director determines that the fiscal or other implications of a bill or joint resolution cannot be ascertained, the director shall prepare the fiscal note stating that fact, and the fiscal note shall be in full compliance with the rules.

(r) The director of the Legislative Budget Board shall forward a copy of each fiscal note or impact statement to the author or sponsor of the affected bill or joint resolution.

(s) All fiscal notes and impact statements shall be signed by the director of the Legislative Budget Board and shall remain with the measure throughout the entire legislative process, including submission to the Governor.

(t) For any statement or analysis required by this rule, the Senate Committee on Administration may adopt such necessary forms and procedures as are required to ensure that all members of the Senate are informed as to the impact of proposed legislation on the state or other unit of government. The committee may authorize the director of the Legislative Budget Board to develop the format for fiscal notes and impact statements and submit the suggested forms to the committee for its approval.

Notes of Rulings

For an instance when the chair refused to go behind a fiscal note to determine whether it was accurate or adequate, see 67 S.J. Reg. 1297 (1981).

Consideration of a bill amended in committee so as to alter its fiscal implications is out of order in the absence of an updated fiscal note (73 S.J. Reg. 2037 (1993)).

A point of order was raised challenging the accuracy of a fiscal note for a voter identification bill because it did not include the cost of a contingency appropriation adopted by the Finance Committee to provide funding for a voter education program. The voter identification bill before the Senate did not contain a voter education program. The point of order was overruled (81 S.J. Reg. 519 (2009)).

FORMAT OF BILLS AND RESOLUTIONS REPORTED BY COMMITTEES

Rule 7.10. (a) A committee may not report a bill or resolution to the Senate unless the bill or resolution complies with Subsection (b) of this rule.

(b) In any section of a bill or joint resolution that proposes to amend an existing statute or constitutional provision, language sought to be deleted must be bracketed and stricken through, and language sought to be added must be underlined. This requirement does not apply to:

(1) an appropriation bill;

(2) a local bill;

(3) a recodification bill;

(4) a redistricting bill;

(5) a section of a bill or joint resolution not purporting to amend an existing statute or constitutional provision;

(6) a section of a bill or joint resolution that revises the entire text of an existing statute or constitutional provision, to the extent that it would confuse rather than clarify to show deletions and additions; and

(7) a section of a bill or joint resolution providing for severability, nonseverability, or repeal of an existing statute or constitutional provision.

(c) The President may overrule a point of order raised as to a violation of Subsection (b) of this rule if the violation is typographical or minor and does not tend to deceive or mislead.

(d) The Senate Enrolling Clerk may make certain technical corrections in bills and resolutions to conform the language to requirements of Subsection (b) of this rule and of the Texas Constitution. This subsection applies to misspelled words, mistakes in citations and internal references, numbering and reprinting errors, bracketing and underlining errors, mistakes in grammar and punctuation, and insufficient captions.

COMMITTEE SUBSTITUTE BILLS

Rule 7.11. (a) A committee may adopt and report a complete germane committee substitute containing the caption, enacting clause, and text of a bill or resolution in lieu of the original, in which event the complete substitute bill or resolution shall be laid before the Senate and shall be the matter before the Senate for its consideration instead of the original. If the substitute is defeated at any legislative stage, the bill or resolution is considered not passed.

(b) If a point of order is raised and sustained that a committee substitute bill is not germane or contains provisions not germane to the original bill, the bill shall be returned for further consideration to the committee from which it was reported. If the committee desires to hear additional testimony, the bill shall be posted for public hearing according to the rules of the Senate and is subject to Rule 11.19.

PRINTING OF BILLS

Rule 7.12. (a) Every favorable committee report on a general or local bill made by a Senate committee shall be printed, unless the Senate on the same day it is reported or on the next legislative day shall order it not printed. Each committee report on a recodification bill shall be printed, unless the committee making the report recommends that it not be printed, in which case the committee's recommendations shall be effective as an order of the Senate that the report be not printed. A list of all bills on committee report ordered not printed by the Senate or ordered not printed by committee recommendation shall be listed by number, author, and caption and distributed to each member at the close of each day's business. Copies of all committee reports printed shall be made available to each member of the Senate on the same day the printed copies are delivered by the printer. No bill except bills ordered not printed by the Senate shall be considered by the Senate until a printed committee report has been available to each member of the Senate for at least 24 hours.

(b) Every committee report printing on a bill or resolution shall include:

(1) a copy of the committee report form showing the record vote by which the measure was reported, whether the measure was reported favorably or unfavorably, with amendment or with a substitute;

(2) a copy of the original bill or resolution, unless the committee reports a substitute measure;

(3) a copy of any substitute bill or resolution;

(4) a copy of each amendment adopted to the bill or resolution;

(5) any fiscal note on the bill or resolution, including any updated fiscal note required by Rule 7.09;

Rule 7.12

(6) any criminal justice impact statement, including any updated statement required by Rule 7.09;

(7) any equalized education funding impact statement, including any updated statement required by Rule 7.09;

(8) any higher education impact statement, including any updated statement required by Rule 7.09;

(9) any actuarial analysis, including any updated analysis required by Rule 7.09;

(10) a bill analysis, including any updated analysis to reflect any change made by amendment or substitute; and

(11) a list of witnesses testifying in favor, against, or on the bill or resolution.

Editorial Note

The rules governing the printing of bills also apply to the printing of concurrent and joint resolutions.

Notes of Rulings

Setting a bill that has not been printed as a special order permits its consideration at the time for which it is set even though it has not been printed (43 S.J. 2 C.S. 96 (1934)).

A motion to recommit a bill is a proper substitute motion for a motion to not print a bill (55 S.J. Reg. 1546 (1957)).

Consideration of a bill is out of order if a copy is not provided in accordance with the printing rule, even though the Senate, by unanimous consent, has suspended the regular order of business to consider it (68 S.J. Reg. 1512 (1983)).

Suspension of "all necessary rules" to consider a bill out of its regular order suspends the printing rule (70 S.J. 2 C.S. 118 (1987)).

For an instance when the chair overruled a point of order challenging the accuracy of an "Author's Statement of Intent" in a bill analysis, see 84 S.J. Reg. 2066 (2015).

SUSPENSION OF RULE LIMITING CONSIDERATION OF BILLS

Rule 7.13. Except as otherwise provided in Rule 7.08, bills shall not be taken up, considered, or acted upon by the Senate during the first 60 calendar days of the session, unless this rule be suspended by the affirmative vote of four-fifths of the members of the Senate.

Note of Ruling

A motion to suspend Section 5 of Article III of the Constitution to consider a bill during the first 60 days of a Regular Session requires a vote of four-fifths of the members of the Senate (25) not four-fifths of the members present (59 S.J. Reg. 144 (1965)).

CONSIDERATION OF HOUSE BILL IN LIEU OF SENATE BILL ON SAME SUBJECT

Rule 7.14. When any Senate bill shall be reached on the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate containing the same subject or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

Editorial Notes

The purpose of this rule is to save the time and labor of the Legislature by disposing of the most advanced legislation first. The House bill is not substituted for the Senate bill, but

simply is considered instead of the Senate bill, which is displaced on the calendar by the House bill.

It is not necessary that the bills be identical if generally they cover the same subject and are directed to the same end.

Note of Ruling

A House bill that has been reported favorably and relates to the same subject as a Senate bill that has been reached on the calendar should be considered by the Senate in lieu of the Senate bill if said House bill is "of the same general tenor" (38 S.J. Reg. 470 (1923)).

GERMANENESS

Rule 7.15. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate. (Constitution, Article III, Section 30)

Notes of Rulings

An amendment that repeals the authority of the highway commission to promulgate speed limits is not germane to a bill that only modifies the effect of a conviction for violating a speed limit promulgated by the commission (65 S.J. Reg. 305 (1977)).

An amendment that authorizes the board of public welfare to employ a security force and commission peace officers is not germane to a bill that only designates county park patrol and security officers as peace officers (65 S.J. Reg. 505 (1977)).

An amendment requiring affiliation with a political party in order to vote in a primary election is not germane to a bill that deals only with voter registration procedures (65 S.J. Reg. 953 (1977)).

An amendment that grants a surface owner of property a prior right of purchase if the mineral interest in the property when property taxes are delinquent is not germane to a bill that prescribes the method of valuation of certain mineral interests for tax purposes (65 S.J. Reg. 1024 (1977)).

An amendment granting general ordinance making authority to counties is not germane to a bill that only authorizes counties to enact ordinances prohibiting nudist colonies (65 S.J. Reg. 1320 (1977)).

An amendment that authorizes insurance reimbursement of the services of an optometrist is not germane to a bill that authorizes such reimbursement for the services of a psychologist (65 S.J. Reg. 1617 (1977)).

An amendment requiring affiliation with a political party in order to vote in a primary election is not germane to a bill consolidating the voter registration and election duties of county clerks and tax assessor-collectors (65 S.J. Reg. 2211 (1977)).

An amendment providing for the expiration of an act relating to tuition grants is not germane to a bill that only modifies eligibility requirements for such a grant (66 S.J. Reg. 435 (1979)).

An amendment that requires the public utility commission to redetermine electric utility rates and specifies a method for such determination is not germane to a bill that grants the commission exclusive jurisdiction over such rates (66 S.J. Reg. 1132 (1979)).

An amendment authorizing disannexation and municipal incorporation of territory under certain circumstances is not germane to a bill limiting the municipal boundaries of coastal cities (67 S.J. Reg. 1674 (1981)).

An amendment prohibiting certain psychiatric or psychological examinations of students is not germane to a bill

that only specifies methods of funding skills tests in public schools (67 S.J. Reg. 1900 (1981)).

An amendment requiring continuation of health insurance coverage of dependents is not germane to a bill that relates to the filing and approval requirements for insurance policies, contracts, and forms (69 S.J. Reg. 1381 (1985)).

An amendment that establishes a state employee grievance procedure is not germane to a bill that establishes a state employee incentive program (69 S.J. Reg. 2127 (1985)).

An amendment to change an election date prescribed in one joint resolution is not germane to a different resolution (70 S.J. Reg. 2436 (1987)).

An amendment to exempt certain corporations from the franchise tax is not germane to a bill that specifies methods for calculating franchise tax liability (70 S.J. Reg. 2486 (1987)).

An amendment granting the banking commissioner regulatory authority over perpetual care cemeteries is not germane to a bill exempting certain nonprofit cemetery associations from capital stock requirements applicable to perpetual care cemeteries (71 S.J. Reg. 2046 (1989)).

An amendment requesting the Congress to propose a constitutional amendment providing for an elected federal judiciary is not germane to a resolution requesting the Congress to propose a constitutional amendment relating to flag desecration (71 S.J. 1 C.S. 240 (1989)).

An amendment providing for a state ethics commission is not germane to a joint resolution relating to compensation of members of the Legislature (71 S.J. 6 C.S. 84 (1990)).

An amendment restricting the county of residence of a parolee is not germane to a bill prohibiting the interstate transfer of parolees convicted of certain offenses (72 S.J. Reg. 1575 (1991)).

An amendment that applies to a class of governmental entities limited by population criteria is not germane to a bill that relates to a class of governmental entities limited by different population criteria (72 S.J. Reg. 1979 (1991)).

An amendment that specifies the salary and benefits of certain deputy sheriffs is not germane to a bill that relates only to the frequency of salary payments of certain county officers (72 S.J. Reg. 2036 (1991)).

An amendment relating to registration requirements and permissible locations of family residential child care facilities is not germane to a bill relating to child care services provided only to state employees (72 S.J. Reg. 2472 (1991)).

An amendment requiring annual registration of motor vehicle repair facilities that generate hazardous waste is not germane to a bill relating to the fees imposed on producers of industrial solid waste and hazardous waste and operators of hazardous waste management facilities (72 S.J. Reg. 2732 (1991)).

An amendment that would prohibit a personal income tax during a period in which a state lottery is authorized is not germane to a joint resolution proposing a constitutional amendment authorizing a state lottery (72 S.J. 1 C.S. 653 (1991)).

An amendment that classifies mountain lions as game animals and specifies conditions under which they may be killed is not germane to a bill that changes the category of animals that are permitted to be killed for bounty (73 S.J. Reg. 915 (1993)).

An amendment which imposes liability on a county for the county's costs of certain enforcement actions is not germane to a bill which specifies powers and duties of a commissioners court (73 S.J. Reg. 2962 (1993)).

An amendment that authorizes maintenance payments to a divorcing spouse who lacks means of self-support is germane to a bill relating to public assistance and programs to assist needy individuals in becoming self-dependent (74 S.J. Reg. 1265 (1995)).

AMENDMENTS TO TAX BILLS OR SUNSET BILLS

Rule 7.16. No amendment shall be considered to any tax bill or sunset bill on second reading unless the subject matter it entails has been discussed at a Senate committee meeting at which the bill was heard.

Editorial Note

If an amendment is challenged under Rule 7.16, the burden of proving compliance with the rule lies with the member offering the amendment.

MOTION TO PASS A BILL TO SECOND READING IS NOT NECESSARY

Rule 7.17. No motion is necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a Senate bill, "Shall this bill be engrossed and passed to a third reading?" and if it be a House bill, "Shall this bill pass to a third reading?"

Note of Ruling

A motion to pass to third reading a bill not pending before the Senate is not in order (45 S.J. Reg. 1231 (1937)).

READING OF BILL ON THREE SEVERAL DAYS

Rule 7.18. No bill shall have the force of a law until it has been read on three several days in each House and free discussion allowed thereon; four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the journals. (Constitution, Article III, Section 32)

Editorial Notes

"Four-fifths of the Senate" means four-fifths of the members present and voting, provided a quorum is present.

"Four-fifths of the House in which the bill may be pending" has been interpreted repeatedly to mean four-fifths of all of the Senators present and voting, a quorum being present.

Notes of Rulings

Only four-fifths of those present are required to suspend constitutional rule requiring bills to be read on three several days (42 S.J. Reg. 253 (1931)).

A motion to suspend the constitutional rule and Senate Rule 7.18 requiring bills to be read on three several days may be made although the same motion has been made and defeated on the same bill on the same legislative day (55 S.J. Reg. 1561 (1957)).

A motion to suspend the three-day rule is not debatable (68 S.J. Reg. 1922 (1983)).

ADOPTION OF AMENDMENT ON THIRD READING

Rule 7.19. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the members present.

LIMITATIONS ON APPROPRIATIONS BILLS

Rule 7.20. Unless within the authority of a resolution or resolutions adopted pursuant to Article VIII, Section 22(b), of the Constitution, it is not in order for the Senate to consider for final passage on third reading, on motion to concur in House amendments, or on motion to adopt a conference committee report a bill appropriating funds from the State Treasury in an amount that, when added to amounts previously appropriated by bills finally passed by both Houses and sent to the comptroller or due to be sent to the comptroller, would exceed the limit on appropriations established under Subchapter A, Chapter 316, Government Code.

HOUSE AMENDMENTS TO SENATE BILLS

Rule 7.21. If a Senate bill is returned with House amendments, all House amendments must be printed and a copy furnished to each member at least 48 hours prior to a motion to concur prior to the last 72 hours of a regular session, and 24 hours prior to a motion to concur during a called session or the last 72 hours of a regular session.

Notes of Rulings

A point of order raised by Senator Caldwell against a report of conference committee on the ground that the House amendments to the bill (S.B. 147) constituted a complete substitute bill and should therefore take the course of a newly received House bill in the Senate was overruled (36 S.J. Reg. 1023 (1919)).

House amendments to a Senate bill are not required to have been printed and laid on Senators' desks for 24 hours prior to a motion to not concur and request appointment of a conference committee (67 S.J. Reg. 2032 (1981); 71 S.J. Reg. 2558 (1989)).

DEFEATED BILL

Rule 7.22. After a bill has been considered and defeated by either branch of the Legislature, no bill containing the same substance shall be passed into a law during the same session. (Constitution, Article III, Section 34)

Editorial Note

For an exhaustive ruling by Lieutenant Governor Stevenson on the effect on other bills on the same subject of the defeat of one bill on that subject, see 46 S.J. Reg. 666-671 (1939).

Notes of Rulings

Defeat of an amendment containing same substance as a bill does not prevent consideration of the bill (35 S.J. Reg. 915 (1917)).

A joint resolution containing same substance as one that fails to pass in the House may be considered and passed by Senate (35 S.J. Reg. 1140-1148 (1917)).

Defeat of a House bill in the House does not necessarily make an amendment having the same effect as the bill out of order in the Senate (42 S.J. Reg. 1565 (1931)).

Consideration of a bill to create a textbook committee is not in order after the House has defeated a bill containing same substance (48 S.J. Reg. 873 (1943)).

SIGNING OF BILLS AND RESOLUTIONS BY PRESIDING OFFICER

Rule 7.23. The President of the Senate or the presiding officer shall, in the presence of the Senate, sign all bills and joint resolutions passed by the Legislature. The titles of all such bills and resolutions shall be publicly read, and the fact of the signing shall be entered on the journal. (Constitution, Article III, Section 38)

DEADLINE FOR REPORT

Rule 7.24. (a) No bill shall be considered, unless it has been first referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature. (Constitution, Article III, Section 37)

(b) No bill shall be passed which has not been presented and referred to and reported from a Senate committee at least three days before the final adjournment of the Legislature. It shall require a vote of four-fifths of the members present to suspend this rule.

Editorial Notes

The Supreme Court of Texas has held that reference to and report by a committee of either house satisfies the first clause of Article III, Section 37 of the Texas Constitution (see *Day Land & Cattle Co. v. State*, 68 Tex. 526, 4 S.W. 865 (1887)). However, Subsection (b) of Rule 7.24 further requires report by a Senate committee at least three days before the final adjournment of the Legislature.

Rule 7.24 applies to regular and called sessions.

