RULES OF
THE HOUSE OF REPRESENTATIVES
WITH
NOTES, TEXAS LEGISLATIVE PRECEDENTS, AND CONGRESSIONAL PRECEDENTS.

RULE I.

DUTIES AND RIGHTS OF THE SPEAKER.

SECTION 1. The Speaker shall take the chair on each Legislative day precisely at the hour at which the House shall have adjourned at its last sitting; but if no hour was fixed at such sitting, then at 10 o'clock, a. m., and immediately call the members to order and ascertain the presence of a quorum by a roll call of the members of the House.

SEC. 2. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared by his own motion.

SEC. 3. He shall have general control, except as provided by law, of the Hall of the House, its lobby, galleries, corridors, passages and unappropriated rooms in that part of the Capitol assigned to the use of the House.

SEC. 4. He 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, and shall enforce the rules of the House, and the Legislative rules prescribed by the Constitution.

SEC. 5. He shall rise to put a question but may state it sitting; and he shall put the question distinctly in this form, to-wit: "As many as are in favor (as the question may be) say 'aye,' " and after the affirmative vote is expressed, "As many as are opposed say 'no.' " If the Speaker be in doubt as to the result, or if a division is called for, the House shall divide; those in the affirmative on the question shall register "aye" on the machine, and those in the negative on the question shall register "no," but such vote shall not be printed in the Journal unless the ayes and nays are called for by not less than three members of the House prior to the announcement of the decision by the Speaker.

SEC. 6. He shall not be required to vote in ordinary Legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

SPEAKER'S VOTE.—The Speaker has the same right as other members to vote (V, 5966, 5967).

In case of error whereof the correction leaves decisive effect to the Speaker's vote he may exercise his right, even though the result has been announced (V, 5970).

SEC. 7. He shall decide on all questions of order, subject to an appeal to the House made by any ten members. No member shall speak more than once on an appeal unless he is given leave by a majority vote 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 and a motion for call of the House.

[As a general rule the Speaker does not submit points of order to the House on questions of procedure. When a

point of order is raised on the constitutionality of a pending matter, the Speaker rules if there is little or no doubt existing, but where there is a reasonable doubt, the Speaker submits such point to the House for its decision.

While the Speaker submits points of order on the constitutionality of a proposition directly to the House, it is contrary to well established parliamentary practice for him to submit other points of order directly to the House for a decision except in rare instances. Frequently the Speaker submits a constitutional point to the House to be determined by the House on its final vote on the proposition.

A member called to the Chair pending an appeal does not entertain or decide on any other point of order until the appeal has first been determined by the House. The question on an appeal is "Shall the Chair be sustained?" It is pending without motion.]

DECISIONS OF THE SPEAKER.—The Speaker may require that a question of order be presented in writing (V, 6865). He is not required to decide a question not directly presented by the proceedings (II, 1314). Debate, on a point of order, being for his information, is within his discretion (V, 6919, 6920). Preserving the authority and binding force of parliamentary law is as much the duty of each Member of the House as it is the duty of the Chair (Speaker Gillett, Jan. 3, 1923, 67th Cong., 4th session, p. 1205). Points of order are recorded in the Journal (IV, 2840, 2841), but responses to parliamentary inquiries are not so recorded (IV, 2842). He does not decide on the legislative effect of propositions (II, 1274, 1323, 1324), or on the consistency of proposed action with other acts of the House (II, 1327-1336), or on the constitutional powers of the House (II, 1255, 1318-1320, 1490; IV, 3507), or on the propriety or expediency of a proposed course of action (II, 1275, 1325, 1326, 1337; IV, 3091-3093, 3127). He passes on the validity of conference reports (V, 6409, 6410, 6414-6416), but not on the question of whether or not a conference report violates instructions of the House (V, 6395).

APPEALS.—The right of appeal cannot be taken away from the House (V, 6002); but appeals may not be entertained from responses to parliamentary inquiries (V, 6002) or from his decision of recognition (II, 1425-1428). An appeal is not in order while another is pending (V, 6939-6941). Neither a motion nor an appeal may intervene between the motion to adjourn and the taking of the vote thereon (V, 5361). An appeal from the decision of the Chair

may be entertained during the proceedings to secure a quorum (IV, 3037). A Member may not speak more than once on an appeal except by permission of the House (II, 1313; V, 6938).

SEC. 8. All committees and the chairmen of the same shall be appointed by the Speaker, unless otherwise specifically directed by the House, in which case they shall be elected; and, if, upon such vote the number required shall not be elected by a majority of the votes given the House shall proceed to a second vote in which a plurality shall prevail; and in case a greater number than that required to compose or complete a committee shall have an equal number of votes, the House shall take another vote.

SEC. 9. All acts, addresses and joint resolutions shall be signed by the Speaker as required by the Constitution; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and attested by the Chief Clerk, or the acting Chief Clerk.

SEC. 10. The Speaker shall have the right to name any member to perform the duties of the Chair; provided, however, that if the House is not in session, the Speaker shall deliver a written order to the Chief Clerk naming the member who shall call the House to order and preside during his absence.

SPEAKER PRO TEMPORE.—A call of the House may take place with a Speaker pro tempore in the Chair (IV, 2989), and he may issue his warrant for the arrest of absent members under a call of the House (63rd Cong., 1st session, p. 5498.) When the Speaker is not present at the opening of a session he designates a Speaker pro tempore in writing (II, 1378, 1401), but he does not always name in open House the member whom he calls to the Chair temporarily during the day's sitting (II, 1379, 1400).

SEC. 11. All employees of the House shall be appointed and selected by the Speaker and he shall have the right to discharge any of them.

RULE II.

ELECTION AND COMPENSATION OF OFFICERS.

All officers of the House shall be elected by ballot and shall receive such compensation as the House may determine; and after their salary has been fixed no further or extra compensation whatsoever shall be allowed them. No officer or other employee of the House shall be permitted to receive directly or indirectly, either as a gift or otherwise, any compensation from any person whatsoever other than his regular salary from the House.

RULE III.

DUTIES OF THE SERGEANT-AT-ARMS.

SECTION 1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings and to maintain order under the direction of the Speaker and pending the election of the Speaker under the direction of the Chief Clerk.

SEC. 2. He shall have charge under the Speaker for the purpose of maintaining order, the Hall of the House, its lobby, galleries and all other rooms in the Capitol assigned for its use.

SEC. 3. He shall execute the commands of the House and serve the writs and processes issued by the authority of the House and directed to him by the Speaker.

SEC. 4. He shall procure and keep for the use of the members and officers of the House such stationery and other supplies as may be ordered by the House or the Committee on Contingent Expenses.

He shall keep an itemized account of the quantity of every kind of material received, the date it was received and the price paid therefor, and the persons for whom it was received and to whom it was delivered for use with the date and quantity of each delivery. The unused remainder, if any, he shall deliver at the close of the session to the Board of Control for safe-keeping. He shall keep his office open daily, except Sundays, until one hour after the adjournment of the House and on Sundays from 9 a. m. to 11 a. m.

SEC. 5. The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms in the performance of his duties and shall have the same authority subject to the control of the Speaker. The Sergeant-at-Arms shall each day report to the Speaker the number of and the time of the receipt of all bills or resolutions from the public printer. By the number is meant the serial number and not the number of copies printed.

RULE IV.

DUTIES OF THE CLERKS.

SECTION 1. The Chief Clerk shall have general charge and supervision, under the direction of the Speaker, over the secretarial (and clerical) work of the House; and pending the election of a Speaker Pro Tempore, he shall call the House to order, preserve order and decorum, and decide all questions of order, subject to appeal of the House. He shall attest all writs, warrants and subpoenas issued by order of the House, and shall certify to the passage of bills and joint resolutions, noting at the foot thereof the date of its passage and the vote by which

it passed, if by yea and nay vote. In addition to his other duties, the Chief Clerk shall issue all warrants and vouchers of whatever character, and keep an accurate account with all members and employees of the House.

[The last part of this rule does not apply to warrants or vouchers issued by the Committee on Contingent Expenses. Such warrants or vouchers are signed by the Speaker and the Chairman of the Committee on Contingent Expenses.

A daily record of the arrivals and departures of the clerks and stenographers are kept by the Chief Clerk and submitted at the end of each day to the Speaker.

In the event of the absence, resignation or death of the Chief Clerk, the Reading Clerk takes charge and attends to all the duties of the office until the Chief Clerk returns or his successor is elected.

The reports of select committees are filed with the Chief Clerk and printed in the Journal, and reports of standing committees are listed in the Journal.

All messages from the House to the Senate are transmitted by the Chief Clerk or his representative under the signature of the Chief Clerk. It is his duty to number in their order of filing all bills, joint, and concurrent resolutions.

At the end of each session reports, records, bills, papers, et cetera, in the hands of the various clerks are filed with the Chief Clerk, unless otherwise specifically provided for, and are filed by him with the proper State official.

All petitions presented by members of the House are filed with the Chief Clerk, and they are referred by him to the committee considering the question to which they relate.]

SEC. 2. The Calendar Clerk shall keep the Calendar of the House so as to show the action had on and the present status of all bills and resolutions, and shall have prepared and placed on each member's desk daily a memorandum showing the following

data relative to each bill read on first reading on the preceding day, to-wit, the number of the bill, the author and, if more than one author, the name first appearing, brief data showing subject matter, and the name of the committee to which referred. And shall have charge of their printing when authorized by the rules, or by a vote of the House. He shall keep an exact record of the date and the hour of delivery of bills to the printer in the order they have been sent. He shall see that all bills are printed in the order of their delivery to the printer, unless otherwise ordered by the Speaker. He shall also keep a record of the date and hour that each bill is returned from the printer, and shall furnish such information to the Speaker. The Calendar Clerk, or his assistant, shall keep the desk open between the hours of 8 a. m. and 12 m. and 1 p. m. to 6 p. m. and from 7:30 p. m. to 9 p. m. (except Sunday), and at such other hours as the House or Committees may be in session. He shall have charge of all petitions, memorials, and like matter referred to the Committees. When such matters have been returned, he shall carefully keep the same for preservation in the archives of the Legislature.

SEC. 3. The Journal Clerk shall keep a Journal of the Proceedings of the House, in which all proceedings, when not acting in the Committee of the Whole, shall be entered as concisely and accurately as possible. In this Journal there shall be entered the number and the caption of every bill introduced. All simple and concurrent resolutions, motions, amendments, questions of order with the decisions thereon, and the messages from the Governor and from the Senate, shall be printed in full. The reports made

by the standing Committees, as well as the special ones, shall also be printed in the Journal.

[Minority reports are printed with the bill or resolution to which they relate, and are not printed in the Journal unless ordered by the House. Senate amendments which are laid before the House for concurrence, etc., are not printed unless they are agreed to, or ordered printed. Senate amendments agreed to by the House should be printed in the Journal at the time of concurrence in order that the members and others interested may have a complete copy of the bill or resolution as finally passed.]

Every vote of the House shall be entered in the Journal with the concise statement of the action and of the result.

[Pairs are entered on the Journal as a part of the vote. Reasons for votes on a yea and nay vote may be filed with the Journal Clerk for publication in the Journal.]

SEC. 4. The Journal as made up each day shall be submitted to the Speaker for his examination, correction and approval, and, when approved by him, shall be printed under the supervision of the Journal Clerk, and copies thereof laid upon the desk of each Member on the succeeding day. It need not be read before the House unless the membership so orders by a majority vote of those present.

SEC. 5. The Engrossing Clerk shall typewrite, without erasures, interlineations or additions in the margin, all bills and joint resolutions that have passed their second reading and have been ordered engrossed. He shall submit his work to the Committee on Engrossed Bills for their examination, correction and approval before the work is returned to the House. He shall perform any other clerical work for

the House, its Members or its Committees, as may be assigned to him by the Speaker.

[This rule applies only to House bills.

The engrossed copy of a bill shows it as amended on second reading. If the bill is amended on third reading, copies of the amendments accompany the engrossed copy of the bill to the Senate as "engrossed riders."

House concurrent resolutions which have passed the House are engrossed the same as House bills and sent to the Senate.]

SEC. 6. The Enrolling Clerk shall enroll all bills, joint resolutions and such House concurrent resolutions as have passed both houses and are required to be presented to the Governor. He shall typewrite them without erasures, interlineations or additions in the margin. After they have been examined by the Committee on Enrolled Bills and found truly enrolled they shall be reported to the House for the signature of the Speaker and then transmitted to the Senate.

The Enrolling Clerk shall note the following on every enrolled bill, which notation shall constitute the certification of the Speaker of the House, the Lieutenant Governor, the Chief Clerk of the House, and the Secretary of the Senate, as applied to their respective bodies:

(1) The date of the final passage of a bill and the vote by which the bill was finally passed, if a record vote was taken. If no record vote was taken, the fact shall appear in this notation. If the bill was amended in the house other than that in which it originated this fact shall also be noted.

(2) The date of concurrence in amendments by the other house, and the vote by which the concur-

rence was made, shall appear as described in (1) above, or

(3) The date of the adoption of a conference committee report by both Houses, and the vote on the adoption of the report shall appear as described in (1) above.

[Each house enrolls its own bills and resolutions. All concurrent resolutions, except those relating to an adjournment, are enrolled and presented to the Governor for his approval.]

SEC. 7. The Reading Clerk, or his assistant shall call all the rolls of the House in the alphabetical order of the names of the Members when ordered to do so by the Speaker. He shall read all bills, resolutions, motions and other matters required by the Rules or directed by the Speaker to be read. He shall remain standing while reading or calling the roll. In the event of the absence, resignation or death of the Chief Clerk, the Reading Clerk shall take charge and attend to all the duties of the office until the Chief Clerk returns or his successor is elected.

SEC. 8. Any clerk, employee or other officer of the House, other than the Speaker, who shall, directly or indirectly, attempt to influence any Member of the House in favor of or against any measure pending, or use his official position in aiding anyone to lobby for or against any measure pending, shall be subject to discharge by the Speaker on account of such misconduct. This section shall not apply when such persons are answering questions or giving information at the request of any Member of the House. Any standing committee of the House may, by a majority vote of the members present, grant any clerk, officer

or employee the right to appear before such committee and make known his views on any measure pending before such committee.

SEC. 9. All clerks and stenographers shall report daily, except Sundays, from 8:30 a. m. to 12 m. and from 1 p. m. to 5:30 p. m., and at such other hours as the House or the committees to which they have been assigned may be in session, or as they may be directed by the Speaker. A daily record of the arrival and departures of the clerks and stenographers shall be kept by the Chief Clerk and submitted at the end of each day to the Speaker.

RULE V.

DUTIES OF THE DOORKEEPER.

The Doorkeeper shall enforce strictly the rules relating to the privileges of the Hall, and when the House is under call shall permit no Member to leave the Hall without written permission from the Speaker, and he shall take up each permission card as he permits the Member to leave the Hall. He shall also take up the permission card of anyone who seeks admittance to the Bar of the House.

[When a message is received by the House, the Doorkeeper introduces the messenger.

See Section 1 of Rule 28 for the list of persons entitled to the privileges of the floor when the House is in session.]

RULE VI.

DUTIES OF THE CHAPLAIN.

The Chaplain shall open the commencement of each legislative day's session with prayer, and perform such other duties as the Speaker may direct.

[The first item under the daily order of business is prayer by the Chaplain, and it should not be displaced by any proposition whatever. In the Thirty-fifth Legislature the prayers were printed in the Journal.]

RULE VII.

DUTIES OF THE SUPERINTENDENT OF THE HALL.

The Superintendent of the Hall shall, under the direction of the Speaker, care for and keep in order the Hall, the committee rooms and all other rooms assigned to the use of the House during its session.

RULE VIII.

OF COMMITTEES.

Unless otherwise ordered by the House, the Speaker shall appoint the members of the following committees, to consist of the numbers designated for each; and all proposed legislation shall be referred by the Speaker, subject to correction or change of such reference by a majority vote of the House, to the appropriate committee named in this Rule.

[It is the invariable custom for the Speaker to appoint the standing committees.]

SECTION 1. *Committee on Rules.*—To consist of five members, and which shall have jurisdiction over the Rules of the House, the joint rules, and all amendments proposed to either; and it shall be the special duty of the Committee to assist in expediting the business of the House.

SEC. 2. *Appropriations.*—Twenty-one members, with jurisdiction over all bills appropriating money from the general revenues of the State for main-

tenance of the State government, its departments and institutions.

SEC. 3. *Judiciary.*—Twenty-one members, with jurisdiction over all matters of civil law, rights, duties, remedies and procedure not assigned to other committees, and with jurisdiction over all matters relating to civil procedure in the courts of the State.

SEC. 4. *Criminal Jurisprudence.*—Twenty-one members, with jurisdiction over all matters of criminal law, and over all matters relative to criminal procedure in the courts of the State.

SEC. 5. *Revenue and Taxation.*—Twenty-one members, with jurisdiction over bills to raise revenues, levying taxes or regulating the manner of their collection.

SEC. 6. *State Affairs.*—Twenty-one members, with jurisdiction over questions of State policy, the administration of the State government, the organization, regulation and management of State departments, and the compensation and duties of officers of the State government, except as may be specifically assigned to other committees, and with jurisdiction over all matters relating to the funding, refunding and payment of the public debt of the State.

SEC. 7. *Constitutional Amendments.*—Twenty-one members, with jurisdiction over all measures proposing amendments to the State Constitution.

SEC. 8. *Education.*—Twenty-one members, with jurisdiction over all matters relating to education and to the public schools and colleges of the State.

SEC. 9. *Public Lands and Buildings.*—Twenty-one members, with jurisdiction over all matters re-

lating to University lands, the public school and asylum lands of the State, and the organization and management of the General Land Office, and the compensation and duties of its employees; and the jurisdiction over all matters relating to the construction, maintenance and arrangement of State buildings, and the care and beautifying of the grounds, cemeteries and parks belonging to the State.

SEC. 10. *Penitentiaries.*—Twenty-one members, with jurisdiction over all matters relating to the penal institutions of the State and to State and county convicts.

