HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTH DAY — WEDNESDAY, JANUARY 28, 2009

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 7).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Truitt.

The invocation was offered by Tillie Burgin, pastor, Mission Arlington.

The speaker recognized Representative Patrick who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of illness:

Truitt on motion of Hopson.

HR 149 - ADOPTED
(by Raymond)

The following resolution was laid before the house:

HR 149, Commemorating the Laredo Washington's Birthday Celebration, January 22 to February 22, 2009.

HR 149 was read and was adopted.

On motion of Representative Guillen, the names of all the members of the house were added to **HR 149** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Raymond who introduced representatives of the Washington's Birthday Celebration Association of Laredo, Inc.

(Bolton in the chair)

HR 185 - ADOPTED
(by Patrick, et al.)

The following resolution was laid before the house:

HR 185, Welcoming the members of Team Arlington to the State Capitol and recognizing January 28, 2009, as Team Arlington Day.

HR 185 was read and was adopted.

On motion of Representative Pierson, the names of all the members of the house were added to **HR 185** as signers thereof.

(Speaker in the chair)

HR 135 - ADOPTED
(by Maldonado)

The following resolution was laid before the house:

HR 135, Honoring the Round Rock ISD School Board on the occasion of School Board Recognition Month.

HR 135 was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 135** as signers thereof.

HR 136 - ADOPTED
(by Maldonado)

The following resolution was laid before the house:

HR 136, Honoring the Hutto ISD School Board on the occasion of School Board Recognition Month.

HR 136 was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 136** as signers thereof.

HR 137 - ADOPTED
(by Maldonado)

The following resolution was laid before the house:

HR 137, Honoring the Georgetown ISD School Board on the occasion of School Board Recognition Month.

HR 137 was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 137** as signers thereof.

HR 140 - ADOPTED
(by Maldonado)

The following resolution was laid before the house:

HR 140, Honoring the Thrall ISD School Board on the occasion of School Board Recognition Month.

HR 140 was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 140** as signers thereof.

HR 148 - ADOPTED
(by Kleinschmidt)

The following resolution was laid before the house:

HR 148, Recognizing the contributions of Bob Stallman, president of the American Farm Bureau Federation.

HR 148 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Kleinschmidt who introduced Bob Stallman, president of the American Farm Bureau Federation, and Kenneth Dierschke, president of the Texas Farm Bureau.

(Hochberg in the chair)

HR 187 - ADOPTED
(by Giddings)

The following resolution was laid before the house:

HR 187, Recognizing January 28, 2009, as Data Privacy Day in Texas.

(Speaker in the chair)

HR 187 was read and was adopted.

HR 195 - ADOPTED
(by Craddick and Lewis)

The following resolution was laid before the house:

HR 195, Congratulating Ted Collins, Jr., on his receipt of the 2008 Top Hand Award from the Permian Basin Petroleum Association.

HR 195 was adopted.

HR 193 - ADOPTED
(by Villarreal)

The following resolution was laid before the house:

HR 193, Recognizing January 30, 2009, as Earned Income Tax Credit Awareness Day.

HR 193 was adopted.

HR 173 - ADOPTED
(by Morrison, Otto, Isett, Button, and Eissler)

The following resolution was laid before the house:

HR 173, Recognizing January 28, 2009, as Texas Society of Certified Public Accountants Day at the State Capitol and commending the organization's members.

HR 173 was read and was adopted.

On motion of Representatives Button, Deshotel, Eissler, Harper-Brown, Isett, and Otto, the names of all the members of the house were added to **HR 173** as signers thereof.

HR 160 - ADOPTED
(by Taylor)

The following resolution was laid before the house:

HR 160, Honoring the Friendswood High School Campus Singers on the occasion of their visit to the State Capitol on January 26, 2009.

HR 160 was adopted.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 160** as signers thereof.

(Moody in the chair)

HR 198 - ADOPTED
(by Hilderbran)

The following resolution was laid before the house:

HR 198, Honoring Carl and Carolyn Hilderbran of Uvalde on their 60th wedding anniversary.

HR 198 was read and was adopted.

On motion of Representative Corte, the names of all the members of the house were added to **HR 198** as signers thereof.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of illness:

Riddle on motion of B. Brown.

(Speaker in the chair)

HR 2 - ADOPTED
(by Solomons)

The following resolution was laid before the house:

HR 2

BE IT RESOLVED by the House of Representatives of the State of Texas, That the following are adopted as the permanent rules of the House of Representatives of the 81st [~~80th~~] Legislature:

RULES OF
THE HOUSE OF REPRESENTATIVES
OF THE TEXAS LEGISLATURE
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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.

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.

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.

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.

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.

Sec. 5. PRESERVATION OF ORDER AND DECORUM. The speaker shall preserve order and decorum. In case of disturbance or disorderly conduct 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.

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.

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.

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 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.

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.

(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.

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 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 as may be assigned 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.

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.

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.

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.

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.

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.

RULE 2. EMPLOYEES

CHAPTER A. DUTIES OF EMPLOYEES 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 the committee chair a certified copy of each legislative document referred to a committee along with certified copies of 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.

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

[~~(3)~~] receive reports of select committees and forward copies to the speaker and journal clerk;

(3) [~~(4)~~] 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) [~~(5)~~] receive and file all other documents required by law or by the rules of the house;

(5) [~~(6)~~] 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) [~~(7)~~] have printed and distributed 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 at the same time that the corresponding copies are placed in the members' newspaper mailboxes:

(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.

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; and

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

(2) prepare a daily journal for each calendar day that the house is in session and distribute [~~copies to the members of the house~~] 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.

Sec. 3. READING CLERKS. The reading clerks, under the supervision of the speaker, shall:

(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.

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; [~~and~~]

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

(11) supervise the doorkeeper.

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.

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.

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;

(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[~~; and~~

[~~(5) 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~~].

Sec. 8. COMMITTEE COORDINATOR. 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) maintain sworn statements [~~from witnesses appearing before committees~~] 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.

Sec. 9. PARLIAMENTARIAN. (a) The parliamentarian is an officer of the house who serves at the pleasure of the speaker. The parliamentarian shall advise and assist the presiding officer and the members of the house on matters of procedure. The parliamentarian has a duty of loyalty and confidentiality to the speaker and to each member of the house.

(b) After the initial appointment of a parliamentarian 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.

CHAPTER B. OTHER EMPLOYEES

Sec. 10 [~~9~~]. 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 and Ethics 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.

RULE 3. STANDING COMMITTEES

Sec. 1. AGRICULTURE AND LIVESTOCK. The committee shall have nine [~~seven~~] 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; and

(5) the following state agencies: the Department of Agriculture, the Texas Animal Health Commission, the State Soil and Water Conservation Board, the Texas Forest Service, the Office of South Central Interstate Forest Fire Protection Compact, the Office of Chief Apiary Inspector, [~~the~~] Texas AgriLife Research [~~Agricultural Experiment Station~~], the Texas AgriLife [~~Agricultural~~] Extension Service, the Food and Fibers Research Council, the State Seed and Plant Board, the State Board of Veterinary Medical Examiners, the Texas Veterinary Medical Diagnostic Laboratory, the Produce Recovery Fund Board, [~~the Texas Structural Pest Control Board,~~] the board of directors of the Texas Boll Weevil Eradication Foundation, Inc., the Office of Rural Community Affairs, and the Texas Wildlife Damage Management Service.

Sec. 2. APPROPRIATIONS. (a) The committee shall have 27 [~~29~~] 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. BORDER AND INTERGOVERNMENTAL AFFAIRS [~~AND INTERNATIONAL AFFAIRS~~]. The committee shall have nine [~~seven~~] members, with jurisdiction over all matters pertaining to:

(1) the relations between the State of Texas and other nations;

(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) international commerce and trade;

(5) [~~(3)~~] 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; [~~and~~]

(6) [~~(4)~~] 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

(7) the following state agency: the Office of State-Federal Relations.

Sec. 4. BUSINESS AND INDUSTRY. The committee shall have 11 [~~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;

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

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

(5) the organization, incorporation, management, and regulation of private corporations and professional associations and the Uniform Commercial Code and the Texas Revised Limited Partnership Act;

(6) 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;

(7) privacy and identity theft;

(8) homeowners' associations; [~~and~~]

(9) oversight of the construction industry;

(10) oversight of the competitive electric services market, including generation and retail electric providers, and oversight of providers not subject to traditional regulation;

(11) oversight of the competitive telecommunications services market, including consumer protection and oversight of providers not subject to traditional regulation;

(12) oversight of communication technologies not subject to traditional regulation; and

(13) 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, the Texas Residential Construction Commission, the Public Utility Commission of Texas, and the Office of Public Utility Counsel.

Sec. 5. CALENDARS (PROCEDURAL). The committee shall have 13 [~~11~~] members, with jurisdiction over:

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

(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. 6. CIVIL JURISPRUDENCE [~~PRACTICES~~]. The committee shall have 11 [~~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; [~~and~~]

(5) permission to sue the state;

(6) civil law as it relates to familial relationships, including rights, duties, remedies, and procedures thereunder;

(7) uniform state laws;

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

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

(10) the Texas Judicial Council;

(11) the State Commission on Judicial Conduct;

(12) the Office of the Attorney General, including its organization, powers, functions, and responsibilities;

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

(14) 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 Guardianship Certification Board, the Office of the Attorney General, the Court Reporters Certification Board, the Board of Law Examiners, the State Bar of Texas, and the State Office of Administrative Hearings.