LIMITATION ON VOTE

Rule 7.25. No vote shall be taken upon the passage of any bill on its third reading after the 135th calendar day of a regular session, nor for any purpose within the last 24 hours of the session unless it be to correct an error therein. It shall require a vote of four-fifths of members present to suspend this rule.

Note of Ruling

The 24-hour rule that prohibits a vote on a bill during the last 24 hours of a session of the Legislature makes further consideration and debate of the bill out of order when the 24th hour before final adjournment has arrived (44 S.J. Reg. 1819 (1935)).

LIMITATION ON BILLS RAISING REVENUE

Rule 7.26. All bills for raising revenue shall originate in the House of Representatives. (Constitution, Article III, Section 33)

**ARTICLE VIII
PETITIONS AND RESOLUTIONS**

PROCEDURAL RULES

Rule 8.01. Every resolution that requires the approval of the Governor shall be subject to the rules that govern the proceedings on bills.

Editorial Notes

Due to the special provision in the Constitution excepting resolutions relating to adjournment and to another special provision making it the duty of each House to adopt its own rules of procedure, concurrent resolutions relating to adjournment, and probably those adopting or suspending joint rules or relating to legislative procedure do not require the approval of the Governor.

Joint resolutions proposing amendments to the State Constitution do not require the Governor's approval.

Notes of Rulings

An appropriation cannot be made by resolution (45 S.J. Reg. 570 (1937)).

A resolution attempting to amend a general law is not in order (45 S.J. 1 C.S. 101 (1937)).

REFERRAL TO COMMITTEE

Rule 8.02. Petitions, concurrent and joint resolutions, and resolutions setting or defining legislative or state policy or amending the Senate Rules shall be referred to an appropriate standing committee when introduced and shall not be considered immediately unless the Senate so directs by a five-ninths vote of the members present. The motion to consider such petition or resolution immediately is not debatable.

Editorial Note

A Senate or a concurrent resolution providing for a rule suspension or the carrying out of a particular procedure authorized by the rules is usually regarded as privileged and is considered when introduced without a vote being taken to consider immediately. (See also note of ruling following Rule 6.10.)

Notes of Rulings

Senate resolution that reflects on member of House may not be considered by Senate (35 S.J. 3 C.S. 1002 (1917)).

A Senate resolution which does not require the approval of both Houses may be adopted at a special session, although it relates to a subject not submitted by the Governor (41 S.J. 3 C.S. 15 (1929)).

The only changes that can be made in a bill by resolution are corrections of typographical or clerical errors (43 S.J. Reg. 1946 (1933)). A House concurrent resolution which has been referred to a Senate standing committee during a called session, may, under a suspension of rules, be taken up and considered and adopted although no report on it has ever been submitted by the chairman of the committee to which it was referred. (See procedure had on H.C.R. 5, 51 S.J. 1 C.S. 114 (1950)).

A motion to suspend the regular order of business to consider a resolution immediately is not debatable (54 S.J. Reg. 1433 (1955)).

A motion to take up and consider a resolution is not debatable but a limited explanation of the resolution to which the motion applies is permissible (55 S.J. Reg. 1596 (1957)).

A corrective resolution that seeks to correct a wrong section reference in a bill does not change the language or meaning of the bill (61 S.J. Reg. 1873 (1969)).

A congratulatory resolution when offered is not debatable and therefore may be considered immediately or referred to a committee by the presiding officer of the Senate (61 S.J. 1 C.S. 124 (1969)).

A resolution on which Senate rules have been suspended for consideration thereof does not have to be referred to and considered by a committee (62 S.J. 3 C.S. 125 (1972)).

CONGRATULATORY, MEMORIAL, AND COURTESY RESOLUTIONS

Rule 8.03. (a) Congratulatory and memorial petitions and resolutions, after a brief explanation by the author or sponsor, shall be considered immediately without debate unless otherwise ordered by a majority of the members present.

(b) Upon request by any member, the presiding officer may, at an appropriate time during the proceedings, recognize guests of such member in the gallery.

(c) Any member may request and the Secretary of the Senate shall provide a maximum of five copies of a courtesy recognition certificate for each person or group so recognized by the presiding officer.

(d) The number of times a member may be recognized for a resolution under Subsection (a) of this rule is limited to 10 per session. This limit includes an exception granted under Rule 2.06(a) that involves only a recognition of special guests on the Senate floor.

Note of Ruling

A congratulatory resolution when offered is not debatable and therefore may be considered immediately or referred to a committee by the presiding officer of the Senate (61 S.J. 1 C.S. 124 (1969)).

DEFEATED RESOLUTION

Rule 8.04. After a resolution has been considered and defeated by either branch of the Legislature, no resolution containing the same substance shall be passed into a law during the same session. (Constitution, Article III, Section 34) See note to Rule 7.22.

ARTICLE IX LOCAL BILLS

DEFINITION OF LOCAL BILL

Rule 9.01. (a) Neither the Senate nor a committee of the Senate may consider a local bill unless notice of intention to apply for the passage of the bill was published as provided by law and evidence of the publication was attached to the bill at the time of introduction.

(b) Except as provided by Subsection (c) of this rule, "local bill" for purposes of this article means:

(1) a bill for which publication of notice is required under Article XVI, Section 59, of the Texas Constitution (water districts, etc.);

(2) a bill for which publication of notice is required under Article IX, Section 9, of the Texas Constitution (hospital districts);

(3) a bill relating to hunting, fishing, or conservation of wildlife resources of a specified locality;

(4) a bill creating or affecting a county court or statutory court or courts of one or more specified counties or municipalities;

(5) a bill creating or affecting the juvenile board or boards of a specified county or counties; or

(6) a bill creating or affecting a road utility district under the authority of Article III, Section 52, of the Texas Constitution.

(c) A bill is not considered to be a local bill under Subsection (b)(3), (4), or (5) of this rule if it affects a sufficient number of localities, counties, or municipalities so as to be of general application or of statewide importance.

INTRODUCTION AND CONSIDERATION OF LOCAL BILLS

Rule 9.02. The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article III, Section 5, of the Texas Constitution, shall not apply to local bills herein defined, and the same may be introduced, referred, reported, and acted upon at any time under the general rules and order of business of the Senate.

LOCAL AND UNCONTESTED CALENDAR

Rule 9.03. (a) At times designated by the Senate, the Senate shall meet in session to consider local and uncontested bills and resolutions listed on a calendar certified by the Administration Committee.

(b) The calendar must be furnished to each member of the Senate no later than noon of the day preceding the session at which the legislation on the calendar is to be considered.

(c) A bill or resolution may not be considered if any two or more members of the Senate object in writing before the bill or resolution is laid out for passage on the local calendar or if an amendment is offered other than from the committee reporting the bill or resolution.

(d) The bills and resolutions shall be considered on second and/or third reading in the order in which they are listed on the calendar, and no motion to suspend the regular order of business is required.

REFERRAL TO ADMINISTRATION COMMITTEE

Rule 9.04. (a) All local and uncontested bills and resolutions shall be referred to the Administration Committee for consideration on the Local and Uncontested Calendar.

(b) Rule 11.09, Quorum of Committee, shall not apply to the Administration Committee when it is meeting for the specific and limited purpose of preparing and certifying the local calendar.

(c) The Chair of the Administration Committee may appoint a subcommittee consisting of not less than three members to prepare and certify the Local and Uncontested Calendar.

(d) The Administration Committee may set a time after which application for placement on the Local and Uncontested Calendar may not be accepted.

**BILLS AND RESOLUTIONS NOT QUALIFIED
FOR CONSIDERATION ON THE LOCAL
AND UNCONTESTED CALENDAR**

Rule 9.05. The Administration Committee may not consider a bill or resolution for placement on the Local and Uncontested Calendar unless:

(1) the sponsor of the bill or resolution applies for placement on the Local and Uncontested Calendar and submits sufficient copies of the bill or resolution as determined by the Administration Committee; and

(2) the chair of the committee from which the bill or resolution was reported submits a written request for the placement on the Local and Uncontested Calendar.

**BILLS AND RESOLUTIONS PROHIBITED FROM
PLACEMENT ON THE LOCAL AND UNCONTESTED
CALENDAR**

Rule 9.06. The Administration Committee may not place a bill or resolution on the Local and Uncontested Calendar if it:

(1) creates a new department or subdivision of a department unless the bill or resolution is purely local in nature and does not require the expenditure of state funds;

(2) contains an appropriation;

(3) is contested; or

(4) is a joint resolution proposing an amendment to the Texas Constitution.

SUSPENSION OF LOCAL CALENDAR RULES

Rule 9.07. No provision of the Local Calendar Rules may be suspended except by the unanimous consent of the members present.

ARTICLE X AMENDMENTS TO THE CONSTITUTION

JOINT RESOLUTIONS SUBJECT TO RULES GOVERNING BILLS

Rule 10.01. Joint resolutions proposing amendments to the Constitution shall be subject to rules that govern the proceedings on bills. They shall, in all cases, be read on three several days.

VOTES REQUIRED TO AMEND ON THIRD READING AND TO PASS CONSTITUTIONAL AMENDMENTS

Rule 10.02. Amendments on third reading to joint resolutions proposing constitutional amendments shall require an affirmative vote of two-thirds of the members present. Final passage shall require a vote of two-thirds of the members elected to the Senate. (Constitution, Article XVII, Section 1)

Editorial Note

The opinion of Attorney General Cureton, dated May 17, 1913, relative to the validity of an appropriation section in a joint resolution and to the mode and manner of amending the Constitution, holds that Section 1 of Article XVII of the Constitution provides a complete formula for proposal of constitutional amendments and that any rule or resolution attempting to limit, add to, or modify that formula is null and void.

Note of Ruling

A joint resolution that receives a vote of two-thirds of all the members of the Senate on being read second time is not finally passed by the Senate and must take the full course of a bill (44 S.J. Reg. 670 (1935)).

FAILURE OF JOINT RESOLUTION TO BE ADOPTED ON THIRD READING

Rule 10.03. When a joint resolution has failed adoption on third reading, it shall not be considered again during that session.

ARTICLE XI COMMITTEES

APPOINTMENT OF COMMITTEES

Rule 11.01. All committees and standing subcommittees shall be appointed by the President of the Senate, unless otherwise directed by the Senate.

LIST OF STANDING COMMITTEES AND SUBCOMMITTEES

Rule 11.02. (a) At the beginning of each regular session, the President shall appoint the following standing committees with the number of members indicated:

STANDING COMMITTEES

- (1) Committee on Administration (7 members)
- (2) Committee on Border Security (5 members)
- (3) Committee on Business and Commerce (11 members)
- (4) Committee on Criminal Justice (7 members)
- (5) Committee on Education (13 members)

- (6) Committee on Finance (17 members)
- (7) Committee on Health and Human Services (9 members)
- (8) Committee on Jurisprudence (5 members)
- (9) Committee on Local Government (9 members)
- (10) Committee on Natural Resources and Economic Development (9 members)
- (11) Committee on Nominations (9 members)
- (12) Committee on State Affairs (11 members)
- (13) Committee on Transportation (9 members)
- (14) Committee on Veteran Affairs (7 members)
- (15) Committee on Water, Agriculture, and Rural Affairs (9 members).

(b) From the members of the Committee on Education, the President shall appoint a Subcommittee on Higher Education consisting of 5 members.

SPECIAL COMMITTEES

Rule 11.03. (a) The President may appoint special committees and may appoint standing subcommittees within committees including subcommittees of the Committee of the Whole Senate. The number of members of these committees and subcommittees shall be determined by the President.

(b) A special committee has the jurisdiction, authority, and duties and exists for the period of time specified in the charge of the President. A special committee has the powers granted by these rules to a standing committee except as limited by the charge of the President.

(c) The President may direct that a subcommittee of the Whole Senate appointed under this rule report directly to the Senate concerning any matter within its jurisdiction.

CHAIR AND VICE-CHAIR OF STANDING COMMITTEES AND STANDING SUBCOMMITTEES

Rule 11.04. The President shall designate the chair and vice-chair of each standing committee and of each standing subcommittee appointed by the President.

APPOINTMENT OF SUBCOMMITTEES WITHIN A STANDING COMMITTEE

Rule 11.05. The chair of a standing committee may appoint subcommittees within a standing committee as the chair deems necessary to accomplish the work of the committee.

RECOMMENDATIONS OF COMMITTEES

Rule 11.06. All reports of standing committees shall be advisory only, except that a recommendation in a report that a recodification bill be not printed shall be effective as an order of the Senate that the bill be not printed. A recommendation in a report that a general or local bill be not printed shall be advisory only, and the bill shall nevertheless be printed unless the Senate on the same day or the next legislative day orders the bill not printed, as provided in Rule 7.12.

Notes of Rulings

A motion to recommit a bill is a proper substitute motion for a motion to not print a bill (55 S.J. Reg. 1546 (1957)).

A motion to instruct a committee to report a bill favorably within a specified time is not in order (65 S.J. Reg. 959 (1977)).

RULES GOVERNING COMMITTEE PROCEDURES

Rule 11.07. (a) At its initial meeting each committee and subcommittee shall adopt permanent rules governing its procedures.

(b) Where applicable the rules of the Senate apply to committee proceedings, and a Senate rule prevails over a conflicting committee rule.

(c) Committee rules must include but are not limited to provisions governing written records of attendance, lack of a quorum, records of meetings, bill referral, bill setting, order of hearing bills, public hearings, subcommittee reports, minority reports, time limits on debate, and provisions for news coverage.

RECORD OF COMMITTEE ATTENDANCE

Rule 11.08. At all meetings of the Senate committees, the chair shall call the roll of the members and cause to be made a record of those present and the absentees, together with the excuses, if any, of such absentees.

QUORUM OF COMMITTEE

Rule 11.09. A majority of any committee shall constitute a quorum, and no action shall be taken upon any bill in the absence of a quorum. At any stated meeting of the committee, if a roll call discloses lack of a quorum, the members present may order the names of the unexcused absentees turned over to the Sergeant-at-Arms of the Senate whose duty it shall be to secure promptly the attendance of such absent members. The Sergeant-at-Arms shall have the same authority conferred on him or her under the rules of the Senate as when the Senate is operating under a call.

PUBLIC NOTICE OF COMMITTEE MEETINGS

Rule 11.10. (a) No committee or subcommittee, except a conference committee, shall meet without at least 24 hours public notice.

(b) Each committee and subcommittee shall meet regularly at an established time and place and shall give public notice at least 24 hours in advance for special meetings.

Rule 11.10

(c) The chair of each committee and subcommittee shall notify the Secretary of the Senate immediately after the time and place for a committee meeting has been fixed or a meeting has been cancelled. The Secretary shall post notice of the time and place of the meeting on a bulletin board located outside the Secretary of the Senate's office.

Note of Ruling

A motion to suspend "the posting rule" for the purpose of allowing a committee to conduct a public hearing on a bill at a time and place stated in the motion is sufficient for suspension of both Rule 11.10 and Rule 11.18 (74 S.J. Reg. 3029-3032 (1995)).

MINUTES OF COMMITTEE MEETINGS

Rule 11.11. (a) The chair of each committee and subcommittee shall keep or cause to be kept under the chair's direction an accurate record of the proceedings of his or her committee, and the same shall be open for inspection to any member of the Legislature and to the public. Each committee meeting shall be recorded in audio format and in audiovisual format when available.

(b) Each standing committee and subcommittee shall employ a committee clerk and, as determined by the Administration Committee, other staff necessary to coordinate and record the activities of the committee. Such committee clerks, staff, or any employee shall in no way be related to any member of the current Texas Legislature or be related to the person with the power of appointment for that position.

(c) It shall be the duty of the committee clerk, with the assistance of other committee staff members, to keep a permanent, accurate written record of committee proceedings and to transcribe the recordings of committee hearings as ordered by the committee or subcommittee. It shall be the responsibility of the committee clerk to see that one copy of the transcript of proceedings and one copy of the permanent record be kept in the committee files, one copy of each be given to the Secretary of the Senate, and three copies of each be placed in the Legislative Reference Library. Such records shall be a matter of public record.

(d) A copy of the record or minutes of each committee meeting must be filed with the Secretary of the Senate not later than seven days after the day on which the meeting was held.

Notes of Rulings

A report on a bill that was considered at a committee meeting at which a quorum of the committee was not present (as shown by the minutes of the committee) may not be received by the Senate (46 S.J. Reg. 1548 (1939)).

See also fourth note of ruling under Rule 11.12.

COMMITTEE REPORTS

Rule 11.12. (a) The chair of a committee shall sign and file with the Secretary of the Senate a written report showing the committee's final action on bills and resolutions considered by the committee. In the chair's absence the vice-chair shall sign and file the report.

(b) The report must be filed with the Secretary of the Senate within three calendar days after the final action is taken, Sundays and days the Senate is not in session excluded. If the report is not filed within the three-day limit, three members of the committee who were present when the final action was taken may file the report without the signature of the chair or vice-chair.

(c) The Secretary of the Senate shall note the date and time the report was filed and forward the report to be printed in compliance with Rule 7.12.

(d) The committee report and the official committee minutes are sufficient to determine whether the committee report accurately reflects the action of the committee. The President may consider any other documents or information deemed necessary to the determination.

Notes of Rulings

A committee report properly signed, submitted, and received is conclusive as to its contents (42 S.J. 1 C.S. 718 (1931)). (See also note of ruling following Rule 11.13.)

Rule 11.12

The chair may not go behind a committee report to ascertain if proceedings in the committee were regular (42 S.J. Reg. 1564, 1693 (1931)).

Point of order as to validity of committee's action on bill may be made when bill is not before Senate for immediate consideration (49 S.J. Reg. 347 (1945)).