SEC. 11. *State Eleemosynary and Reformatory Institutions.*—Twenty-one members, with jurisdiction over all measures concerning the asylums, reformatories and training schools, and other eleemosynary institutions of the State.

SEC. 12. *Military Affairs.* — Eleven members, with jurisdiction over all matters relating to the State Volunteer Guard, State Rangers and the Adjutant General's Department.

SEC. 13. *Public Health.*—Twenty-one members, with jurisdiction over all matters relating to the protection of public health, and Public Health Department of the State, to State and county quarantine, and to the practice of medicine, pharmacy and dentistry.

SEC. 14. *Public Printing.*—Eleven members, with jurisdiction over all matters relating to printing for and stationery furnished to the State, its departments and institutions.

SEC. 15. *Examination of Comptroller's and Treasurer's Accounts.*—Eleven members, whose duty it shall be to examine the departments of the State Comptroller and State Treasurer, and to submit reports upon the condition of each to the Legislature.

SEC. 16. *Federal Relations.*—Eleven members, with jurisdiction over all matters involving the relations between the State and Federal governments.

SEC. 17. *Privileges, Suffrage and Elections.*—Twenty-one members, with jurisdiction over all questions affecting the privileges of the whole House and of the members over contested elections to the House, and all measures relating to the right of suffrage, and to general, special and primary elections.

SEC. 18. *Contingent Expenses.*—Five members, with full control over the expenditures of the House out of the contingent fund; and it is expressly provided that no claim or bills against the House shall be paid out of the contingent fund, unless the same shall have been previously authorized, and a bill therefor subsequently approved by the Committee on Contingent Expenses, or unless otherwise provided by a vote of the House. The Committee on Contingent Expenses shall have assigned to it a committee clerk who is a bookkeeper and a stenographer, and who shall, under the direction of the Committee, keep an itemized account of all the supplies and merchandise of whatsoever kind or description, or other expenditures authorized by the Committee, from whom ordered, and the price paid therefor. This statement shall at all times be open to the inspection of any member of the House, and the minutes of the meet-

ings shall be kept in a well-bound book, and at the close of the session of the Legislature shall be delivered by the chairman of the Committee on Contingent Expenses to the Secretary of State, with the request that it be preserved in the archives of his office.

SEC. 19. *Enrolled Bills.*—Five members, whose duty it shall be to examine all bills and resolutions enrolled in the House, and, when properly enrolled, to report thereon, and attend to the signing of the bills or resolutions by the proper officers of the Legislature, and then their delivery to the Governor. It shall also be their duty to examine all enrolled bills and resolutions from the Senate, and verify the insertion therein of House amendments, if any, and report thereon.

SEC. 20. *Engrossed Bills.*—Five members, whose duty it shall be to examine all bills and resolutions engrossed in the House and verify the insertion of amendments, if any, and when properly engrossed, to report thereon.

SEC. 21. *Judicial Districts.*—Eleven members, with jurisdiction over all bills creating, changing or otherwise affecting judicial districts of the State.

SEC. 22. *Counties.*—Eleven members, with jurisdiction over all matters relating to counties, their creation, organization, boundaries, government and finances, and the compensation and duties of their officers.

SEC. 23. *Highways and Motor Traffic.*—Twenty-one members, with jurisdiction over all matters relating to the creation of county roads and the State Highway System, the establishment and mainte-

nance of roads, bridges and ferries, the payment therefor, and the appointment, compensation, powers and duties of officers, employees and workmen in connection therewith; and matters relating to the licensing of private vehicles on all roads and highways.

SEC. 24. *Municipal and Private Corporations.*—Twenty-one members, with jurisdiction over all matters relating to municipalities and town corporations, their government, finances and officers; and over all matters relating to the organization, incorporation, management and regulation of private corporations, except as may be specially assigned to other committees.

SEC. 25. *Common Carriers.*—Twenty-one members, with jurisdiction over all matters relating to railroads, street and interurban railway lines, steamship companies, express companies, telegraph and telephone companies and to the Railroad Commission; and matters relating to the regulation, control and licensing of all traffic that may now or hereafter be put under the jurisdiction of the Railroad Commission.

SEC. 26. *Insurance.*—Twenty-one members, with jurisdiction over all matters relating to life and fire insurance, fidelity, casualty, and guaranty and surety companies, including their organization, incorporation, management, powers and regulations, and to all and of all fraternal insurance organizations.

SEC. 27. *Agriculture.*—Twenty-one members, with jurisdiction over all matters relating to agriculture, horticulture and farm husbandry.

SEC. 28. *Live Stock and Stock Raising.*—Twenty-one members, with jurisdiction over all matters relating to the live stock industry.

SEC. 29. *Commerce and Manufactures.*—Eleven members, with jurisdiction over all matters relating to commerce, trade and manufactures.

SEC. 30. *Oil, Gas and Mining.*—Twenty-one members, with jurisdiction over all matters relating to oil and gas development, and to mining, and to the development of the mineral deposits of the State.

SEC. 31. *Conservation and Reclamation.*—Twenty-one members, with jurisdiction over all matters relating to the conservation of the natural resources of the State, to the taking, storing, control and use of flood and surplus waters for irrigation, the improvements of rivers, harbors and flooded districts, the incorporation, management and powers of irrigation companies and the drainage of lands; and to the development and preservation of forests, and the regulation and promotion of the lumber industry.

SEC. 32. *Game and Fisheries.*—Twenty-one members, with jurisdiction over all matters relating to the propagation and preservation of game and fish within the State, and to the development and regulation of the fish and oyster industries on the coast and inland waters of the State.

SEC. 33. *Labor.*—Twenty-one members, with jurisdiction over all matters relating to the welfare and improvement of the condition of all classes of wage earners.

SEC. 34. *Banks and Banking.*—Twenty-one members, with jurisdiction over all matters relating to

banking, State Department of Banking and the State banking system.

SEC. 35. *Liquor Traffic.*—Twenty-one members, with jurisdiction over all matters relating to the regulation of the sale of intoxicating liquors and to local option.

SEC. 36. *Claims and Accounts.*—Eleven members, with executive jurisdiction over all claims and accounts which may be filed with the Legislature against the State.

SEC. 37. *Congressional and Legislative Districts.*—Twenty-one members, with jurisdiction over all matters relating to the reapportionment or redistricting of counties into congressional and/or legislative districts.

SEC. 38. *School Districts.*—Eleven members, with jurisdiction over all bills creating, changing or otherwise affecting school districts of the State.

No addition shall be made to the membership of any committee after it has been formed as herein provided, except upon motion of the chairman of the committee, concurred in by the Speaker and approved by a majority of the House.

In the event a vacancy should occur on a committee by reason of the death, resignation or removal of any member, it shall be the duty of the Speaker to appoint a member to fill such vacancy.

[The Speaker appoints all select and conference committees which the House may order from time to time.]

RULE IX.

ORGANIZATION, POWERS AND DUTIES OF COMMITTEES.

SECTION 1. As soon as practicable after their appointment, it shall be the duty of the chairman or the vice-chairman (to-wit, the first named member after the chairman) of the different committees to notify the Speaker in writing of the time fixed for the meeting of their respective committees, which information the Speaker shall cause to be posted in a conspicuous place in the Hall as soon as practicable. In case of the absence of the chairman or the vice-chairman, the member next named shall, with the consent of the Speaker, act as chairman.

[Under the recently adopted constitutional amendment relating to the business of the Legislature, a period is set aside for committee work, and at the beginning of this period the committee chairmen arrange a schedule for the committee meetings. At other times committee meetings are announced in the House and notices posted on a bulletin board.]

SEC. 2. If, after due notification, the members of any committee fail to meet at the time and place designated, and it shall be evidenced that such absentees are wilfully absent for the purpose of impeding the action of the committee, the chairman shall report such matter to the House, and the committeeman so charged shall be subject to reprimand or to removal from the committee, as a majority of the members present shall decide.

SEC. 3. No committee shall sit during the time the House is in session without leave being specially given by the House.

SEC. 4. A majority of a committee shall constitute a quorum for business, and no reports shall be made to the House unless ordered by a majority of such quorum in committee assembled, except as hereinafter provided for in these rules. All committee reports shall be in writing, they must be signed by the chairman or the chairman pro tempore, and addressed to the Speaker and shall contain a brief statement of the recommendations of the committee with reference to the measure reported. A complete list of reports, favorable or adverse, made by the committees shall be printed in the Journal. No minority report shall be considered, except when signed by not less than two members of the committee who were present when the vote was taken on the measure.

SEC. 5. The report of a minority of a committee on any bill may be submitted in the same general form as a majority report. The rule with reference to adverse minority reports appears as Section 7 of Rule XIX. If the majority report is unfavorable, and a favorable minority report is not signed and filed within two calendar days, the Calendar Clerk shall file the bill away as dead. If the favorable minority report is signed and filed within two days the Calendar Clerk shall hold the bill ten days awaiting a motion to print. If the motion to print is carried, the bill shall be printed, and shall be entitled to a place on the calendar as if it had been reported favorably. If a motion to print on minority report is not made within ten days, the Calendar Clerk shall file the bill away as dead.

An adverse committee report on a bill does not prevent the consideration of a similar bill.

The House was considering a bill similar to one adversely reported to the House, when Mr. Bailey raised the point of order that a bill having the same subject had been reported adversely by Judiciary Committee No. 2, which was in effect the defeat of the bill, and that it was not now in order to pass on this bill.

Overruled. (26th Reg.)

Mr. Terrell of McLennan raised the point of order on consideration of the bill, and said:

"I make the point of order that this bill can not be considered at this time for the reason that House Bill No. 30, on the same subject, was adversely reported by the Committee on State Affairs, and thereby 'killed.' The Constitution, Article 3, Section 34, provides that when any measure has been defeated by either branch of the Legislature, no other bill embodying the same question shall be considered at that session. House bill No. 30 was killed by this House, acting through its regularly constituted committee; therefore, this Senate bill is out of order and can not now be considered."

Overruled. (30th Reg.)

Not in order to recommit a bill reported adversely with no minority report.

Mr. Barker moved to reconsider the vote by which the House on last Friday refused to recommit House Bill No. 155, the bill having been reported adversely by the Committee on State Affairs.

Mr. Owen raised a point of order on the motion to reconsider on the ground that under the rules of the House it is not in order to recommit a bill which has been reported adversely by a committee, unless the passage of the bill has been recommended by a minority of the committee.

The Speaker sustained the point of order. (37th Reg.)

The ten days within which to print a bill on minority report means ten legislative days.

Mr. Pope moved that House Bill No. 92, reported adversely, with a minority favorable report, be printed.

Mr. Hill of Webb raised a point of order on further consideration of the motion, on the ground that under the Rules of the House, the motion comes too late because the ten calendar days have expired.

The Speaker, Mr. Stevenson, overruled the point of order. (43rd Reg.)

SEC. 6. If a local bill is reported adversely, it shall be subject to the same rules as other bills re-

ported adversely, except that it shall be placed on the calendar if ordered not printed by the House.

SEC. 7. The chairman or acting chairman of each committee of the House shall keep or cause to be kept, a complete record of the proceedings in committee. This record shall show the time and place of each hearing and of each meeting of the committee, the attendance of committee members at each hearing or meeting and an accurate record of all votes taken. This record may also include such other information as the chairman may deem advisable.

The minutes of a committee are subject to correction only in committee assembled, and by the vote of a majority of the committee. Every committee hearing shall be open to the public unless otherwise determined.

SEC. 8. Bills, resolutions and other papers referred to committees shall be taken up and acted upon by the committee in the order in which they are referred. All committees shall report on all bills, resolutions, and other papers.

During the first sixty-six calendar days of a regular session when any bill, resolution or other paper shall have been in committee for six calendar days, it shall be in order for a member to move that the committee be required to report the same, which motion shall require a two-thirds vote for its passage.

After the first sixty-six calendar days of a regular session when any bill, resolution or other paper has been in committee for six calendar days, it shall be in order for a member to move that the committee be required to report the same, which motion shall

require a majority vote for its passage, unless directed by the House to immediately report.

When the House refuses by vote to grant further time to a committee, the Speaker shall instruct that the House desires an immediate report upon the bill or measure pending, and it shall be the duty of the committee to immediately consider and report the bill back to the House; provided, that no adverse report shall be made on any bill or resolution by any committee without first giving the author of such bill an opportunity to be heard. If it becomes evident to the House that a bill has been reported adversely without the author having had an opportunity to be heard as provided in this rule, the House may, by a majority vote, order the bill recommitted even though no minority report was filed in the time prescribed elsewhere in these Rules. This rule shall have precedence over that section of Rule XIX which provides that when a bill has been reported adversely it is not in order to recommit it except by a two-thirds vote.

[Committees should report all bills back to the House in the time allowed under the Rules or should ask for an extension of time. Members should see that the committees having their bills under consideration report them back as soon as possible. Any delay in reporting a bill, after the time limit expires, should be investigated because the life of a bill is endangered when it does not take its place on the calendar at the earliest possible time.]

COMMITTEE UNABLE TO AGREE.—A committee being unable to agree on a recommendation for action may submit a statement of this fact as their report (IV, 4665, 4666). Instance wherein a committee, being equally divided, reported its inability to present a proposition for action (I, 347).

SEC. 9. The reports of select committees shall be filed with the Chief Clerk and printed in the Jour-

nal, and reports of standing committees shall be listed in the Journal.

SEC. 10. The reports of standing committees shall be made in duplicate; one shall be in the Journal and the other shall accompany the original bill.

SEC. 11. It shall be the duty of the chairman of the several committees to see that the originals of all bills, resolutions, memorials, and such other documents referred to them are returned to the House, with the final report upon the matter to which they pertain.

SEC. 12. The Committee on Engrossed Bills, in addition to their duties as such, are also the Committee on Style, and it shall be their duty to see that all bills passed by the House are correct in style, orthography and punctuation.

SEC. 13. It shall be in order for the Committees on Engrossed Bills, Enrolled Bills and the Committee on Rules to report at any time.

SEC. 14. Reports of committees are advisory only. When the report is made, the proposition, bill or resolution recommended or reported back shall be before the House for its consideration without action upon the report.

[Reports of investigating committees and certain other select committees often do not make any recommendations on the particular subject for which the committee was appointed, and, in such case, a motion is in order to accept the report just as a means of discharging the committee. But when a report carries certain recommendations for legislative action, that is, legislative expressions through concurrent action of the two houses, the report should be accepted and the committee discharged without action on

the report itself. If legislative action is desired, action or expression should be through the proper channels, namely, a bill or concurrent resolution. The same is true as regards reports to the House recommending certain action by the House itself. Since it is not in order to amend a report, the subject matter to be acted upon should be brought before the House in a manner which will permit the House to take such action on it as it may deem proper, and not be forced to accept or reject certain matters in their entirety as presented by some committee. Such procedure would be manifestly unfair to the House.]

SEC. 15. When a simple or concurrent resolution is referred to a committee, it shall take the order as bills with regard to adverse and favorable reports. That is, a resolution may be brought out on the floor on a minority report within two days after the action of the committee. It must be signed by not less than two members who were present at the time the measure was voted on. If the favorable minority report is signed within two days, the Calendar Clerk shall hold the resolution for ten days waiting for a motion to bring it out on minority report. If the motion carries, the House may consider the resolution without prejudice to its previous consideration. If the motion to bring out on minority report is not made within ten days, the Calendar Clerk shall file the resolution away as dead.

SEC. 16. No floor reports shall be made by any committee.

SEC. 17. The rules governing the proceedings of the House shall apply to the proceedings of the committee, in so far as the same are applicable.

[The most far-reaching effect of this section lies in the fact that a motion to table and a motion for the previous

question, for a long time not allowed in committees, can now be made for the purpose of cutting off debate.

Final action by committees on bills and resolutions referred to them should be in the form of a favorable report, unfavorable report, or a report of inability to recommend a course of action.

No motion is in order in a committee considering a bill, resolution or other paper that would prevent the committee from reporting the same back to the House in accordance with the Rules. For example, motions to table a bill, postpone consideration of it indefinitely, and to postpone consideration of it beyond the time allowed are all out of order and should be ruled out by the chairman. The House has a right to expect, and demands, that a committee report on matters referred to it.]

ADDITIONAL ANNOTATIONS ON COMMITTEES.

COMMITTEES IN VACATION.

Precedents upholding the right of the Legislature to appoint committees to act after adjournment.

[It often becomes necessary for the Legislature to appoint a committee to do some special work which of necessity must be done in vacation—that is, after the session has adjourned sine die. The opponents of these committees invariably take the position that they are not authorized, and that the Legislature has no power or right to create a committee to sit between sessions of the Legislature. They base their contentions upon Section 18, Article 3, of the State Constitution, which provides that no member of either house shall, during the time for which he is elected, be eligible to any office or place of appointment which may be made in whole or in part by the Legislature.

The precedents began with the Twenty-sixth Legislature. In the House there was pending a resolution providing for the appointment of a joint committee to sit during recess and investigate the affairs of the State, for which members were to be paid.

Mr. Darroch raised the point of order that the House has no authority to make the appointment of this committee for the reason that Section 18, Article 3, of the Constitution, reads in part as follows: "No member of either house shall, during the term for which he is elected, be eligible to any office or place, the appointment of which may be made, in whole or in part, by either branch of the Legislature."

The Speaker held the point of order not well taken, and stated

that precedent and long established custom would sustain the House in adopting such resolution if it chose to do so. (26th, p. 1062.)

The Attorney General later ruled that the Legislature had authority to provide that a committee should be composed of members of the House and Senate to act after final adjournment of the Legislature; Speaker of the House and Lieutenant Governor may make appointments during session of the Legislature. The opinion follows:

AUSTIN, TEXAS, March 15, 1909.

Hon. Thomas M. Campbell, Governor of Texas, Capitol.