Sec. 7. CORRECTIONS. The committee shall have nine [~~seven~~] 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;

(3) the commitment and rehabilitation of youths;

(4) the construction, operation, and management of correctional facilities of the state and facilities used for the commitment and rehabilitation of youths; and

(5) the following state agencies: the Texas Department of Criminal Justice, the Special Prosecution Unit, the Board of Pardons and Paroles, [~~the Texas Youth Commission,~~] the Council on Sex Offender Treatment, the Texas Correctional Office on Offenders with Medical or Mental Impairments, the Private Sector Prison Industries Oversight Authority, the Criminal Justice Legislative Oversight Committee, and the Criminal Justice Policy Council.

Sec. 8. 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. 9. CRIMINAL JURISPRUDENCE AND LAW ENFORCEMENT. The committee shall have 11 [~~nine~~] members, with jurisdiction over all matters pertaining to:

(1) criminal law, prohibitions, standards, and penalties;

(2) probation and parole;

(3) law enforcement;

(4) the prevention of crime and the apprehension of criminals;

(5) the provision of security services by private entities;

(6) [~~(3)~~] criminal procedure in the courts of Texas;

(7) [~~(4)~~] revision or amendment of the Penal Code; and

(8) [~~(5)~~] the following state agencies: the Commission on Law Enforcement Officer Standards and Education, the Department of Public Safety, the Texas Forensic Science Commission, the Polygraph Examiners Board, the Texas Private Security Board, the Office of State Prosecuting Attorney, the Commission on State Emergency Communications, the Crime Stoppers Advisory Council, and the Texas State Council for Interstate Adult Offender Supervision.

Sec. 10. CULTURE, RECREATION, AND TOURISM. The committee shall have nine [~~seven~~] 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;

(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, the San Jacinto Historical Advisory Board, and an office of state government to the extent the office promotes the Texas music industry.

[~~Sec. 11. DEFENSE AFFAIRS AND STATE-FEDERAL RELATIONS. 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;~~

[~~(2) the relations between the State of Texas and other sovereign states of the United States;~~

[~~(3) the various branches of the military service of the United States;~~

[~~(4) the realignment or closure of military bases;~~

[~~(5) the defense of the state and nation, including terrorism response;~~

[~~(6) emergency preparedness;~~

[~~(7) veterans of military and related services; and~~

[~~(8) the following state agencies: the Office of State-Federal Relations, the Texas Military Facilities Commission, the Adjutant General's Department, the Texas Veterans Commission, the Veterans' Land Board, the Texas Military Preparedness Commission, the Division of Emergency Management, and the Emergency Management Council.~~]

Sec. 11 [~~12~~]. ECONOMIC DEVELOPMENT. The committee shall have nine [~~seven~~] members, with jurisdiction over all matters pertaining to:

(1) commerce, trade, and manufacturing;

(2) economic and industrial development;

(3) job creation and job-training programs;

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

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

(6) boiler inspection and safety standards and regulation;

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

(8) weights and measures; and

(9) [~~advances in science and technology, including telecommunications, electronic technology, and automated data processing;~~

[~~(10) the promotion of scientific research, technological development, and technology transfer in the state;~~

[~~(11) matters relating to cooperation of state and local governments with the scientific and technological community, which includes industry, the universities, and federal governmental laboratories; and~~

[~~(12)~~] the following state agencies: the Texas Economic Development and Tourism Office, [~~the Texas Emerging Technology Committee,~~] the Texas Workforce Commission, and the Texas Workforce Investment Council[~~, and the Texas National Research Laboratory Commission~~].

Sec. 12 [~~13~~]. ELECTIONS. The committee shall have nine [~~seven~~] 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;

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

(7) the following state agencies: the Office of the Secretary of State and the Texas Ethics Commission.

Sec. 13 [~~14~~]. ENERGY RESOURCES. The committee shall have nine [~~seven~~] 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; and

(7) the following state agencies: the Railroad Commission of Texas, the Office of Interstate Oil Compact Commissioner for Texas, the Office of Interstate Mining Compact Commissioner for Texas, the Texas Energy Coordination Council, and the Office of Southern States Energy Board Member for Texas.

Sec. 14 [~~15~~]. ENVIRONMENTAL REGULATION. The committee shall have nine [~~seven~~] 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) the impact of electric generation on air and water quality;

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

(6) [~~(5)~~] the following state agencies: the Texas Low-Level Radioactive Waste Disposal Compact Commission and the board of the Texas Environmental Education Partnership Fund.

Sec. 15 [~~16~~]. FINANCIAL SERVICES AND PENSIONS [~~INSTITUTIONS~~]. The committee shall have nine [~~seven~~] 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; [~~and~~]

(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) [~~(6)~~] 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, [~~and~~] the Bond Review Board, the Office of Fire Fighters' Pension Commissioner, 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. 16 [~~17~~]. GENERAL INVESTIGATING AND ETHICS (PROCEDURAL). (a) The General Investigating and Ethics 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.

(c) The committee has jurisdiction over all matters pertaining to the conduct of and ethical standards applicable to state and local government officers and employees.

[~~Sec. 18. GOVERNMENT REFORM. The committee shall have seven members, with jurisdiction over all matters pertaining to:~~

[~~(1) the organization, operation, powers, regulations, and management of state departments, agencies, institutions, and advisory committees;~~

[~~(2) elimination of inefficiencies in the provision of state services; and~~

[~~(3) the following state agencies: the Texas Incentive and Productivity Commission and the Sunset Advisory Commission.~~]

Sec. 17 [~~19~~]. HIGHER EDUCATION. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) education beyond high school;

(2) the colleges and universities of the State of Texas, including the funding and financial management of those institutions but not including any matter within the jurisdiction of the Committee on Appropriations; and

(3) the following state agencies: the Texas Engineering Experiment Station, the Texas Engineering Extension Service, the Texas Higher Education Coordinating Board, the Texas Guaranteed Student Loan Corporation, the State Medical Education Board, the Prepaid Higher Education Tuition Board, and the Texas Transportation Institute.

Sec. 18 [~~20~~]. HOUSE ADMINISTRATION (PROCEDURAL). (a) The committee shall have 11 members, with jurisdiction over:

(1) administrative operation of the house and its employees;

(2) the general house fund, with full control over all expenditures from the fund;

(3) all property, equipment, and supplies obtained by the house for its use and the use of its members;

(4) all office space available for the use of the house and its members;

(5) 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;

(6) all admissions to the floor during sessions of the house;

(7) all proposals to invite nonmembers to appear before or address the house or a joint session;

(8) all radio broadcasting and televising, live or recorded, of sessions of the house;

(9) 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;

(10) all witnesses appearing before the house or any committee thereof in support of or in opposition to any pending legislative proposal; and

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

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

Sec. 19 [~~21~~]. 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 as it relates to the subject matter jurisdiction of this committee;

(3) mental retardation and the development of programs incident thereto;

(4) the prevention and treatment of mental retardation; and

(5) the following state agencies: the Department of Aging and Disability Services, the Department of Assistive and Rehabilitative Services, the Department of Family and Protective Services, the Texas State Board of Social Worker Examiners, the Texas Council on Purchasing from People with Disabilities, and the Texas State Board of Examiners of Professional Counselors.

Sec. 20 [~~22~~]. 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. 23. JUDICIARY. The committee shall have nine members, with jurisdiction over all matters pertaining to:~~

[~~(1) uniform state laws;~~

[~~(2) creating, changing, or otherwise affecting courts of judicial districts of the state;~~

[~~(3) establishing districts for the election of judicial officers;~~

[~~(4) the Texas Judicial Council;~~

[~~(5) the State Commission on Judicial Conduct;~~

[~~(6) the Office of the Attorney General, including its organization, powers, functions, and responsibilities;~~

[~~(7) courts and court procedures except where jurisdiction is specifically granted to some other standing committee; and~~

[~~(8) 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 Guardianship Certification Board, the Office of the Attorney General, the Court Reporters Certification Board, and the Board of Law Examiners.~~]

Sec. 21 [~~24~~]. JUVENILE JUSTICE [~~AND FAMILY ISSUES~~]. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) juvenile delinquency and gang violence;

(2) criminal law, prohibitions, standards, and penalties as applied to juveniles;

(3) criminal procedure in the courts of Texas as it relates to juveniles; and

(4) [~~civil law as it relates to familial relationships, including rights, duties, remedies, and procedures thereunder; and~~

[~~(5)~~] the following state agencies: the Special Prosecution Unit, the Texas Youth Commission, the Office of Independent Ombudsman of the Texas Youth Commission, the Texas Juvenile Probation Commission, and the Advisory Council on Juvenile Services.

Sec. 22 [~~25~~]. 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) annexation, zoning, and other governmental regulation of land use; and

(4) the following state agencies: the School Land Board, the Board for Lease of University Lands, the Coastal Coordination Council, and the General Land Office.

[~~Sec. 26. LAW ENFORCEMENT. The committee shall have seven 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; and~~

[~~(4) the following state agencies: the Commission on Law Enforcement Officer Standards and Education, the Department of Public Safety, the Texas Forensic Science Commission, the Polygraph Examiners Board, the Texas Private Security Board, the Commission on State Emergency Communications, and the Crime Stoppers Advisory Council.~~]

Sec. 23 [~~27~~]. LICENSING AND ADMINISTRATIVE PROCEDURES. The committee shall have nine 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;

(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, the Real Estate Research Center, the Texas Board of Professional Land Surveying, the Texas Racing Commission, the Texas Appraiser Licensing and Certification Board, the Texas Lottery Commission, [~~the State Bar of Texas,~~] the Board of Tax Professional Examiners, and the Texas Alcoholic Beverage Commission.

Sec. 24 [~~28~~]. 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.