For an instance when the chair refused to go behind a committee report and official committee minutes to determine whether the committee report accurately reflected the action of the committee, see 73 S.J. Reg. 1073 (1993); 74 S.J. Reg. 2458 (1995).

CONSIDERATION OF BILLS IN COMMITTEES

Rule 11.13. Subject to Rule 7.24 and 7.25, it shall be in order for committees to consider bills and resolutions at any time during the session, make reports thereon, and file the same with the Senate; provided, however, that no Senate committee or conference committee may meet while the Senate is meeting, except by unanimous consent of the members present.

Notes of Ruling

In absence of a Senate rule or resolution suspending it, the suspension of Section 5 of Article III relating to consideration of bills in committee requires separate vote for each bill (42 S.J. Reg. 167 (1931)).

A bill may be considered by a committee in the first 30 days of a regular session if a Senate rule allowing committees to consider bills and resolutions "at any time" has been adopted by the Senate in compliance with Article III, Section 5(c) of the Texas Constitution (75 S.J. Reg. 637 (1997)).

CONSIDERATION OF HOUSE BILLS

Rule 11.14. (a) The Senate sponsor of a House measure shall be determined by the chair of the committee, in consultation with the House author of the measure.

(b) It shall be the duty of each committee of the Senate when there has been referred to it or is before it for consideration a Senate bill and a House bill containing the same subject to consider first and report upon the House bill.

(c) A committee is not required to hold a public hearing on a House bill which contains the same subject as a Senate bill that has previously been afforded a public hearing before the committee or a subcommittee.

VOTES OF COMMITTEE REQUIRED TO REPORT FAVORABLY

Rule 11.15. No bill or resolution shall be reported favorably unless it has received the affirmative vote of a majority of the membership of the committee to which it was referred, except as provided in Rule 11.17.

UNFAVORABLE VOTE OF COMMITTEE

Rule 11.16. When a motion to report a bill or resolution unfavorably receives the affirmative vote of a majority of the members of the committee to which it was referred, except as provided in Rule 11.17, the bill or resolution is dead.

MINORITY REPORTS

Rule 11.17. (a) If a motion to report a bill or resolution unfavorably receives an affirmative vote of a majority of the members of a committee, a favorable minority report may be made. The minority report must be signed by three members of the committee if the committee is composed of less than 11 members or four members if the committee has 11 or more members. The members signing the report must have been present and voted against the motion to report unfavorably.

(b) The minority report must be filed with the Secretary of the Senate within two calendar days after the vote was taken, Sundays and days the Senate is not in session excluded.

(c) The sponsor of a bill or resolution for which a minority report is filed or a member signing the minority report must move to have the bill or resolution placed on the calendar within 10 calendar days after the date on which the committee's vote was taken. An affirmative vote of five-ninths of the

members present is required for the motion to carry. If the motion fails or is not made within the time allowed, the bill or resolution is dead and may not be considered again during the session.

Note of Ruling

Bills reported adversely but with a favorable minority report are not to be printed except on an order of the Senate (38 S.J. Reg. 646 (1923)).

PUBLIC HEARINGS

Rule 11.18. (a) No bill may be reported to the Senate before it has been the subject of an open public hearing before a committee or subcommittee. Notice of the hearing on the bill must be posted in a public place at least 24 hours before the hearing is to begin. The chair shall afford reasonable opportunity to interested parties to appear and testify at the hearing.

(b) The chair shall require all parties appearing at the hearing to swear or affirm that the testimony they give to the committee or subcommittee is true and correct.

(c) Any Senator, including one who is not a member of the committee, may question a witness at a hearing. This right shall not be construed to abridge the chair's right to provide others an opportunity to be heard or to entitle any Senator more rights than those afforded a member of the committee.

(d) When possible a person registered as a lobbyist and representing a client's interest at a public hearing shall submit a written statement of his or her presentation to the committee clerk for inclusion in the permanent record of the meeting.

(e) By majority vote a committee may fix the order of appearance and time allotted for each witness at a public hearing.

Notes of Rulings

Consideration of a bill is out of order if it has not been afforded a public hearing in compliance with rules of the Senate (68 S.J. Reg. 1931 (1983)).

A motion to suspend "the posting rule" for the purpose of allowing a committee to conduct a public hearing on a bill at a time and place stated in the motion is sufficient for suspension of both Rule 11.10 and Rule 11.18 (74 S.J. Reg. 3029-3032 (1995)).

**PRIVILEGED NOTICE OF HEARING ON SPECIFIC BILLS
(TAG RULE)**

Rule 11.19. (a) Except as provided in Subsection (d) of this rule, upon the presentation of a written request to the Secretary of the Senate on a form provided by the Secretary, a Senator shall receive at least 48 hours advance written notice of the time and place set for a public hearing on a specific bill or resolution which has been referred to a Senate committee.

(b) If the bill or resolution is on the agenda of a committee and the committee meeting has already begun to consider matters on the agenda, the request shall be presented to the chair of the committee rather than the Secretary of the Senate, and the chair shall note the time of the receipt of the request on the request form and immediately deliver the form to the Secretary. After receipt of the request by the chair, the bill shall not be laid before the committee until notice is delivered to the Senator in accordance with this rule.

(c) If requests are filed simultaneously by more than one Senator, each Senator is entitled to advance notice in compliance with this rule.

(d) A Senator is not entitled to advance notice of the time and place set for a public hearing on a bill or resolution if:

(1) the time and place for a hearing on the bill has been publicly posted for a period of 72 hours and the Senate has been in session at any time during the first 24 hours of the 72-hour period;

(2) at the request of the chair of the committee or subcommittee to which the bill is referred, the Secretary of the Senate notifies each Senator in writing of the time and place for the hearing on the bill at least 48 hours before the hearing begins;

(3) the bill has been laid before a committee or subcommittee for consideration in a public hearing at which an opportunity to appear and

Rule 11.19

address the subject matter of the bill or resolution was or is afforded to interested parties; or

(4) another Senator has previously presented a similar request to the Secretary or the chair and the bill or resolution has been set for public hearing in compliance with that request.

(e) Upon receipt of written request for advance notice of a hearing, the Secretary of the Senate shall:

(1) immediately inform the chair or in the absence of the chair the vice-chair of the request;

(2) note the time and date of receipt on the request and file a copy of the request for public inspection;

(3) attach a copy of the request to the bill or resolution to which it applies.

(f) The chair of the committee, upon posting a bill or resolution for public hearing in compliance with a request under this rule, shall give written notice to the Secretary of the Senate and the Senator requesting notice of the time and place fixed for the hearing on the bill or resolution.

(g) Notice delivered to the office of the Senator requesting 48 hours advance notice shall constitute official notice to that Senator:

(1) if that notice is delivered by the office of the Secretary of the Senate between the hours of 8:00 a.m. and 5:00 p.m. during days in which the Senate is convened; or

(2) if delivery of the notice to the Senator's office is acknowledged in writing by the Senator or by a member of his or her staff at the time of delivery as to date and hour.

(h) If a Senator withdraws a request for advance notice of a hearing on a bill or resolution, a subsequently filed request by another Senator shall be honored unless a hearing on the bill has already been posted in response to the first request.

(i) The President of the Senate shall ascertain the facts concerning the giving of a notice of a committee hearing on a bill, and the President's ruling as to the sufficiency of the notice based on the facts as ascertained by the President is the final determination of that point when no appeal from the ruling is made.

(j) If the provisions for requesting 48 hours advance notice before hearing of a Senate bill have been properly fulfilled and a House bill containing the same subject is before the committee, the House bill is considered to require the same 48 hours notice before hearing.

Notes of Rulings

A motion to suspend Senate Rule 11.19 for the purpose of permitting a hearing on a bill without giving a 48-hour notice to a member who has requested it is not debatable (46 S.J. Reg. 1509 (1939)).

The committee's action on a bill at a meeting held without proper 48-hour notice to a member who has properly requested it is in violation of Senate Rule 11.19 [and void]. (Ruling sustained by vote of 13 to 12.) (49 S.J. Reg. 347, 358-359 (1945)).

Re-reference of bill from one committee to another does not vitiate a written request of a member to the chairman of the first committee for a public hearing on the bill and a 48-hour notice of the hearing, and the request goes with the bill to the chairman of the committee to which the bill is re-referred and is binding on him. (Ruling sustained by vote of 13 to 12.) (49 S.J. Reg. 347, 358-359 (1945)).

A Senator who has participated in a committee's action on a bill may not, when the bill is before the Senate, object for the first time that the committee hearing violated Rule 11.19 (tag rule) (70 S.J. Reg. 2167 (1987)).

A motion to suspend Senate Rule 11.19 for the purpose of permitting a hearing on a bill without giving a 48-hour notice to a member who has requested it is in order (85 S.J. 1 C.S. 4 (2017); 85 S.J. 1 C.S. 26 (2017)).

SUBPOENA AND PROCESS

Rule 11.20. (a) By a record vote of not less than two-thirds of its members, a standing committee of the Senate may issue process to compel the attendance of a witness or to compel a person, agency, or corporation to produce any book, record, document, or other evidence in his, her, or its possession and control before a proceeding of the committee. The committee chair shall issue the subpoena or other process authorized by this rule in the name of the committee, and the subpoena must contain the following information:

(1) a statement of the reason the committee is requesting the appearance of a person or the reason the committee is requesting the production of documents;

(2) the name, address, and title or position of the person requested to appear;

(3) the specific document or documents being requested; and

(4) the specific time and place that the person is to appear or the specific place and time the documents are to be produced.

(b) A committee chair may summon the governing board or other representatives of a state agency to appear and testify before the committee without issuing process under Subsection (a). The summons may be communicated in writing, orally, or electronically.

(c) Except as provided by this rule, the provisions of Sections 301.024, 301.025, 301.026, and 301.027, Government Code, apply to a subpoena or other process issued under this rule.

ARTICLE XII CONFERENCE COMMITTEES

APPOINTMENT OF CONFERENCE COMMITTEES

Rule 12.01. All conference committees of the Senate shall be selected and appointed by the President or the President Pro Tempore when the latter shall

be presiding. The member authoring or sponsoring the bill for which the conference committee is selected shall be appointed chair of the Senate conferees. At least two of the Senate conferees must be from a standing committee which heard the bill.

Notes of Rulings

It is permissible to concur in one House amendment to a Senate bill and to not concur in others and request a conference committee as to those amendments only (63 S.J. Reg. 1657 (1973)).

A conference committee report is out of order if the composition of the conference committee did not comply with Rule 12.01 (66 S.J. Reg. 1873 (1979)).

The composition of a conference committee is within the discretion of the President to the extent that Senate rules do not otherwise provide (71 S.J. 2 C.S. 271-272 (1989)).

INSTRUCTIONS TO CONFERENCE COMMITTEES

Rule 12.02. Immediately after the Senate decides that any matter shall be submitted to a conference committee, the presiding officer shall state "Are there any motions to instruct the conference committee before appointment?" The presiding officer shall thereupon recognize members to make such motions to instruct and the Senate shall proceed to consider all such motions until disposed of or limited under the provisions of Rule 6.09.

Notes of Rulings

Senate conferees may not be instructed by resolution after they have been appointed and have commenced deliberations (43 S.J. Reg. 1684 (1933)).

See also annotations relating to Conference Reports in Appendix.

A conference committee report should not be ruled out on a point of order that instructions have been disobeyed. The

members of the Senate decide the question by voting to accept or reject the conference committee report (64 S.J. Reg. 1666 (1975)).

LIMITATIONS ON CONFERENCE COMMITTEE ACTIONS

Rule 12.03. Except as otherwise provided in this article, conference committees shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. A conference committee shall have no authority with respect to any bill or resolution to:

- (1) change, alter, or amend text which is not in disagreement;
- (2) omit text which is not in disagreement;
- (3) add text on any matter which is not in disagreement;

(4) add text on any matter which is not included in either the House or Senate version of the bill or resolution.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

Note of Ruling

Rule 12.03 does not prohibit a conference committee from adding text not in either the Senate or House version of a bill when the text added relates to a matter in disagreement between the two Houses (74 S.J. Reg. 3733-3734, 3740-3741 (1995)).

CONFERENCE COMMITTEES ON APPROPRIATION BILLS

Rule 12.04. Conference committees on appropriation bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to the limitations contained elsewhere in these rules, a conference committee on appropriation bills shall be strictly limited in its authority as follows:

(1) If an item of appropriation appears in both House and Senate versions of the bill, such items must be included in the conference report.

(2) If an item of appropriation appears in both House and Senate versions of the bill and in identical amounts, no change can be made in such item or the amount thereof.

(3) If an item of appropriation appears in both House and Senate versions of the bill but in different amounts, no change can be made in the item, but the amount thereof shall be at the discretion of the conference committee, provided that such amount shall not exceed the larger version and shall not be less than the smaller version.

(4) If an item of appropriation appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the amount thereof shall not exceed the sum specified in the version containing such item.

(5) If an item of appropriation appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report. However, the conference committee report may include appropriations for purposes or programs authorized by bills that have been passed and sent to the Governor and may include contingent appropriations for purposes or programs authorized by bills that have been passed by at least one House.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

CONFERENCE COMMITTEES ON TAX BILLS

Rule 12.05. Conference committees on tax bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. In addition to the limitations contained elsewhere in these rules, a conference committee on a tax bill shall be strictly limited in its authority as follows:

(1) If a tax item appears in both House and Senate versions of the bill, such item must be included in the conference report.

(2) If a tax item appears in both House and Senate versions of the bill and in identical form and with identical rates, no change can be made in such item or the rate therein provided.

(3) If a tax item appears in both House and Senate versions of the bill but at differing rates, no change can be made in the item, but the rate thereof shall be determined at the discretion of the conference committee, provided that such rate shall not exceed the higher version and shall not be less than the lower version.

(4) If a tax item appears in one version of the bill and not in the other, such item can be included or omitted at the discretion of the conference committee. If the item is included, the rate thereof shall not exceed the rate specified in the version containing such item.

(5) If a tax item appears in neither the House nor the Senate version of the bill, such item must not be included in the conference report.

This rule shall be strictly construed by the presiding officer in each House to achieve the purposes hereof.

CONFERENCE COMMITTEES ON REAPPORTIONMENT BILLS

Rule 12.06. Conference committees on reapportionment bills, to the extent possible, shall limit their discussions and their actions to the matters in disagreement between the two Houses. Since the adjustment of one district in a reapportionment bill will inevitably affect other districts therein, the strict rule of construction imposed on other conference committees must be relaxed somewhat when reapportionment bills are involved. Accordingly, the following authority and limitations shall apply only to conference committees on reapportionment bills:

(1) If the matters in disagreement affect only certain districts and the other districts are identical in both House and Senate versions of the bill, the conference committee shall make adjustments only in those districts whose rearrangement is essential to the effective resolving of the matters in disagreement. All other districts shall remain unchanged.

(2) If the matters in disagreement permeate the entire bill and affect most, if not all, of the districts therein, the conference committee shall have wide discretion in rearranging the districts to the extent necessary to resolve all differences between the two Houses.

(3) Insofar as the actual structure of the districts is concerned and only to that extent, the provisions of Senate Rule 12.03 shall not apply to conference committees on reapportionment bills.

CONFERENCE COMMITTEES ON RECODIFICATION BILLS

Rule 12.07. Conference committees on recodification bills, like other conference committees, shall limit their discussions and their actions solely to the matters in disagreement between the two Houses. The comprehensive and complicated nature of recodification bills makes necessary the relaxing of the strict rule of construction imposed on other conference committees only to the following extent:

(1) If it develops in conference committee that material has been inadvertently included in both House and Senate versions which properly has no place in such recodification, such material may be omitted from the conference report, if by such omission the existing statute thereon is not repealed, altered, or amended.

(2) If it develops in conference committee that material has been inadvertently omitted from both the House and Senate versions which properly should be included if such recodification is to achieve its purposes of being all-inclusive of the statutes being recodified, such material may be added to the conference report, if by such addition the existing statute is merely restated without substantive change in existing law.

SUSPENSION OF CONFERENCE COMMITTEE RULES

Rule 12.08. (a) Limitations imposed on certain conference committees by the provisions of Rules 12.03, 12.04, 12.05, 12.06, and 12.07 may be suspended, in part, by permission of the Senate to enable consideration of and action on a specific matter or matters which otherwise would be in violation thereof. Such permission shall be granted only by resolution passed by majority

vote of the Senate, with yeas and nays thereon to be recorded in the journal of the Senate. Such resolution shall specify in detail: (1) the exact nature of the matter or matters proposed to be considered; (2) the specific limitation or limitations to be suspended thereby; (3) the specific action contemplated by the conference committee thereon; and (4) except for a resolution suspending the limitations on the conferees for the general appropriations bill, the reasons why suspension of such limitations is being requested. In the application of this rule to appropriations bills, the resolution need not include changes in amounts resulting from a proposed salary plan or changes in format that do not affect the amount of an appropriation or the method of finance of an appropriation, but shall include a general statement describing the salary plan or format change. The resolution need not include differences in language which do not affect the substance of the bill. Permission thus granted shall suspend such limitations only for the matter or matters clearly specified in the resolution, and action of the conference committee shall be in conformity therewith.

(b) A copy of a resolution suspending the limitations on the conferees for the general appropriations bill must be furnished to each member at least 48 hours before any action thereon, if convened in regular session, and 24 hours before any action thereon, if convened in called session.

PRINTING AND NOTICE OF CONFERENCE COMMITTEE REPORTS

Rule 12.09. (a) All conference committee reports on the general appropriations bill, tax bills, and reapportionment bills must be reproduced and a copy thereof furnished to each member at least 48 hours before any action thereon, if convened in regular session, and 24 hours, if convened in called session.

(b) All conference committee reports on other bills must be reproduced and a copy thereof furnished to each member at least 48 hours before any action thereon prior to the last 72 hours of a regular session, and 24 hours before any action thereon during a called session or the last 72 hours of a regular session.