DEAR SIR: Senate bill No. 159, providing for the appointment of four members of the Senate and five members of the House as a committee on investigation of the penitentiaries, etc., has had my consideration. This act presents the following questions:

1. Did the Legislature have the authority to provide that this committee should be composed of members of the Senate and the House of Representatives, respectively, to act after the final adjournment of the Legislature?

2. Can such members be compensated by the Legislature as members of said committee while they are members of their respective houses?

3. Has such committee authority to make such investigation after the adjournment of the Legislature and make their report to the Governor?

4. Can the Lieutenant Governor and the Speaker of the House of Representatives make the appointments required by the act during the present session of the Legislature?

The act provides for the appointment of four members of the Senate by the Lieutenant Governor and five members of the House by the Speaker, who shall constitute a committee on investigation to visit the penitentiaries at Huntsville and Rusk, respectively, and such other places as in their judgment may be necessary to the end that a thorough investigation of the penitentiary system may be made, and providing that said committee shall sit in vacation, and makes an appropriation therefor, etc.

I answer each of the above questions in the affirmative.

(Cases cited.)

My opinion is that the act is constitutional and that the committee can be appointed and can lawfully exercise the powers and discharge the duties perscribed by said act, though the Legislature may have been finally adjourned.

Yours respectfully,

(Signed) R. V. DAVIDSON,
Attorney General.]

ELECTION CONTESTS.

Case where the House ordered its Committee on Privileges, Suffrage and Elections to dismiss a contest. Points regarding matter previously disposed of also covered.

[At the opening of the Regular Session of the Forty-first Legislature, the Secretary of State filed with the House papers contesting the election to the House of W. R. Montgomery of Hidalgo county, E. M. Smith being the contestant. The contest was immediately referred to the Committee on Privileges, Suffrage and Elections. When asked for an opinion, the Attorney General advised the chairman of this committee that a subcommittee of the main committee could not go into Hidalgo county to take testimony.

The committee then requested of the House its "instruction as to the amount, if any, you will pay to secure the attendance of witnesses in the Smith-Montgomery election contest." It was then moved "that the Committee on Privileges, Suffrage and Elections be instructed to dismiss all proceedings in the contest of Smith vs. Montgomery now pending and declare Montgomery elected upon the returns from Hidalgo county." The following point of order was then raised: "That the House cannot dismiss contest until the Committee on Privileges, Suffrage and Elections shall have made its report on the contest." The House overruled the point of order. After refusing to adopt a substitute motion to "instruct the committee to notify contestant to present his evidence to the committee in the shortest time possible and at his expense," the original motion to dismiss the contest prevailed, 91 to 21. The motion to reconsider and table was then made and prevailed.

In accordance with the instruction of the House, the committee reported to the House as follows:

Hon. W. S. Barron, Speaker of the House of Representatives:

We, the Committee on Privileges, Suffrage and Elections, do hereby report to you the following order passed by said committee, to-wit:

Whereas, The House adopted the following motion in the case of Smith vs. Montgomery, contest pending before this committee, to-wit: "I move that the Committee on Privileges, Suffrage and Elections be instructed to dismiss all proceedings in the contest of Smith vs. Montgomery, now pending, and declare Montgomery elected upon the returns from Hidalgo county"; now, therefore, it is

Ordered by the committee, in obedience to said mandate from the House, that the contest of Smith vs. Montgomery, pending before said committee, be and the same is hereby dismissed, and that said Montgomery be declared elected upon the returns from Hidalgo county.

SINKS, Chairman.

The House adopted the report. The motion to reconsider and table was made and prevailed.

Several days later the House admitted as privileged matter a petition from citizens of Hidalgo county requesting the reopening of the Smith-Montgomery contest. After the petition was read in full the following motion was made: "That the rule of the House be suspended and that this matter be referred to the Committee on Privileges and Elections, and that said committee be instructed to proceed to hear the minutes of the contest." The motion was lost, having failed to receive the necessary two-thirds vote. It was then moved that the petition be referred to the Committee on Privileges, Suffrage and Elections. The following point of order was then made: "That the petition deals with matters which were heretofore considered by the House, and that a motion was made to reconsider the action of the House in that matter and the motion to reconsider was then tabled." There being certain constitutional points involved, the Speaker passed the point of order to the House. The House sustained the point of order 74 to 55. The motion to reconsider and table the vote by which the House sustained the point of order was made and prevailed.

RULE X.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be:

First. Those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

Second. The rights, reputation and conduct of members individually in their representative capacity only, and shall have precedence over all other questions except motions to adjourn. When in order, a member may address himself to a question of privilege from his seat; or at any time he may print it in the Journal, provided it contains no reflections upon any member of the House. It shall not be in order for a member to address himself to a question of privilege between the time that the previous question has been ordered and a vote taken on the

last proposition included under the previous question, nor shall it be in order for a member to address himself to a question of privilege after a motion to table has been offered and before the vote is taken on such motion.

[Often members have taken advantage of their right to speak to a point of personal privilege, and have discussed matters which were clearly not matters "affecting the right of the House collectively, its safety, dignity and the integrity of its proceedings" or of "the rights, reputation and conduct of members individually or in their representative capacity only." This practice is an open violation of the Rules, and should not be permitted.]

PRIVILEGE OF THE HOUSE.—The privilege of the House, as distinguished from that of the individual member, includes questions relating to its constitutional prerogatives, in respect to revenue legislation, etc. (II, 1480-1501); its power to punish for contempt, whether of its own members (II, 1641-1665), of witnesses who are summoned to give information (II, 1608, 1612; III, 1666-1724), or of other persons (II, 1597-1640); questions relating to its organization (I, 22-24, 189, 212, 290), and the title of its members to their seats (III, 2579-2587); the conduct of officers and employees (I, 284, 285; III, 2628, 2645-2647); comfort and convenience of members and employees (III, 2629-2636); admission to the floor of the House (III, 2624-2626); the accuracy and propriety of reports in the Congressional Record (V, 7005-7023); the conduct of representatives of the press (II, 1630, 1631; III, 2627); the integrity of its Journal (II, 1363; III, 2620); the protection of its records (III, 2659); the accuracy of its documents (V, 7329) and messages (III, 2613); and the integrity of the processes by which bills are considered (III, 2597-2601, 2614; IV, 3383, 3388, 3478).

PRIVILEGE OF THE MEMBER.—The privilege of the member rests primarily on the Constitution, which gives him a conditional immunity from arrest, etc. (III, 2670). A menace to the personal safety of members from an insecure ceiling in the Hall was held to involve a question of the highest privilege (III, 2685). Charges against the conduct of a member are held to involve privilege when they relate to his representative capacity (III, 1828-1830, 2716). A distinction has been drawn between charges made by one member against another in a newspaper and the same when made on the floor (III, 1827, 2691, 2717). Charges made in newspapers against members in their representative capacities involve privilege (III,

1832, 2694, 2696-2699, 2703, 2704), even though the names of the individual members be not given (III, 1831, 2705, 2709). But vague charges in newspaper articles (III, 2711), criticisms (III, 2712-2714), or even misrepresentations of the members' acts or speeches have not been entertained (III, 2707, 2708). A member making a statement in a matter of personal privilege should confine his remarks to that which concerns himself personally (V, 5078). While a member rising to a question of personal privilege may be allowed some latitude, yet the rule requiring a member to confine himself to the subject holds in this case (V, 5075, 5076).

PRECEDENCE OF QUESTIONS OF PERSONAL PRIVILEGE.—A member rising to a question of personal privilege may not interrupt a call of the yeas and nays (V, 6051, 6052, 6058, 6059) or take from the floor another member who has been recognized for debate (V, 5002), but he may interrupt the ordinary legislative business (III, 2531).

RULE XI.

DECORUM AND DEBATE.

SECTION 1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker" and, on being recognized, may address the House from any place on the floor, or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

GENERAL RULES.—It is a general rule that a motion must be made before a member may proceed in debate (V, 4984, 4985). A motion must also be stated by the Speaker or read by the Clerk before debate may begin (V, 4982, 4983, 5304). In addressing the House, the Member should also address the Chair (V, 4980). A Member having the floor may not be taken off his feet by an ordinary motion, even the highly privileged motion to adjourn (V, 5369, 5370). A Member may not yield to another to offer an amendment without losing the floor (V, 5021, 5030, 5031). A Member desiring to interrupt another in debate should address the Chair for permission of the Member speaking (V, 5006), but the latter may exercise his own discretion as to whether or not he will yield (V, 5007, 5008). It has always been held, and generally quite strictly, that in the House a Member must confine himself to the subject under debate (V, 5043-5048). In general, on a motion to amend the debate is confined to the amendment and may not include the general merits of the bill (V, 5049-5051). While the Senate may be referred to properly in debate, it is not in order

to discuss its functions or criticise its acts (V, 5114-5120). It is not in order in debate to refer to a Senator in terms of personal criticism (V, 5521, 5122). It is not in order in debate to cast reflection on either the House or its membership or its decisions, whether past or present (V, 5132-5138).

SEC. 2. When two or more members happen to rise at once, the Speaker shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

[There is no appeal from the Speaker's recognition, but he is governed by rules and usage in priority of entertaining motions from the floor, and for this reason he may ask, when a member seeks recognition, "For what purpose does the gentleman from —— rise?" or "For what purpose does the gentleman from —— seek recognition?"

In recognition for general debate, the Speaker's rule is to alternate between those favoring and those opposing a measure.]

SEC. 3. The mover of any proposition, or the member reporting any measure from a committee, as the case may be, or, in case of absence of either of them, then any other member designated by such absentee shall have the right of opening and closing the debate thereon, and for this purpose may speak each time not to exceed twenty minutes.

[By the mover of a proposition is meant the mover of the original proposition before the House for consideration. In case of a bill being considered, the member having the bill in charge is the mover of the proposition.

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

LOSS TO RIGHT OF PRIOR RECOGNITION.—When an essential motion made by the Member in charge of the bill is decided adversely, the right to prior recognition passes to the Member leading the opposition (II, 1465-1468), but the mere defeat of an amendment pro-

posed by the Member in charge does not cause prior right of recognition to pass to the opponents (II, 1478, 1479).

SEC. 4. 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 shall have 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.

[Even though the previous question has been ordered, it is in order for the House to vote as to whether or not it will permit a member who has a right to speak under the previous question to yield his time, or part of his time, to another member as allowed under this section. Such a vote, however, should be taken without debate as provided in Section 3 of Rule 14.]

MEMBER SPEAKING MORE THAN ONCE.—A Member who has spoken once on the main question may speak again on an amendment (V, 4993, 4994). It is too late to make the point that a member has spoken already if no one claims the floor until he has made some progress in his speech (V, 4992).

SEC. 5. If a pending question is not disposed of, owing to an adjournment of the House, no member who has spoken twice on the subject shall be allowed to speak again without leave.

SEC. 6. All speeches shall be limited to ten minutes in duration, except as provided in Section 3 of this rule, and the Speaker shall call the members to order at the expiration of their time; provided, however, that in case the House by a vote extends the time of any member, such time shall not be extended exceeding ten minutes additional without the unanimous consent of the House; and provided further, that during the last ten calendar days of the Regular Session, and the last five calendar days of any

Special Session, all speeches shall be limited to ten minutes and shall not be extended without the unanimous consent of the House, and in no case shall the time be extended for a longer period than five minutes. Provided, this rule shall not apply to measures carrying an appropriation. In the discussion of appropriation bills, speeches shall be limited to fifteen minutes in duration, except as provided in Section 3 of this rule.

SEC. 7. If any member, in speaking or otherwise, transgresses the Rules of the House, the Speaker shall, or any member may, call him to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of the House, or such other punishment as the House may deem proper.

SEC. 8. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House without debate.

SEC. 9. All members having the right to speak after the previous question has been ordered shall speak before the question is put upon 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.

RULE XII.

ON VOTING.

SECTION 1. A registration or vote taken upon 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. 2. 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.

[This is a constitutional provision embodied in the Rules of the House, which each member is left to comply with according to his own judgment as to what constitutes a personal or private interest.]

PERSONAL INTEREST.—In one or two instances the Speaker has decided that, because of personal interest, a Member should not vote (V, 5955, 5958); but usually the Speaker has held that the Member himself should determine this question (V, 5950, 5951), and one Speaker denied his own power to deprive a Member of the constitutional right to vote (V, 5956). It has been held that the disqualifying interest must be such as affects the Member directly (V, 5954, 5955, 5963), and not as one of a class (V, 5952).

SEC. 3. Every member who is in the House when the question is put shall give his vote, unless the House, for reasons assigned, shall excuse him. Any member who is present and shall fail or refuse 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.

RIGHT OF MEMBERS TO VOTE.—It has been found impracticable to enforce the provision requiring every Member to vote (V, 5942-5948), and the weight of authority also favors the idea that there is no authority in the House to deprive a Member of his right to vote (V, 5937, 5952, 5959, 5966, 5967).

SEC. 4. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the machine has been opened, but may record in the Journal reasons for giving such vote.

[The "reasons for vote" should be in writing and should be filed with the Journal Clerk immediately after the vote.]

SEC. 5. The ayes and noes of the members of the House on any question shall, at the desire of any three members present, be taken and entered in the Journal, provided this demand is made before a division vote has been registered on the voting machine. No member or members shall be allowed to call for a yea and nay vote after the vote has been declared by the Speaker.

CHANGES AND CORRECTIONS OF VOTES.—Before the result of a vote has been finally and conclusively pronounced by the Chair, but not thereafter, a Member may change his vote (V, 5931-5933, 6093, 6094); and a Member who has answered "present" may change it to "yea" or "nay" (V, 6060).

INTERRUPTIONS OF THE ROLL CALL.—When once begun the roll call may not be interrupted by a motion to adjourn (V, 6053), a parliamentary inquiry, a question of personal privilege (V, 6058, 6059), the arrival of the time fixed for another order of business (V, 6056), or for a recess (V, 6054, 6055), or the presentation of a conference report (V, 6443).

SEC. 6. While a yea and nay vote is being taken, or the vote is being counted, no member shall visit the Reading Clerk's table or call out from his seat or the floor how to vote.

SEC. 7. On the demand of any member, before the question is put, the question shall be divided, if it includes propositions so distinct in substance that, one being taken away, a substantive proposition remains.

DIVISION OF THE QUESTION.—After the question has been put it may not be divided (V, 6162), nor after the yeas and nays have been ordered (V, 6160, 6161), but it may be demanded after the previous question has been ordered (V, 5468, 6149).

PRINCIPLES GOVERNING THE DIVISION OF THE QUESTION.—The principle that there must be at least two substantive propositions in order to satisfy a division is insisted on rigidly (V, 6108-6113). In passing on a demand for a division, the Chair considers only substantive propositions and not the merits of the questions presented (V, 6122). It seems to be most proper, also, that the division should depend upon grammatical structure rather than on legislative propositions involved (I, 394; V, 6119). But decisions have been made that a resolution affecting two individuals may be divided, although such division may involve a reconstruction of the text (I, 623; V, 6119-6121). The better practice seems to be, however, that this reconstruction of the text should be made by the adoption of a substitute of two branches, rather than by interpretation of the Chair (II, 1621). When a motion is made to lay several connected propositions on the table, a division is not in order (V, 6138-6140). On a decision of the Speaker involving two distinct questions, there may be a division on appeal (V, 6157).

SEC. 8. All pairs must be announced before the vote is taken, and a written statement thereof sent to the Journal Clerk. The statement must be signed by both members seeking to pair. Such pairs shall be entered on the Journal and the member present shall be counted to make a quorum.

[Clerk in this section has reference only to the Journal Clerk.

Since a pair represents a private agreement between two members, the House has no control whatever over it except as provided in the above rule. Then where two members are "paired" on a vote or series of votes, the member present agrees with a member who is to be absent that the member present will not vote, but will be "present and not voting." The member present is counted to make a quorum. Such an arrangement is, obviously, chiefly advantageous to the member who is absent, although this is not always the case.

It is often fatal to a proposed constitutional amend-

ment for some of its proponents to pair with members opposing it, since joint resolutions must receive a two-thirds vote of the membership.

At one time the point was raised that while pairs could be accepted on a vote on a proposed constitutional amendment, the present "aye" votes should be counted, but the Speaker and the House held to the contrary because a member can not be compelled to vote if he does not so desire.]

PAIRS.—Pairs may not be announced at a time other than that prescribed by the rule (V, 6046). The House does not consider questions arising out of the breaking of a pair (V, 5982, 5983, 6095), or permit a Member to vote after the call on a plea that he had refrained because of a misunderstanding as to a pair (V, 6080, 6081). (See Congressional Record, Aug. 27, 1918, p. 9583, for Speaker Clark's interpretation of the rule and practice of the House of Representatives as to pairs.)

SEC. 9. When the result of a yea and nay vote is close, the Speaker may, upon the request of any member, order a verification of the vote. During such verification, no member shall change his vote unless it was erroneously recorded, nor may any member not having voted cast a vote. A verification should be called for immediately after a vote is announced. The Speaker shall not entertain a request for a verification after the House has proceeded to the next question, or after a recess or an adjournment.

ERRORS IN RESULT OF VOTE.—Where, by an error of the Clerk in reporting the yeas and nays, the Speaker announces a result different from that shown by the roll the status of the question must be determined by the vote as actually recorded (V, 6085). A vote having been erroneously announced in such a way as to change the true result, subsequent proceedings in connection therewith fall, and the Journal is amended accordingly (V, 6086-6088). All related proceedings subsequent to the announcement of an erroneous result fall, the vote to reconsider and lay on the table not excepted (V, 6089). In case of error, where the correction leaves decisive effect to the Speaker's vote, he may exercise his right even though the result has been announced (V, 5970).

RULE XIII.

OF MOTIONS.

SECTION 1. 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, unless it is withdrawn the same day.

SEC. 2. When a motion has been made, the Speaker shall state it, or, if it be in writing, cause it to be read by the Clerk before debating; and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment, unless the previous question has been ordered, in which case the motion can only be withdrawn by unanimous consent.