[~~Sec. 29. LOCAL GOVERNMENT WAYS AND MEANS. (a) The committee shall have seven members, with jurisdiction over:~~

[~~(1) all bills and resolutions proposing to permit a local government to raise revenue;~~

[~~(2) 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;~~

[~~(3) all proposals to modify, amend, or change any existing local government tax or revenue statute;~~

[~~(4) all proposals to regulate the manner of collection of local government revenues and taxes; and~~

[~~(5) all bills and resolutions relating to the local government provisions of the Property Tax Code, including provisions related to the appraisal of property and the levy and collection of property taxes by local governments.~~

[~~(b) In this section, "local government" means a city, county, school district, special purpose district, or other political subdivision.~~]

Sec. 25. MILITARY 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 Adjutant General's Department, the Texas Veterans Commission, the Veterans' Land Board, the Texas Military Preparedness Commission, the Division of Emergency Management, and the Emergency Management Council.

Sec. 26 [~~30~~]. NATURAL RESOURCES. The committee shall have nine 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 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;

(5) the impact of electric generation on state water resources;

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

(7) [~~(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 Administrator for Texas, the Multi-State Water Resources Planning Commission, and the Texas Water Development Board.

[~~Sec. 31. PENSIONS AND INVESTMENTS. The committee shall have seven members, with jurisdiction over all matters pertaining to:~~

[~~(1) benefits or participation in benefits of a public retirement system and the financial obligations of a public retirement system;~~

[~~(2) the regulation of securities and investments; and~~

[~~(3) the following state agencies: the Office of Fire Fighters' Pension Commissioner, 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 [~~32~~]. PUBLIC EDUCATION. The committee shall have 11 [~~nine~~] 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 state agencies: the State Board of Education, the Texas Education Agency, the Office of Compact for Education Commissioner for Texas, the Office of Southern Regional Education Compact Commissioner for Texas, the Texas School for the Blind and Visually Impaired, the State Board for Educator Certification, and the Texas School for the Deaf.

Sec. 28 [~~33~~]. PUBLIC HEALTH. The committee shall have 11 [~~nine~~] 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;

(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 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 State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, the Texas Health Services Authority, the Texas Optometry Board, the Radiation Advisory Board, the Texas State Board of Pharmacy, the Interagency Obesity Council, the Texas Board of Nursing [~~Nurse Examiners~~], the Texas Board of Chiropractic Examiners, the Texas Board of Physical Therapy Examiners, the Texas State Board of Podiatric Medical Examiners, the Texas State Board of Examiners of Psychologists, the State Board of Dental Examiners, the Texas Medical Board, the Advisory Board of Athletic Trainers, the Dental Hygiene Advisory Committee, the Cancer Prevention and Research Institute of

Texas [~~the Texas Cancer Council~~], the Texas State Board of Acupuncture Examiners, the Health Professions Council, the Office of Patient Protection, and the Texas Board of Occupational Therapy Examiners.

Sec. 29 [~~34~~]. 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. 35. REGULATED INDUSTRIES. The committee shall have nine members, with jurisdiction over all matters related to:~~

[~~(1) the regulation and deregulation of electric utilities and the electric industry;~~

[~~(2) the regulation and deregulation of telecommunications utilities and the telecommunications industry;~~

[~~(3) the regulation of science and technology, including telecommunications, electronic technology, and automated data processing;~~

[~~(4) electric utility regulation as it relates to energy production and consumption;~~

[~~(5) pipelines, pipeline companies, and all others operating as common carriers in the state;~~

[~~(6) the regulation and deregulation of other industries jurisdiction of which is not specifically assigned to another committee under these rules; and~~

[~~(7) the following state agencies: the Public Utility Commission of Texas, the Office of Public Utility Counsel, and the Telecommunications Infrastructure Fund Board.~~]

Sec. 30 [~~36~~]. RULES AND RESOLUTIONS (PROCEDURAL). The committee shall have 11 members, with jurisdiction over:

(1) Rules of Procedure of the House of Representatives, and all proposed amendments;

(2) Joint Rules of the House and Senate, and all proposed amendments;

(3) all procedures for expediting the business of the house 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 assigned by the speaker.

Sec. 31 [~~37~~]. STATE AFFAIRS. The committee shall have 11 [~~nine~~] 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, [~~and~~] agencies, institutions, and advisory committees;

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

(5) [~~the organization, regulation, operation, and management of state institutions;~~]

[~~(6)~~] the duties and conduct of officers and employees of the state government;

(6) elimination of inefficiencies in the provision of state services;

(7) the regulation of the residential construction industry;

(8) relocation of utility facilities and payment for relocation of utility facilities;

(9) regulation of the noncompetitive electric services market, including regulation of electric utilities and transmission and distribution systems;

(10) regulation of the noncompetitive telecommunications service market, including regulation of telecommunication utilities and wholesale telecommunication markets;

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

(12) [~~(9)~~] access of the state agencies to scientific and technological information; and

(13) [~~(10)~~] the following state agencies: the Council of State Governments, the National Conference of State Legislatures, the [~~Governor's~~] Office of the Governor, the Texas Facilities [~~Building and Procurement~~] Commission, the Department of Information Resources, the Inaugural Endowment Fund Committee, [~~and~~] the Texas Residential Construction Commission, the Texas Incentive and Productivity Commission, the Sunset Advisory Commission, the Public Utility Commission of Texas, and the Office of Public Utility Counsel.

Sec. 32. TECHNOLOGY AND WORKFORCE TRAINING. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) advances in science and technology, including in telecommunications, electronic technology, and automated data processing;

(2) the promotion of scientific research, technological development, and technology transfer in the state;

(3) matters relating to cooperation of state and local governments with the scientific and technological community, including industry, institutions of higher education, and federal governmental laboratories;

(4) workforce training; and

(5) the following state agency: the Texas Emerging Technology Advisory Committee.

Sec. 33 [~~33~~]. TRANSPORTATION. The committee shall have 11 [~~nine~~] 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 Transportation and the Texas Transportation Commission.

Sec. 34 [~~39~~]. URBAN AFFAIRS. The committee shall have 11 [~~seven~~] members, with jurisdiction over all matters pertaining to:

(1) [~~cities,~~] municipalities[~~, and town corporations~~], including their creation, organization, powers, government, and finance, and the compensation and duties of their officers and employees;

(2) home-rule municipalities [~~cities~~], 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 [~~cities~~]; [~~and~~]

(7) the power of eminent domain, annexation, and 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. 35 [~~40~~]. WAYS AND MEANS. The committee shall have 11 [~~nine~~] 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) [~~(8)~~] the following state agencies: the Office of Multistate Tax Compact Commissioner for Texas and the State Comptroller of Public Accounts.

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.

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, [~~except the Committee on Appropriations,~~] 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. [~~A member who desires to be designated the chair for budget and oversight of a substantive committee may indicate that preference, but seniority does not entitle the member to that designation.~~]

(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.

(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 Rules and

Resolutions, the General Investigating and Ethics Committee, the Committee on House Administration, and the Committee on Redistricting. The entire membership of these committees shall be appointed by the speaker.

(6) [~~Seniority shall not apply to the Committee on Appropriations, which shall be composed of:~~

[~~(A) a chair and vice-chair appointed by the speaker; and~~

[~~(B) the chair for budget and oversight from each of the 27 committees for which there is a chair for budget and oversight.~~

[~~(7)~~] In announcing the membership of committees, the speaker shall designate those appointed by the speaker and those acquiring membership by seniority.

(7) [~~(8)~~] The speaker shall designate the chair and vice-chair from the total membership of the committee. [~~For 27 substantive committees determined by the speaker, the speaker shall designate a chair for budget and oversight from the total membership of the committee.~~]

(b) In the event of an election contest that is not resolved prior to the determination of the membership of standing committees, the representative of the district that is the subject of the contest is not 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 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.

(d) 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.

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 may not serve on any other substantive 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.

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 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 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.

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.

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.

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

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 and Ethics 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.

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.

(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.

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.

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.

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.

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 [~~or who signed a sworn statement in favor of, in opposition to, or without taking a position on a measure or other matter before 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 a sustainable question 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, and within one day of the committee meeting for a procedural committee. 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.

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. 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 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;

(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 on the sworn statement whether the person completing the statement was recognized to address the committee.

(c) All sworn statements 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.

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.

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.

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 [~~HOUSE~~] 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. 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.

Sec. 25. MOTION PREVENTING REPORTING OR PLACEMENT ON A CALENDAR. No motion is in order in a committee considering a bill, resolution, or other 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.

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.

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.

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 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.

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.

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.

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;

(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; and

(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 [~~were recognized by the chair to address the committee~~] 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 a sustainable question of order.

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

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

(d) A committee chair shall provide to the author of the bill or resolution a copy of the analysis required by Subsection (c) of this section if the analysis is prepared for the committee by the Texas Legislative Council.

(e) A point of order raised as to a violation of Subsection (c) of this section may be overruled if the analysis is not materially or substantially misleading.

(f) 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.

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, 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, 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.

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

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.

(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.

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 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. 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.

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.

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.

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

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.

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.

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.

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.

CHAPTER F. INTERIM STUDY COMMITTEES

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.

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) [~~Five copies of the report shall be submitted to the speaker; 50 copies shall be provided to House Bill Distribution for sale at cost; and 75 copies shall be provided to the committee coordinator, who shall make the appropriate distribution to the Legislative Reference Library and state library and archives.~~] 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

CHAPTER A. QUORUM AND ATTENDANCE

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

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.

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.

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.

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.

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.

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 executive and administrative assistant; the lieutenant governor; the secretary of state; duly accredited reporters, photographers, correspondents, and commentators of press, radio, and television who have complied with Sections 20(a), (b), (c), and (d) 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.

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; 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 reporters, photographers, correspondents, and commentators of press, radio, and television who have complied with Sections 20(a), (b), (c), and (d) of this rule.