SECTION-BY-SECTION ANALYSIS

Rule 12.10. Each conference committee report, regardless of its subject matter, must have attached thereto a section-by-section analysis showing the disagreements which have been resolved by the conference committee. This

analysis must show for each and every disagreement in parallel columns: (1) the substance of the House version; (2) the substance of the Senate version; and (3) the substance of the recommendation by the conference committee. No action shall be taken on any conference committee report in the absence of such analysis, except by an affirmative vote of five-ninths of the members present, with the yeas and nays thereon to be recorded in the journal.

ENFORCEMENT BY PRESIDENT

Rule 12.11. The President of the Senate shall rule out of order any conference committee report which is in violation of any of the provisions and limitations contained in these rules.

Note of Ruling

For an instance when the chair refused to go behind a conference committee report to determine whether the conference committee report accurately reflected the action of the conference committee, see 74 S.J. Reg. 2036 (1995).

ARTICLE XIII COMMITTEE OF THE WHOLE SENATE

RESOLVE INTO COMMITTEE OF THE WHOLE SENATE

Rule 13.01. It shall be in order for the Senate at any time after bills and resolutions have been called to resolve itself into a Committee of the Whole Senate.

Editorial Note

A motion to resolve the Senate into a Committee of the Whole immediately requires only a majority vote, inasmuch as it is equivalent to a motion to recess (43 S.J. Reg. 1559 (1933)).

**CHAIR OF COMMITTEE OF THE
WHOLE SENATE**

Rule 13.02. In forming a Committee of the Whole Senate, the President shall leave the chair and shall appoint a chair to preside in committee.

**RIGHT OF LIEUTENANT GOVERNOR TO
DEBATE AND VOTE IN COMMITTEE
OF THE WHOLE SENATE**

Rule 13.03. When in Committee of the Whole Senate, the President shall have the right to debate and vote on all questions. (Constitution, Article IV, Section 16)

**PROCEDURE IN COMMITTEE OF THE
WHOLE SENATE**

Rule 13.04. The rules of the Senate, as far as applicable, shall be observed in Committee of the Whole Senate.

DEBATE AND AMENDMENTS

Rule 13.05. Upon a matter being referred to a Committee of the Whole Senate or a subcommittee of a Committee of the Whole Senate, the matter shall be read and debated by clauses, leaving the preamble, if any, to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Secretary of the Senate or the clerk of the subcommittee on a separate sheet of paper as the same shall be agreed to by the committee and so reported to the Senate. After the report, the bill shall again be subject to be debated and amended or committed before a question to engross it be taken.

Editorial Note

No journal is kept by the Journal Clerk of the proceedings of the Senate when in Committee of the Whole.

**ARTICLE XIV
NOMINATIONS BY THE GOVERNOR**

REFERRAL TO COMMITTEE

Rule 14.01. When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate unanimously directs otherwise. They shall be referred directly to either the Committee on Nominations or the standing committee with jurisdiction over the subject matter involved, which shall hold hearings and report its actions directly back to the Senate.

NOTICE RULE

Rule 14.02. Nominations, having been reported out of the Nominations Committee or other appropriately designated standing committee, shall not be acted upon unless the names of the nominees or individual nominee shall have been printed and a copy thereof furnished to each member 24 hours beforehand.

Note of Ruling

No action can be taken on nominations on same day submitted except by suspending rule requiring nominations to be considered on a "future day" (43 S.J. Reg. 199 (1933)).

EXECUTIVE SESSION OF COMMITTEE

Rule 14.03. Hearings on nominations by the proper committee shall be open meetings, unless an executive session is ordered by a majority vote of the membership of that committee.

Note of Ruling

A motion that the Senate hold an executive session the same day the motion is made is not in order, since Rule 14.01 provides that a future day shall be set for the consideration of Governor's nominations (48 S.J. Reg. 132 (1943)).

**REPORT TO GOVERNOR BY
SECRETARY OF SENATE**

Rule 14.04. All nominations approved or definitely acted on by the Senate shall be returned to the Governor by the Secretary of the Senate from day to day, as such proceedings may occur.

Editorial Note

The Senate of the 43rd Legislature in open session, on a motion made by Senator Woodruff, refused to grant the request of Governor Ferguson to withdraw certain nominations that had been submitted by outgoing Governor Sterling, but not yet acted on by the Senate (43 S.J. Reg. 108 (1933)).

**ARTICLE XV
EXECUTIVE SESSIONS**

SECRECY OF EXECUTIVE SESSION

Rule 15.01. When the Senate is in executive session, the Senate Chamber and gallery shall be cleared of all persons except the Secretary of the Senate and the Sergeant-at-Arms who shall keep secret proceedings of such session until the injunction of secrecy is removed by unanimous vote of the Senate.

VOTE IN OPEN SESSION

Rule 15.02. Consideration of all information and remarks touching the character and qualifications of nominees for confirmation by the Senate shall be in open session unless an executive session is ordered by a proper motion adopted by a majority vote of the membership of the Senate. Members of the Senate shall vote to confirm or not to confirm in open session of the Senate, and the votes to confirm and not to confirm shall be entered in the journal of the Senate.

Editorial Note

When a report of the nominations committee is before the Senate, and a request is made to sever a nomination to permit the Senate to act on it separately, the request to sever is granted automatically (63 S.J. Reg. 123 (1973)).

SENATOR CAN DISCLOSE OWN VIEWS

Rule 15.03. No member of the Senate shall be prohibited from revealing the member's own view on any matter or the member's vote on any matter pending or having been decided by the Senate.

VIOLATION OF SECRECY

Rule 15.04. Any officer or member convicted of violating any provision of either Rule 15.01 or 15.02 shall be liable, if an officer, to dismissal from the service of the Senate and, if a member, to expulsion.

REPORT OF EXECUTIVE SESSION TO BE RECORDED IN SENATE BOOK

Rule 15.05. The proceedings of the Senate, when in executive session, shall be kept in a separate book. The proceedings of the Senate, when in open session acting upon nominations made by the Governor, shall be entered in the journal of the Senate.

ARTICLE XVI VOTES REQUIRED TO ADOPT MOTIONS

DEFINITIONS

Rule 16.01. The terms "unanimous consent," "four-fifths of the members of the Senate," "four-fifths of the members present," "two-thirds of the members of the Senate," "two-thirds of the members present," "five-ninths of the members present," "a majority of the members of the Senate," and "a majority of the members present" are defined as follows:

Rule 16.01

(1) "Unanimous consent" means the consent of all of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(2) "Four-fifths of the members of the Senate" means four-fifths of the 31 elected members of the Senate.

(3) "Four-fifths of the members present" means four-fifths of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(4) "Two-thirds of the members of the Senate" means two-thirds of the 31 elected members of the Senate.

(5) "Two-thirds of the members present" means two-thirds of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(6) "Five-ninths of the members present" means five-ninths of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

(7) "A majority of the members of the Senate" means a majority of the 31 elected members of the Senate.

(8) "A majority of the members present" means a majority of the members of the Senate who are present and voting on the issue at the time the vote is recorded.

MATTERS REQUIRING UNANIMOUS CONSENT

Rule 16.02. Unanimous consent of the members present shall be required to:

(1) suspend the Senate floor admission rules; Rule 2.07

(2) suspend the local calendar rules; Rule 9.07

(3) authorize committees or conference committees to meet during a session of the Senate; Rule 11.13

(4) consider a nomination of the Governor without being referred to a committee; Rule 14.01

(5) dispense with secrecy of executive session. Rule 15.01

**MATTERS REQUIRING VOTE OF
FOUR-FIFTHS OF MEMBERS OF SENATE**

Rule 16.03. A vote of four-fifths of the members of the Senate shall be required to:

(1) suspend the constitutional rule prohibiting consideration of a bill during the first 60 days of a regular session; Rule 7.13 (Constitution, Article III, Section 5) See note to Rule 7.13.

(2) suspend the rule prohibiting introduction of a bill after the first 60 days of a regular session. Rule 7.07.

**MATTERS REQUIRING VOTE OF
FOUR-FIFTHS OF MEMBERS PRESENT**

Rule 16.04. A vote of four-fifths of the members present shall be required to:

(1) suspend the constitutional rule requiring bills to be read on three several days; Rule 7.18 (Constitution, Article III, Section 32) See note to Rule 7.18.

(2) suspend the requirement that a bill be reported from a Senate committee at least three days before final adjournment of a regular session; Rule 7.24 (Constitution, Article III, Section 37)

(3) pass a bill on third reading after the 135th calendar day of a regular session; Rule 7.25.

(4) take any action on a bill within the last 24 hours of the session except to correct an error therein; Rule 7.25.

(5) suspend the Intent Calendar rules; Rule 5.14.

- (6) reset a special order to earlier time. Rule 5.11.

**MATTERS REQUIRING VOTE
OF TWO-THIRDS OF MEMBERS OF SENATE**

Rule 16.05. A vote of two-thirds of the members of the Senate shall be required for:

(1) final passage of proposed amendment to the Constitution;
Rule 10.02 (Constitution, Article XVII, Section 1)

(2) immediate effect of a bill; (Constitution, Article III, Section 39)

(3) the release of payment of taxes in cases of great public calamity; (Constitution, Article VIII, Section 10)

(4) final passage of bills to reduce county to less area than 900 square miles; (Constitution, Article IX, Section 1)

(5) passage of an address to the Governor for the removal of any civil officer; (Constitution, Article XV, Section 8)

(6) expulsion of a member of the Senate; Rule 4.09 (Constitution, Article III, Section 11)

(7) passage of House bills that have been returned by the Governor with objections. Rule 6.20. (Constitution, Article IV, Section 14)

Note of Ruling

A vote of two-thirds of the members is not required for passage of bill to create flood control district and donate portion of taxes collected therein to the district (48 S.J. Reg. 1053 (1943)).

**MATTERS REQUIRING VOTE OF
TWO-THIRDS OF MEMBERS PRESENT**

Rule 16.06. A vote of two-thirds of the members present shall be required to:

- (1) impeach any officer; (Constitution, Article XV, Section 3)
- (2) pass a Senate bill that has been returned by the Governor with objections; Rule 6.20 (Constitution, Article IV, Section 14) See note to Rule 6.20.
- (3) confirm an appointee of the Governor, unless otherwise directed by law; (Constitution, Article IV, Section 12)
- (4) adopt an amendment at third reading of a bill or a joint resolution. Rules 7.19 and 10.02.

**MATTERS REQUIRING VOTE OF
FIVE-NINTHS OF MEMBERS PRESENT**

Rule 16.07. A vote of five-ninths of the members present shall be required to:

- (1) suspend the floor privileges of a member of the Senate;
Rule 4.07
- (2) excuse absentees; Rule 5.03
- (3) set a matter for special order; Rule 5.11
- (4) suspend the regular order of business; Rule 5.13
- (5) rerefer a bill to another committee; Rule 6.08
- (6) consider immediately petitions, concurrent and joint resolutions, or resolutions setting or defining legislative or state policy; Rule 8.02
- (7) place a minority report on the calendar; Rule 11.17

(8) suspend the section-by-section analysis on conference committee reports; Rule 12.10

(9) suspend or rescind any rule of the Senate unless the rules specify a different majority. Rule 22.01.

MATTERS REQUIRING VOTE OF MAJORITY OF MEMBERS OF SENATE

Rule 16.08. A vote of the majority of the members of the Senate is required to:

(1) pass a resolution initially adopting temporary or permanent rules of the Senate; Rule 21.01

(2) adopt, amend, or rescind any Joint Rules of the two Houses; Rules 21.02 and 22.02

(3) adopt resolution to suspend conference committee rules; Rule 12.08

(4) commit or recommit bill, resolution, or petition to a committee; Rule 6.08

(5) hold an executive session; Rule 15.02

(6) pass a resolution amending the Rules of the Senate; Rule 22.01.

MATTERS REQUIRING VOTE OF MAJORITY OF MEMBERS PRESENT

Rule 16.09. A vote of the majority of members present shall be required to:

(1) elect officers; Rule 1.05

(2) elect a member to preside; Rule 1.01

(3) remove a member from the chair; Rule 4.08

- (4) pass a bill on second reading; Rule 7.17
- (5) pass a bill on third reading, except to give immediate effect to the bill as required by Rule 7.18;
- (6) adopt an amendment on second reading;
- (7) adopt a motion to reconsider vote; Rules 6.10 and 6.11
- (8) dispense with reading of papers; Rule 6.13. See note to Rule 6.13.
- (9) debate a congratulatory, memorial, or courtesy resolution; Rule 8.03. See note to Rule 8.03.
- (10) adopt a motion for previous question, after five seconds; Rule 6.09. See note to Rule 6.09.
- (11) adopt a motion for immediate ruling, after 10 seconds; Rule 6.12. See note to Rule 6.12.
- (12) concur in House amendments to Senate bills, except to give immediate effect to the bill as required by Rule 16.05(2);
- (13) adopt a Conference Committee Report, except to give immediate effect to the bill as required by Rule 16.05(2).

**MATTERS REQUIRING VOTE WHEN LESS
THAN A QUORUM IS PRESENT**

Rule 16.10. When a quorum is not present, a majority of the members present may:

- (1) authorize a call of the Senate; Rule 5.04. See note to Rule 5.04.
- (2) authorize a call for absent members; Rule 5.02. See note to Rule 5.02.
- (3) adjourn or recess. Rule 5.02.

**ARTICLE XVII
SENATE JOURNAL**

REASON FOR VOTE

Rule 17.01. Any member shall have the privilege to have spread upon the journal of the Senate a brief statement of the member's reason for any vote he or she may cast. Such statement shall not deal in personalities or contain any personal reflection on any member of the Legislature, the Speaker, the Lieutenant Governor, or the Governor and shall not in any other manner transgress the rules or traditions of the Senate.

Editorial Note

A Senator's privilege of inserting his reasons for a vote is frequently exercised; and in some instances a considerable amount of matter quoted from letters, newspapers, etc., is incorporated in the reasons inserted (40 S.J. Reg. 416-418 (1927); 40 S.J. 1 C.S. 42-43 (1927); 42 S.J. 1 C.S. 24 (1931); 49 S.J. Reg. 582 (1945)).

JOURNAL OF SENATE

Rule 17.02. The proceedings of the Senate, when not in Committee of the Whole Senate or in executive session, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings. The titles of the bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the journal. Every report of a committee and vote of the Senate and a brief statement of the contents of each memorial, petition, or paper presented to the Senate shall also be inserted in the journal. Resolutions of a congratulatory nature and resolutions recognizing visitors to the Senate shall not be numbered or printed in the journal, but the names of the sponsor and the persons concerned and the recognition accorded may be listed for each day at the end of the day's proceedings.

Editorial Note

House amendments to any Senate Bill, Senate Joint Resolution, or Concurrent Resolution shall be printed in the

Senate Journal on the day that action is taken by the Senate thereon.

Notes of Rulings

The Senate can take cognizance of an action by House only if officially notified of such action (35 S.J. 2 C.S. 61 (1917)).

It is not out of order for a member to request that the journal show the subjects as well as the numbers of certain bills the recommitment of which has been moved (51 S.J. Reg. 562 (1949)).

A letter relating to supply of natural gas to San Antonio may be inserted in the Senate Journal and the rule relative to contents can be suspended by member requesting same if there is no other matter pending before Senate at that time (62 S.J. 2 C.S. 41 (1972)).

RETURN OF VETOED SENATE BILLS

Rule 17.03. When a bill shall be returned to the Senate by the Governor, with the Governor's objections, it shall be entered at large upon the journal. (Constitution, Article IV, Section 14)

Note of Ruling

Consideration of a motion to override the Governor's veto of a particular bill may be postponed (45 S.J. Reg. 1484 (1937)).

**ARTICLE XVIII
MESSAGES TO AND FROM HOUSE**

MESSAGES TO THE HOUSE

Rule 18.01. Messages, bills, resolutions, and other papers shall be sent to the House of Representatives by the Secretary of the Senate who shall previously endorse upon them the final determination of the Senate thereon.

MESSAGES FROM THE HOUSE

Rule 18.02. Messages may be received at any time, except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

**ARTICLE XIX
AGENCY RULES**

REFERRAL OF AGENCY RULES

Rule 19.01. The President shall refer to the appropriate standing committee each proposed agency rule on which notice is filed by an agency as required by the Administrative Procedure Act.

COMMITTEE ACTION

Rule 19.02. The committee on a vote of a majority of its members may transmit to the agency a statement supporting or opposing adoption of the proposed rule.

**ARTICLE XX
WHEN SENATE RULES ARE SILENT**

PRESIDENT OF SENATE DECIDES QUESTION

Rule 20.01. The President of the Senate shall decide all questions not provided for by the standing Rules of Order of the Senate and Joint Rules of

Order of both branches of the Legislature, according to parliamentary practice laid down by approved authors.

Editorial Notes

The rulings of the presiding officers of the Senate as shown in the Texas Legislative Manual, the practice in Congress as shown in Hinds' Precedents and in Cannon's Precedents, the practice in the Texas House of Representatives as shown in the Legislative Manual, and the rules and precedents as set forth in Mason's Manual of Legislative Procedure, Jefferson's Manual, and the Manual of the United States Senate have been resorted to by the presiding officers of the Senate for guidance in deciding questions of order.

For an instance of when the chair submitted a point of order directly to the Senate for its determination, see 71 S.J. 2 C.S. 554 (1989).

Note of Ruling

For an instance of when the chair refused to sustain a point of order challenging compliance with a constitutionally required procedure because the Constitution, laws, rules of the Senate, and official records of the Senate did not provide a basis on which to determine compliance, see 74 S.J. Reg. 2458-2461 (1995).