WITHDRAWAL OF MOTIONS.—A motion may be withdrawn although an amendment may have been offered and be pending (V, 5347). A "decision" which prevents withdrawal of a motion may consist of the ordering of the previous question, or the refusal to lay on the table (V, 5351, 5352). A Member having a right to withdraw a motion before a decision thereon has the resulting power to modify it (V, 5358). A motion being withdrawn, all proceedings on an appeal arising from a point of order related to it fell thereby (V, 5356).

SEC. 3. When a question is under debate, no motion shall be received but:

(1) To fix the day to which the House shall adjourn.

(2) To adjourn.

(3) To take recess.

(4) To lay on the table.

(5) That a proposition lie on the table subject to call.

(6) For the previous question.
(7) To postpone to a day certain.
(8) To commit or to refer.
(9) To amend.
(10) To postpone indefinitely.

Which motions shall have precedence in the above order. A motion to strike out the enacting words of a bill shall have precedence over a motion to amend, and, if carried, shall be considered as an equivalent to the rejection of the bill.

QUESTIONS UNDER DEBATE.—A question ceases to be "under debate" after the previous question has been ordered (V, 5419). With the exception of the motions to adjourn and recess, it is obvious that the motions specified in this rule can only be used when some question is "under debate."

SEC. 4. A motion to adjourn and a motion to fix a day to which the House shall adjourn shall always be in order, except (1) when the previous question has been ordered and before the final vote on the main question, unless the roll call shall have developed the absence of a quorum; (2) when a member entitled to the floor has not yielded for the purpose; (3) when no business has been transacted since the motion to adjourn has been defeated.

Business must intervene between motions to recess.

Mr. Brown of Wharton moved that the House take a recess to 8 p. m. today.

Mr. Love of Williamson raised a point of order on the motion to take a recess, contending that it should not be put, on the ground that no business had been transacted since a similar motion had been rejected by the House.

Sustained. (30th Reg.)

Held that speaking is "business."

Mr. Jenkins resumed the floor, addressing the House on the amendments pending to House bill No. 20.

Pending the address of Mr. Jenkins, he yielding the floor, Mr.

Peeler moved that the House take a recess to 8 p. m. today, whereupon

Mr. Mears raised a point of order on the motion to take a recess, on the ground that it should not be entertained for the reason that no business had been transacted since a similar motion had been rejected by the House.

Overruled. (30th Reg.)

The House having recessed does not displace the business of the day; nor does it require the consideration of postponed or special orders set for the calendar day to which the House recessed.

Mr. Gilmore raised a point of order on further consideration of the bill at this time, for the reason that the House should take up House Joint Resolution No. 10, the same having been postponed on last Friday until Tuesday, March 2, at 2 o'clock p. m.

The Speaker overruled the point of order, stating that the House having recessed on yesterday until today, the present proceedings are a continuation of Monday's session of the House. (31st Reg.)

The House may adjourn from Saturday to Monday without a quorum.

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Mr. Sanders.

The roll was called, and the Chair announced that there was not a quorum present.

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

The motion of Mr. Tillotson prevailed, and the House, accordingly, at 10:04 o'clock a. m., adjourned until 10 o'clock a. m. Monday. (41st Reg.)

The following opinion covers the point:

Offices of the Attorney General.
Austin.

July 5, 1929.

Hon. B. J. Forbes, House of Representatives, Capitol.

Dear Sir: This is in response to your oral request for a construction of Section 10, Article 3, of the Constitution of Texas. In this connection you desire our opinion as to whether a smaller number than a quorum of the House may adjourn from Saturday until Monday, passing over a meeting on Sunday.

It is a custom of the legislative bodies of this State to hold no session on Sunday. Our statutes provide that no person shall labor on Sunday except in certain necessitous works. The Supreme Court of Missouri, in the case of Lynch vs. Donnell, 15 S. W. 927, held that the expression "from day to day," as used in the statutes of Missouri, applying to tax sales, should be construed to carry as its usual and ordinary meaning the power of passing over and

skipping a legal holiday. We, therefore, conclude, and you are advised, that the expression "from day to day," as used in the constitutional provision above cited, should be construed to give to a smaller number of the members of the House than a quorum the right to adjourn from Saturday until the next succeeding Monday without the necessity of holding a session on the intervening Sunday.

Yours very truly,

W. DEWEY LAWRENCE,
Assistant Attorney General.

[This is in accord with the long established practice of the House.]

THE MOTION TO ADJOURN.—While the motion to adjourn takes precedence of other motions, yet it may not be put while the House is voting on another motion or while a Member has the floor in debate (V, 5360). A motion to adjourn may not interrupt the call of the yeas and nays (V, 6053). There must be intervening business before a motion to adjourn may be repeated (V, 5373), and such "business" may be debate (V, 5374), a decision of the Chair on a question of order (V, 5378), reception of a message (V, 5375), or the making of recognized motions.

A smaller number than a quorum may adjourn from day to day and compel the attendance of absent Members (IV, 2980). Lack of a quorum being disclosed, two motions only are in order—for a call of the House or to adjourn (IV, 2988). A motion to reconsider a vote whereby the House has refused to adjourn is not in order (V, 5620-5622).

A concurrent resolution providing for an adjournment of the two houses for more than three days is privileged (V, 6680). The constitutional adjournment of "more than three days" must take into the count either the day of adjourning or the day of meeting (V, 6673, 6674).

After the motion to adjourn is made, neither another motion nor an appeal may intervene before the taking of the vote (V, 5361).

SEC. 5. 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, and in that order until a motion to adjourn has been adopted or all voted on, and then the same procedure shall be followed for motions to recess.

SEC. 6. When motions are made for the reference of a subject to a select or standing committee, the question for the reference to a standing committee shall be put first.

THE MOTIONS TO REFER AND RECOMMIT.—The simple motion to refer is debatable within narrow limits (V, 5054), but the merits of the proposition which it is proposed to refer may not be brought into the debate (V, 5564-5568). The motion to refer with instructions is debatable (V, 5561).

When a bill is recommitted it is before the committee as a new subject (IV, 4557; V, 5558).

SEC. 7. The motion to lay upon the table, if carried, shall have the effect of killing the bill, resolution, amendment or other immediate proposition tabled, and shall not be debatable, but the mover of the proposition proposed to be tabled, or the member reporting it from a committee, shall be allowed to close the debate thereon after the motion to table is made, and before it is put. The vote by which the motion to table is carried or lost cannot be reconsidered. The provisions of this section do not apply to motions to "Lay upon the table subject to call."

THE MOTION TO LAY ON THE TABLE.—The motion to lay on the table is used in the House for a final, adverse disposition of a matter without debate (V, 5389). It has the precedence given in the rule but may not be made after the previous question is ordered (V, 5415-5422). When a bill is laid on the table, pending motions connected therewith go to the table also (V, 5426, 5427). The motion to table may not be amended (V, 5754) or applied to motions for the previous question (V, 5410-5411), or to suspend the rules (V, 5405).

The motion to lay on the table may be repeated after intervening business (V, 5398-5400); but the ordering of the previous question (V, 5709), a call of the House (V, 5401), or a decision of a question of order have been held not to be such intervening business, it being essential that the pending matter be carried to a new stage in order to permit a repetition of the motion (V, 5709).

SEC. 8. A bill or proposition postponed to a day certain shall be laid before the House at the time to which it was postponed, unless other business be then pending; in which case its consideration shall

be deferred until the pending business is disposed of without other prejudice to its right of priority.

[A privileged motion, e. g., one to concur in Senate amendments to a House bill, may be postponed to a particular time, and when that time arrives the motion, still retaining its privileged nature, should be taken up even though another matter be pending. One privileged motion can not be taken up while another privileged motion is pending.]

THE MOTIONS TO POSTPONE.—The motions to postpone must apply to the whole and not a part of the pending proposition (V, 5306). The motion to postpone to a day certain may be amended (V, 5754). It is debatable within narrow limits only (V, 5309, 5310), the merits of the proposition to which it is applied not being within those limits (V, 5311-5315).

The motion to postpone indefinitely opens to debate all the merits of the proposition to which it is applied (V, 5316). It may not be applied to the motion to refer (V, 5317), or to suspend the rules (V, 5316).

SEC. 9. The following motions shall be decided without debate:

(1) To adjourn.

(2) To fix the day to which the House shall adjourn.

(3) To lay on the table.

(4) That a proposition lie upon the table subject to call.

(5) For the previous question.

(6) To suspend the regular order of business and take up some measure out of its regular order.

(7) To suspend the constitutional rule requiring bills to be read on three several days.

SEC. 10. When a bill, resolution or other matter has been laid on the table subject to call, one legislative day's notice must be given before the proposition can be taken from the table, unless it be 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 proposition can be taken from the table only by a majority vote of the House.

[If the "one legislative day's notice" as required in the above section has been given, and for any reason the member making the motion does not get an opportunity during that legislative day to move to take the matter from the table, the notice must be repeated so as to give the legislative day's notice. This is necessary to keep the House on notice as to when the particular bill or resolution is to be considered.

Bills and resolutions not before the House for consideration may be laid on the table subject to call by unanimous consent.

The motion to take up a bill or resolution on the table subject to call is decided without debate.]

A bill not before the House may be laid on the table subject to call by unanimous consent.

Mr. Parkhouse moved that House Bill No. 833 be laid on the table subject to call.

Mrs. Hughes raised a point of order on further consideration of the motion, on the ground that the bill is not before the House for consideration at this time, and that the motion can only be made by unanimous consent of the House.

The Speaker, Mr. Stevenson, sustained the point of order. (43rd Reg.)

One legislative day's notice must be given before a proposition laid on the table subject to call can be taken from the table.

Judge Goodman made a motion to take Senate Concurrent Resolution No. 71, providing for adjournment sine die, from the table.

Mr. Puryear raised a point of order on further consideration of the motion at this time on the ground that one legislative day's notice had not been given, in accordance with the Rules of the House, that the resolution would be called from the table.

Speaker Stevenson sustained the point of order. (43rd Reg.)

With a special order pending, a motion to take a proposition from the table cannot be made unless such proposition is of a privileged nature.

Mr. Mathis moved to take up, for consideration at this time, House Bill No. 122, which bill had heretofore been laid on the table subject to call.

Mr. Moffett raised a point of order on further consideration of the motion by Mr. Mathis, on the ground that under the Rules of the House the motion is out of order since there is a special order pending.

Speaker Stevenson sustained the point of order. (43rd Reg.)

RULE XIV.

OF THE PREVIOUS QUESTION.

SECTION 1. There shall be a motion for the previous question, which shall be admitted only when seconded by twenty-five members. It shall be put by the Chair in this manner: "The motion has been seconded. As many as are in favor of ordering the previous question on (here state on what 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 ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions upon which it has been asked and ordered.

SEC. 2. The previous question may be asked and ordered upon any debatable single motion, or series of motions, allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized debatable motions or amendments, and include the bill or resolution to its passage or rejection. It may be applied to motions to post-

pone to a day certain, or indefinitely, or to commit, and cannot be laid upon the table.

The fact that there has not been a free and full discussion of a matter does not prevent the asking of the previous question.

Mr. Kennedy raised a point of order on the motion for the previous question, stating that inasmuch as the rules provided that full and free discussion should be allowed on all questions, and that, as this resolution had just been offered and had not received consideration in the House, the Chair should not entertain the motion for the previous question.

Overruled. (30th Reg.)

The previous question does not extend beyond the vote on the final passage of a bill.

A bill was passed under the previous question. The vote by which it passed was reconsidered, and pending the vote after reconsideration a motion was made to adjourn.

Mr. Brelsford raised a point of order on the motion to adjourn, stating that the House is acting under the previous question, and that it is not in order to entertain a motion to adjourn until the previous question is exhausted.

The Chair overruled the point of order, stating that the previous question extended no further than the final passage of the bill, and could not operate on a motion subsequently made, as in this case, the motion to reconsider and table, which, furthermore, being undebatable, cannot take the previous question under any circumstances. (29th Reg.)

The House having ordered the consideration of the appropriation bill by departments, the previous question could not be ordered on the engrossment of the bill without reconsidering the order or completing the consideration of the bill.

During the consideration of the appropriation bill the House had ordered that it be considered by departments, and while the House was considering public health and vital statistics Mr. Dodd moved the previous question on the engrossment of the bill.

Mr. Rice raised a point of order on the motion on the ground that the House had passed an order to consider the bill by departments, and that said order must first be reconsidered.

Sustained. (29th, 1st C. S.)

THE PREVIOUS QUESTION.—The motion may not include a provision that it shall take effect at a certain time (V, 5457). It is often ordered on undebatable propositions to prevent amendments (V, 5473, 5490), but may not be moved on a motion that is both undebatable and unamendable (IV, 3077). It applies to questions of privilege as to other questions (II, 1256; V, 5459, 5460).

SEC. 3. On the motion for the previous question there shall be no debate; and all incidental questions of order after it is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

SEC. 4. After the previous question has been ordered, there shall be no debate upon the questions on which it has been ordered, or upon incidental questions, except only that the mover of the proposition or any of the pending amendments, or the member making the report from the committee, as the case may be, 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, after which a vote shall be immediately taken on the amendments, if any there were, and then on the main question.

SEC. 5. 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 his motion or amendment, after which the mover of the proposition or bill proposed to be so postponed, or amended or the member reporting same from the committee, as the case may be, or, in the case of the absence of either of them, any other member designated by such absentee shall be allowed to close the debate on the original proposition.

SEC. 6. No motion for an adjournment or recess shall be in order, after the previous question is ordered, until the final vote upon the main question

shall be taken, unless the roll call shows the absence of a quorum.

[In the event the previous question has been ordered, and on a vote the lack of a quorum develops, a motion to adjourn or a motion for a call of the House is in order. If the House adjourns, the whole matter under consideration is picked up just where it was left off, the previous question still being in effect.]

SEC. 7. A call of the House may be moved after the previous question has been ordered.

SEC. 8. 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 upon, except the motion for the call of the House, or motions incidental thereto, and the motion to reconsider the vote by which the previous question was ordered, and this motion to reconsider may be made only once, and that must be before any vote under the previous question has been taken.

When the House adjourns without a quorum under the previous question, the previous question shall remain in force and effect when the bill is again laid before the House.

RULE XV.

OF RECONSIDERATION.

SECTION 1. When a question has been decided by the House, any member voting with the prevailing side may on the same day, or on the next adjourned legislative day move a reconsideration before the order of the day is taken up; and if the House shall refuse to reconsider, or, upon reconsideration, affirm its first decision, no further motion shall be in or-

der unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid upon the table without affecting the question in reference to which the motion to reconsider is made. A motion to table the motion to reconsider, if carried, shall be a final disposition of the motion.

[The "order of the day" referred to in the above rule would certainly mean the order of disposing of the business on the Speaker's table, and not the daily order of business as set forth in Rule XXII, of which "prayer by the Chaplain" is the first item.]

THE MOTION TO RECONSIDER.—The provision of the rule that the motion may be made "by any Member of the majority" is construed to mean any Member of the prevailing side, be the vote a tie vote or one requiring two-thirds (V, 5615, 5616, 5617, 5618; II, 1656). Where the yeas and nays have not been called for and recorded, any Member, irrespective of whether he voted on the prevailing side or not, may make the motion to reconsider (V, 5611-5613, 5689); but a Member who was absent (V, 5619), or who was paired in favor of the majority contention and, therefore, did not vote, may not make the motion (V, 5614).

While the motion has high privilege for entry, it may not be considered while another question is before the House (V, 5673-5676). The motion may not be applied to negative votes on motions to adjourn or recess (V, 5620-5622, 5625). It is in order to reconsider a vote postponing a bill to a day certain (V, 5643); but not to reconsider a negative decision on a vote to suspend the rules (V, 5645, 5646).

When the motion to reconsider is decided in the affirmative the question immediately recurs on the question reconsidered (V, 5703). The motion to reconsider is agreed to by a majority vote, even when the vote reconsidered requires a two-thirds for affirmative action (II, 1656; V, 5617, 5618).

The motion to reconsider may not be applied to the vote whereby the House has laid another motion to reconsider on the table (V, 5632, 5640). A motion to reconsider is not debatable if the motion proposed to be reconsidered was not debatable (V, 5694-5699).

SEC. 2. If such a motion for reconsideration be not disposed of when made, it shall be entered upon the Journal, and cannot, after that legislative day, be

called up and disposed of unless one day's notice shall have been given. But all such motions made during the last seventy-two hours of the session shall be disposed of when made.

["One day's notice" means a legislative day's notice.

The motion "to reconsider and spread on the Journal" does not require a vote. If any member desires immediate action on this motion to reconsider, which has been spread on the Journal, he can call it up as soon as it is made and demand a vote upon it, or he can call it up and move to table it if he desires a final disposition of the matter. If a motion to table the motion to reconsider fails under these conditions, it is customary to leave the motion to reconsider spread upon the Journal for future action. If, however, the motion to reconsider is called up, immediately or at some later time, and it fails, or the House, upon reconsideration, affirms its original action, then that motion to reconsider is disposed of, and under the Rules another can not be made.]

SEC. 3. Unless called up and disposed of prior to seventy-two hours of final adjournment of the session, all motions for reconsideration shall be regarded as determined and lost.

SEC. 4. A motion for reconsideration cannot be withdrawn, except permission be given by a majority vote of the House, and it may be called up by any member.

[A motion to reconsider which is spread upon the Journal should in no way impede the progress of the matter upon which it was made. For example, if such a motion is pending upon the final passage of a bill, the bill is not held up, but in the normal course of business is sent to the Senate.]

SEC. 5. When the double motion to reconsider and table fails, the question shall then be on the motion to

reconsider, and the motion to reconsider shall, without further action, be spread upon the Journal, but it may be called up by any member within the time prescribed in Section 2 of this Rule.

[In the practice of the House, the double motion to reconsider the vote on a proposition and table the motion to reconsider is of frequent occurrence. It is in effect two motions, one to reconsider the vote on a proposition and the other to lay the motion to reconsider on the table. The question is first on the motion to table. If that motion be lost, the question will then be on the motion to reconsider. The purpose of this double motion is to prevent a reconsideration of a matter the House has already decided by vote, for when a motion to reconsider is tabled, another motion to reconsider would not be permitted under the Rules.