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.

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.

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.

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 member's lounge or bathrooms. The Committee on House Administration shall designate an area for smoking that is easily accessible to the house chamber.

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 a salaried staff correspondent, reporter, or photographer regularly employed by a newspaper, a press association or news service serving newspapers, a publication requiring telegraphic coverage, or a duly licensed radio or television station or network.

(b) Any media representative seeking admission to the floor of the house under the provisions of Subsection (a) of this section must present to the Committee on House Administration fully accredited credentials from his or her employer certifying that the media representative is engaged primarily in reporting the sessions of the legislature. 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.

Every media representative, before being admitted to the floor of the house during its sessions, shall file with the Committee on House Administration a written statement showing the paper or papers, press association, news service, publication requiring telegraphic coverage, or radio or television station or network which he or she represents and certifying that no part of his or her salary for legislative coverage is paid by any person, firm, corporation, or association except the listed news media which he or she represents.

(c) 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. 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. 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.

(d) 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. Persons governed by this subsection shall be subject to the provisions of Section 15 of this rule.

(e) Permission to make live or recorded television or radio broadcasts 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 regulations governing television or radio broadcasts, and such regulations shall be printed as an addendum to the rules of the house. When television or radio broadcasts from the floor of the house are recommended by the Committee on House Administration, the recommendation shall 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 on the recommendation of the Committee on House Administration. Each committee of the house shall have authority to determine whether or not to permit television or radio broadcasts of any of its proceedings.

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.

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.

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. 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.

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.

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.

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.

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.

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.

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.

Sec. 34. ELECTRONIC RECORDING OF ALL HOUSE PROCEEDINGS. 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.

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 a motion to vacate the chair; and

(2) those affecting the rights, reputation, and conduct of members individually in their representative capacity only.

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.

Sec. 37. WHEN QUESTIONS OF PRIVILEGE NOT IN ORDER. 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.

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.

Sec. 39A. APPEAL OF REFUSAL TO RECOGNIZE QUESTION OF PRIVILEGE. (a) Notwithstanding Section 24 of this rule, the refusal of the speaker to recognize a member for a question of privilege that is in order under this chapter is subject to an appeal to the house if the member seeking recognition submits to the speaker a written motion requesting recognition that is signed by at least 76 members of the house.

(b) An appeal required under Subsection (a) of this section shall:

(1) be set as a special order of the house to be considered 24 hours after the time a motion that complies with Subsection (a) of this section is submitted; and

(2) be considered in the same manner as an appeal under Rule 1, Section 9.

(c) If the appeal overturns the speaker's refusal to recognize the member seeking recognition on a question of privilege, the member shall be recognized on the question of privilege at the first time the question is in order under this chapter that occurs after the appeal is determined by the house.

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.

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.

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.

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.

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.

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.

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 [~~voting~~] 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 [~~voting~~] 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.

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.

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 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.

Sec. 50. PAIRS. 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[~~, by telegraph,~~] or by telephone, and satisfactory evidence presented to the speaker if deemed necessary. If authorized by telephone, the call must be to and confirmed by the chief clerk in advance of the vote to which it applies. A statement signed by the absent member or authorizing

the absent member's signature may be delivered by facsimile transmission or by electronic transmission of the statement in a portable document format (PDF) or similar format if the transmission is received in the office of 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.

Sec. 51. ENTRY OF YEA AND NAY VOTE IN JOURNAL; EFFECT OF APPROVAL OF BILL OR JOINT RESOLUTION WITHOUT OBJECTION. (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, and on any joint resolution proposing or ratifying a constitutional amendment, shall be taken and entered in the journal. For purposes of this subsection, a vote on final passage means 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.

(d) Passage of a bill or joint resolution "without objection" is the functional equivalent of a recorded vote in that the journal will show that every member present must have favored passage of the measure unless the member exercised the opportunity to register the member's vote otherwise. However, passage of a bill or joint resolution "without objection" does not satisfy a requirement that the vote be taken by yeas and nays and entered in the journal under the Texas Constitution or another rule, including Rule 8, Section 19, relating to the vote required for a bill to have immediate effect, and does not satisfy the requirement of Section 12(b), Article III, Texas Constitution, that a vote on final passage of a bill or joint resolution proposing or ratifying a constitutional amendment must be by record vote with the vote of each member entered in the journal.

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

(2) members of the public may view the yeas and nays on the Internet not later than one hour after the time the yeas and nays have been taken and the speaker has declared the result of the vote.

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.

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.

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.

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 subsequent proceedings in connection therewith shall fail, and the journal shall be amended accordingly.

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) Postponed matters to be laid before the house in accordance with Rule 7, Section 15.

(11) 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.

(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.

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.

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.

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 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 Rules and Resolutions 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.

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.

Sec. 11. PERIODS FOR CONSIDERATION OF CONGRATULATORY AND MEMORIAL CALENDARS. As the volume of legislation shall warrant, the chair of the Committee on Rules and Resolutions 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 Rules and Resolutions shall prepare and distribute to each member a printed 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 Rules and Resolutions, in accordance with Rule 4, Section 16. It shall not be necessary for the Committee on Rules and Resolutions 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 Rules and Resolutions determines that a resolution is not eligible for 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 printed calendar is distributed, 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. 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 distribute to each member a printed calendar at least 48 hours in advance of the hour set for consideration. Once a printed calendar is distributed, 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.

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, 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 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. The chair shall strictly enforce this time limit and automatically withdraw the bill from further consideration if the time limit herein imposed is exceeded.

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. With respect to a particular calendar within the system of calendars established by Section 7 of this rule, bills and resolutions on third reading shall have precedence over bills and resolutions on second reading.

Sec. 16. DAILY CALENDARS, SUPPLEMENTAL CALENDARS, AND LISTS OF ITEMS ELIGIBLE FOR CONSIDERATION. (a) Calendars shall be printed daily when the house is in session. A printed copy of each calendar shall be placed in the newspaper mailbox of each member 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. Deviations from the calendars as printed and distributed shall not be permitted except that the

Committee on Calendars shall be authorized to print and distribute, 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;

(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. Also in addition to the items listed above, after the 115th day of a regular session, the Committee on Calendars may incorporate into the supplemental daily house calendar a bill that is enabling legislation for a constitutional amendment if the bill has been referred to the Committee on Calendars and if the joint resolution proposing the constitutional amendment appears on the same supplemental calendar or on the daily house calendar for the same day; the enabling bill may be placed on the supplemental calendar in the relative position determined by the Committee on Calendars without regard to whether the bill has previously appeared on a daily house calendar and, if the bill has previously appeared on a daily house calendar, without regard to its relative position on that calendar.

(a-1) If the house is convened in regular session, a printed copy of the calendar on which the general appropriations bill is first eligible for consideration on second reading shall be placed in the newspaper mailbox of each member at least 144 hours before the calendar may be considered by the house. The printed copy of that 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 printed and distributed to the members, 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;

(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) A copy of the list of Items Eligible for Consideration must be placed in the newspaper mailbox of each member at least six hours before the list may be considered by the house.

(d) The time at which the copies of a calendar or list are placed in the newspaper mailboxes of the members 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 be attached to the printed 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 may be laid before the house not earlier than six hours [~~anytime~~] 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.

Sec. 17. POSITION ON A CALENDAR. (a) Unless removed from the calendar under Subsection (b) of this section, once [~~Once~~] a bill or resolution is placed on its appropriate calendar under these rules, and has appeared on a house calendar, as printed and distributed to all members, 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 printed and distributed to all members, 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.

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.

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 bill or resolution once removed from the local, consent, and resolutions calendar 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 the bill or resolution is then removed from the calendar a second time by being contested on the floor of the house, 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.

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 on a particular calendar shall have precedence over bills on second reading on the same calendar. It is the intent of the calendar system to give the Committee on Calendars wide discretion to ensure [~~insure~~] adequate consideration by the house of important legislation. To that end, when the volume of legislation warrants, the Committee on Calendars may set a calendar for selected bills and resolutions on third reading to be considered by the house at a time certain designated by the committee. The third reading calendar shall be given precedence over any other calendar at the time certain designated by the committee, except that the chair may permit the house to complete action on any bill or resolution under consideration at that time.

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;

(13) to take any other action required or permitted during the routine motion period by Rule 6, Section 1;

(14) to divide the question.

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.

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.

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.

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.

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.

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 printed 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.

Sec. 14. MOTION TO POSTPONE. 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.

Sec. 15. POSTPONED MATTERS. (a) 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.

(b) Consideration of a bill postponed to a day certain from the local, consent, and resolutions calendar is governed on second reading by the rules applicable to the calendar from which it was postponed to the extent practicable.

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.

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.

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.

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.

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 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.

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.

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.

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.

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.

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 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 11th 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) A motion to reconsider the vote by which a bill, joint resolution, or concurrent resolution was defeated at any legislative stage is not in order unless a member has previously provided at least two hours' 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. For purposes of this subsection, a motion to reconsider includes a motion to reconsider and table and a motion to reconsider and spread on the journal.

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.

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.

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.

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, 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.

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.

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.

RULE 8. BILLS

Sec. 1. CONTENTS OF BILLS. 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.

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.

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.

Sec. 4. CHANGING GENERAL LAW THROUGH AN APPROPRIATIONS BILL. A general law may not be changed by the provisions in an appropriations bill.

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 original measure and all copies 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 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.

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.

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.

Sec. 9. NUMBER OF COPIES FILED. (a) Nine [~~Thirteen~~] copies of every bill, except bills relating to conservation and reclamation districts and governed by the provisions of Article XVI, Section 59, of the Texas Constitution, must be filed with the chief clerk at the time that the bill is introduced.