APPEAL TO SENATE

Rule 20.02. The President's ruling is subject to appeal to the entire Senate.

**ARTICLE XXI
ADOPTION OF RULES**

SENATE RULES

Rule 21.01. The Senate shall at the beginning of each Legislative Session adopt temporary or permanent Senate rules by resolution of the Senate. The Senate rules shall be adopted by a majority of the members of the Senate.

JOINT RULES

Rule 21.02. The House and Senate may adopt Joint Rules for the two Houses. Joint Rules may be adopted by a majority of the members of the Senate.

**ARTICLE XXII
SUSPENSION, AMENDMENT, OR RESCISSION OF RULES**

SENATE RULES

Rule 22.01. It shall require a vote of five-ninths of the members present to suspend any rule of the Senate, unless the rules specify a different majority. A majority of the members of the Senate may amend the Rules of the Senate by adoption of a Senate Resolution amending the rules, which resolution has been referred to and reported from a committee as otherwise required by these rules. Rules 16.07 and 16.08.

JOINT RULES

Rule 22.02. It shall require a vote of a majority of the members of the Senate to suspend, amend, or rescind any Joint Rules of the two Houses. Rule 16.08

RULES OF THE SENATE--APPENDIX

SENATE PRECEDENTS RELATING TO CONFERENCES

It is immaterial whether a committee to adjust differences be termed a conference committee or a free conference committee, there being no substantial difference between the two (35 S.J. 3 C.S. 670 (1917)).

A motion having been made to adopt a conference report, a motion to reject the report is not in order (42 S.J. 3 C.S. 163 (1932)).

A conference committee may not be instructed after it has commenced its deliberations (43 S.J. Reg. 1684 (1933); 44 S.J. 3 C.S. 250-252 (1936)).

A motion to adopt a conference committee report on a joint resolution is in order at any time and without a reconsideration of the vote by which it has once been lost (44 S.J. Reg. 1812 (1935)).

A motion to discharge a conference committee and request a new conference committee is in order before the original conference committee has submitted its report (45 S.J. 1 C.S. 44 (1937)).

Even after a conference report has been adopted and the bill as recommended in the report has been enrolled, signed, and presented to the Governor, the vote by which report was adopted may be reconsidered, the report rejected, and the differences between the two Houses referred to a new conference committee for adjustment (46 S.J. Reg. 1437 (1939)).

A concurrent resolution to correct a House bill that has been passed by the Senate is in order and requires only a majority vote for adoption (46 S.J. Reg. 1891 (1939)).

Adoption of resolution to recede from Senate amendments to House bill after request made by House for conference committee and request granted but Senate conferees not appointed properly effects an adjustment of differences between two Houses (47 S.J. Reg. 1291 (1941)).

After a bill reaches a stage when the adjustment of the differences between the two Houses on the bill is all that remains to effect its final enactment,

either or both Houses may take any action, separately or jointly, which will adjust those differences (47 S.J. Reg. 1291 (1941)).

A conference report may contain any matter germane to original bill if entire text of bill as passed in the two Houses is different (47 S.J. Reg. 2493 (1941)).

PROCEDURE AND PRACTICE IN CONGRESS RELATIVE TO ADJUSTING DIFFERENCES BETWEEN HOUSES

Steps Preliminary to Conference

The Senate cannot act until in possession of the papers (5, 6322, 6518-6522), and when transmitting papers should ask for or agree to conference (5, 6273).

The papers consist of the original engrossed copy of the bill attested by the Clerk of the House or the Secretary of the Senate, the engrossed amendments, and later the conference report signed by the managers.

The managers on the part of the House asking the conference bring the papers to the conference room. At the close of an effective conference the papers change hands, and the managers on the part of the House agreeing to the conference receive them and take them to their House, which first receives and considers the conference report (5, 6254; 8, 3330).

The motion to not concur yields precedence to the motion to concur (8, 3779).

The stage of disagreement between the two Houses is reached when one informs the other of disagreement (4, 3475; 6, 756, 757). A bill with amendments of the other House is privileged after the stage of disagreement has been reached (4, 3149, 3150; 6, 756; 8, 3185, 3194).

The stage of disagreement having been reached, that motion which tends most quickly to bring the Houses into agreement is preferential, and so a motion to adopt a conference report takes precedence over a motion to recommit it (8, 3204).

A majority of the managers of a conference should represent the attitude of the majority of the House on the disagreement in issue, and on exceptional occasions the Speaker has passed over the ranking member of the committee in the appointment of conferees in order to conform to this practice (8, 3223).

Resignations of conferees are properly addressed to the President, but are acted on by the Senate, and, being accepted, the President appoints successors and directs the Secretary to notify the House (5, 6373-6376; 8, 3224, 3227).

The motion to instruct conferees is not in order after the conferees have been appointed (5, 6379-6382; 8, 3233, 3240, 3256).

The motion to instruct conferees is divisible if it contains more than one substantive proposition (74-2-7945, 7951).

Motions to instruct conferees may not include directions which would be inadmissible if offered as motions during its consideration (8, 3235); may not require conferees to report back amendments outside the subjects in disagreement between the two Houses (8, 3243, 3244).

Conference Reports

When conference results in disagreement, conferees reporting disagreement are thereby discharged (Cannon's Procedure, 4th Ed., 124).

Supplemental reports or minority views may not be filed in connection with conference reports (8, 3302).

Conference reports may not be considered when original bill and accompanying papers are not before the House (8, 3301).

When a conference report is called up only three courses are open: (a) agree, (b) disagree, or (c) recommit (5, 6546).

Conference reports may not be--

 Tabled (5, 6538-6544).

 Referred to committee (5, 6558).

APPENDIX

Amended (5, 6534, 6535), except by concurrent resolution (5, 6536, 6537; 8, 3306-3308).

Recommitted, if House has already agreed (5, 6545-6553, 6609).

When called up for consideration the motion to agree is regarded as pending, and the motion to disagree is not admitted (2, 1473; 5, 6517; 8, 3300).

A conference report must be acted on as a whole and agreed to or disagreed to in entirety (5, 6472-6480; 8, 3304, 3305).

If either House disagrees to conference report the bill returns to position before conference was asked (5, 6526), and amendments in disagreement come up for consideration as originally (2, 1473; 5, 6525).

Clerical errors in conference reports agreed to by the House are corrected by proper enrollment of the bill (Cannon's Procedure, 4th Ed., 127).

The Speaker may rule out a conference report if it is shown that the conferees have exceeded their authority (Sec. 547; 5, 6409, 6410, 6414-6416; 8, 3256, 3264). The Senate amendments are then before the House *de novo*, and motions to send to conference are again in order (Cannon's Procedure, 4th Ed., 129).

A conference report may be recommitted to the committee of conference if the House has not, by acting on the report, discharged its managers (Sec. 550; 5, 6545-6553, 6609; 8, 3310).

PRECEDENTS ON CONSTITUTIONAL QUESTIONS

Lieutenant Governor T. W. Davidson refused to rule on the constitutionality of an amendment and stated that he would not rule on constitutionality of any amendment unless the particular part of the Constitution alleged to be violated had been carried forward in the rules of the Senate (38 S.J. Reg. 702 (1923)).

A bill which enacts, amends, or repeals general law may contain an appropriation necessary to accomplish the main object of the bill and does not

violate the single-subject limitation of Article III, Section 35, Texas Constitution (71 S.J. 2 C.S. 43-44 (1989)).

Presiding officers have traditionally refused to rule on points of order when raised against bills that may violate "substantive" constitutional provisions. A "substantive" provision is one that establishes policy or principle. "Procedural" provisions of the Constitution (those dealing with the legislative process) may be subject to parliamentary enforcement. (See Rule 5.15 notes)

Qualifications of Member

A person holding the office of district attorney may become candidate for Senator at a special election; and if elected, the Senate is judge of whether he is barred from serving as Senator by Section 19 of Article III of Constitution (44 S.J. 1 C.S. 103 (1935)).

Amending Statutes

The Legislature, in an appropriation bill, may prescribe the qualifications of an officer or employee, for whose salary an appropriation is made (45 S.J. Reg. 1189 (1937)).

A general law may not be amended by an appropriation bill (44 S.J. 3 C.S. 50 (1936)).

A section of a general statute cannot be amended except by a general bill that re-enacts at length and as amended the section amended (44 S.J. 3 C.S. 50 (1936)).

Donations by State

A bill granting and donating ad valorem taxes to the counties of the state for a period of five years for the purpose of constructing improvements to prevent soil erosion and for flood control, highway construction, etc., does not violate Section 51 of Article III, which provides that the Legislature shall have no power to make a grant of public moneys to any municipal or other corporation (45 S.J. Reg. 933 (1937)).

An amendment to permit a loan by the state in violation of Constitution is not in order (49 S.J. Reg. 613 (1945)).

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An amendment making an appropriation for the conversion and enlargement of properties donated to the state by the Southwestern Medical Foundation into a College of Medicine of The University of Texas is not in violation of Section 6 of Article XVI of the Constitution prohibiting appropriations for private or individual purposes (51 S.J. Reg. 1127 (1949)).

Amendment by Reference

The mere inclusion or exclusion of a designated thing, individual, or class from the purview of a prior enactment does not constitute an "amendment by reference" within prohibition of Constitution. (Vernon's Ann. St. Const. Art. III, Sec. 36; S.W. Gas & Elec. Co. v. State, 190 S.W. 2d, 132.)

Exclusive Powers of House or Senate

"The specific grant of a power to each House is an express denial of it to the courts or to precedent or subsequent Legislatures."

"There are certain matters which each House determines for itself and in respect to which its decisions are conclusive"; for example, passing on the qualification of members, the adoption of rules of procedure, the confirmation of appointments by the Senate, impeachment by House, trial of impeachment by Senate (35 S.J. 3 C.S. 48-49 (1917)).

Order of Business

Article III, Section 5 of the Constitution reads as follows:

"(a) The Legislature shall meet every two years at such time as may be provided by law and at other times when convened by the Governor.

(b) When convened in regular Session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature. During the succeeding thirty days of the regular session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor. During the remainder of the session the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature.

(c) Notwithstanding Subsection (b), either House may determine its order of business by an affirmative vote of four-fifths of its membership."

The Senate has determined a different order of business either by adoption of a separate resolution, adoption of rules, or adoption of a motion to suspend the constitutional provisions for a specific bill.

Senate practice recognizes that the periods for legislative action provided by Article III, Section 5 of the Texas Constitution are cumulative, rather than exclusive, and that the provisions do not impose deadlines for action.

See Attorney General Opinion No. 2828 (1931) and the memorandum provided in 67 H.J. Reg. 480 (1981) for a detailed analysis of the constitutional order of business.

A bill may be considered by a committee in the first 30 days of a regular session if a Senate rule allowing committees to consider bills and resolutions "at any time" has been adopted by the Senate in compliance with Article III, Section 5(c) of the Texas Constitution (75 S.J. 637 (1997)).

Taxation

A bill to amend an article of the Revised Civil Statutes relative to tax on menageries, etc., held not a bill to raise revenue (36 S.J. Reg. 512 (1919)).

A Senate resolution that the "Senate go on record as favoring a tax of one dollar on each pint of whiskey" is not in order because it "[commits] the Senate on a measure which should originate in the House" (40 S.J. 1 C.S. 47 (1927)).

For opinion of the Attorney General relative to the adding by the Senate of a license tax to a bill providing for a gasoline tax, see 41 S.J. 1 C.S. 65-67 (1929).

The Senate may amend a revenue bill from the House by adding a new field of taxation and so may place a tax on the sale of cigarettes by amending a bill imposing a privilege tax on persons producing natural gas; and a tax on cement may be added to a bill levying tax on peddlers (42 S.J. Reg. 893, 1622 (1931)).

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A measure which merely relates to revenue and is not a "revenue-raising measure" may originate in the Senate (45 S.J. Reg. 249 (1937)).

A Senate bill amending a revenue-raising law is a revenue-raising measure itself and cannot originate in the Senate (42 S.J. 1 C.S. 696 (1931)).

An amendment, the adoption of which will make of a Senate bill a revenue-raising measure, is not in order (45 S.J. Reg. 249 (1937)).

An amendment which makes a revenue-raising measure of a bill further defining the term "carbon black" as used in the omnibus tax law is not in order (51 S.J. Reg. 1641 (1949)).

An amendment to levy tax on fuel used in aircraft offered to bill exempting from motor fuel tax law fuels used for non-highway purposes subjects the bill to the constitutional prohibition against revenue-raising measures originating in Senate and is not in order (49 S.J. Reg. 527 (1945)).

The Senate may amend a revenue bill from the House by adding a new field of taxation, and so may place a tax on cigarettes in a bill levying certain other taxes (42 S.J. Reg. 893 (1931)).

A bill which produces revenue as an incident to a different, non-revenue-producing purpose may originate in the Senate (68 S.J. Reg. 834-835 (1983); 71 S.J. 2 C.S. 44 (1989); 74 S.J. Reg. 2030-2035 (1995)).

Jurisdiction--Special Sessions

Article III, Section 40 of the Constitution reads as follows:

"When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor, and no such session shall be of longer duration than 30 days."

The courts have interpreted Article III, Section 40 to mean that:

(1) the intention of this section is not to require the Governor to define with precision the detail of the legislation but only in general ways, by this call, to confine the business to the particular subjects. Brown v. State, 32 Tex. Crim. 133, 22 S.W. 596, 601 (1893); Long v. State, 58 Tex. Crim. 209, 127 S.W. 208 (1910).

(2) it is not necessary or proper for the Governor to suggest in detail the legislation desired. It is for the Legislature to determine what the legislation shall be. Brown v. State, 32 Tex. Crim. 133, 22 S.W. 596, 601 (1893).

(3) the Constitution does not require the proclamation of the Governor to define the character and scope of legislation which may be enacted at a special session but only in a general way to present the subjects for legislation, and thus confine the business to a particular field which may be covered in such ways as the Legislature may determine. Baldwin v. State, 21 Tex. 591, 3 S.W. 109 (1886); Deveraux v. City of Brownsville, 29 Fed. Rep. 742 (1887).

The gist of these opinions is that the Legislature is not held to strict interpretation of "subject" submitted in the Governor's call, but rather that it has the authority to determine the specific details of legislation as long as they come generally within the call. And it seems clear that the Governor can not restrict the Legislature to a particular bill or plan of legislation.

As an example, in Baldwin v. State, a defendant found guilty of failing to pay an occupation tax attacked the constitutionality of the statute imposing the tax on the ground that it was not included in the subjects contained in the proclamation convening the special session at which it was enacted. The proclamation stated that one of the purposes of the special session was "to reduce taxes, both ad valorem and occupation, so far as it may be consistent with the support of an efficient state government." The court found that the proclamation embraced the whole subject of taxation and that the Governor's proclamation merely called attention to the subject on which legislation was desired. Thus, the statute

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imposing a tax was upheld as being authorized by a proclamation that spoke only to reducing taxes.

In called sessions, the chair may employ two distinct procedures in dealing with bills embodying subjects not submitted by the Governor in the proclamation or in messages to the Legislature.

Under the first option, the chair gives all bills a first reading and refers them to the appropriate committees without regard as to whether they fit within the stated purposes of the called session. This procedure does not diminish the right of any member to later challenge a measure on the grounds that it is not contained within the call. The procedure does, however, activate the committee operations of the Senate and has proven in the past to expedite the consideration of subjects that the Governor may later submit to a called session.

Under the second option the chair reviews all bills filed with the Secretary of the Senate or received from the House, to determine if their subject matter has been submitted by the Governor. The chair will then admit to first reading only those that are so covered.

It is generally conceded that if a bill, not within the Governor's call or later submissions, is passed by the Legislature and signed or filed by the Governor (not vetoed) it will become law.

A bill relating to a subject not within the Governor's call for a special session, upon being submitted for introduction, is out of order, and the chair may refuse to refer it to a committee (41 S.J. 5 C.S. 9, 14 (1930)).

A bill amending a law relating to a subject not within the Governor's call may not be introduced at a Called Session (44 S.J. 1 C.S. 63 (1935)).

A point of order as to the Senate's jurisdiction may be raised at any time, and a point of order against consideration of a bill at a Called Session on the ground that it relates to a subject not submitted for consideration at that session or a point of order that the bill is a revenue-raising measure that cannot originate in

the Senate, if upheld, prevents consideration by the Senate of any such bill (44 S.J. 2 C.S. 7 (1935)).

A bill to prohibit betting on races by pari-mutuel method and by other methods as well is within call of Governor for a special session "to outlaw and prohibit the so-called pari-mutuel betting or gaming on horse races at race tracks" (45 S.J. 1 C.S. 19-20 (1937)).

In case the chair holds a bill may not be introduced at a Called Session because it relates to a subject not submitted by the Governor and an appeal is taken from the ruling and the chair is not sustained, the bill may be introduced and considered by the Senate at that session (45 S.J. 2 C.S. 60 (1937)).

A bill revising appropriations already made comes within the Governor's call of a special session to "balance the budget, etc." (45 S.J. 2 C.S. 71 (1937)).

A concurrent resolution to permit suit against State is not in order at Called Session unless subject of resolution submitted by Governor (47 S.J. 1 C.S. 69 (1941)).

An amendment to authorize the use of a portion of certain revenues for the benefit of the M. D. Anderson Hospital for Cancer Research is not within the Governor's call for a special session "to make and to finance such appropriations as the Legislature may deem necessary . . . for the agencies and institutions for which appropriations were made by Chapter 553, Acts of the 51st Legislature, Regular Session," since no reference is made in said Chapter to said M. D. Anderson Hospital for Cancer Research (51 S.J. 1 C.S. 99 (1950)).

An amendment making an appropriation to be used principally for distributing surplus commodities to the state hospitals and special schools is within the Governor's call for a special session "to make and to finance such appropriations as the Legislature may deem necessary for the State hospitals and special schools." (51 S.J. 1 C.S. 79 (1950)).