The motion to rescind is not permitted under the Rules.]

SEC. 6. A motion to reconsider shall be debatable only when the question to be reconsidered is debatable. The fact that the previous question was in force before the vote on a debatable question was taken, shall not be held against a debate on the reconsideration of the question.

RULE XVI.

OF ROLL CALLS AND CALLS OF THE HOUSE.

SECTION 1. Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

SEC. 2. It shall be in order to move a call of the House at any time to secure and maintain a quorum for the following purposes:

(a) For the consideration of a specific bill, resolution, motion or other measure.

(b) For a definite period of time or for the consideration of any particular class of bills.

SEC. 3. When a call of the House is moved for one of the above purposes and seconded by fifteen members (of whom the Speaker may be one) and ordered by a majority vote, the Doorkeeper shall close 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. Such permission cards shall be taken up by the Doorkeeper as the member leaves the House. The names of members present shall be recorded, and the absentees and those for whom no sufficient excuse is made may, by order of the majority of those present, be sent for and arrested, wherever they may be found, by the Sergeant-at-Arms or officer appointed by him for that purpose, and their attendance secured and retained. The House shall determine upon 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 they shall report their names to the Clerk to be entered upon the Journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done, except to compel the attendance of absent members or to adjourn.

SEC. 4. When a quorum is shown to be present, the House may proceed with the matters upon which the call was ordered, or may enforce and await the attendance of as many of the absentees as it desires

to have present. If the House desires to proceed, the Sergeant-at-Arms shall not be required to bring in other absentees, unless the House so ordered by majority vote of the House.

[The point of order of "no quorum" is not accepted by the Speaker if the last roll call showed a quorum.]

CALL OF THE HOUSE.—A quorum not being present, no motion is in order but for a call of the House [and motions incidental thereto] or to adjourn (IV, 2950, 2988). The Sergeant-at-Arms is required to arrest Members wherever they may be found (IV, 3017). A Member who appears and answers is not subject to arrest (IV, 3019). During a call less than a quorum may revoke leaves of absence (IV, 3003), and excuse a Member from attendance (V, 3000, 3001). During a call incidental motions may be agreed to by less than a quorum (IV, 2994, 3029). This includes motions for the previous question, to reconsider and lay on the table, to adjourn, and an appeal from a decision of the Chair (V, 5458, 5607, 5608; IV, 2998, 3010, 3037).

A motion for a call of the House is not debatable (Speaker Clark, 63rd Cong., 1st session, p. 5653).

RULE XVII.

OF SIMPLE AND CONCURRENT RESOLUTIONS.

SECTION 1. When resolutions are called for, the member offering a resolution shall rise in his place and say: "Mr. Speaker, I offer the following resolution." The Speaker shall then say: "The gentleman from —— offers the following resolution. The resolution will be read." As soon as the Clerk shall have read the same, the Speaker shall say: "What order will the House take on the resolution?"

SEC. 2. Concurrent resolutions shall be numbered in their regular order and shall take the same course as simple resolutions, except that they shall be sent to the Governor for his signature when finally passed. Concurrent resolutions which permit the bringing of

suits against the State of Texas or any department thereof and concurrent resolutions proposing to appropriate money out of the Contingent Expense Fund of the Legislature shall be referred to the proper committee upon introduction, the same as bills.

SEC. 3. The Speaker shall permit members to offer resolutions only from the floor of the House, and the same shall be considered in the order in which members are given recognition from the Chair.

SEC. 4. A resolution that goes over to the next legislative day as unfinished business shall be taken up under the head of unfinished business before other unfinished business is considered, except privileged matters, and shall be considered until disposed of.

Subject matter of simple and concurrent resolutions does not have to be submitted by the Governor.

The House was considering in regular order a concurrent resolution providing for the appointment of a committee composed of Members of the House and Senate to investigate and report on the general tax situation.

Mr. Fields raised the point of order on further consideration of the resolution on the ground that the subject matter therein contained did not come within the Governor's call.

The House overruled the point of order. (39th, 1st C. S.)

[This ruling is in accord with the long-established precedent that matters dealt with in simple and concurrent resolutions do not have to be submitted to the Governor. Such resolutions are not considered "legislation."]

A resolution to employ stenographers, etc., on January 21st, having been voted down, it was held that a resolution offered at a later date for the same purpose was entirely different.

Mr. Looney offered a resolution providing for the appointment of additional stenographers.

Mr. Satterwhite raised the point of order that a resolution similar in substance was defeated by the House on January 21st, and that, under Article 3, Section 34, of the Constitution, another reso-

lution with the same object in view could not be considered at this session.

The Speaker overruled the point of order, stating that while both resolutions sought to make provision for appointment of stenographers and typists for the use of the House, the proposition to provide for such service on January 21st was entirely different from the proposition coming at this time. (27th Reg.)

Legislative and judicial inquiries may be made at the same time and are independent.

The House was considering a concurrent resolution providing for the appointment of a Joint Legislative Committee to investigate alleged bond sale irregularities in a certain county.

Mr. Petsch raised a point of order on further consideration of the resolution, "because the records of the District Court of Travis County disclosed that a suit is pending to settle the matters alleged in the resolution, and by virtue of said fact the settlement of the matters set out in the resolution have been delegated to the Judicial Department of the State, and the adoption of the resolution would constitute an infringement on the Judicial Department of our Government by the Legislature."

The Speaker, Mr. Satterwhite, overruled the point of order. (39th, 1st C. S.)

[Legislative investigation of a matter in the hands of the courts is within the power of the Legislature. There could be no infringement because the functions of the Legislative and Judicial Departments are clearly defined in the Constitution.]

The Legislature by concurrent resolution can not postpone the date a law is to become effective.

The Speaker had laid before the House a Senate Concurrent Resolution No. 12, relating to postponing the date upon which a certain act passed by the Regular Session was to become effective.

Mr. Keller raised a point of order on further consideration of the Resolution on the ground that the Legislature can not by concurrent resolution change the date a law becomes effective.

The Speaker, Mr. Barron, sustained the point of order. (41st, 1st C. S.)

A resolution carrying an appropriation out of the Contingent Fund need not necessarily go to a committee unless provided for in the rules.

The House was considering a resolution providing for an investigation of a department, and providing that the expenses of the investigation were to be paid out of the Contingent Expense Fund of the House.

Mr. Kemble raised a point of order on consideration of the reso-

lution at this time on the ground that it should first be referred to a committee and reported back to the House, since it carried an appropriation.

The Speaker, Mr. Barron, overruled the point of order. (41st Reg.)

Held that permission to sue the State could be granted by concurrent resolution.

In an opinion rendered Hon. Dewey Young, dated March 18, 1931, Mr. J. A. Stamford, Assistant Attorney General, stated:

"We have spent considerable time in investigating this question, but have been able to find very few authorities bearing upon the same, but have concluded that it is both legal and constitutional for the consent of the State to be sued to be given by a concurrent resolution properly passed by the Legislature and approved by the Governor."

Leave of absence granted district judges within the power of the House.

A resolution granting a district judge permission to leave the State pending, Mr. Jenkins raised a point of order on consideration of the resolution, stating that it is entirely unnecessary and superfluous, for the reason that there is neither any constitutional or statutory law that makes it necessary that the Legislature grant a district judge leave to absent himself from the State.

The Speaker overruled the point of order and said: "The contention of the gentleman from Brown that such a resolution is futile and unnecessary may be correct, but that question is one to be passed on by the House and not by the Chair." (30th, p. 455.)

Mr. Gafford raised a point of order on consideration of the resolution on the ground that there is no law requiring that a district judge obtain permission of the Legislature in order that he may absent himself from the State.

The Speaker overruled the point of order, and stated that it is within the power of the House to pass such a resolution should it desire to do so. (30th Reg.)

Several points on the consideration of a sine die adjournment resolution setting aside a previous resolution and fixing a new date for sine die adjournment.

Section 17 of Article 3 of the Constitution provides: "Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the Legislature may be sitting."

The House was considering Senate Concurrent Resolution No. 54, the resolving clause of which is as follows:

"Resolved by the Senate of Texas, the House of Representatives

concurring, That House Concurrent Resolution No. 46 be, and the same is hereby, repealed and held for naught and that both houses of the Legislature agree and consent that on the twenty-second day of May, 1931, the other house may and shall adjourn without pay for a period of more than three days, to-wit, until the twenty-second day of June, 1931, on which date both houses shall continue the Regular Session of the Forty-second Legislature until such date as may thereafter be fixed for sine die adjournment."

Mr. Pope raised the following points of order on consideration of the resolution:

1. I raise the point of order that the House and Senate, on May 12, 1931, passed the sine die adjournment resolution, adjourning the Legislature sine die at 12 m., Friday, May 22nd, which action is final and binding upon the Legislature, and any action taken by the House and/or the Senate after May 22nd is null, void and of no force and effect.

2. I raise the further point of order that, inasmuch as the resolution was passed May 12, 1931, in the House and Senate, that under the rule to move the reconsideration of the vote by which the resolution was passed in the Forty-second Legislature, the motion is not in order at this time.

3. I raise the further point of order to said resolution that the Constitution and statute fix the per diem of members of the Legislature, and such Constitution and laws cannot be changed by resolution.

4. I raise the further point of order that since the Constitution and action of the Forty-second Legislature have fixed the duration of the Regular Session of the Forty-second Legislature to end on May 22, 1931, the Legislature has no power to change such date, and only the Governor of Texas has the authority to call a hold-over or special session, since the May 12, 1931, sine die resolution is out of control of this Legislature.

The Speaker (Mr. Minor), overruling the points of order, held that the Legislature had authority to fix a date for final adjournment different from the date previously set, or to repeal and set aside, by proper resolution, a resolution fixing the date for final adjournment. He pointed out that an adjournment resolution was an act or expression of the Legislature for its own government and was not subject to the approval of the Governor. He also ruled that the new resolution was not a "reconsideration" of the old one, and therefore the reconsideration rule did not apply. He further ruled that it was entirely in order for the Legislature, if it so desired, to recess a Regular Session to some further time within its period of existence.

RULE XVIII.

JOINT RESOLUTIONS.

All amendments proposed to the Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be adopted on any reading after the first, when it receive a two-thirds vote of the members-elect of the House. (Const., Art. XVII, Section 1.) When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental questions thereto short of the final question, except as otherwise provided herein.

[Joint resolutions are used only for amendments to the State Constitution and to ratify amendments to the Federal Constitution.]

RULE XIX.

OF BILLS.

SECTION 1. Proposed laws or changes in laws must be incorporated in bills, which shall consist of a title or caption, beginning with the words, "A bill to be entitled An Act to," and containing a brief statement of the object of the proposed measure, and of the bill proper, beginning with the enacting clause, "Be it enacted by the Legislature of the State of Texas," and stating at large the measure proposed; and if the bill proposes to amend an existing law, it shall be accompanied by a brief statement of the proposed change in the existing law. (See Const., Art. III, Sec. 29.)

An extra copy of the text of the caption of every

bill shall accompany the bill when it is filed with the Chief Clerk or introduced from the floor of the House, and no bill shall be laid before the House to be read the first time unless it is accompanied with an extra copy of the caption.

[The fact that a bill (original) does not contain an enacting clause is sufficient ground for the Speaker to hold further consideration of it out of order.]

An original bill must have an enacting clause.

The House was considering House bill No. 302 on its second reading. A point of order was raised on further consideration of the bill on the ground that the bill contained no enacting clause. Upon examination the Speaker found that there was no enacting clause in the bill and so informed the House. But inasmuch as the rule of the House which provides that a bill must have an enacting clause was based on an article in the Constitution which had been construed in various ways and since the Chair had refused to rule on constitutional questions, he left the point of order up to the House. The House sustained the point of order. (37th Reg.)

If the enacting clause appears in the original copy of the bill as filed, its omission from the printed bill is immaterial.

Mr. Bolin raised a point of order on further consideration of the bill, stating that as the printed bill contains no enacting clause, there is nothing before the House.

The Chair overruled the point of order, stating that the original bill on the Speaker's table contains the enacting clause, and that the omission is clearly a mistake of the printer. (28th Reg.)

MOTION TO STRIKE OUT THE ENACTING CLAUSE.—Striking out the enacting clause of a bill constitutes its rejection (V, 5326). On a motion to strike out the enacting clause a Member may debate the merits of the bill, but must confine himself to its provisions (V, 5336).

SEC. 2. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. (See Const., Art. III, Sec. 35.)

[It has been held many times that the Legislature is not bound to appropriate the full amount for a salary fixed by law. Of course, the office holder would have a just claim against the State for the balance due him, and such claim could be presented to any Legislature for payment. The fact that the full amount is not paid does not mean that the salary has been changed by the appropriation bill.

There are many rulings which hold that a general law may not be changed in an appropriation bill, but the right of the Legislature to attach conditions to an appropriation has been upheld.]

SEC. 3. No law shall be revived or amended by reference to its title, but in such case the act revived or the section or sections amended shall be re-enacted and published at length. (Const., Art. III, Sec. 36.)

SEC. 4. Bills shall be introduced in the same manner as resolutions, and with the same order of precedence. Each bill shall be numbered in its regular order; and when bills are called for by the Speaker, first those filed with the Chief Clerk and then those introduced from the floor shall be read first time by caption and referred to the proper committee. During the first forty-five days of the Regular Session, unless otherwise directed by a majority vote of the House, twenty-four hours may elapse between the time of introduction and the time of the first reading and reference of a bill or resolution to the proper committee.

SEC. 5. No bill shall be considered or tabled, unless it has been first referred to a committee, and reported therefrom.

Bills and resolutions introduced during the first forty-five days of the Regular Session may be considered by the committees and in the House, and dis-

posed of at any time during the session; provided, however, that after the first forty-five days of a Regular Session, no bill shall be introduced in the House except local bills, emergency appropriations, and all emergency matters submitted by the Governor in special messages to the Legislature, unless otherwise directed by an affirmative record vote of four-fifths of those present and voting.

When a bill has been committed once at any reading and has been reported adversely by the committee to which it was referred, it shall not be in order to again recommit the bill unless a minority report shall have been filed in the time required by the Rules of the House, and then only by a two-thirds vote of those present.

No House bill, except appropriation bills, on its second reading shall be considered for any purpose during the last seventy-two hours before the final adjournment of the Legislature.

No Senate bill on its second reading shall be considered during the last seventy-two hours of the Regular Session of the Legislature, or during the last seventy-two hours of any Special or Called Session.

The Speaker shall not be authorized to recognize, or shall he recognize, anyone to take a bill up out of its regular order within forty-eight hours next preceding final adjournment; nor shall he lay any bill before the House for a vote upon any passage during the last twenty-four hours next preceding the final adjournment of the Legislature; and during said last twenty-four hours, no vote shall be taken upon any bill except to correct an error therein, or to consider a conference report or Senate amendment.

The vote by which the House permits the introduction of a bill may be reconsidered.

At the proper point in the daily order of business, Mr. Sanders moved to reconsider the action of the House by which House bill No. 1043 was introduced by unanimous consent on yesterday. This motion carried by a vote of 73 to 40. The House then voted 61 to 45 not to permit the introduction of the bill.

The Speaker held that the House had this right since the rules required permission of the House for its introduction, and the motion to reconsider had been made within the time prescribed by the rules. He also held that since no record vote was taken, any Member could make the motion; and further that, despite the fact that the rule requires a two-thirds vote for introduction at that time in the session, only a majority vote would be necessary to reconsider. (42nd Reg.)

First forty-five days as to the introduction of bills means legislative days unless otherwise provided in the rules.

Mr. Mathis raised a point of order on further introduction of general bills at this time, on the ground that, under the Rules of the House, the time for introduction of bills has expired because the first forty-five calendar days have passed.

Speaker Stevenson, after a full discussion of court decisions as to the length of sessions and the pay of members and employees and past precedents overruled the point of order. (For a complete ruling and brief on the point of order see pages 617 to 623, House Journal of the Forty-third Legislature, Regular Session.)

Point of order relative to setting back the hands of the clock near the end of a session.

Mr. Tillotson raised a point of order, stating that the hands of the clock in the Hall of the House had been set back, and that the clock should be set at the correct time. He contended that the hour set for final adjournment of the Session had actually passed and that the House was not legally in session.

The Speaker, Mr. Bobbitt, overruled the point of order, and Mr. Tillotson appealed from the ruling of the Chair. The appeal was duly seconded. The House sustained the ruling of the Chair by a vote of 90 to 24. (40th, 1st C. S.)

[This point of order is raised every session, and just as regularly overruled. Such a ruling is justified by necessity, custom, and precedent. It is usually impossible to wind up the business of a session within the exact number of hours remaining after the twenty-four and other end-of-the-session rules are in force. In fact, it is customary to suspend most of these rules in order to complete the session's business. Also, the rules permit the consideration of conference reports during the last twenty-four hours,

and when conference reports on long bills, especially appropriation bills, come in for adoption, it is very difficult to get the bills enrolled in time. Many times the principal work of a session has been saved by turning back the clock for a few hours.]

SEC. 6. All bills before the House on their third and second readings, respectively, shall be taken up and acted upon in the order in which they are numbered; provided, that during the first sixty calendar days of a Regular Session of the Legislature, local bills and emergency appropriation bills shall have precedence in accordance with their number. After the first sixty calendar days, local bills shall only be in order after 4:30 p. m. each Wednesday and each Thursday. By local bill is meant any measure affecting only one county, city or representative district, other than the establishment of new courts; provided, that Tuesday of each week shall be devoted to the consideration of House bills on their third readings until disposed of.

But when any House bills shall be reached upon the calendar, or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such House bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House, containing the same subject, or to lay such Senate bill before the House to be considered in lieu of such House bill.

On Wednesday and Thursday of each week only Senate bills, on their third and second readings, respectively, shall be taken up and considered until disposed of; and in case one should be pending at adjournment, it shall go over to the succeeding day (Friday) as the unfinished business.