(b) Eleven [~~Fifteen~~] copies of every bill relating to conservation and reclamation districts and governed by the provisions of Article XVI, Section 59, of the Texas Constitution, with copies of the notice to introduce the bill attached, must be filed with the chief clerk at the time that the bill is introduced 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.

(c) No bill may be laid before the house on first reading until it is in compliance with the provisions of this section.

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.

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.

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.

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 reconsider the bill or resolution to make corrections, or to adopt a corrective resolution.

Sec. 14. PRINTED COPIES REQUIRED PRIOR TO CONSIDERATION. (a) A printed copy of each bill or resolution, except the general appropriations bill, shall be placed in the newspaper mailbox of each 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. 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.

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.

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 on the same calendar that have not passed second reading.

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.

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.

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.

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.

(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.

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.

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.

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

Sec. 1. FILING. Resolutions shall be introduced by the filing of nine [~~13~~] identical copies with the chief clerk, who shall number and record house resolutions in one series and concurrent resolutions in a separate series.

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.

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.

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.

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

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.

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.

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.

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.

Sec. 6. COPIES OF AN AMENDMENT. (a) Five copies of each amendment shall be filed with the speaker. 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. No amendment offered from the floor shall be in order unless the sponsoring member has complied with the provisions of this section with respect to copies of the amendment. The chief clerk shall retain one copy of each amendment filed with the speaker under this section whether or not the amendment was offered by the filing member.

(b) Prior to the time that an amendment is offered, if the amendment exceeds one page in length, the sponsoring member must provide to the chief clerk a minimum of 15 copies to be available for distribution to those members requesting copies of the amendment.

(c) If the amendment is only one page in length or less, the sponsoring member must provide one additional copy of the amendment to the chief clerk, who shall immediately proceed to have additional copies made and available for those members requesting copies of the amendment.

(d) The provisions of this section with respect to extra copies shall not apply to committee amendments or to amendments which do nothing more than delete material from the bill or resolution.

(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 25 copies of the amendment have been provided to the chief clerk and were 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 extending an agency, commission, or advisory committee under the Texas Sunset Act unless 25 copies of the amendment have been provided to the chief clerk and were 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.

(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 25 copies of the amendment have been provided to

the chief clerk and were available in the chief clerk's office at least 84 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; and

(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.

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;

(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.

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.

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.

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.

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.

(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.

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.

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.

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.

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

(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.

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.

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 made available to the members in a timely fashion and in an appropriate format [~~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 a sustainable question 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.

Sec. 5A. RETURN OF NONGERMANE SENATE AMENDMENTS BY SPEAKER. When a house bill or joint resolution, other than the general appropriations bill, with senate amendments is returned to the house, the speaker may return the bill or resolution to the senate if the speaker determines that the senate amendments are not germane to the house version of the bill or resolution. The speaker may act under this section without regard to whether the bill or resolution is eligible for consideration by the house. If the speaker returns a bill or resolution to the senate under this section, the speaker shall attach to the bill or resolution a statement of the speaker's action that includes an explanation of the speaker's determination, and shall enter the statement in the journal as soon as practicable.

CHAPTER C. CONFERENCE COMMITTEES

Sec. 6. MEMBERSHIP AND OPERATION. 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.

Sec. 7. MEETINGS. 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.

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.

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:

(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 three hours after a copy of the resolution has been distributed to each member. 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.

In the application of this subsection 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 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.

Sec. 10. [~~PRINTING AND~~] DISTRIBUTION OF REPORTS. (a) All conference committee reports must be [~~printed and a copy~~] furnished to each member at least 24 hours before action can be taken on the report by the house during a regular or special session. For a conference committee report on a bill or joint resolution other than the general appropriations bill, compliance with this subsection may be accomplished by making an electronic format copy of the report available for viewing to each member and, when the electronic copy of the report becomes available, providing notice of that fact to a capitol e-mail address for each member as designated by the member.

(b) Three original paper copies of a conference committee report shall be submitted to the chief clerk [~~for printing~~].

(c) 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.

(d) Before action can be taken by the house on a conference committee report on a bill or joint resolution, the conference committee report must be printed and a copy furnished to each member.

(e) [~~(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 made available to the members in a timely fashion and in an appropriate format [~~distributed with the conference committee report on its printing~~].

(f) [~~(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.

Sec. 11. ANALYSIS OF REPORTS. 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.

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.

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.

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 Rules and Resolutions 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[~~, the statutes,~~] 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.

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.

Sec. 7. COMMITTEE GIFTS. A member of the house may not offer, confer, or agree to confer to a committee member one or more gifts with a total value of more than $75 per year.

(Menendez in the chair)

Amendment No. 1

Representative Solomons offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) as follows:

(1) In Rule 3, Section 4 (Business and Industry), strike Subdivisions (9) through (13) (page 25, lines 8-25) and substitute the following:

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

(10) 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, and the Texas Residential Construction Commission.

(2) In Rule 3, Section 6 (Civil Jurisprudence), strike Subdivision (10) (page 26, line 27) and renumber the subsequent subdivisions of the section appropriately.

(3) In Rule 3, strike Section 7 (Corrections) (page 27, line 15, through page 28, line 4) and substitute the following:

Sec. 7. CORRECTIONS AND PUBLIC SAFETY. The committee shall have 11 [~~seven~~] 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;

(3) the commitment and rehabilitation of youths;

(4) the construction, operation, and management of correctional facilities of the state and facilities used for the commitment and rehabilitation of youths;

(5) law enforcement;

(6) the prevention of crime and the apprehension of criminals;

(7) the provision of security services by private entities; and

(8) [~~(5)~~] the following state agencies: the Commission on Law Enforcement Officer Standards and Education, the Department of Public Safety, the Texas Forensic Science Commission, the Polygraph Examiners Board, the Texas Private Security Board, the Commission on State Emergency Communications, the Crime Stoppers Advisory Council, the Texas Department of Criminal Justice, the Special Prosecution Unit, the Board of Pardons and Paroles, [~~the Texas Youth Commission,~~] the Council on Sex Offender Treatment, the Texas Correctional Office on Offenders with Medical or Mental Impairments, the Private Sector Prison Industries Oversight Authority, the Criminal Justice Legislative Oversight Committee, and the Criminal Justice Policy Council.

(4) In Rule 3, strike Section 9 (Criminal Jurisprudence and Law Enforcement) (page 28, line 18, through page 29, line 10) and substitute the following:

Sec. 9. CRIMINAL JURISPRUDENCE. The committee shall have 11 [~~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.

(5) In Rule 3, strike Section 11 (Economic Development) (page 31, line 12, through page 32, line 13), substitute the following, and renumber the subsequent sections of Rule 3 appropriately:

[~~Sec. 12. ECONOMIC DEVELOPMENT. The committee shall have seven members, with jurisdiction over all matters pertaining to:~~

[~~(1) commerce, trade, and manufacturing;~~

[~~(2) economic and industrial development;~~

[~~(3) job creation and job-training programs;~~

[~~(4) hours, wages, collective bargaining, and the relationship between employers and employees;~~

[~~(5) unemployment compensation, including coverage, benefits, taxes, and eligibility;~~

[~~(6) boiler inspection and safety standards and regulation;~~

[~~(7) labor unions and their organization, control, management, and administration;~~

[~~(8) weights and measures;~~

[~~(9) advances in science and technology, including telecommunications, electronic technology, and automated data processing;~~

[~~(10) the promotion of scientific research, technological development, and technology transfer in the state;~~

[~~(11) matters relating to cooperation of state and local governments with the scientific and technological community, which includes industry, the universities, and federal governmental laboratories; and~~

[~~(12) the following state agencies: the Texas Economic Development and Tourism Office, the Texas Emerging Technology Committee, the Texas Workforce Commission, the Texas Workforce Investment Council, and the Texas National Research Laboratory Commission.~~]

(6) In Rule 3, Section 14 (Environmental Regulation), strike Subdivision (4) (page 34, lines 1-2) and renumber the subsequent subdivisions of the section appropriately.

(7) In Rule 3, Section 15 (Financial Services and Pensions), strike "FINANCIAL SERVICES AND PENSIONS" and substitute "PENSIONS, INVESTMENTS, AND FINANCIAL SERVICES" (page 34, line 8).

(8) In Rule 3, Section 26 (Natural Resources), on page 43, line 15, strike "nine" and substitute "11 [~~nine~~]".

(9) In Rule 3, Section 26 (Natural Resources), strike Subdivision (5) (page 44, lines 1-2) and renumber the subsequent subdivisions of the section appropriately.

(10) In Rule 3, strike Section 31 (State Affairs) (page 48, line 2, through page 49, line 14) and substitute the following:

Sec. 31 [~~37~~]. STATE AFFAIRS. The committee shall have 15 [~~nine~~] 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, [~~and~~] agencies, and institutions;

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

(5) [~~the organization, regulation, operation, and management of state institutions;~~]

[~~(6)~~] the duties and conduct of officers and employees of the state government;

(6) [~~(7) the regulation of the residential construction industry;~~]

[~~(8)~~] the operation of state government and its agencies and departments; all of above except where jurisdiction is specifically granted to some other standing committee;

(7) [~~(9)~~] access of the state agencies to scientific and technological information; and

(8) [~~(10)~~] the following state agencies: the Council of State Governments, the National Conference of State Legislatures, the [~~Governor's~~] Office of the Governor, the Texas Facilities [~~Building and Procurement~~] Commission, the Department of Information Resources, the Inaugural Endowment Fund Committee, the Texas Incentive and Productivity Commission, the Sunset Advisory Commission, the Public Utility Commission of Texas, and the Office of Public Utility Counsel [~~and the Texas Residential Construction Commission~~].