The Senate while in called session may consider a concurrent resolution petitioning the Congress to propose a constitutional amendment (71 S.J. 1 C.S. 72 (1989)).

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Uniform Tax Rule

Under the constitutional provision requiring all occupation taxes to be equal and uniform on same class, Legislature has power to classify subjects and court can only interfere when it is made clearly to appear that the attempted classification has no reasonable basis in the nature of businesses classified and that the law operates unequally upon subjects between which there is no real difference. (See Vernon's Annotated Constitution, Art. VIII, Section 1.)

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**MEMBERS OF THE
HOUSE OF REPRESENTATIVES
88th Legislature**

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Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Phelan, Dade (Speaker)	21	Orange	Rep.	Real Estate Developer	84th-87th	Jasper, Jefferson (part), Orange
Allen, Alma	131	Houston	Dem.	Educational Consultant	79th-87th	Harris (part)
Allison, Steve	121	San Antonio	Rep.	Attorney	86th, 87th	Bexar (part)
Anchía, Rafael	103	Dallas	Dem.	Attorney	79th-87th	Dallas (part)
Anderson, Charles “Doc” ¹	56	Waco	Rep.	Retired Veterinarian	79th-87th	McLennan (part)
Ashby, Trent	9	Lufkin	Rep.	Senior Vice President for VeraBank	83rd-87th	Angelina, Houston, Polk, San Augustine, Trinity, Tyler
Bailes IV, Ernest	18	Shepherd	Rep.	Self-Employed	85th-87th	Hardin, Liberty, Montgomery (part), San Jacinto
Bell, Jr., Cecil	3	Magnolia	Rep.	Contractor	83rd-87th	Montgomery (part)
Bell, Keith	4	Athens, Forney	Rep.	Electrical Contractor	86th, 87th	Henderson (part), Kaufman
Bernal, Diego	123	San Antonio	Dem.	Attorney	84th (part), 85th-87th	Bexar (part)
Bhojani, Salman	92	Euless	Dem.	Attorney, Real Estate Investor		Tarrant (part)
Bonnen, Greg	24	League City	Rep.	Neurosurgeon	83rd-87th	Galveston (part)
Bowers, Rhetta Andrews	113	Garland	Dem.	Educator	86th, 87th	Dallas (part)

¹ Charles “Doc” Anderson resigned effective August 15, 2024, and was succeeded by Pat Curry.

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Bryant, John	114	Dallas	Dem.	Attorney	63rd (part), 64th-67th	Dallas (part)
Buckley, Brad	54	Salado, Lampasas	Rep.	Veterinarian	86th, 87th	Bell (part)
Bucy III, John H.	136	Cedar Park	Dem.	Small Business Owner	86th, 87th	Williamson (part)
Bumgarner, Ben	63	Roanoke	Rep.	Self-Employed		Denton (part)
Burns, DeWayne	58	Cleburne	Rep.	Investor, Farmer, Rancher	84th-87th	Johnson, Somervell
Burrows, Dustin	83	Lubbock	Rep.	Attorney	84th-87th	Borden, Crosby, Dickens, Floyd, Garza, Kent, Lubbock (part), Lynn, Mitchell, Scurry, Terry
Button, Angie Chen	112	Richardson	Rep.	Marketing	81st-87th	Dallas (part)
Cain, Briscoe	128	Deer Park, Baytown	Rep.	Attorney	85th-87th	Harris (part)
Campos, Elizabeth	119	San Antonio	Dem.	Self-Employed	87th	Bexar (part)
Canales, Terry	40	Edinburg	Dem.	Attorney	83rd-87th	Hidalgo (part)
Capriglione, Giovanni	98	Keller	Rep.	President, Texas Adventure Capital, LLC	83rd-87th	Tarrant (part)
Clardy, Travis	11	Nacogdoches	Rep.	Attorney	83rd-87th	Nacogdoches, Newton, Panola, Rusk, Sabine, Shelby
Cole, Sheryl	46	**	Dem.	Lawyer and CPA	86th, 87th	Travis (part)
Collier, Nicole	95	Fort Worth	Dem.	Attorney	83rd-87th	Tarrant (part)

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Cook, David L.	96	Mansfield	Rep.	Attorney	87th	Tarrant (part)
Cortez, Dr. Philip	117	San Antonio	Dem.	Public Relations	83rd, 85th-87th	Bexar (part)
Craddick, Tom	82	Midland	Rep.	Business Development Manager	61st-87th	Dawson, Martin, Midland
Cunningham, Charles	127	Humble	Rep.	Retired Businessman		Harris (part)
Curry, Pat ²	56	Waco	Rep.	Businessman		McLennan (part)
Darby, Drew	72	San Angelo	Rep.	Attorney and Businessman	80th-87th	Coke, Coleman, Concho, Glasscock, Howard, Irion, Reagan, Runnels, Sterling, Tom Green
Davis, Yvonne	111	Dallas	Dem.	Small Business Owner	73rd-87th	Dallas (part)
Dean, Jay	7	Longview	Rep.	Self-Employed	85th-87th	Gregg, Harrison, Marion
DeAyala, Mano	133	Houston	Rep.	Attorney		Harris (part)
Dorazio, Mark	122	San Antonio	Rep.	Self-Employed		Bexar (part)
Dutton, Jr., Harold V.	142	Houston	Dem.	Attorney	69th-87th	Harris (part)
Dutton, Jill ³	2	Canton, Greenville	Rep.	Self-Employed		Hopkins, Hunt, Van Zandt
Flores, Lulu	51	**	Dem.	Attorney		Travis (part)

² Pat Curry was elected in a special election held November 5, 2024, and was sworn in on November 18, 2024, filling the seat formerly held by Charles “Doc” Anderson.

³ Jill Dutton was elected in a special election runoff held January 30, 2024, and was sworn in on February 14, 2024, filling the seat formerly held by Bryan Slaton.

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Frank, James B.	69	Wichita Falls	Rep.	Business Owner	83rd-87th	Archer, Baylor, Clay, Cottle, Fisher, Foard, Hardeman, Haskell, King, Knox, Motley, Stonewall, Wichita, Wilbarger
Frazier, Frederick	61	**	Rep.	Police Officer		Collin (part)
Gámez, Erin Elizabeth	38	**	Dem.	Attorney	87th (part)	Cameron (part)
Garcia, Josey	124	**	Dem.	Retired U.S. Air Force		Bexar (part)
Gates, Gary	28	**	Rep.	Real Estate, Property Management	86th (part), 87th	Fort Bend (part)
Gerdes, Stan	17	**	Rep.	Consultant		Bastrop, Burleson, Caldwell, Lee, Milam
Geren, Charlie	99	Lake Worth	Rep.	Restaurant Owner and Rancher	77th-87th	Tarrant (part)
Gervin-Hawkins, Barbara	120	San Antonio	Dem.	Education	85th-87th	Bexar (part)
Goldman, Craig	97	Fort Worth	Rep.	Real Estate/ Investments	83rd-87th	Tarrant (part)
González, Jessica	104	Dallas	Dem.	Attorney	86th, 87th	Dallas (part)
González, Mary E.	75	San Elizario	Dem.	Executive Director, The Mexican American School Boards Association	83rd-87th	El Paso (part)
Goodwin, Vikki	47	**	Dem.	Real Estate Broker	86th, 87th	Travis (part)
Guerra, R. D. "Bobby"	41	McAllen	Dem.	Attorney	82nd (part), 83rd-87th	Hidalgo (part)

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Guillen, Ryan	31	Rio Grande City	Rep.	Investor/Rancher	78th-87th	Brooks, Duval, Jim Hogg, Karnes, Kenedy, La Salle, Live Oak, McMullen, Starr, Wilson, Zapata
Harless, Sam	126	Spring	Rep.	Automobile Dealer	86th, 87th	Harris (part)
Harris, Cody	8	Palestine	Rep.	Ranch Broker	86th, 87th	Anderson, Cherokee, Henderson (part), Navarro
Harris Davila, Caroline	52	**	Rep.	Policy Advisor		Williamson (part)
Harrison, Brian	10	Waxahachie	Rep.	Self-Employed	87th (part)	Ellis
Hayes, Richard D.	57	Lake Dallas	Rep.	Attorney		Denton (part)
Hefner, Cole	5	Mount Pleasant, Lindale	Rep.	Insurance Agent	85th-87th	Camp, Rains, Smith (part), Titus, Upshur, Wood
Hernandez, Ana	143	Houston	Dem.	Attorney	79th (part), 80th-87th	Harris (part)
Herrero, Abel	34	Robstown	Dem.	Attorney	79th-81st, 83rd-87th	Nueces (part)
Hinojosa, Gina	49	**	Dem.	Attorney	85th-87th	Travis (part)
Holland, Justin	33	Rockwall	Rep.	Real Estate Broker	85th-87th	Collin (part), Rockwall
Howard, Donna	48	Austin	Dem.	Community Advocate	79th (part), 80th-87th	Travis (part)
Hull, Lacey	138	Houston	Rep.	Small Business Owner	87th	Harris (part)
Hunter, Todd	32	Corpus Christi	Rep.	Attorney	71st-74th, 81st-87th	Aransas, Nueces (part)
Isaac, Carrie	73	New Braunfels	Rep.	Consultant		Comal, Hays (part)

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Jetton, Fanny ⁴	26	Katy	Rep.	Business Owner		Fort Bend (part)
Jetton, Jacey ⁴	26	Katy	Rep.	Business Owner	87th	Fort Bend (part)
Johnson, Ann	134	Houston	Dem.	Attorney	87th	Harris (part)
Johnson, Jarvis D.	139	Houston	Dem.	Business Owner	84th (part), 85th-87th	Harris (part)
Johnson, Julie	115	**	Dem.	Attorney	86th, 87th	Dallas (part)
Jones, Jolanda “Jo”	147	Houston	Dem.	Attorney	87th (part)	Harris (part)
Jones, Jr., Venton C.	100	Dallas	Dem.	Chief Executive Officer		Dallas (part)
Kacal, Kyle	12	Bryan	Rep.	Rancher	83rd-87th	Brazos (part), Grimes, Madison, Robertson, Walker, Washington
King, Ken	88	Canadian	Rep.	Oil & Gas Service Executive	83rd-87th	Andrews, Bailey, Briscoe, Castro, Childress, Cochran, Collingsworth, Donley, Gaines, Gray, Hale, Hall, Hemphill, Hockley, Lamb, Roberts, Swisher, Wheeler, Yoakum
King, Tracy O.	80	Laredo	Dem.	Businessman	74th-77th, 79th-87th	Atascosa, Dimmit, Frio, Uvalde, Webb (part), Zavala
Kitzman, Stan	85	Bellville	Rep.	Small Business Owner		Austin, Colorado, Fayette, Fort Bend (part), Waller, Wharton

⁴ Jacey Jetton entered active military duty on June 7, 2023, during the 1st Called Session. He appointed Fanny Jetton as temporary acting representative. She was sworn into office on June 28, 2023, on the first day of the 2nd Called Session. Jacey Jetton returned from active duty and resumed the duties of acting representative on October 6, 2023.

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Klick, Stephanie	91	North Richland Hills	Rep.	Registered Nurse	83rd-87th	Tarrant (part)
Kuempel, John	44	Seguin	Rep.	Salesman	81st (part), 82nd-87th	Gonzales, Guadalupe
Lalani, M.D., Suleman	76	Sugar Land	Dem.	Physician		Fort Bend (part)
Lambert, Stan	71	**	Rep.	Retired Banker	85th-87th	Callahan, Jones, Nolan, Taylor
Landgraf, Brooks	81	Odessa	Rep.	Attorney, Rancher	84th-87th	Ector, Loving, Ward, Winkler
Leach, Jeff	67	McKinney, Allen	Rep.	Attorney	83rd-87th	Collin (part)
Leo Wilson, Terri	23	Galveston	Rep.	Retired Teacher		Chambers, Galveston (part)
Longoria, Oscar	35	Peñitas, La Feria	Dem.	Attorney	83rd-87th	Cameron (part), Hidalgo (part)
Lopez, Janie	37	San Benito	Rep.	Counselor		Cameron (part), Willacy
Lopez, Ray	125	San Antonio	Dem.	AT&T Executive, Retired	86th, 87th	Bexar (part)
Lozano, J. M.	43	Portland	Rep.	Businessman	82nd-87th	Bee, Calhoun, Jim Wells, Kleberg, Refugio, San Patricio
Lujan, John	118	**	Rep.	Small Business Owner	84th (part), 87th (part)	Bexar (part)
Manuel, Christian	22	Nederland, Port Arthur	Dem.	State Employee		Jefferson (part)
Martinez, Armando "Mando"	39	Weslaco	Dem.	Contractor	79th-87th	Hidalgo (part)

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Martinez Fischer, Trey	116	San Antonio	Dem.	Attorney	77th-84th, 86th, 87th	Bexar (part)
Metcalf, Will	16	Conroe	Rep.	Banker	83rd (part), 84th-87th	Montgomery (part)
Meyer, Morgan	108	Dallas	Rep.	Attorney	84th-87th	Dallas (part)
Meza, Thresa “Terry”	105	Irving	Dem.	Attorney	86th, 87th	Dallas (part)
Moody, Joe	78	El Paso	Dem.	Attorney	81st, 83rd-87th	El Paso (part)
Morales, Christina	145	Houston	Dem.	Funeral Director	86th, 87th	Harris (part)
Morales, Jr., Eddie	74	Eagle Pass, Del Rio, Fort Stockton	Dem.	Attorney	87th	Brewster, Culberson, El Paso (part), Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Reeves, Terrell, Val Verde
Morales Shaw, Penny	148	Houston	Dem.	Attorney	87th	Harris (part)
Morrison, Geanie W.	30	Victoria	Rep.	State Representative	76th-87th	DeWitt, Goliad, Jackson, Lavaca, Matagorda, Victoria
Muñoz, Jr., Sergio	36	Mission	Dem.	Attorney	82nd-87th	Hidalgo (part)
Murr, Andrew S.	53	Kerrville	Rep.	Attorney, Rancher	84th-87th	Bandera, Crane, Crockett, Edwards, Kerr, Kimble, Llano, Mason, McCulloch, Medina, Menard, Pecos, Real, Schleicher, Sutton, Upton
Neave Criado, Victoria	107	Mesquite	Dem.	Attorney	85th-87th	Dallas (part)
Noble, Candy	89	Murphy	Rep.	Community Volunteer	86th, 87th	Collin (part)
Oliverson, Tom	130	Cypress	Rep.	Anesthesiologist	85th-87th	Harris (part)

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Ordaz, Claudia	79	El Paso	Dem.	Former Mayor Pro Tempore and City Councilwoman for the City of El Paso	87th	El Paso (part)
Orr, Angelia	13	Hillsboro	Rep.	Asset Manager		Bosque, Falls, Freestone, Hill, Leon, Limestone, McLennan (part)
Ortega, Lina	77	El Paso	Dem.	Attorney	85th-87th	El Paso (part)
Patterson, Jared	106	Frisco	Rep.	Director of Energy Services	86th, 87th	Denton (part)
Paul, Dennis	129	Houston	Rep.	Engineer	84th-87th	Harris (part)
Perez, Mary Ann	144	Pasadena	Dem.	Insurance Agent	83rd, 85th-87th	Harris (part)
Plesa, Mihaela E.	70	Plano	Dem.	Fashion Merchandising & Design		Collin (part)
Price, Four	87	Amarillo	Rep.	Attorney	82nd-87th	Carson, Hansford, Hutchinson, Lipscomb, Moore, Ochiltree, Potter, Sherman
Ramos, Ana-Maria	102	Dallas	Dem.	Attorney, Professor	86th, 87th	Dallas (part)
Raney, John	14	Bryan	Rep.	Bookstore Owner	82nd (part), 83rd-87th	Brazos (part)
Raymond, Richard Peña	42	Laredo	Dem.	Mediator	73rd-75th, 77th (part), 78th-87th	Webb (part)
Reynolds, Ron	27	Missouri City	Dem.	Consultant	82nd-87th	Fort Bend (part)

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Rogers, Glenn	60	Mineral Wells, Brownwood	Rep.	Veterinarian/Rancher	87th	Palo Pinto, Parker, Stephens
Romero, Jr., Ramón	90	Fort Worth	Dem.	CEO	84th-87th	Tarrant (part)
Rose, Toni	110	Dallas, Balch Springs	Dem.	Independent Contractor	83rd-87th	Dallas (part)
Rosenthal, Jon E.	135	Cypress, Houston	Dem.	Engineer	86th, 87th	Harris (part)
Schaefer, Matt	6	Tyler	Rep.	Attorney	83rd-87th	Smith (part)
Schatzline, Nate	93	Fort Worth	Rep.	Operations Director/ Pastor		Tarrant (part)
Schofield, Mike	132	Katy	Rep.	Attorney	84th, 85th, 87th	Harris (part)
Shaheen, Matt	66	**	Rep.	Technology Executive	84th-87th	Collin (part)
Sherman, Carl Oscar	109	Lancaster	Dem.	Pastor and Businessman	86th, 87th	Dallas (part)
Shine, Hugh D.	55	Belton, Temple	Rep.	Financial Advisor	69th (part), 70th, 71st, 85th-87th	Bell (part)
Slaton, Bryan ⁵	2	Greenville	Rep.	Financial Services	87th	Hopkins, Hunt, Van Zandt
Slawson, Shelby	59	Granbury	Rep.	Attorney	87th	Coryell, Erath, Hamilton, Hood
Smith, Reggie	62	Sherman	Rep.	Attorney	85th (part), 86th, 87th	Delta, Fannin, Franklin, Grayson

⁵ Bryan Slaton was expelled from the Texas House of Representatives with the adoption of H.R. 1542 on May 9, 2023, and was succeeded by Jill Dutton.