[That portion of this rule which sets aside the period after 4:30 p. m. on Wednesdays and Thursdays for the

consideration of local bills is ineffective, so far as House local bills are concerned if there are any Senate general bills on the calendar for consideration, because the Joint Rules provide that in the House on those days only Senate bills can be considered. Senate local bills can be considered during this period without question. Usually, if there is no objection, the House considers House and Senate local bills at any convenient time during the week.

The following memoranda may be helpful in determining if a bill is a local or general bill:

A bill relating to the sale of public lands is not local.

An Act to amend the general game and fish law is not a local bill.

A bill to create a new county has been held not to be a local bill.

Bills creating a district court out of parts of two or more counties not local.

A fee bill applying to counties of more than 80,000 is not local.

A bill to amend an Act to apportion the State into congressional districts is not a local bill.

Bills relating to judicial districts are general.

Bills reorganizing one or more judicial districts are general.

A bill for the purpose of reorganizing or creating a new judicial district is not a local bill unless it affects only a single representative district, and does not provide for an appropriation.

A bill having for its purpose the remission of taxes is a general bill.

Bills affecting county auditors law are not local bills.]

SEC. 7. All bills reported favorably by a committee with recommendation that they do pass and be printed, or reported favorably with recommendation that they do pass and that committee substitute for such bills be printed in lieu of the original bills, shall immediately be sent to the printer by the Calendar Clerk, and a printed copy laid on the desk of each

Member at least twenty-four hours before the bills are acted on by the House, except during the last ten calendar days of a session. Local bills may be reported favorably with recommendation that they do pass and that they be not printed. It shall not be necessary following such recommendation for the House to order committee substitutes printed in lieu of original bills, nor to order that local bills be not printed. In the event a notice of a minority report is given, the Calendar Clerk is instructed to hold a bill two calendar days, if necessary, awaiting the filing of the minority report, but during the last fifteen calendar days of the session he shall not hold a bill more than twenty-four hours awaiting a minority report. All other bills, resolutions, reports, memorials, and petitions shall be printed on the order of the House. By a majority vote of the House, the original bill or resolution shall be printed with committee substitute; amendments by a committee which strike out all above and/or all below the enacting clause, a new caption, and a new bill, shall be regarded as a committee substitute.

[Notice of a minority report should be given in the committee at the time that the measure is reported unfavorably so members will be advised.

Bills reported favorably by a committee must be printed and copies thereof laid upon the desks of members before they may be acted on by the House. (General bills.)

Bills reported adversely may not be considered by the House until they have by motion been ordered printed and copies thereof laid upon the desks of the members.

In the interest of time the House frequently orders a bill mimeographed instead of printed.]

SEC. 8. After a bill has been taken up and read, amendments thereto shall be in order, those recom-

mended by the committee or its minority being considered first and second, respectively, if called up. If no amendment is made, or if those proposed are disposed of, then the final question upon its second reading shall be, in the case of a House bill, whether it shall be engrossed, or, in the case of a Senate bill, whether it shall pass to its third reading; and all bills ordered engrossed or passed to a third reading shall go on the calendar in their regular course.

[A committee has the power to suggest amendments, but these amendments must be offered from the floor by some member. If not offered from the floor, they should not be considered.]

SEC. 9. No bill shall have the force of law until it has been read on three several days in each house, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in the preamble or in the body of the bill) four-fifths of the House may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the Journal. (See Const., Art. III, Sec. 32.)

By four-fifths of the House is here meant four-fifths of those members voting, a quorum being present; provided, that within the meaning of this rule "an imperative public necessity" shall be held to mean only such condition or state of affairs which, if not immediately remedied, shall cause great loss of life or of property; and the Speaker shall not entertain a motion to suspend the constitutional rule requiring bills to be read on three several days until it shall affirmatively appear that such a condition or state of affairs does actually exist.

[The motion to reconsider may not be applied to a vote to suspend this constitutional rule. If the motion to suspend fails, it is sometimes made again after intervening business, but not when another matter is pending.]

Case where the constitutional rule requiring bills to be read on three several days had to be suspended a second time.

The House was considering Senate bill No. 375 on second reading. It was passed to third reading, the constitutional rule was suspended, and the bill was placed on its third reading. After consideration the House reconsidered the vote by which it was passed to its third reading. After amending the bill, the House again passed it to its third reading. The Speaker (Mr. Minor) held that since the bill had been amended it would be necessary to again suspend the constitutional rule before it could be placed on its third reading on that legislative day. (42nd Reg.)

To suspend the constitutional rule requiring bills to be read on three several days requires vote of four-fifths of the members voting, a quorum being present.

Mr. Cope moved to suspend the constituional rule requiring bills to be read on three several days in each house and that House Bill No. 8 be placed on its third reading and final passage. The motion prevailed by the following vote: Yeas 103, nays 21.

Mr. Bryan raised a point of order on further consideration of the bill at this time on the ground that four-fifths of the members of the House did not vote for the suspension of the constitutional rule requiring bills to be read on three several days.

The Speaker overruled the point of order. (35th, 4th C. S.)

[The Speaker held in this case, as has been held in many others, that the vote necessary to suspend the constitutional rule mentioned was four-fifths of those voting, a quorum being present.]

SEC. 10. When a bill has been taken up on its third reading, amendments thereto shall be in order, but shall require a two-thirds vote of the members present for their adoption; or the bill may be committed and reported to the House with amendments, in which case it shall take the course of a bill at its second reading, unless the amendments were made in the Committee of the Whole, in which case the House shall immediately proceed to act on the bill.

After all amendments have been disposed of, the question shall be upon the final passage of the bill.

[A bill recommitted at its third reading and again reported from a committee, takes the course of a bill on second reading when again laid before the House for consideration.]

SEC. 11. When a bill shall pass, it shall be certified by the Chief Clerk, noting the day of its passage at the foot thereof, and the vote by which it passed, if by a yea and nay vote.

CORRECTION OF ERRORS IN BILLS—RECALL.—It is a common occurrence for one House to ask the other [by simple resolution or motion] to return a bill for correction or otherwise (IV, 3460-3464). There being an error in an engrossed House bill sent to the Senate, a request was made that the Clerk be permitted to make correction (IV, 3465). The correction of an enrolled bill is sometimes ordered by concurrent resolution (IV, 3446-3450).

SEC. 12. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays and entered upon the Journals. (Const., Art. III, Sec. 39.)

[Due to the great amount of business which usually comes before the Regular Session of the Legislature, and the limited time of an ordinary session, if there is a public necessity for the immediate enactment of a law and for its taking immediate effect, in the practice of the House, it is the custom to permit such a law to be passed under the emergency provisions of the Constitution and the Rules of the House. The imperative public necessity for the suspension of the constitutional rule requiring bills to be

read on three several days, and the reasons for its taking effect from and after its passage are usually stated in the last clause of the bill. This practice is necessary to the quick enactment of certain measures, but it should not be abused to the extent of putting an emergency clause on to a bill so as to put it into immediate effect when there is no real necessity for its becoming effective immediately.]

SEC. 13. After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session. (Const., Art. III, Sec. 34.)

[In the Twenty-sixth Legislature (Journal, p. 415) a point of order was made on consideration of a bill in the House because the Senate had considered and defeated a bill containing the same subject matter. The Speaker held the point of order not well taken. A point of order of this kind must be decided on the actual facts in the case; a bill might be similar, even containing apparently the same substance, and yet be so different as not to come within the rule. If the Senate has officially reported the defeat of a particular measure, a point of order on consideration of a similar measure in the House would stand or fall according to whether or not the presiding officer of the House thinks the measure being considered in the House contains the same "substance" as the measure defeated in the Senate.]

Held that a bill defeated in the Senate could be considered in the House.

The Speaker laid before the House as a special order House Bill No. 44 on its second reading and passage to engrossment.

Mr. Thomason raised a point of order on consideration of the bill on the ground that the House has official notification that the Senate has defeated a bill containing the same substance.

The Speaker overruled the point of order, stating that while the Constitution prohibits the passage by either house of a bill after

being officially notified of the defeat by the other house of a bill containing the same substance, that it does not prohibit its consideration. (37th Reg.)

[The contention of the Speaker was that it was entirely possible for the House to amend the bill and so change it as to make it agreeable to the Senate.]

SEC. 14. When a bill is before the House on its second or third reading, any member may call for a full reading, but this reading may be dispensed with by a majority vote of the House.

ADDITIONAL PRECEDENTS ON BILLS.

BILLS HELD NOT TO BE LOCAL.

Senate bill granting Collis P. Huntington the right to use certain streets, wharves and alleys of Galveston held to be a general bill.

Mr. Garner raised the point of order that Senate Bill No. 228 is a local bill, and that the proper notice required by the Constitution had not been given.

Overruled. (26th Reg.)

And Mr. Wooten raised the point of order that this bill is a local bill, as recognized by its authors in giving notice by advertisement, and it affects every locality through which any and all of Collis P. Huntington's railroads pass. Therefore, it ought to have been advertised in every locality affected by the proposed law, which had not been done. The notice has only been published in Galveston, whereas it ought to have been advertised in all towns and counties whose railroad connections are affected by the Huntington wharves.

Overruled. (26th Reg.)

Bills to validate titles in Carson, Dallam and Hutchinson counties held to be a general bill.

On local bill day the House was considering House Bill No. 396, "An Act to validate titles to lands located and patented in Carson, Dallam and Hutchinson counties on July 4, 1879."

Mr. Dowell raised the point of order that the bill was not a local bill and that it was not in order to consider same today.

Sustained. (26th, p. 1157.)

Bill extending time for payment on school lands to citizens of Fort Bend, Waller and Harris counties held to be a general bill.

House bill extending time for the payment of principal and interest on certain school lands for five years to citizens of Fort Bend,

Waller and Harris counties, was placed before the House on local bill day.

Mr. Terrell of Cherokee raised the point of order that it is not a local bill.

Sustained. (27th Reg.)

Bill relating to the sale of public land on islands not local.

A bill to be entitled "An Act to provide for the purchase of public lands in quantities of five acres or less situated on islands by actual settlers who have settled on and placed valuable improvements thereon in good faith, or to their heirs or legal representatives prior to the first day of January, 1895, and prescribing the price, terms and manner and time of such purchase," was held on a point of order by Mr. Bean not to be a local bill. (27th Reg.)

Bill to create a new county held not to be a local bill.

During the consideration of a bill to create the county of Ross out of parts of Comanche, Brown, Coleman, Eastland and Callahan counties, Mr. Terrell of McLennan raised the point of order on the consideration of the bill that it is not a local bill and that this night's session was set apart for the consideration of local bills only.

Sustained. (29th, p. 918.)

Mr. Brelsford, rising to a point of order, requested of the Speaker that he lay before the House, as a local bill, on its second reading and passage to engrossment, House Bill No. 260, a bill to be entitled "An Act to create the county of Ross out of parts of Eastland, Comanche, Brown, Coleman and Callahan counties."

The Speaker (Mr. Robertson of Bell) held that the bill was not a local bill and could not be taken up except by unanimous consent.

Mr. Brelsford appealed from the ruling of the Chair.

The House sustained the ruling of the Chair. (29th Reg.)

Mr. Canales raised a point of order that this is a local bill (1) because it seeks to locate a county seat; (2) because it only affects certain territory, and under Sections 56 and 57 of Article 3 of the Constitution it requires it to be advertised thirty days, and evidence of such fact to be exhibited to the Legislature, which is not done in this case, and therefore the bill is not properly before the House.

The Chair (Mr. O'Bryan) overruled the point of order.

Mr. Robertson of Bell raised a point of order that it is not a local bill, for the reason that it is sought by the Legislature to create a county out of four different counties; it is general in its nature; that any measure that would come up in the interest of this county, if organized, after it was created, would be a local measure.

The Chair (Mr. O'Bryan) sustained the point of order.

Mr. Canales appealed from the ruling of the Chair on the point of order raised by Mr. Robertson of Bell.

The House sustained the point of order. (31st Reg.)

Bill creating a district court out of parts of two or more counties not local.

Pending, on a local bill day, a House bill, the nature of which point of order explains.

Mr. Bowles raised a point of order on further consideration of the bill, on the ground that it is not a local bill, for the reason that it creates another half of a district court for Dallas county and another half of a district court for Grayson county, and makes changes also in the time of the meeting of the district court in Collin county.

Sustained. (31st Reg.)

Fee bill applying to counties of more than 80,000 not local.

The House was considering a fee bill applying to counties having a population of 80,000 or more.

Mr. Adams raised a point of order on consideration of the amendment on the ground that the bill is a local bill and notice thereof must be advertised before its passage by the Legislature.

Overruled. (31st Reg.)

A general bill cannot by amendment be changed to a local bill.

The House, considering a bill to provide means of securing fair elections and true returns thereof whenever any election is held when any proposed amendment or amendments to the Constitution of this State shall be voted upon, Mr. Smith of Atascosa offered an amendment providing that the provisions of the act should apply only to the Fourth Senatorial District, which amendment, upon the point of order raised by Mr. Schluter, was held not germane to the purpose of the bill. (32nd Reg.)

RECALL OF BILLS AND RESOLUTIONS.

Practice of recalling a bill from the Governor.

[The practice of recalling bills from the Governor for the purpose of amending or correcting has grown to be an established rule of the Legislature. When it is necessary to recall a bill from the Governor, the house in which the bill originated should pass a resolution something like this:

"Resolved by the....., the.....concurring, That the Governor be and is hereby requested to return to the....., ...B. No..... for further consideration."

This resolution, having been adopted by both houses and properly signed by both presiding officers, should be officially communicated to the Governor, whereupon the Governor will doubtless return the bill by message to the house in which it originated.

When the bill has been returned to the house in which it originated the following concurrent resolution should be adopted:

"Resolved by the....., the.....concurring, That the action of the Speaker and the President of the Senate in signing .....B. No..... be declared null and void, and that the Speaker of the House and President of the Senate erase their names from the enrolled bill."

House and Senate having agreed to this resolution, the Speaker and the Lieutenant Governor will cancel their signatures.

This will leave the question back to the last action had before the bill was enrolled. If the bill is to be considered further, then every step must be retraced in regular order until the bill is again in a stage which permits the desired action.

If a bill is to be recalled to correct an error in the enrollment, a concurrent resolution authorizing the correction of the error will be in order rather than following the procedure indicated above.]

Practice of recalling a bill from the Senate.

[If a motion to reconsider the vote by which a bill was finally passed by the House prevails or is pending, it is in order to recall a bill sent to the Senate. This is done by the adoption of a simple resolution. But the motion cannot be made except on the day the final vote was taken or on the next day before the order of the day is taken up.]

In order to request the Senate to return a resolution.

Mr. Tillotson offered a resolution requesting the Senate to return to the House the concurrent resolution which set a time for sine die adjournment.

Mr. Lewelling raised a point of order on consideration of the resolution on the ground that it is not in order for the House to recall a resolution from the Senate except for the purpose of correcting an error therein.

The Speaker overruled the point of order. (34th Reg.)

MOTION TO RESCIND.

A bill having been defeated, and a motion to reconsider the vote by which it was defeated being laid on the table, a motion to rescind the vote by which the House tabled the motion to reconsider is not in order. Such motion is not recognized by the rules.

Mr. Savage moved to rescind the vote by which the House, on February 10, tabled the motion to reconsider the vote by which House bill No. 4, known as the "full crew bill," was on that day lost.

Mr. Kennedy raised a point of order "that the motion to rescind is out of order; that such a motion, if carried, would abrogate the rules of the House, which provide for the reconsideration of all matters adopted by the House, and that the motion must be made by a member of the majority, or prevailing side, and must be made on the same or next sitting day before the order for the day is taken

up, and that one day's notice must be given before the motion can be called up and disposed of. The rules of the House further provide that where a motion to table prevails that motion cannot be reconsidered. Immediately after House Bill No. 4 was defeated on engrossment, a motion to reconsider that vote was made, and the motion to reconsider was tabled. The motion to rescind is but another method of reconsideration, and is now made by a gentleman who voted with the losing side and made several days after the House defeated the bill which he now proposes to revive. The adoption of his motion would establish a dangerous precedent. It would mean an interminable conflict over bills that, under the rules, have been killed."

In sustaining the point of order raised by the gentleman from Kerr, Mr. Kennedy, the Speaker gave the following reasons:

"Rule 14, Section 1, provides as follows: When a motion has been made and carried or lost, or an amendment, resolution or bill voted upon, it shall be in order for any member of the prevailing side to move for a reconsideration thereof, on the same day or the next sitting day, before the order of the day is taken up."

Rule 12, Section 7, provides as follows: "A motion to lay on the table, if carried, shall have the effect of killing the bill, resolution or other immediate proposition tabled."

Article 3, Section 34, of the Constitution, provides: "After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into law during the same session."

House Bill No. 4 was considered fully by the House, and after lengthy debate was defeated; a motion to reconsider and table was made, which motion carried, and, in the opinion of the Chair, the motion to table the motion to reconsider killed the bill. It is just as important to the House to be able to kill a bill as it is to pass it. If a motion to rescind could be made, the motion to reconsider and table would be without value, and if one motion to rescind could be made, such a motion could be made every day in the session, and thus waste the time and thwart the will of the House deliberately expressed when the bill was defeated.

The Speaker is aware of the action of the House in the Twenty-sixth, Twenty-eighth and Twenty-ninth Legislatures and also familiar with the rulings of the Thirty-second Legislature dealing with the question of rescinding and, he is unhesitatingly of the opinion that the rulings made by Speaker Rayburn in the Thirty-second and by the present Speaker, who was in the chair during that same session, were correct.

If a motion to rescind could be made on the defeat of any bill, it could also be made after the passage of a bill, and in this way defeat the expressed will of the House. A motion to rescind must be based on the proposition that the only way to defeat a bill is by

final adjournment, and if that be true, the provision of Section 34 of Article 3 of the Constitution would be meaningless.