(11) In Rule 3, strike Section 32 (Technology and Workforce Training) (page 49, line 15, through page 50, line 2), and substitute the following:

Sec. 32. TECHNOLOGY, ECONOMIC DEVELOPMENT, AND WORKFORCE. The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) advances in science and technology, including in telecommunications, electronic technology, and automated data processing;

(2) the promotion of scientific research, technological development, and technology transfer in the state;

(3) matters relating to cooperation of state and local governments with the scientific and technological community, including industry, institutions of higher education, and federal governmental laboratories;

(4) workforce training;

(5) commerce, trade, and manufacturing;

(6) economic and industrial development;

(7) job creation and job-training programs;

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

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

(10) boiler inspection and safety standards and regulation;

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

(12) weights and measures; and

(13) the following state agencies: the Texas Economic Development and Tourism Office, the Texas Workforce Commission, the Texas Workforce Investment Council, and the Texas Emerging Technology Advisory Committee.

(12) In Rule 3, Section 34 (Urban Affairs), Subdivision (7) (page 51, line 14), strike "the power of eminent domain, annexation, and".

(13) In Rule 4, Section 4(b), between "Appropriations" and "may not serve" (page 55, line 25), insert "or the Committee on State Affairs".

(14) In Rule 6, Section 16(f) (page 119, line 16), strike "may" and substitute "shall [~~may~~]".

(15) In Rule 7, in added Section 37(c) (page 136, lines 23-24), strike "at any legislative stage".

(16) In Rule 13, in added Section 5A, between "the speaker" and "may return the bill or resolution" (page 174, line 19), insert ", with the permission of the primary author of the bill or resolution,".

(Speaker in the chair)

HOUSE AT EASE

At 11:44 a.m., the speaker announced that the house would stand at ease until 1 p.m. today.

The speaker called the house to order at 1:10 p.m.

Amendment No. 2

Representative S. Turner offered the following amendment to Amendment No. 1:

Amend the Solomons Amendment to **HR 2** as follows:

(1) On page 5, line 4, strike "and" and substitute "[~~and~~]".

(2) On page 5, between lines 4 and 5, insert the following:

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

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

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

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

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

(3) On page 5, line 5, strike "(8)" and substitute "(13)".

(Truitt now present)

Representative Solomons moved to table Amendment No. 2.

The motion to table was lost by (Record 8): 65 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Anchia; Aycock; Berman; Bohac; Bonnen; Branch; Brown, F.; Button; Chisum; Cook; Crabb; Darby; Davis, J.; Deshotel; Driver; Eissler; Elkins; Farabee; Fletcher; Flynn; Gattis; Geren; Hamilton; Hancock; Hartnett; Herrero; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Jones; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Madden; McCall; McReynolds; Menendez; Merritt; Miller, D.; Orr; Otto; Patrick; Phillips; Pickett; Pitts; Quintanilla; Raymond; Ritter; Rose; Smith, T.; Smith, W.; Solomons; Strama; Truitt; Vaught; Villarreal; Weber.

Nays — Allen; Alonzo; Alvarado; Anderson; Bolton; Brown, B.; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Corte; Craddick; Creighton; Crownover; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Hilderbran; Hochberg; Hodge; Hughes; Isett; Jackson; Kent; King, P.; Kleinschmidt; Laubenberg; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miklos; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Parker; Paxton; Peña; Pierson; Rios Ybarra; Rodriguez; Sheffield; Shelton; Smithee; Swinford; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Veasey; Vo; Walle; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Riddle.

Absent — Christian.

Amendment No. 2 was adopted.

(Jones in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 2 - (consideration continued)

Amendment No. 3

Representatives Madden, Hodge, and Y. Davis offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 to **HR 2** as follows:

(1) In item (3), strike page 1, line 20 through page 2, line 18), and substitute the following:

Sec. 7. CORRECTIONS. The committee shall have 11 [~~seven~~] 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;

(3) the commitment and rehabilitation of youths;

(4) the construction, operation, and management of correctional facilities of the state and facilities used for the commitment and rehabilitation of youths; [and]

(5) juvenile delinquency and gang violence;

(6) criminal law, prohibitions, standards, and penalties as applied to juveniles;

(7) criminal procedure in the courts of Texas as it relates to juveniles; and

(8) [~~(5)~~] the following state agencies: the Texas Department of Criminal Justice, the Special Prosecution Unit, the Board of Pardons and Paroles, the Texas Youth Commission, the Office of Independent Ombudsman of the Texas Youth Commission, the Council on Sex Offender Treatment, the Texas Correctional Office on Offenders with Medical or Mental Impairments, the Texas Juvenile Probation Commission, the Advisory Council on Juvenile Services, and the Private Sector Prison Industries Oversight Authority [~~, and the Criminal Justice Policy Council~~].

(2) Add the following appropriately numbered item and renumber subsequent items:

(_) In Rule 3, strike Section 21 (Juvenile Justice) (page 39, line 17 through page 40, line 5), substitute the following, and renumber subsequent sections of Rule 3 appropriately:

[~~Sec. 24. JUVENILE JUSTICE AND FAMILY ISSUES. The committee shall have nine members, with jurisdiction over all matters pertaining to:~~

[~~(1) juvenile delinquency and gang violence;~~

[~~(2) criminal law, prohibitions, standards, and penalties as applied to juveniles;~~

[~~(3) criminal procedure in the courts of Texas as it relates to juveniles;~~

[~~(4) civil law as it relates to familial relationships, including rights, duties, remedies, and procedures thereunder; and~~

[~~(5) the following state agencies: the Texas Juvenile Probation Commission and the Advisory Council on Juvenile Services.~~]

(3) Add the following appropriately numbered item and renumber subsequent items:

(_) Strike page 40, line 16, through page 41, line 1, and substitute the following appropriately numbered section, and renumber subsequent items of Rule 3 appropriately:

Sec. . PUBLIC SAFETY. [~~26. LAW ENFORCEMENT.~~] The committee shall have nine [~~seven~~] 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; and

(4) the following state agencies: the Commission on Law Enforcement Officer Standards and Education, the Department of Public Safety, the Texas Forensic Science Commission, the Polygraph Examiners Board, the Texas Private Security Board, the Commission on State Emergency Communications, and the Crime Stoppers Advisory Council.

(Riddle now present)

Amendment No. 3 was adopted.

(Speaker in the chair)

Amendment No. 1, as amended, was adopted. (The vote was reconsidered later today, and Amendment No. 1, as amended, was adopted.)

Amendment No. 4

Representative P. King offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) on page 9 after line 2 by adding the following to Rule 1:

CHAPTER D. MOTION TO VACATE THE CHAIR

Sec. 19. MOTION TO VACATE THE CHAIR. To prevail, a motion to vacate the chair requires an affirmative vote of two-thirds of the members present.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative P. King offered the following amendment to **HR 2**:

Amend **HR 2** (House Rules Resolution) in Rule 1, Section 16, on page 8, between lines 17 and 18, by inserting the following:

(c) If a new speaker is elected during a regular session following the removal of the previous speaker pursuant to a motion to vacate the chair or another similar motion, 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; and

(3) fill vacancies that occur on a committee.

Amendment No. 6

Representative Corte offered the following amendment to Amendment No. 5:

Amend the P. King amendment to **HR 2** (House Rules) on page 1, line 6 and 7, by striking "end of the session" and substituting "next regular session".

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Jackson offered the following amendment to Amendment No. 5:

Amend the P. King amendment to **HR 2** (House Rules) on page 1, lines 3 and 5, by striking "during a regular session following the removal of the previous speaker pursuant to a motion to vacate the chair or another similar motion" and substituting "to fill a vacancy in the office after the appointment of standing committees".

Amendment No. 7 was adopted.

Amendment No. 8

Representative Castro offered the following amendment to Amendment No. 5:

Amend the P. King amendment to **HR 2** (House Rules) as follows:
(1) On page 1, line 11 by striking "and".
(2) On page 1, between line 11 and line 12 insert "(3) designate a different member of a standing committee as committee chair; and".
(3) On page 1, line 12, strike "(3)" and substitute "(4)".

Amendment No. 8 was adopted.

Amendment No. 5, as amended, was adopted.

Amendment No. 9

Representative Taylor offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 2 as follows:
(1) In proposed Section 9 (page 20, line 13), strike "(a)".
(2) In proposed Section 9 (page 20, line 19 through page 21, line 1), strike proposed Subsection (b).

Amendment No. 9 failed of adoption.

Amendment No. 10

Representative Y. Davis offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in new Rule 2, Section 9 (Parliamentarian), as follows:
(1) On page 20, line 18, between "each member of the house" and the period, insert "and shall keep confidential all requests made by members of the house for advice or guidance regarding procedure unless the parties otherwise agree".
(2) Insert the following on page 21 between lines 1 and 2:
(c) In the event of a conflict between this section and the housekeeping resolution, this section controls.

Amendment No. 10 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness in the family:

Kent on motion of Shelton.

HR 2 - (consideration continued)

Amendment No. 11

Representative Gattis offered the following amendment to **HR 2**:

Amend **HR 2** (House Rules) by adding the following numbered item to the amendment:
(3) On page 20, line 17, strike "loyalty and".

Amendment No. 11 was adopted.

Amendment No. 12

Representative Lewis offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 3 (STANDING COMMITTEES) as follows:

(1) In Section 6 (page 26, line 9), strike "CIVIL JURISPRUDENCE [~~PRACTICES~~]" and substitute "JUDICIARY AND CIVIL JURISPRUDENCE [~~PRACTICES~~]".