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Smithee, John	86	Amarillo	Rep.	Attorney	69th-87th	Armstrong, Dallam, Deaf Smith, Hartley, Oldham, Parmer, Randall
Spiller, David	68	Jacksboro, Brownwood, Gainesville, Lampasas	Rep.	Attorney	87th (part)	Brown, Comanche, Cooke, Eastland, Jack, Lampasas, Mills, Montague, San Saba, Shackelford, Throckmorton, Young
Stucky, Lynn	64	Denton, Decatur	Rep.	Veterinarian	85th-87th	Denton (part), Wise
Swanson, Valoree	150	Spring	Rep.	Business	85th-87th	Harris (part)
Talarico, James	50	**	Dem.	Nonprofit Director	85th (part), 86th, 87th	Travis (part)
Tepper, Carl H.	84	Lubbock	Rep.	Commercial Real Estate		Lubbock (part)
Thierry, Shawn	146	Houston	Dem.	Attorney	85th-87th	Harris (part)
Thimesch, Kronda	65	Flower Mound	Rep.	Small Business Owner		Denton (part)
Thompson, Ed	29	Pearland	Rep.	Insurance Agent	83rd-87th	Brazoria (part)
Thompson, Senfronia	141	Houston	Dem.	Attorney	63rd-87th	Harris (part)
Tinderholt, Tony	94	Arlington	Rep.	Retired Military	84th-87th	Tarrant (part)
Toth, Steve	15	Spring	Rep.	Business Owner	83rd, 86th, 87th	Montgomery (part)
Troxclair, Ellen	19	Boerne, Marble Falls, Austin	Rep.	Real Estate Agent		Blanco, Burnet, Gillespie, Kendall, Travis (part)
Turner, Chris	101	Arlington	Dem.	Communications Consultant	81st, 83rd-87th	Tarrant (part)

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
VanDeaver, Gary	1	New Boston	Rep.	Retired Educator	84th-87th	Bowie, Cass, Lamar, Morris, Red River
Vasut, Cody Thane	25	Angleton	Rep.	Attorney	87th	Brazoria (part)
Vo, Hubert	149	Houston	Dem.	Businessman	79th-87th	Harris (part)
Walle, Armando Lucio	140	Houston	Dem.	Attorney	81st-87th	Harris (part)
Wilson, Terry M.	20	Georgetown	Rep.	Retired U.S. Army	85th-87th	Williamson (part)
Wu, Gene	137	Houston	Dem.	Attorney	83rd-87th	Harris (part)
Zwiener, Erin	45	Kyle	Dem.	Writer	86th, 87th	Hays (part)

* District office locations verified at the beginning of the 88th Regular Session in early 2023 and in November 2024; all office locations during the biennium are included.

** No district office established at time of printing.

**MEMBERS OF THE
SENATE
88th Legislature**

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Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Alvarado, Carol	6	Houston	Dem.	Small Business Owner	81st-84th, 85th (part), House; 85th (part), 86th, 87th Senate	Harris (part)
Bettencourt, Paul	7	Houston	Rep.	President and CEO, Bettencourt Tax Advisors LLC	84th-87th	Harris (part), Montgomery (part)
Birdwell, Brian	22	Waco, Granbury, Arlington	Rep.	Retired U.S. Army Officer, Co-Founder of a Nonprofit	81st (part), 82nd-87th	Bosque, Comanche, Eastland, Ellis (part), Erath, Falls, Hamilton, Hill, Hood, McLennan, Somervell, Tarrant (part)
Blanco, César J.	29	El Paso, Fort Stockton	Dem.	Consultant	84th-86th, House; 87th, Senate	Brewster (part), Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves
Campbell, Donna	25	New Braunfels	Rep.	Emergency Room Physician	83rd-87th	Bexar (part), Blanco, Comal, Guadalupe (part), Hays (part), Kendall, Travis (part)
Cook, Molly ¹	15	Houston	Dem.	Emergency Room Nurse		Harris (part)
Creighton, Brandon	4	The Woodlands	Rep.	Attorney	80th-82nd, 83rd (part), House; 83rd (part), 84th-87th, Senate	Chambers, Galveston (part), Harris (part), Jefferson (part), Montgomery (part)
Eckhardt, Sarah	14	**	Dem.	Attorney	86th (part), 87th	Travis (part)
Flores, Pete	24	Llano, Belton, Kerrville	Rep.	Game Warden (Retired)	85th (part), 86th	Atascosa (part), Bandera, Bell, Burnet, Coryell, Gillespie, Kerr, Kimble, Lampasas, Llano, Medina, Sutton, Williamson (part)

¹ Molly Cook was elected in a special election held May 4, 2024, and was sworn in on May 16, 2024, filling the seat formerly held by John Whitmire.

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Gutierrez, Roland	19	San Antonio, Uvalde	Dem.	Attorney	80th (part), 81st-86th, House; 87th, Senate	Atascosa (part), Bexar (part), Brewster (part), Crockett, Edwards, Frio, Guadalupe (part), Kinney, Maverick, Real, Terrell, Uvalde, Val Verde, Zavala
Hall, Bob	2	Rockwall, Canton	Rep.	Captain, U.S. Air Force; Business Owner (Retired)	84th-87th	Collin (part), Dallas (part), Ellis (part), Kaufman, Navarro, Rockwall, Van Zandt
Hancock, Kelly	9	Fort Worth	Rep.	Business Owner	80th-82nd, House; 83rd-87th, Senate	Tarrant (part)
Hinojosa, Juan "Chuy"	20	Edinburg, Corpus Christi	Dem.	Attorney	67th-71st, 75th-77th, House; 78th-87th, Senate	Brooks, Hidalgo (part), Jim Wells, Nueces (part)
Huffman, Joan	17	Houston, Lake Jackson	Rep.	Attorney	80th (part), 81st-87th	Brazoria (part), Colorado, Fort Bend (part), Harris (part), Jackson, Matagorda, Waller (part), Wharton
Hughes, Bryan	1	Tyler, Longview, Marshall, Mineola, Texarkana	Rep.	Attorney	78th-84th, House; 85th-87th, Senate	Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Lamar, Marion, Morris, Panola, Red River, Rusk, Smith, Titus, Upshur, Wood
Johnson, Nathan	16	Dallas	Dem.	Attorney	86th, 87th	Dallas (part)
King, Phil	10	Arlington, Weatherford	Rep.	Attorney, Small Business Owner	76th-87th, House	Brown, Callahan, Johnson, Palo Pinto, Parker (part), Shackelford, Stephens, Tarrant (part)

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Kolkhorst, Lois W.	18	Brenham, Katy, Victoria, Magnolia	Rep.	Business Owner	77th-82nd, 83rd (part), House; 83rd (part), 84th-87th, Senate	Aransas, Austin, Burleson, Calhoun, DeWitt, Fayette, Fort Bend (part), Goliad, Gonzales, Grimes, Harris (part), Lavaca, Lee, Montgomery (part), Refugio, Victoria, Waller (part), Washington
LaMantia, Morgan	27	Brownsville, Portland, Raymondville, Weslaco	Dem.	Attorney		Bee, Cameron, Hidalgo (part), Kenedy, Kleberg, Nueces (part), San Patricio, Willacy
Menéndez, José	26	San Antonio	Dem.	Vice President, Stewart Title Guaranty; Director, Multicultural Market	77th-83rd, 84th (part), House; 84th (part), 85th-87th, Senate	Bexar (part)
Middleton, Mayes	11	League City, Galveston, Pearland, Baytown	Rep.	President & CEO, Middleton Oil	86th, 87th, House	Brazoria (part), Galveston (part), Harris (part)
Miles, Borris L.	13	Houston, Missouri City	Dem.	Insurance Agent and Real Estate Developer	80th, 82nd-84th, House; 85th-87th, Senate	Fort Bend (part), Harris (part)
Nichols, Robert	3	Jacksonville, Nacogdoches, Lufkin, Lumberton	Rep.	Engineer, Plastics Manufacturing	80th-87th	Anderson, Angelina, Cherokee, Hardin, Henderson, Houston, Jasper, Jefferson (part), Liberty, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, Shelby, Trinity, Tyler
Parker, Tan	12	Flower Mound, Dallas, Bridgeport	Rep.	Businessman and Entrepreneur	80th-87th, House	Dallas (part), Denton (part), Tarrant (part), Wise

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
Paxton, Angela	8	Allen, Greenville	Rep.	Leadership Consultant, Former Educator	86th, 87th	Collin (part), Hunt, Rains
Perry, Charles	28	Lubbock, San Angelo, Childress	Rep.	Certified Public Accountant	82nd, 83rd (part), House; 83rd (part), 84th-87th, Senate	Baylor, Childress, Coleman, Collingsworth, Concho, Cottle, Crosby, Dickens, Donley, Fisher, Floyd, Foard, Garza, Gray, Hale, Hardeman, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Mason, McCulloch, Menard, Mills, Motley, Nolan, Runnels, San Saba, Stonewall, Taylor, Terry, Throckmorton, Tom Green, Wheeler, Wichita (part), Wilbarger
Schwertner, Charles	5	Bryan, Georgetown	Rep.	Orthopedic Surgeon	82nd, House; 83rd-87th, Senate	Bastrop, Brazos, Freestone, Leon, Limestone, Madison, Milam, Robertson, San Jacinto, Walker, Williamson (part)
Sparks, Kevin D.	31	Amarillo, Midland, Big Spring	Rep.	Oil and Gas Operator		Andrews, Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Cochran, Coke, Crane, Dallam, Dawson, Deaf Smith, Ector, Gaines, Glasscock, Hall, Hansford, Hartley, Hemphill, Howard, Hutchinson, Irion, Lipscomb, Loving, Martin, Midland, Mitchell, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Reagan, Roberts, Schleicher, Scurry, Sherman, Sterling, Swisher, Upton, Ward, Winkler, Yoakum
Springer, Jr., Drew	30	Weatherford, Gainsville, Wichita Falls, Denton	Rep.	Financial Services	83rd-85th, 86th (part), House; 86th (part), 87th, Senate	Archer, Clay, Collin (part), Cooke, Denton (part), Grayson, Jack, Montague, Parker (part), Wichita (part), Young

Name	District No.	District Office*	Political Party	Occupation	Member of Former Legislatures	Counties Comprising District
West, Royce	23	Dallas	Dem.	Managing Partner, West & Associates LLP	73rd-87th	Dallas (part), Tarrant (part)
Whitmire, John ²	15	Houston	Dem.	Attorney	63rd-67th, House; 68th-87th, Senate	Harris (part)
Zaffirini, Judith	21	Laredo	Dem.	Communications Specialist, Educator	70th-87th	Bexar (part), Caldwell, Dimmit, Duval, Guadalupe (part), Hays (part), Jim Hogg, Karnes, La Salle, Live Oak, McMullen, Starr, Travis (part), Webb, Wilson, Zapata

² John Whitmire resigned effective December 31, 2023, to serve as the mayor of Houston and was succeeded by Molly Cook.

* District office locations verified at the beginning of the 88th Regular Session in early 2023 and in November 2024; all office locations during the biennium are included.

** No district office established at the time of printing.

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**HOUSE OF REPRESENTATIVES
COMMITTEES
88th Legislature**

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**HOUSE OF REPRESENTATIVES
COMMITTEES
88TH LEGISLATURE**

AGRICULTURE AND LIVESTOCK

Cain, Chair	Bernal
Anderson, Vice Chair	Goodwin
(through Aug. 15, 2024)	Harris
	Kitzman
	Rosenthal
	Thimesch
	Wilson

APPROPRIATIONS

Bonnen, Chair	Allison
González, M., Vice Chair	Bell, C.
	Bryant
	DeAyala
	Gates
	Gervin-Hawkins
	Howard
	Isaac
	Jetton, J.
	Johnson, Jarvis
	Martinez
	Martinez Fischer
	Morrison
	Orr
	Ortega
	Rose
	Spiller
	Stucky
	Tepper
	Thimesch
	Thompson, E.
	Toth
	VanDeaver
	Walle
	Wu

APPROPRIATIONS SUBCOMMITTEE ON ARTICLE II¹

Jetton, J., Chair	Gates
Rose, Vice Chair	Howard
	Orr
	Stucky
	Wu

APPROPRIATIONS SUBCOMMITTEE ON ARTICLE III¹

VanDeaver, Chair	Bryant
Gervin-Hawkins, Vice Chair	Isaac
	Martinez
	Morrison
	Ortega
	Tepper
	Thimesch

APPROPRIATIONS SUBCOMMITTEE ON ARTICLES I, IV, AND V¹

González, M., Chair	Allison
Spiller, Vice Chair	DeAyala
	Johnson, Jarvis

APPROPRIATIONS SUBCOMMITTEE ON ARTICLES VI, VII, AND VIII¹

Walle, Chair	Martinez Fischer
Bell, C., Vice Chair	Thompson, E.
	Toth

APPROPRIATIONS SUBCOMMITTEE ON STRATEGIC FISCAL REVIEW¹

Bell, C., Chair	Bryant
Howard, Vice Chair	Ortega
	Spiller
	Tepper
	Thompson, E.
	Walle

¹ Appointed February 15, 2023

BUSINESS AND INDUSTRY

Longoria, Chair
Vasut, Vice Chair

Cole
Frazier
González, J.
Hinojosa
Isaac
Lambert
Neave Criado

CALENDARS

Burrows, Chair
Rose, Vice Chair

Cook
Geren
Hefner
Hernandez
Johnson, A.
Patterson
Slawson
Talarico
Thompson, E.

CORRECTIONS

Herrero, Chair
Kacal, Vice Chair

Allen
Jones, V.
Lopez, R.
Murr
Sherman
Swanson
Toth

COUNTY AFFAIRS

Neave Criado, Chair
Stucky, Vice Chair

Dutton, J. (Feb. 22, 2024-)
Gerdes
Jones, J.
Orr
Rosenthal
Schatzline
Slaton (through May 9, 2023)
Tinderholt

CRIMINAL JURISPRUDENCE

Moody, Chair
Cook, Vice Chair

Bhojani
Bowers
Darby
Harrison
Leach
Morales, C.
Schatzline

CULTURE, RECREATION, AND TOURISM

Ashby, Chair
Martinez, Vice Chair

Bailes
Collier
Flores
Garcia
Holland
Morrison
Troxclair

DEFENSE AND VETERANS’ AFFAIRS

Wilson, Chair
Lopez, R., Vice Chair

Bumgarner
Dorazio
Dutton, J. (Feb. 22, 2024-)
Frank
Garcia
Morales Shaw
Muñoz
Slaton (through May 9, 2023)

ELECTIONS

Smith, Chair
Bucy, Vice Chair

Burrows
Capriglione
DeAyala
Manuel
Morales, E.
Swanson
Vo

ENERGY RESOURCES

Goldman, Chair
Morales, E., Vice Chair

Anchía
Anderson (through Aug. 15, 2024)
Bailes
Craddick
Darby
Gerdes
Guerra
Thierry
Zwiener

ENVIRONMENTAL REGULATION

Landgraf, Chair
Guerra, Vice Chair

Bell, K.
Dean
Kuempel
Lopez, J.
Meza
Morales Shaw
Reynolds

GENERAL INVESTIGATING

Murr, Chair
Johnson, A., Vice Chair

Geren
Longoria
Spiller

HIGHER EDUCATION

Kuempel, Chair
Paul, Vice Chair

Bucy
Burns
Burrows
Clardy
Cole
González, M.
Howard
Lalani
Raney

HOMELAND SECURITY AND PUBLIC SAFETY

Guillen, Chair

Johnson, Jarvis, Vice Chair

Bowers

Canales

Dorazio

Goodwin

Harless

Holland

Troxclair

HOUSE ADMINISTRATION

Metcalf, Chair

Cole, Vice Chair

Anchia

Harless

Harris

Kuempel

Landgraf

Moody

Orr

Walle

Zwiener

HUMAN SERVICES

Frank, Chair

Rose, Vice Chair

Campos

Hull

Klick

Manuel

Noble

Ramos

Shaheen

INSURANCE

Oliverson, Chair

Johnson, A., Vice Chair

Cain

Cortez

Harris Davila

Hull

Johnson, Julie

Paul

Perez

INTERNATIONAL RELATIONS AND ECONOMIC DEVELOPMENT

Button, Chair

Ordaz, Vice Chair

Bumgarner

Clardy

Hayes

Meza

Morales, C.

Plesa

Shine

JUDICIARY AND CIVIL JURISPRUDENCE

Leach, Chair

Johnson, Julie, Vice Chair

Davis

Flores

Moody

Murr

Schofield

Slawson

Vasut

JUVENILE JUSTICE AND FAMILY ISSUES

Dutton, H., Chair

Lujan, Vice Chair

Cook

Leo Wilson

Lopez, J.

Martinez Fischer

Smithee

Talarico

Wu

LAND AND RESOURCE MANAGEMENT

Burns, Chair

Rogers, Vice Chair

Bell, C.

Bell, K.

Buckley

Ortega

Reynolds

Schofield

Sherman

LICENSING AND ADMINISTRATIVE PROCEDURES

King, K., Chair	Goldman
Walle, Vice Chair	Harless
	Hernandez
	Herrero
	King, T.
	Patterson
	Schaefer
	Shaheen
	Thompson, S.