For the above reasons, the Speaker sustains the point of order." (33rd Reg.)

REVENUE BILLS.

Speaker refuses to accept from the Senate a revenue or taxing bill.

A Senate bill having for its purpose the taxing of pool halls was laid before the House and read first time.

Mr. Terrell of Bexar made the point of order that it is a measure for the purpose of raising revenue and cannot be received by the House from the Senate, and that the Chair should have it returned to the Senate with the suggestion that all bills for raising revenue must, under the Constitution, originate in the House of Representatives, and the House is therefore compelled to return it to the Senate.

The Speaker sustained the point of order and the Chief Clerk was instructed to return the bill to the Senate. (32nd Reg.)

Held that the bill creating a fund to pay the State Highway Engineer by charging a license fee for the registration of motor vehicles is not a revenue measure of such a character as to prevent its originating in the Senate.

The House was considering Senate Bill No. 8, creating a State Highway Department and providing for the appointment of a State Highway Engineer, and prescribing the duties of each and fixing the compensation of the engineer; creating a fund by the license of motor vehicles, etc., when Mr. Broughton made a point of order on further consideration of the bill on the ground that it was a bill raising revenue, and, under the provisions of the Constitution, should originate in the House of Representatives.

Overruled. (33rd Reg.)

SPECIAL SESSION—LEGISLATION WHICH MAY BE CONSIDERED.

[Section 40 of Article 3 of the State Constitution reads as follows:

"When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor."

The Courts have rendered several conflicting opinions as to the construction of the above section of the Constitution. Since the Courts will not take cognizance of the violation of this constitutional provision it becomes imperative that a presiding officer, as well as individual legislators, strictly construe this provision and use due precaution in the consideration of such bills. The rule should be

rigidly adhered to in special sessions of the Legislature, and points of order raised against bills on the ground that they do not come within the purview of the Governor's call or have not been specially submitted, should be uniformly sustained, where it clearly appears that the bill is subject to objection.

The following decisions are helpful in interpreting certain provisions of Section 40 of Article 3:

It was not the intention of this section to require the Governor to define with precision as to detail the subjects of legislation, but only in a general way, by his call, to confine the business to the particular subjects. Brown vs. State, 32 Cr. App., 133; 22 S. W., 601; Long vs. State, 58 Cr. App., 209; 127 S. W., 208.

It is not necessary nor proper for the Governor to suggest in detail the legislation desired. It is for the Legislature to determine what the legislation shall be. Brown vs. State, 32 Cr. App., 133; 22 S. W., 601.

This section of the Constitution does not require the proclamation of the Governor to define the character or scope of legislation, but only in a general way to present the subjects for legislation. Long vs. State, 58 Cr. App., 209; 127 S. W., 208.]

Legislature is without authority to propose amendments to the Constitution at a special session.

Mr. Tillotson raised a point of order on further consideration of House Joint Resolution No. 1 on the ground that the Legislature is without authority to propose amendments to the Constitution at a special session.

The Speaker sustained the point of order.

(For a full discussion of this point, see page 403 of the Journal of the First Called Session, Thirty-fifth Legislature.)

VETOED BILLS.

Only requires a two-thirds majority of those present to pass bill over the veto of the Governor.

In the Thirtieth Legislature, Senate Bill No. 6 was pending in the House after having been passed in the Senate over the Governor's veto. The first vote showed 83 yeas, 36 nays, 2 present and not voting, 4 paired, a total of 125 present. The Speaker announced that, it requiring two-thirds majority vote of the members present to pass it, the bill was lost.

Mr. Alderdice, who had voted against the bill, moved to reconsider the vote by which Senate Bill No. 6 failed to pass notwithstanding the objection of the Governor. The motion to reconsider prevailed.

After the second roll call the Speaker announced the result: 88

yeas, 36 nays, 3 present not voting, 127 members present, and that the bill had passed.

When the Speaker announced the result, Mr. Gaines raised the point of order that the bill had not passed, and in support of the point of order submitted to the Chair the following proposition:

The Constitution, in providing the procedure of passing a bill over the Governor's veto, provides that it shall be returned, with his objections, to the house in which it originated, and that this house—that is, "the house in which it originated"—may pass it by "two-thirds of the members present." Then the bill shall be sent to the other house, where it can pass by "two-thirds of the members of that house." The point of order being that in this case the bill could pass the Senate by two-thirds of those "present," but that in the House it required two-thirds of the "members of the House," which would mean two-thirds of all the members elected, or eighty-nine votes, and there being only eighty-eight votes cast in favor of the bill, it had not passed.

The Speaker overruled the point of order and announced that the bill had passed. (30th Reg.)

Cannot amend a bill after being vetoed.

The House had under consideration a bill vetoed by the Governor, the question being, Shall the bill be passed notwithstanding the objections of the Governor?

Mr. Nickels offered an amendment.

Mr. Kennedy raised a point of order on consideration of the amendment on the ground that it is not within the province of the House to amend the bill at this time.

Sustained. (32nd Reg.)

RULE XX.

OF AMENDMENTS.

SECTION 1. 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; and it shall also be in order to offer a further amendment by the way of substitute. When an amendment shall have been adopted, said amendment shall be securely attached to the bill or resolution which it amends and shall not be separated therefrom; and the Chief Clerk shall transmit to the Journal Clerk a true copy of such amendment.

[Under this rule a substitute for an original proposition or for an amendment or for an amendment to an amendment may be offered, but an amendment to a substitute is not permitted.]

Amendments should be clear in meaning.

The House was considering a simple resolution, and the following amendment was offered: Amend the resolution by eliminating the condemnation of the building just erected at Tyler from this resolution.

Mr. Johnson of Dimmit raised a point of order on further consideration of the amendment on the ground that it was indefinite. The Speaker sustained the point of order. (41st, 4th C. S.)

[Amendments should be drawn carefully and made definite. An amendment accurately written cannot be questioned. It is often difficult for the Enrolling and Engrossing Departments to determine the meaning of amendments, and frequently the time of the House has to be taken to correct some vaguely written amendment. Sometimes a whole law has to be re-enacted to correct some part made indefinite or meaningless by some poorly drawn amendment.]

An amendment lost on a second reading of a bill is in order on a third reading.

An amendment which had been voted down on the second reading of a bill was offered while the bill was on the third reading.

Mr. O'Quinn raised a point of order on consideration of the amendment, stating that it should not be entertained, for the reason that the same proposition had been submitted, voted on and lost on the second reading of the bill.

The Chair overruled the point of order, stating that as this is a different stage in the progress of the bill, the amendment was in order. (28th Reg.)

Because an amendment was ruled out of order at a certain stage of the proceedings is no reason why it might not be in order at another time.

Mr. Jennings' substitute was not germane to Mr. Ray's amendment to the bank bill, but was germane to the original bill.

Mr. Ray raised a point of order on consideration of the amendment on the ground that the amendment is not in order, for the reason that the subject matter thereof had already been before the House, one time in the form of an amendment, and killed by the ruling of the Chair.

Overruled. (31st Reg.)

If an amendment is lost or tabled, another one of the same import is not in order on the same reading or stage of the bill.

Mr. Shropshire offered the following amendment to an amendment:

"Amend by inserting after the word 'service,' in line 30, page 1, the following: 'Or issue to any person other than an employe of said railroad any free pass or permit to ride over said railroad.' Strike out all of Section 2, page 2."

Mr. Wooten raised the point of order that the amendment was not in order, for the reason that a similar amendment had been tabled.

Sustained. (26th Reg.)

An amendment to strike out matter previously inserted in a bill at the same reading is not in order unless reconsideration is ordered.

Mr. Bolin offered the following amendment:

"Amend the bill as amended by striking out the word 'lawyer' wherever it appears in the bill."

Mr. Hancock raised a point of order for the reason that the House had just inserted such amendment in the bill and had tabled a motion to reconsider same.

The point of order was sustained. (28th Reg.)

It is not necessary to correct a typographical error in a printed bill if the original bill is correct.

Mr. Peyton offered an amendment to House Bill No. 12 to correct a typographical error in the printed bill.

Mr. Bryan raised a point of order on further consideration of the amendment, on the ground that its adoption would make no change in the original bill, but would only correct a typographical error in the printed bill.

The Speaker sustained the point of order. (35th, 1st C. S.)

Not in order to offer an amendment to the caption of a bill until all amendments to the body of the bill have been considered and disposed of.

Mr. Burgess offered an amendment to the bill which amended both the caption and the body.

Mr. Burmeister raised a point of order on consideration of the amendment on the ground that no amendment to the caption of the bill is in order until all amendments to the body of the bill have been considered and disposed of.

Sustained. (34th Reg.)

GENERAL RULES RELATING TO AMENDMENTS.—A proposed amendment may not be accepted by the member in charge of the pending measure, but can be agreed to only by the House (V, 5756, 5757).

It is not in order to offer more than one motion to amend at a time (V, 5755).

When a bill is considered by sections or paragraphs, an amendment in the nature of a substitute is properly offered after the several sections of the bill have been considered separately (V, 5788).

A motion to strike out certain words being disagreed to, it is in order to strike out a portion of those words (V, 5769).

To a motion to insert words in a bill a motion to strike out certain words of the bill may not be offered as a substitute (V, 5790).

If a portion of a proposed amendment be out of order, the whole of it must be ruled out (V, 5784).

When it is proposed to amend by inserting a paragraph, it should be perfected by amendment before the question is put on inserting (V, 5758).

A negative vote on a motion to strike out and insert does not prevent the offering of another similar motion or a simple motion to strike out (V, 5758).

Words inserted by amendment may not afterwards be changed, except that portion of the original paragraph including the words so inserted, may be stricken out, if, in effect, it presents a new proposition, and a new coherence may also be inserted in place of that stricken out (V, 5758).

It is in order to insert by way of amendment a paragraph similar (if not actually identical) to one already stricken out by amendment (V, 5760).

After a vote to insert a new section in a bill, it is too late to perfect the section by amendment (V, 5761, 5762).

It is not in order to amend an amendment that has been agreed to; but the amendment, with other words of the original paragraph, may be stricken out in order to insert a new text of a different meaning (V, 5763).

While it is not in order to strike out a portion of an amendment once agreed to, yet words may be added to the amendment (V, 5764, 5765).

A motion may be withdrawn in the House although an amendment to it may have been offered and be pending (V, 5347).

The fact that a proposed amendment is inconsistent with the text, or embodies a proposition already voted on, constitutes a condition to be passed upon by the House and not by the Speaker (II, 1327).

A new bill may be engrafted by way of amendment on the words "Be it enacted," etc. (V, 5781).

A proposition offered as a substitute amendment and rejected may nevertheless be offered again as an amendment in the nature of a new section (V, 5797).

SEC. 2. When an amendment is offered and an amendment to that amendment, and a substitute for

the amendment to the amendment is offered, these questions shall be voted on in the reverse order.

SEC. 3. When the mover of a proposition or the membership in general has had an opportunity to perfect the original bill or proposition, another amendment which is in reality a substitute bill shall be in order. This amendment or substitute bill shall be open to amendment in the same manner as the original proposition, and under these conditions only shall it be permissible to take out matter inserted at the same reading.

["Matter inserted," as used in the above section, means any matter inserted in the original bill. Such matter would, of course, be discarded in case a new bill (in amendment form) is adopted.

Realizing the frequent need for consideration of three proposed measures on the same subject, the House has permitted an extension of the above rule so as to permit the introduction of a "substitute" for the "amendment" provided for. This substitute, which is also a complete bill, is admitted only after the House has perfected the amendment if it so desires, and the substitute has been held not subject to amendment. The vote is taken on the substitute first, and if it is chosen over the amendment it then becomes the pending amendment to the original bill, and in that form would be subject to amendment in the usual manner.]

BILLS—SUBSTITUTES.

Held that a substitute for a whole bill could not be offered.

House Bill No. 19 was before the House on its second reading.

Mr. Stephens offered the committee substitute for the bill.

Mr. Burmeister raised a point of order on consideration of the committee substitute on the ground that under the rules of the House a substitute for an entire bill can not be offered. He pointed out that the substitute bill had a caption, an enacting clause, and a body.

The Speaker sustained the point of order. (34th Reg.)

[The proper way to substitute a new bill is to offer two amend-

ments, one striking out all after the enacting clause and inserting a new body, and the other striking out all before the enacting clause and inserting a new caption.]

SEC. 4. A motion to strike out and insert new matter in lieu of that to be stricken out, shall be regarded as a substitute and shall be indivisible.

[The above is taken from a rule of Congress which continues, "but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert."]

SEC. 5. Amendments to the caption of a bill or resolution shall not be in order until all other proposed amendments shall have been acted upon and the House be ready to vote upon the passing of a measure, and the same shall be decided without debate.

SEC. 6. If the previous question has been ordered an amendment to the caption of a bill or to the caption of a joint resolution may be offered and voted on immediately preceding the final vote on the bill or joint resolution at any reading.

[Recently the House has permitted the motion "to amend the caption to conform to the body of the bill" to be made instead of requiring a definite amendment. This is a dangerous practice in some instances and a time saver in others. When such a motion is carried the author of the bill or his representative should see that the caption is written properly and a copy given to the Journal Clerk for publication in the Journal.]

SEC. 7. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate.

[The fact that the rules of the House provide that no motion or proposition on a subject different from that

under consideration shall be admitted under color of amendment, and that the Constitution declares that no bill shall be so amended in its passage through either house as to change its original purpose, narrows the scope of germaneness to such an extent that often many amendments which relate to the general subject of the original proposition, but which so changes the original purpose of the bill or proposition by the elimination of essential parts thereof or by adding new matter on the same subject or by alterations in essential points, are excluded. This necessarily limits and restricts amendments that are germane to any subject. The fact that there is no protection in the courts against the violation of the constitutional provision which prohibits changing the purposes of bills makes it imperative that a presiding officer, as well as legislator, strictly construe the rule and use due precaution in the consideration of the germaneness of an amendment.

Whether one proposition is germane to another proposition or not, or whether one amendment is germane to another amendment or not, are questions which arise during a session probably more often than any others. Each case has to be decided on its own merits.]

Example of an amendment not germane.

The House was considering H. B. 341, "An Act making appropriation to be used for the erection of a monument in the city of Crockett, Houston county, in memory of David Crockett."

Mr. Cox of Lamar offered the following amendment: Amend H. B. 341, by striking out the words "Crockett, Houston county," and add in lieu thereof, "on the Capitol grounds at Austin, Texas."

Mr. Sanford raised the point of order on further consideration of the amendment on the ground that it was not germane to the purposes of the bill.

The Speaker, Mr. Satterwhite, sustained the point of order. (39th, 1st C. S.).

House may by amendments attach conditions to an appropriation.

The House was considering the general appropriation bill when Mr. Terrell of Travis offered an amendment to the Treasury Department as follows:

"The appropriation herein made for salary for clerks shall not be paid to more than two clerks who may be related to the State Treasurer in the third degree of consanguinity or affinity."

Mr. Bertram raised a point of order on consideration of the amendment on the ground that it is not germane to the bill.

The Speaker, ruling on the point of order raised by Mr. Bertram, said:

"The Chair thinks that this amendment is a condition attached to an appropriation, upon failure to comply with which the appropriation will cease to be effective. If this view is correct, the amendment is germane and does not amount to legislation on a different subject from that under consideration, more particularly so since the clerks whose qualifications are in a measure prescribed by this amendment are, it seems, not statutory officers, but merely employees filling places created by the biennial appropriation bill." (29th, 1st C. S.)

House cannot amend an existing statute by an amendment to an appropriation bill.

Mr. Beck offered an amendment to H. B. No. 167 so as to combine the Board of Mineral Development with the Board of Water Engineers.

Mr. Van Zandt raised a point of order on further consideration of the amendment by Mr. Beck, on the ground that the amendment attempts to amend a statute through an appropriation bill.

The Speaker sustained the point of order. (43rd Reg.)

GERMANE AMENDMENTS.

Whether or not an amendment be germane should be judged from the provisions of its text rather than from the purposes which circumstances may suggest (V, 5783, 5803). The rule that amendments should be germane applies to amendments reported by committees (V, 5806).

Under the latter practice an amendment should be germane to the particular paragraph or section to which it is offered (V, 5811-5820), and an amendment inserting an additional section should be germane to the portion of the bill to which it is offered (V, 5822). To a bill amending a general law on a specific point an amendment relating to the terms of the law rather than to those of the bill was offered and ruled not to be germane. (Speaker Reed, V, 5808; also ruled by Speaker Cannon, Apr. 1, 1910, 61st Cong., 1st sess., p. 4144; Speaker Clark, Dec. 5, 1912, 62d Cong., 3d sess.) So to a legislative section in a general appropriation bill amending one section of the criminal code, a provision amending the criminal code in other particulars was held not germane. (Speaker Clark, Jan. 16, 1917, 64th Cong., 2d sess., p. 1487.) A bill amending several sections of an act does not necessarily bring the entire act under consideration so as to permit an amendment to any portion of the act sought to be amended by the bill. (Chairman Anderson, June 10,

1921, p. 2415; Chairman Stafford, Dec. 10, 1921, p. 200.) An amendment germane to the bill as a whole, but hardly germane to any one section, may be offered at an appropriate place with notice of motions to strike out the following sections which it would supersede (V, 5823).

In determining whether or not an amendment be germane, certain principles are established.

(a) One individual proposition may not be amended by another individual proposition even though the two belong to the same class. Thus, the following are not germane: To a bill proposing the admission of one Territory into the Union, an amendment for admission of another Territory (V, 5529); to a bill for the relief of one individual, an amendment proposing similar relief for another (V, 5826-5829); to a provision for extermination of the cotton-boll weevil, an amendment including the gypsy moth (V, 5832); to a provision for a clerk for one committee, an amendment for a clerk to another committee (V, 5833); to a bill prohibiting transportation of messages relating to dealing in cotton futures, an amendment adding wheat, corn, etc. (Speaker Clark, July 16, 1912, 62d Cong., 2d sess., p. 9142.) To a bill prohibiting importation of goods "made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor," an amendment prohibiting importation of goods made by child labor was held not germane on the ground that labor described in bill constituted a single class of labor. (Speaker Clark, Mar. 25, 1914, p. 5481, 2d sess. 63d Cong.)