(2) Reorder the sections of Rule 3 in alphabetic order according to the names of the committees and renumber those sections accordingly.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Strama offered the following amendment to **HR 2**:

Amend **HR 2** (House Rules Resolution) in Rule 3, Section 13 (Energy Resources), by striking Subdivisions (6) and (7) (page 33, lines 12-18), and substituting the following:

(6) electric utility regulation as it relates to energy production and consumption; [~~and~~]

(7) identifying, developing, and using alternative energy sources;

(8) increasing energy efficiency throughout the state; and

(9) [~~(7)~~] the following state agencies: the Railroad Commission of Texas, the Office of Interstate Oil Compact Commissioner for Texas, the Office of Interstate Mining Compact Commissioner for Texas, the Texas Energy Coordination Council, the State Energy Conservation Office, and the Office of Southern States Energy Board Member for Texas.

Amendment No. 13 was adopted.

Amendment No. 14

Representative Branch offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 3, Section 17 (Higher Education), in Subdivision (2) (page 36, lines 6-8), by striking ", including the funding and financial management of those institutions but not including any matter within the jurisdiction of the Committee on Appropriations".

Amendment No. 14 was adopted.

Amendment No. 15

Representative Corte offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 3 (STANDING COMMITTEES) as follows:

(1) In Section 25 (page 42, line 23), strike "MILITARY" and substitute "DEFENSE".

(2) Reorder the sections of Rule 3 in alphabetic order according to the names of the committees and renumber those sections accordingly.

Amendment No. 15 was adopted.

Amendment No. 16

Representative P. King offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 3, Section 29 (Redistricting Committee), between "members," and "with" (page 46, line 15), by inserting "composed of a chairman appointed by the speaker of the house, seven members belonging to the political party with the most members in the house and selected by the speaker of the house, and seven members belonging to the political party with the second highest number of members in the house and selected by the speaker of the house,".

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Dunnam offered the following amendment to **HR 2**:

Amend **HR 2** on page 49, between lines 3 and 4, by inserting the following appropriately-numbered subdivision to read as follows:

"( ) all matters related to federal economic stimulus legislation, including, without limitation, the American Recovery and Reinvestment Act of 2009;".

Representative Solomons moved to table Amendment No. 17.

The motion to table prevailed by (Record 9): 73 Yeas, 71 Nays, 2 Present, not voting. (The vote was reconsidered later today, and Amendment No. 17, as amended, was adopted.)

Yeas — Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Farabee; Fletcher; Flynn; Gattis; Geren; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Quintanilla; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Craddick; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pierson; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Howard, C.

Absent, Excused — Kent.

Absent — Edwards; Riddle; Strama.

Amendment No. 17 - Vote Reconsidered

Representative Solomons moved to reconsider the vote by which the motion to table prevailed.

The motion to reconsider prevailed.

The motion to table was withdrawn.

(Homer in the chair)

Amendment No. 18

Representative Villarreal offered the following amendment to Amendment No. 17:

Amend the Dunnam amendment to **HR 2** as follows:

(1) On page 1, line 1, strike "page 49, between lines 3 and 4" and substitute "page 23, between lines 4 and 5."

(2) On page 1, line 3, immediately before the semicolon, insert "and renumber the subsequent subdivisions accordingly".

Amendment No. 18 was adopted.

Amendment No. 17, as amended, was adopted by (Record 10): 126 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hunter; Jones; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Legler; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Callegari; Crabb; Creighton; Flynn; Gattis; Harper-Brown; Hughes; Isett; Jackson; King, P.; Kleinschmidt; Laubenberg; Lewis; Miller, S.; Paxton; Phillips; Pickett; Taylor.

Present, not voting — Mr. Speaker; Homer(C).

Absent, Excused — Kent.

Absent — Chavez; Dutton; Riddle.

Amendment No. 19

Representative Menendez offered the following amendment to **HR 2**:

Amend **HR 2** as follows:

(1) Strike page 57, lines 1 through 6 and substitute the following for Rule 4, Section 7:

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 to the author of a house measure or sponsor of a senate measure at the earliest possible opportunity but not later than the first time the measure is laid out in a committee meeting.

(2) Strike page 73, lines 4 through 7 and substitute the following for Rule 4, Section 32(d):

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

Amendment No. 19 was adopted.

Amendment No. 20

Representative McReynolds offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) as follows:

(1) In Rule 4, Section 32(b), at the end of Subdivision (9) (page 71, line 25), strike "and" and substitute "[~~and~~]".

(2) In Rule 4, Section 32(b), at the end of Subdivision (10) (page 72, line 8), strike the period and substitute the following:

;

(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; and

(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.

(3) In Rule 6, at the end of Section 2 (page 109, between lines 9 and 10), insert the following:

(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 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.

(4) In Rule 6, Section 16(a), strike the underlined text starting on page 117, line 21, and ending on page 118, line 6.

Amendment No. 20 was adopted.

Amendment No. 21

Representative Y. Davis offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 4, Section 32, as follows:

(1) Insert the following on page 73, line 4, between "(d)" and "A committee chair":

The author of a bill or resolution for which an analysis is required by Subsection (c) of this section and 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)

(2) On page 73, line 8, strike "(e)" and substitute "(f)".

(3) On page 73, line 11, strike "(f)" and substitute "(g)".

Amendment No. 22

Representative Y. Davis offered the following amendment to Amendment No. 21:

Amend Amendment No. 21 by Y. Davis (amending **HR 2** in Rule 4 regarding bill analyses) as follows:

(1) On line 1, strike ", Section 32,".

(2) On line 3, after "(1)", insert "In Section 32,".

(3) On line 11, after "(2)", insert "In Section 32,".

(4) On line 12, after "(3)", insert "In Section 32,".

(5) Add the following at the end of the amendment:

(4) In Section 7, add the following at the end of Section 7 (page 57, line 6):

The author of the bill or joint resolution may request the Texas Legislative Council to prepare an analysis for purposes of this section suitable for distribution by committee staff to each member of the committee.

Amendment No. 22 was adopted.

Amendment No. 21, as amended, was adopted.

Amendment No. 23

Representative Gallego offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 5, Section 51A (FLOOR PROCEDURE) as follows:

(1) On page 104, line 16, strike "Internet;" and substitute "Internet and on any televised broadcast of the house proceedings produced by or under the direction of the house;".

(2) On page 104, lines 17-20, strike "on the Internet not later than one hour after the time the yeas and nays have been taken and the speaker has declared the result of the vote" and substitute "in real time on the Internet and on any televised

broadcast of the house proceedings produced by or under the direction of the house [~~not later than one hour after the time the yeas and nays have been taken and the speaker has declared the result of the vote~~]".

Amendment No. 24

Representative Phillips offered the following amendment to Amendment No. 23:

Amend the Gallego amendment to **HR 2** (House Rules) on page 1, line 9, immediately after "real time" by inserting "to the extent possible"

Amendment No. 24 was adopted.

Amendment No. 23, as amended, was adopted.

Amendment No. 25

Representatives Herrero, Pierson, Jones, Gallego, and Merritt offered the following amendment to **HR 2**:

Amend **HR 2** as follows:

(1) Strike page 4, line 27, through page 5, line 5, and substitute the following for Rule 1, Section 9(b):

(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.

(2) Strike page 94, line 24 through page 95, line 3, and substitute the following for Rule 5, Section 24:

Sec. 24. RECOGNITION. (a) Except as otherwise provided by this section, there [~~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 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.

(3) Strike page 97, lines 19 through 26, and substitute the following for Rule 5, Section 35:

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.

(4) On page 98, line 6, amend Rule 5, Section 37, by inserting "(a)" between the period and "It".

(5) On page 98, between lines 15 and 16, amend Rule 5, Section 37, by inserting the following:

(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 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.

(6) Strike Rule 5, Section 39A, on page 99, lines 5 through 23.

Amendment No. 25 was adopted.

Amendment No. 26

Representative P. King offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) on page 9 after line 2 by adding the following to Rule 1:

CHAPTER D. MOTION TO VACATE THE CHAIR

Sec. 19. MOTION TO VACATE THE CHAIR. To prevail, a motion to vacate the chair requires an affirmative vote of two-thirds of the members present.

Amendment No. 27

Representative Taylor offered the following amendment to Amendment No. 26:

Amend the P. King amendment to **HR 2** (adding Section 19 to Rule 1) on page 1, line 5, by striking "two-thirds" and substituting "three-fifths".

Amendment No. 27 was withdrawn.

Amendment No. 28

Representative Herrero offered the following amendment to Amendment No. 26:

Amend the P. King amendment to **HR 2** on page 1 as follows:

(1) On line 3, strike "MOTION TO VACATE THE CHAIR" and substitute "REMOVAL OF SPEAKER".

(2) On lines 4-5, strike "MOTION TO VACATE THE CHAIR. To prevail, a motion to vacate the chair" and substitute "REMOVAL OF SPEAKER. Removal of the speaker pursuant to a question of privilege".

Amendment No. 28 was adopted.

Amendment No. 29

Representative Taylor offered the following amendment to Amendment No. 26:

Amend the P. King amendment to **HR 2** (adding Section 19 to Rule 1) on page 1, line 5, by striking "two-thirds" and substituting "three-fifths".

Amendment No. 29 was adopted.

Amendment No. 26, as amended, failed of adoption by (Record 11): 60 Yeas, 87 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Edwards; Eissler; Fletcher; Flynn; Gattis; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Hunter; Isett; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Madden; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Peña; Sheffield; Shelton; Smith, W.; Solomons; Swinford; Taylor; Truitt; Weber; Woolley; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Button; Castro; Chavez; Cohen; Coleman; Cook; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer(C); Hopson; Howard, D.; Hughes; Jones; Keffer; King, T.; Kuempel; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Naishtat; Oliveira; Olivo; Ortiz; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Kent.