LOCAL AND CONSENT CALENDARS

Harris, Chair	Allison
Bowers, Vice Chair	Bell, K.
	Hull
	Jetton, J.
	Manuel
	Morales, E.
	Morales Shaw
	Paul
	Rogers

NATURAL RESOURCES

King, T., Chair	Gámez
Thompson, E., Vice Chair	Kacal
	Kitzman
	Lalani
	Metcalf
	Price
	Ramos
	Rogers
	Zwiener

PENSIONS, INVESTMENTS, AND FINANCIAL SERVICES

Capriglione, Chair
Lambert, Vice Chair

Bhojani
Bryant
Frazier
Leo Wilson
Plesa
VanDeaver
Vo

PUBLIC EDUCATION

Buckley, Chair
Allen, Vice Chair

Allison
Cunningham
Dutton, H.
Harris
Harrison
Hefner
Hinojosa
King, K.
Longoria
Schaefer
Talarico

PUBLIC HEALTH

Klick, Chair
Campos, Vice Chair

Collier
Jetton, J.
Johnson, A.
Jones, J.
Jones, V.
Oliverson
Price
Smith
Tinderholt

REDISTRICTING

Darby, Chair
Turner, Vice Chair

Anchia
Campos
Cunningham
Goldman
Jetton, J.
Landgraf
Lozano
Moody
Morrison
Murr
Rose
Schofield
Thompson, S.

RESOLUTIONS CALENDARS

Guerra, Chair
Gates, Vice Chair

Gerdes
Kitzman
Lalani
Morales, C.
Ordaz
Plesa
Shine
Stucky
Thimesch

STATE AFFAIRS

Hunter, Chair
Hernandez, Vice Chair

Anchia
Dean
Geren
Guillen
Metcalf
Raymond
Slawson
Smithee
Spiller
Thompson, S.
Turner

TRANSPORTATION

Canales, Chair
Raney, Vice Chair

Ashby
Davis
Gámez
Harris Davila
Landgraf
Lozano
Lujan
Ordaz
Patterson
Perez
Romero

URBAN AFFAIRS

Lozano, Chair
Gates, Vice Chair

Bernal
Cortez
Cunningham
González, J.
Hayes
Romero
Tepper

WAYS AND MEANS

Meyer, Chair
Thierry, Vice Chair

Button
Craddick
Gervin-Hawkins
Hefner
Muñoz
Noble
Raymond
Shine
Turner

**ARTIFICIAL INTELLIGENCE AND
EMERGING TECHNOLOGIES, SELECT²**

Capriglione, Chair	Leach
	Longoria
	Orr
	Walle

COMMUNITY SAFETY, SELECT³

Guillen, Chair	Bowers
Johnson, Jarvis, Vice Chair	Burrows
	Canales
	Dorazio
	Goodwin
	Harless
	Holland
	King, T.
	Landgraf
	Moody
	Troxclair

**EDUCATIONAL OPPORTUNITY AND
ENRICHMENT, SELECT⁴**

Buckley, Chair	Ashby
Gervin-Hawkins, Vice Chair	Bell, K.
	Dutton, H.
	Frank
	Harris
	Hefner
	Hinojosa
	King, K.
	Longoria
	Metcalf
	Shaheen
	Talarico
	VanDeaver

² Appointed April 2, 2024

³ Appointed February 23, 2023

⁴ Appointed June 12, 2023

HEALTH CARE REFORM, SELECT⁵

Harless, Chair	Bonnen
Howard, Vice Chair	Bucy
	Frank
	Klick
	Morales, E.
	Oliverson
	Price
	Rose
	Walle

PROTECTING TEXAS LNG EXPORTS, SELECT⁶

Patterson, Chair	Landgraf
	Manuel
	Perez
	Vasut

SECURING TEXAS FROM HOSTILE FOREIGN ORGANIZATIONS, SELECT⁷

Hefner, Chair	Button
	Harris
	Hunter
	Lopez
	Martinez
	Wilson

⁵ Appointed February 8, 2023

⁶ Appointed March 25, 2024

⁷ Appointed May 6, 2024

SUSTAINABLE PROPERTY TAX RELIEF, SELECT STUDY⁸

Meyer, Chair	Allison
Thierry, Vice Chair	Burrows
	DeAyala
	Howard
	Lopez
	Noble
	Raymond
	Shine
	Troxclair
	Turner
	Walle
	Johnson, Cheryl E.*
	Livingston, Brad*
	Miller, Don “Skeeter”*

YOUTH HEALTH AND SAFETY, SELECT⁹

Thompson, S., Chair	Allison
Hull, Vice Chair	Capriglione
	Dutton, H.
	Johnson, A.
	King, T.
	Landgraf
	Lozano

THE PANHANDLE WILDFIRES, INVESTIGATIVE¹⁰

King, K., Chair	Burrows
	Hunter
	Abraham, Jason*
	Cash, Ashley (Mar. 12-22, 2024)
	Henderson, James* (Mar. 28, 2024-)

⁸ Appointed June 20, 2023

⁹ Appointed February 8, 2023

¹⁰ Appointed March 12, 2024

* Public member

**SENATE
COMMITTEES
88th Legislature**

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**SENATE
COMMITTEES
88TH LEGISLATURE**

ADMINISTRATION

Hall, Chair	Alvarado
Springer, Vice Chair	Johnson
	Menéndez
	Middleton
	Parker

BORDER SECURITY

Birdwell, Chair	Blanco
Flores, Vice Chair	Hinojosa
	King

BUSINESS AND COMMERCE

Schwertner, Chair	Birdwell
King, Vice Chair	Campbell
	Creighton
	Johnson
	Kolkhorst
	Menéndez
	Middleton
	Nichols
	Zaffirini

CRIMINAL JUSTICE

Whitmire, Chair	Bettencourt
(Jan. 23-Dec. 31, 2023)	Hinojosa
Flores, Vice Chair	Huffman
(Jan. 23, 2023-Jan. 1, 2024),	King (member, Jan. 23, 2023-
Chair (Jan. 1, 2024-)	Jan. 1, 2024)
King, Vice Chair (Jan. 1, 2024-)	Miles

EDUCATION

Creighton, Chair
Campbell, Vice Chair

Bettencourt
Birdwell
Flores
King
LaMantia
Menéndez
Middleton
Parker
Paxton
Springer
West

EDUCATION SUBCOMMITTEE ON HIGHER EDUCATION

Creighton, Chair
Middleton, Vice Chair

King
Springer
West

FINANCE

Huffman, Chair
Hinojosa, Vice Chair

Bettencourt
Campbell
Creighton
Flores
Hall
Hancock
Hughes
Kolkhorst
Nichols
Paxton
Perry
Schwertner
West
Whitmire (Jan. 23-Dec. 31, 2023)
Zaffirini

HEALTH AND HUMAN SERVICES

Kolkhorst, Chair
Perry, Vice Chair

Blanco
Hall
Hancock
Hughes
LaMantia
Miles
Sparks

JURISPRUDENCE

Hughes, Chair
Johnson, Vice Chair

Creighton
Hinojosa
Middleton

LOCAL GOVERNMENT

Bettencourt, Chair
Springer, Vice Chair

Eckhardt
Gutierrez
Hall
Nichols
Parker
Paxton
West

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT

Birdwell, Chair
Zaffirini, Vice Chair

Alvarado
Blanco
Hancock
Hughes
Kolkhorst
Miles
Sparks

NOMINATIONS

Campbell, Chair
Sparks, Vice Chair

Alvarado
Eckhardt
Hughes
LaMantia
Miles
Paxton
Springer

STATE AFFAIRS

Hughes, Chair
Paxton, Vice Chair

Bettencourt
Birdwell
LaMantia
Menéndez
Middleton
Parker
Perry
Schwertner
Zaffirini

TRANSPORTATION

Nichols, Chair
West, Vice Chair

Alvarado
Eckhardt
Hancock
King
Miles
Parker
Perry

VETERAN AFFAIRS

Hancock, Chair
Parker, Vice Chair

Blanco
Eckhardt
Gutierrez
Hall
Sparks

WATER, AGRICULTURE, AND RURAL AFFAIRS

Perry, Chair
Hancock, Vice Chair

Blanco
Flores
Gutierrez
Johnson
Kolkhorst
Sparks
Springer

**HURRICANE AND TROPICAL STORM PREPARATIONS,
RECOVERY, AND ELECTRICITY, SPECIAL¹**

Schwertner, Chair	Alvarado
King, Vice Chair	Bettencourt
	Creighton
	Hinojosa
	Huffman
	Kolkhorst
	LaMantia
	Middleton
	Miles
	Nichols
	Zaffirini

REDISTRICTING, SPECIAL

Huffman, Chair	Alvarado
Hinojosa, Vice Chair	Birdwell
	Creighton
	Hancock
	Nichols
	Perry
	Springer
	West
	Zaffirini

**RECOMMEND RULES AND PROCEDURES FOR COURT OF
IMPEACHMENT, SPECIAL²**

Birdwell, Chair	Creighton
Hinojosa, Vice Chair	Flores
	Huffman
	King
	West

¹ Appointed July 17, 2024

² Appointed May 29, 2023

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**JOINT
COMMITTEES
88th Legislature**

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**JOINT
COMMITTEES
88TH LEGISLATURE**

EFFECTS OF MEDIA ON MINORS, STUDY

Hughes, Co-Chair	Hull
Patterson, Co-Chair	Johnson, A.
	Kolkhorst
	Menéndez
	Morales, E.
	Parker
	Paxton
	Slawson

GRID RELIABILITY, LEGISLATIVE OVERSIGHT

Hunter, Co-Chair	Geren
Schwertner, Co-Chair	Hernandez
	King, P.
	Metcalf
	Nichols
	Zaffirini

STATE WATER IMPLEMENTATION FUND FOR TEXAS, ADVISORY

Harris, Co-Chair	King, T.
Perry, Co-Chair	Kolkhorst
	Spiller
	Craven, Lisa*
	Kidd, Nim*

TEXAS ENERGY FUND, ADVISORY

Schwertner, Co-Chair	Hernandez
Spiller, Co-Chair	Huffman
	Hunter
	Johnson, N.

TEXAS INFRASTRUCTURE RESILIENCY FUND, ADVISORY

Harris, Co-Chair

Perry, Co-Chair

Harris, Co-Chair

Perry, Co-Chair

Hinojosa, J.

King, T.

Kolkhorst

Spiller

Craven, Lisa*

Kidd, Nim*

* Public member

**OFFICERS AND EMPLOYEES
OF THE HOUSE
88th Legislature**

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Name	Official Position	Former Legislative Service
Dade Phelan	Speaker of the House	73rd-75th, Legislative Intern, Representative Mark Stiles; 77th, Staffer, Representative Tommy Williams; 78th, 79th, Staffer, Senator Tommy Williams; 84th-86th, Representative; 87th, Speaker of the House
Charlie Geren	Speaker Pro Tempore	77th-87th, Representative
Sharon Carter	Parliamentarian	67th (part), 68th (part), Sergeant-at-Arms Staff; 69th (part), 70th, Texas Legislative Council Staff; 71st-74th, Asst. Parliamentarian; 75th, 76th, Chief Clerk and Asst. Parliamentarian; 77th, Chief Clerk and Parliamentarian; 86th, 87th, Parliamentarian
Hugh L. Brady	Parliamentarian	70th, Tour Guide, Senate; 74th, 75th, Legislative Asst. and Press Secretary, Representative Glen Maxey; 86th, 87th, Parliamentarian
Thomas G. Samuels	Assistant Parliamentarian	87th, Law Clerk, House Parliamentarians' Office (part), Parliamentary Counsel, House Parliamentarians' Office (part)
Stephen Brown	Chief Clerk	79th, Asst. Bill Clerk; 80th-83rd, Bill Clerk; 84th-87th, Asst. Chief Clerk
Mark A. Cervantes	Assistant Chief Clerk	69th-74th, Texas Legislative Council Staff; 75th-80th, Section Manager, Texas Legislative Council; 81st, 82nd, Asst. Bill Clerk, Chief Clerk's Office; 83rd-87th, Bill Clerk, Chief Clerk's Office
Jennifer Teigen Doran	Journal Clerk	76th-80th, Voting Clerk; 81st-83rd, Voting Clerk and Asst. Journal Clerk; 84th-87th, Journal Clerk
Scottie Hagen	Voting Clerk	83rd, Asst. Voting Clerk; 84th-87th, Voting Clerk
Kate Atwood	Reading Clerk	87th, Bill Filing Clerk, Chief Clerk's Office
Haley Hilderbran	Reading Clerk	87th, Reading Clerk

Name	Official Position	Former Legislative Service
Kara L. Coffee	Sergeant-at-Arms	87th, Asst. Sergeant-at-Arms
Nicole Duke ¹	Assistant Sergeant-at-Arms	87th, Clerk/Messenger (part), Clerk/Supervisor (part)
Brianah Wallace ²	Assistant Sergeant-at-Arms	86th (part), Messenger; 86th (part), 87th (part), Supervisor; 87th (part), 88th (part), Office Manager
Anthony M. Hester	Doorkeeper	87th, Doorkeeper
Stacey Nicchio	Committee Coordinator	71st (part), 72nd, Special Asst., Speaker's Office; 72nd (part), Clerk, House Administration Committee; 73rd-75th, Clerk, House Corrections Committee; 76th-79th, Policy Analyst, Speaker's Office; 79th (part), 80th-83rd, Committee Coordinator; 84th, 85th, Committee Coordinator and Parliamentary Asst. for Committee Matters; 86th, 87th, Committee Coordinator
Damian Duarte	Assistant Committee Coordinator	76th, 77th, Coordinator and Research Specialist, House Bill Analysis; 78th, 79th, Committee Director, House Committee on Criminal Jurisprudence; 79th (part), 80th-87th, Asst. Committee Coordinator
Steven D. Adrian	Executive Director, House Business Office (HBO)	65th, 66th, Asst. Budget Officer; 67th, 68th, Manager, Reproduction; 73rd, Director of Central Administration, HBO; 74th-86th, Executive Director, HBO
Scott D. Siebert	Assistant Director, House Business Office (HBO)	73rd-85th, 86th (part), House Accounting Staff; 86th (part), 87th, House Accounting Manager

¹ Nicole Duke served as Assistant Sergeant-at-Arms during the 88th Regular Session and the 1st and 2nd Called Sessions.

² Brianah Wallace was appointed Assistant Sergeant-at-Arms on October 5, 2023, in advance of the 3rd Called Session, and served in that role through the remainder of the 88th Legislature.

Name	Official Position	Former Legislative Service
The Reverend Jakob N. Hurlimann ³	Chaplain	
The Very Reverend Daniel Liu ⁴	Chaplain	
The Reverend Fernando Ricaud ⁵	Assistant Chaplain	
The Reverend Callan Sweeney ⁶	Assistant Chaplain	

³ The Reverend Jakob N. Hurlimann served as Chaplain during the 88th Regular Session and the 1st and 2nd Called Sessions.

⁴ The Very Reverend Daniel Liu was appointed Chaplain on October 5, 2023, in advance of the 3rd Called Session, and served in that role through the remainder of the 88th Legislature.

⁵ The Reverend Fernando Ricaud served as Assistant Chaplain during the 88th Regular Session and the 1st and 2nd Called Sessions.

⁶ The Reverend Callan Sweeney was appointed Assistant Chaplain on October 5, 2023, in advance of the 3rd Called Session, and served in that role through the remainder of the 88th Legislature.

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**OFFICERS AND EMPLOYEES
OF THE SENATE
88th Legislature**

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Name	Official Position	Former Legislative Service
Dan Patrick	Lieutenant Governor, President of the Senate	80th-83rd, Senator; 84th-87th, Lieutenant Governor, President of the Senate
Kelly Hancock	President Pro Tempore (Regular Session)	80th-82nd, Representative; 83rd-87th, Senator
Charles Schwertner	President Pro Tempore (Ad Interim)	82nd, Representative; 83rd-87th, Senator
Patsy Spaw	Secretary of the Senate	63rd, 64th, Asst. Engrossing and Enrolling Clerk; 65th-76th, Engrossing and Enrolling Clerk; 77th, Secretary of the Senate, Designee (part), Secretary of the Senate (part); 78th-87th, Secretary of the Senate
Tracy Ortiz	Calendar Clerk	72nd-74th, Human Resources Management Asst.; 75th-77th, Asst. Committee Coordinator; 78th-81st, Travel Coordinator; 82nd, 83rd, Asst. Committee Coordinator; 84th-87th, Calendar Clerk
Matthew Peabody	Doorkeeper	86th, Asst. Sergeant-at-Arms; 87th, Administrative Asst. to the Secretary of the Senate
Patience Worrel	Enrolling Clerk	75th-77th, Staff Attorney; 78th-82nd, Asst. Engrossing and Enrolling Clerk; 83rd-87th, Enrolling Clerk
Lourdes Litchfield	Journal Clerk	82nd-85th, Asst. Journal Clerk; 86th, 87th, Journal Clerk
Austin Osborn	Sergeant-at-Arms	79th (part), 80th-87th, Doorkeeper; 87th (part), Sergeant-at-Arms

Name	Official Position	Former Legislative Service
Karina Davis	Parliamentarian	73rd, Legislative Asst., Senator David Sibley; 74th, Asst. Committee Director, Senate Economic Development Committee; 75th, Committee Director, Senate Economic Development Committee; 76th, 77th, Chief of Staff, Senator David Sibley; 78th, Director of Legislative Policy, Lieutenant Governor's Office (part), Senate Parliamentarian (part); 79th-87th, Senate Parliamentarian
Colby Beuck	Assistant Parliamentarian	78th-80th, Counsel for Public Policy, Lieutenant Governor's Office; 81st, Counsel for Public Policy, Lieutenant Governor's Office (part), Chief of Staff, Representative Patricia Harless (part); 82nd, Chief of Staff, Representative Patricia Harless; 83rd, General Counsel, Senator Larry Taylor; 84th, 85th, Legislative Coordinator, Lieutenant Governor's Office; 86th, Legislative Coordinator, Lieutenant Governor's Office (part), Asst. Parliamentarian (part); 87th, Asst. Parliamentarian