Absent — Riddle.

STATEMENT OF VOTE

I was shown voting no on Record No. 11. I intended to vote yes.

Paxton

Amendment No. 30

Representative Dunnam offered the following amendment to **HR 2**:

Amend **HR 2** on page 100, line 5, after the period by inserting the following: "During the taking of a vote on the voting machine, the officers of the House shall report any violations of Section 47 directly to the chair.".

(Speaker in the chair)

Amendment No. 30 was withdrawn.

Amendment No. 31

Representative Dunnam offered the following amendment to **HR 2**:

Amend **HR 2** on page 100, line 5, after the period by inserting the following: "During the taking of a vote on the voting machine, the officers of the House shall report any violations of Section 47 directly to the chair when strict enforcement has been instructed by the speaker.".

Amendment No. 31 was withdrawn.

Amendment No. 32

Representative Veasey offered the following amendment to **HR 2**:

Amend **HR 2** by striking the text beginning on page 102, line 20, through page 103, line 7, and substituting the following:

"Sec. 50. PAIRS. 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[~~, by telegraph,~~] 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. 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."

Amendment No. 33

Representative Veasey offered the following amendment to Amendment No. 32:

Amend the Veasey amendment to **HR 2** (House Rules) on page 1, line 13, between "transmission" and "." by inserting "by PDF or similar secure format that is capable of transmitting an accurate image of member's signature".

Amendment No. 33 was adopted.

Amendment No. 34

Representative Gallego offered the following amendment to Amendment No. 32:

Amend Amendment No. 32 by Veasey as follows:

(1) On page 1, line 4, between "PAIRS." and "All", insert "(a)".

(2) Immediately following line 16, insert the following:

"(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."

Amendment No. 34 was adopted.

Amendment No. 32, as amended, was adopted.

Amendment No. 35

Representative Merritt offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 5 by striking amended Section 51(d) (page 103, line 26, through page 104, line 12) and substituting the following:

[~~(d) Passage of a bill or joint resolution "without objection" is the functional equivalent of a recorded vote in that the journal will show that every member present must have favored passage of the measure unless the member exercised the opportunity to register the member's vote otherwise. However, passage of a bill or joint resolution "without objection" does not satisfy a requirement that the vote be taken by yeas and nays and entered in the journal under the Texas Constitution or another rule, including Rule 8, Section 19, relating to the vote required for a bill to have immediate effect.~~]

Amendment No. 35 was adopted.

Amendment No. 36

Representatives Merritt and Pierson offered the following amendment to **HR 2**:

Amend **HR 2** as follows:

(1) On page 108, amend Rule 6, Section 1(a), by striking lines 3-7 and substituting the following:

(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) [~~(11)~~] Second reading calendars [~~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.

(2) Strike page 116, lines 12 through 19, and substitute the following for Rule 6, Section 15:

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 [~~With respect to a particular calendar, bills~~] and resolutions on third reading shall have precedence over bills and resolutions on second reading.

(3) Strike page 124, lines 7 through 23, and substitute the following for Rule 6, Section 25:

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 [~~on a particular calendar~~] shall have precedence over bills on second reading [~~on the same calendar~~]. 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.

(4) Strike page 136, lines 3-11, and substitute the following for Rule 7, Section 37(a):

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 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 [~~11th~~] 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.

(5) Strike page 151, lines 7-16, and substitute the following for Rule 8, Section 17:

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 [~~on the same calendar~~] that have not passed second reading.

Amendment No. 36 was adopted.

Amendment No. 37

Representative Hochberg offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 7, in added Section 37(c), as follows:

(1) On page 136, line 25, strike "two hours' notice" and substitute "one hour's notice".

(2) On page 137, line 3, insert the following between "the motion to reconsider." and "For purposes of":

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.

Amendment No. 37 was adopted.

Amendment No. 38

Representative Farias offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) as follows:

(1) Amend Rule 8, Section 14, to read as follows:

Sec. 14. [~~PRINTED~~] COPIES REQUIRED PRIOR TO CONSIDERATION. (a) A printed copy of each bill or resolution, except the general appropriations bill, shall be placed in the newspaper mailbox of each 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 prefers to receive copies of bills and resolutions under this section in an electronic format, compliance with this subsection may be accomplished with respect to that member by making a copy of a bill or resolution in an electronic format available for viewing to each member not later than the time a printed copy of the bill or resolution is placed in other members' newspaper mailboxes and, when the electronic format copy of the bill or resolution becomes available, sending notice of that fact to a Capitol e-mail address designated by the member.

(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.

(2) Amend Rule 12, Section 1, by adding Subsection (d) to read as follows:

(d) If a member informs the chief clerk that the member prefers to receive copies of first printings in an electronic format, the requirement to provide a copy of a first printing to that member may be accomplished by making a copy of a first printing in an electronic format available for viewing to each member and, when the electronic format copy of the first printing becomes available, sending notice of that fact to a Capitol e-mail address designated by the member.

Amendment No. 38 was adopted.

Amendment No. 39

Representative Eiland offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) on page 163, line 8 (Rule 11, Section 6), by striking "84 hours" and substituting "72 hours".

Amendment No. 39 was adopted.

(Farabee in the chair)

Amendment No. 40

Representative Eiland offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 11, Section 6, by adding a new Subsection (j) (page 163, between lines 19 and 20) to read as follows:

(j) To the best of its ability, for bills and resolutions on second reading, the Texas Legislative Council shall prepare for viewing on the floor amendment system for each amendment drafted by a legislative council attorney on the floor of the house, in addition to the text of the amendment in the form of instructions for engrossment, a supplemental electronic document that displays text of the committee report incorporating the changes proposed by the amendment.

Amendment No. 40 was withdrawn.

Amendment No. 41

Representative Herrero offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 13, Section 6, as follows:

(1) On page 175, line 3, between "MEMBERSHIP AND OPERATION." and "In all conferences", insert "(a)".

(2) On page 175, between lines 9 and 10, insert the following:

(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 printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this rule is not a sustainable point of order under this subsection.

Amendment No. 41 was adopted.

Amendment No. 42

Representative Hochberg offered the following amendment to **HR 2**:

Amend **HR 2** (adopting the House Rules) in Rule 13, Section 11, as follows:

(1) On page 183, line 1, between "ANALYSIS OF REPORTS" and "All reports", insert "(a)".

(2) On page 183, insert the following between lines 9 and 10:

(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 is 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.

Amendment No. 42 was adopted.

Amendment No. 43

Representative Dunnam offered the following amendment to **HR 2**:

On Page 100, line 5 after the period, insert the following

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 its inherent authority.

Amendment No. 43 was adopted.

Amendment No. 1 - Vote Reconsidered

Representative Solomons moved to reconsider the vote by which Amendment No. 1, as amended, was adopted.

The motion to reconsider prevailed.

Amendment No. 3 - Motion to Reconsider

Representative Dutton moved to reconsider the vote by which Amendment No. 3 was adopted.

The motion to reconsider was lost by (Record 12): 13 Yeas, 121 Nays, 2 Present, not voting.

Yeas — Branch; Brown, F.; Dutton; Gattis; Harper-Brown; Hilderbran; Isett; Laubenberg; Menendez; Rios Ybarra; Ritter; Thompson; Turner, S.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Eiland; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flynn; Frost; Geren; Gonzales; Gonzalez Toureilles; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; King, P.; King, S.; Kleinschmidt; Kuempel; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C); Giddings.

Absent, Excused — Kent.

Absent — Christian; Driver; Edwards; Eissler; Flores; Gallego; Guillen; King, T.; Kolkhorst; McClendon; Peña; Riddle; Solomons.

STATEMENTS OF VOTE

When Record No. 12 was taken, I was in the house but away from my desk. I would have voted no.

Driver

When Record No. 12 was taken, my vote failed to register. I would have voted present, not voting.

Guillen

When Record No. 12 was taken, I was in the house but away from my desk. I would have voted no.

Peña

Amendment No. 1, as amended, was adopted.

Amendment No. 44

Representative Y. Davis offered the following amendment to **HR 2**:

Amend **HR 2** as follows:

(1) Strike page 173, lines 12-20 and substitute the following for Rule 13, Section 5(b):

(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.

(2) Strike page 181, line 14, through page 182, line 27, and substituting the following for Rule 13, Section 10:

Sec. 10. PRINTING AND DISTRIBUTION OF REPORTS. (a) All conference committee reports must be printed and a copy furnished to each member 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.

Amendment No. 44 was adopted.

HR 2, as amended, was adopted by (Record 13): 147 Yeas, 1 Nays, 0 Present, not voting.

Yeas — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Dutton.

Absent, Excused — Kent.

Absent — Riddle.

SCR 8 - ADOPTED
(Gallego - House Sponsor)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **SCR 8**.

The motion prevailed.

The following resolution was laid before the house:

SCR 8, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 28, 2009, and ending on Monday, February 2, 2009.

SCR 8 was adopted.

ADJOURNMENT

Representative Solomons moved that the house adjourn until 10 a.m. tomorrow in honor of Haley Solomons of Carrollton on the occasion of her 18th birthday on Thursday, January 29, 2009.

The motion prevailed.

The house accordingly, at 6:54 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, January 28, 2009

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 20 Zerwas SPONSOR: Nelson
Designating January 27, 2009, as Texas Healthcare Information Technology Day and commending the participants at the Texas Healthcare Information Technology Forum and all those responsible for furthering the adoption of health information technology in Texas.

SCR 8 Whitmire SPONSOR: Gallego
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 28, 2009, and ending on Monday, February 2, 2009.

Respectfully,
Patsy Spaw
Secretary of the Senate