(b) A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject (V, 5843-5846). Thus, the following are not germane: To a bill for the admission of one Territory into the Union, an amendment providing for the admission of several other Territories (V, 5837); to a bill relating to all corporations engaged in interstate commerce, an amendment relating to all corporations (V, 5842); to a bill modifying an existing law as to one specific particular, an amendment relating to the terms of the law rather than those of the bill (V, 5806-5808); to a bill merely extending and re-enacting an existing law, an amendment seeking to further amend the law (V, 5806) (contra, Chairman Burton, Oct. 18, 1921, p. 6465, and Chairman Graham, of Illinois, Apr. 28, 1924, p. 7419, 68th Cong., 1st sess.); to a bill amending the war-time prohibition act in one particular, an amendment repealing that act. (Chairman Good, July 14, 1919, p. 2555.)

(c) A general subject may be amended by specific propositions of the same class. Thus, the following have been held to be germane: To a bill admitting several Territories into the Union, an amendment adding another Territory (V, 5838); to a bill providing for

the construction of buildings in each of two cities, an amendment providing for similar buildings in several other cities (V, 5840); to a resolution embodying two distinct phases of international relationship, an amendment embodying a third (V, 5839). But to a resolution authorizing a class of employees in the service of the House, an amendment providing for the employment of a specified individual was held not to be germane (V, 5848-5849).

(d) Two subjects are not necessarily germane because they are related. Thus, the following have been held not to be germane: To a proposition relating to the terms of Senators, an amendment changing the manner of their election (V, 5882); to a bill relating to commerce between the States, an amendment relating to commerce within the several States (V, 5841); to a proposition to relieve destitute citizens of the United States in Cuba, a proposition declaring a state of war in Cuba and proclaiming neutrality (V, 5897); to a proposition for the appointment of a select committee to investigate a certain subject, an amendment proposing an inquiry of the Executive on that subject (V, 5891); to a bill granting a right of way to a railroad, an amendment providing for the purchase of the railroad by the Government (V, 5887); to a provision for the erection of a building for a mint, an amendment to change the coinage laws (V, 5884); to a resolution proposing expulsion, an amendment proposing censure (Oct. 27, 1921, 67th Cong., 1st sess.); to a general tariff bill, an amendment creating a tariff board (Chairman Garrett of Tennessee, May 6, 1913, 63rd Cong., 1st sess., p. 1234; also Speaker Clark, May 8, 1913, 63d Cong., 1st sess., p. 1381; for ruling in full, see sec. 947); to a proposition to sell two battleships and build a new battleship with the proceeds, a proposition to devote the proceeds to building wagon roads. (Speaker Clark, June 23, 1914, p. 10962, 63d Cong., 2d sess.; see sec. 952.)

To a law providing for the insurance of soldiers upon the payment of premiums, a proposition for the continuance of such insurance for two years without the payment of premiums was held not germane. (Chairman Tilson, Sept. 13, 1919; see sec. 951.) To a proposition appropriating money for a general increase in the salaries of employees for 1918, a provision making the same increase available for the remainder of 1917 was held not germane (Chairman Harrison, of Mississippi, Dec. 19, 1916, 64th Cong., 2d sess., p. 559), as was also a proposition to establish a minimum wage among the employees affected by the bill (Chairman Harrison, Dec. 19, 1916, p. 571.)

To a bill amending a general law in several particulars, an amendment providing for the repeal of the whole law was held germane (V, 5824), but the bill amending the law must so vitally affect the whole law as to bring the entire act under consideration before the Chair will hold an amendment repealing the law or amending any section of the law germane to the bill. (Speaker Gillett, June 19,

1919; see sec. 950; Chairman Madden, Apr. 2, 1924, p. 5437, 68th Cong., 1st sess.)

(e) An amendment which is germane, not being "on a subject different from that under consideration," belongs to a class illustrated by the following: To a bill providing for an interoceanic canal by one route, an amendment providing for a different route (V, 5909); to a bill providing for the reorganization of the Army, an amendment providing for the encouragement of marksmanship (V, 5910); to a proposition to create a board of inquiry, an amendment specifying when it shall report (V, 5915); to a bill relating to "oleomargarine and other imitation dairy products," an amendment on the subject of "renovated butter" (V, 5919); to a resolution rescinding an order for final adjournment, an amendment fixing a new date therefor (V, 5920).

SEC. 8. Motions to amend shall have precedence in the following order:

(1) Amendment to strike out the enacting clause of a bill.

(2) Committee amendments offered from the floor to the body of a bill.

(3) Other amendments offered from the floor to the body of a bill.

(4) Amendment to the caption of a bill.

MOTION TO STRIKE OUT ENACTING CLAUSE.—The motion to strike out the enacting clause has precedence of the motion to amend, and may be offered while an amendment is pending (V, 5328-5331).

RELATION OF MOTION TO AMEND TO OTHER MOTIONS.—The motions to postpone, refer, amend, for a recess, and to fix the day to which the House shall adjourn may be amended (V, 5754), but the motions to lay on the table, to adjourn, and for the previous question may not be amended (V, 5754).

SEC. 9. If a bill is being considered section by section, or department by department, only amendments to the section or department under consideration shall be in order. After all sections have been considered separately, the whole bill shall be open for amendment except that amendment seeking to strike out matter previously inserted and containing

substantially no new proposition shall not be in order.

SEC. 10. Senate amendments to House bills must be concurred in by two-thirds of all the members of the House if the bill so amended is to go into immediate effect.

[See annotations and precedents after Sec. 3 of Rule 24.]

RULE XXI.

OF COMMITTEES OF THE WHOLE HOUSE.

SECTION 1. No appropriation of money shall be made except by bill; and when a bill appropriating money shall be reached or taken up, the House may resolve itself into a Committee of the Whole House for the purpose of considering such bill.

SEC. 2. In forming a Committee of the Whole House the Speaker shall leave his chair, and a chairman to preside in Committee shall be appointed by the Speaker.

[When the House goes into the Committee of the Whole House, the minutes of the Committee (except testimony, etc., reported by stenographers) are kept by the Journal Clerk just as though the House were in session. These minutes form the body of the report which the Chairman of the Committee makes to the House whenever the Committee rises. Testimony taken before the Committee may be printed as an appendix to the Journal or may be embodied in the minutes of the Committee and reported to the House by the Chairman. During investigations the Chairman sometimes instructs the stenographers to furnish the Journal Clerk with a complete transcript of the proceedings from the time the Committee begins work until it completes its labors and rises.]

SEC. 3. Upon bills committed to a Committee of the Whole House, the bill shall first be read throughout by the Clerk, and then again be read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before a vote be taken on the question of engrossment.

SEC. 4. All amendments made to an original motion in Committee of the Whole shall be incorporated with the motion, and so reported.

SEC. 5. In the event that the Committee of the Whole, at any sitting, shall, for want of time, fail to complete the amendments proposed on any bill or resolution under their consideration, or desire to postpone the consideration thereof, it may, on motion made at any time in the meantime, rise, report progress and ask leave to sit again generally, or at a day certain.

SEC. 6. All amendments adopted by the Committee of the Whole House shall be noted and reported, as in the case of bills.

SEC. 7. The rules of proceedings of the House shall be observed in Committee of the Whole House so far as they may be applicable.

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:

(a) For the consideration of a certain or specific matter, and

(b) For a definite period of time.

When a call of the Committee is moved for one of the above mentioned purposes and seconded by ten members (of whom the Chairman may be one) and is ordered by a majority, the Doorkeeper shall close the main entrance of the Hall and all other doors leading out of the Hall shall be locked, and no member be permitted to leave the Hall without a written permission.

RULE XXII.

OF THE ORDER OF BUSINESS.

SECTION 1. The daily order of business shall be as follows:

First. Prayer by the Chaplain.

Second. Excuses for absence of members and officers.

Third. First reading of bills filed with the Chief Clerk, and introduction of bills from the floor and their first reading, and reference of bills to committees.

Fourth. Requests to print bills and other papers; request 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, but the mover may be allowed three minutes to state the nature and purpose of the measure.

Fifth. Resolutions offered from the floor for twenty minutes, if not sooner disposed of.

Sixth. The unfinished business, to be considered until finally disposed of.

Seventh. Disposal of business on the Speaker's table as follows:

(1) Resolutions lying over from the previous day, and Senate concurrent resolutions.

(2) Reports of conference committees.

(3) Senate amendments to House bills and resolutions, requests of the Senate for a conference and all matters of disagreement, amendments and requests between the two houses.

(4) Reports of standing and special committees.

(5) Postponed bills to be laid before the House in accordance with Section 8 of Rule XIII.

(6) Bills on their third reading.

(7) Bills on their second reading.

[By the daily order of business is meant the items above set out, while the regular order or "order of the day," as used in the reconsideration rule, means the seventh main item above.

For the information of the members, the Speaker has distributed at the beginning of each day a calendar showing the order of business for that particular day, or so much thereof as can be printed on a single sheet of paper. The order of business, as shown by this calendar, is determined absolutely by the rules, and the Speaker has no control over it except on suspension days. On suspension days the Speaker can recognize members to move a suspension of the regular order of business in any order he pleases, but he usually recognizes them in the order in which they request a suspension.]

Twenty-minute rule does not apply to resolutions which go over to the next legislative day as unfinished business.

Mr. Sullivan moved to suspend the rule limiting the time for the consideration of resolutions until the resolution was disposed of.

Mr. Watson raised a point of order on consideration of the motion to suspend, on the ground that the resolution being unfinished business is not subject to the rule limiting the time for consideration, and that it should be considered until disposed of.

Sustained. (34th Reg.)

Motion to re-refer a bill is out of order unless made during the routine motion period.

Mr. Celaya moved to re-refer S. B. No. 143 from the Committee on Privileges, Suffrage and Elections to the Committee on Highways and Motor Traffic.

Mr. Greathouse raised a point of order on further consideration of the motion to re-refer the bill on the ground that the motion is out of order at this time.

Speaker Stevenson sustained the point of order. (43rd Reg.)

Motion to print a bill on a minority report is out of order unless made during the routine motion period.

Mr. Greathouse moved that S. B. No. 246, reported adversely, with a minority favorable report, be printed.

Mrs. Hughes raised a point of order on further consideration of the motion, at this time, on the ground that, under the Rules of the House, the motion is out of order at this time.

The Speaker sustained the point of order. (43rd Reg.)

SEC. 2. Special orders, after the first five items under the daily order of business have been passed, shall have precedence when the hour for considering the same has arrived, except as provided in Rule XIX, Section 6, which provides that Senate bills, on Senate bill days, shall have precedence over House bills set as special order on those days.

No special order shall be postponed to a day certain, except by a two-thirds vote of the House, and when so postponed shall be considered as disposed of so far as its place as a special order is concerned.

[If, for any reason, the House does not have a legislative day coincident with a calendar day for which a special order has been set, the special order goes over for consideration and becomes the regular order, as provided above, to the first day on which it may be considered under the rules.]

SEC. 3. All questions relating to the priority of business shall be decided by a majority, without debate.

RULE XXIII.

SUSPENSION OF THE RULES AND ORDER OF BUSINESS.

SECTION 1. No standing rule or order of the House shall be suspended except by an affirmative vote of two-thirds of the members present; nor shall any other business be considered on days devoted by these rules to and used in consideration of Senate bills except with consent of the Senate, or local bills except by unanimous consent, when there remains on the calendar any bill of either of these classes which may be considered under the rules. When the Senate and local bill calendars are clear, the House shall proceed with the regular order.

MOTION TO SUSPEND THE RULES.—The motion may not be amended (V, 5322, 5405, 6858), postponed (V, 5322), or laid on the table (V, 5405), and the motion to reconsider may not be applied to the vote on the motion (V, 5645, 5646).

A motion to suspend the rules applies to the parliamentary law of Jefferson's Manual as well as to the rules of the House (V, 6796). When the rules are suspended to enable a matter to be considered, another motion to suspend the rules may not be made during that consideration (V, 6836, 6837). A motion to suspend the rules may be entertained, although the previous question has been ordered (V, 6827).

SEC. 2. Local bills and emergency measures submitted by the Governor, and emergency appropriation bills shall have precedence in accordance with their number over all other bills, except on Senate bill days, during the first sixty days of a Regular Session of the Legislature, but after the first sixty days local bills shall be considered every Wednesday and Thursday afternoon after 4:30 p. m.

SEC. 3. The Speaker shall not entertain a motion to suspend the order of business established by the rules for the purpose of taking up and considering

any bill, resolution or other measure out of its regular order, except on Monday of each week, and during the first six of the last eight days of a session, Sundays excepted; provided, however, that in the last six suspension days it shall require a two-thirds vote to suspend the regular order and take up any measure.

When a request is made to suspend the order of business for the purpose of taking up any bill, the Speaker shall ask if there is an objection. If there is no objection, the bill shall immediately be placed before the House for consideration. If there is objection, the Speaker shall, without debate, after the caption of the bill has been read, put the motion to the House, and if carried by a majority vote, the regular order of business shall be considered suspended for the purpose of taking up and considering the bill, resolution or other measure. Provided, however, that no member shall be entitled to have more than one bill, resolution or other measure taken up out of its regular order until every other member has had an opportunity to call up some bill or measure. Any measure so taken up under suspension and not disposed of on the same day shall go over as the unfinished business of the next sitting day of the House and thereafter from day to day (except the days used for the consideration of Senate bills) until disposed of, but a motion to suspend left pending and undisposed of on one suspension day goes over to the next suspension day as the pending business of that day. The order of business as referred to in this section shall be considered the business on the Speaker's table as prescribed in the seven items of Section 1 of Rule XXII. In case a bill goes over as

unfinished business to a suspension day, it shall be disposed of before the suspension calendar is taken up.

[A suspension of the regular order is a suspension of the order for considering business on the Speaker's table as prescribed in the seventh main item of Sec. 1 of Rule 22, and such suspension is in order only on Mondays and during the first six of the last eight days of a session, unless permitted by unanimous consent.

Bills which are taken up out of their regular order upon the unanimous consent requests of members are charged against the suspension privileges of those members just as though they had been taken up on a regular suspension day.]

Held that a member is entitled to make only one motion to suspend the regular order and have a bill taken up out of its regular order until each member desiring to make such a motion has had an opportunity to do so.

Mr. Bland moved to suspend the regular order of business to take up and have placed on its second reading and passage to engrossment House Bill No. 677.

Mr. Canales raised a point of order on consideration of the motion at this time on the ground that Mr. Bland having heretofore during the session, by a motion to suspend the regular order of business, had a bill taken up and disposed of by the House is not now entitled to again move to suspend the regular order of business until each member of the House desiring to make such a motion has been recognized for that purpose.

The Speaker sustained the point of order. (35th Reg.)

Refusal of the House to take up a bill out of its regular order on suspension day does not use the person's suspension privilege.

Mr. James moved that the regular order of business be suspended, to take up, and have placed on its second reading House bill No. 279.

Mr. Daniel raised a point of order on further consideration of the motion by Mr. James, on the ground that the House has, on a former occasion, refused to take up the bill, on the motion of Mr. James and therefore because of such refusal, Mr. James' suspension privilege has been used and he should not under the Rules be allowed to make a similar motion until every other member has had the opportunity to make such a motion.

Speaker Stevenson overruled the point of order. (43rd Reg.)

The rules having been suspended to take up a bill, it must be disposed of before another bill can be taken up.

The House had suspended the rules to take up for consideration House Bill No. 5, and, while the House was considering the bill, Mr. Moore moved to suspend the rules and take up House Bill No. 96.

Mr. Briggs raised a point of order on consideration of the motion to suspend on the ground that it is not in order to entertain a motion to suspend the pending business until the matter before the House, which is House Bill No. 5, on its second reading, and which was taken up under a motion to suspend the regular order of business, is disposed of.

Sustained. (30th, 1st C. S.)

SEC. 4. Any bill, resolution or other measure may on any day be made a special order for a future day of the session by an affirmative vote of two-thirds of the members present, and, when once established as a special order, shall be considered from day to day until disposed of; and until it shall have been disposed of, no further special order shall be made.

[The wording "future day" as used above has been held not to preclude the setting and consideration of a special order on the same day.

A bill or resolution laid on the table subject to call may be made a special order, and when so made is subject only to the rules that govern the consideration of special orders.

When a motion is pending to set a particular bill or resolution as a special order, it is not in order to move as a substitute to set another bill or resolution as a special order. However, it is in order to substitute a different time for the one originally suggested. The substitute motion, being incidental to the final question, requires only a majority vote.

Section 2 of Rule XXII provides that House bills set as special orders cannot be considered on Senate bill days. Joint Rule XXIII also provides that House bills cannot be considered by the House on Senate bill days without the consent of the Senate. For this reason a House bill pending as a special order on Senate bill days will not be con-

sidered on those days if there are any Senate bills on the calendar.]

Bill, resolution or other measure may be set as a special order for the same day on which the motion is made.

Mr. Darroch moved that House Bill No. 46 be set as a special order for 3:45 o'clock p. m. today.

Mr. Horton raised a point of order on consideration of the motion on the ground that under the rules of the House a special order can only be set for a future day of the session.

The Speaker overruled the point of order. (37th Reg.)

SEC. 5. No bill except local bills shall be on the daily calendar unless a printed copy of such bill has been on the desk of each member for a period of not less than twenty-four hours next preceding the calendar date, except during the last ten days of the session.

RULE XXIV.

OF COMMUNICATIONS FROM THE EXECUTIVE AND SENATE, CONFERENCE REPORTS, SENATE AMENDMENTS, ETC.

SECTION 1. Messages and communications from the Governor shall be received when announced, and shall be read on the date received.

SEC. 2. All messages from the Senate shall be received when announced; Senate bills announced as passed shall be read the first time and referred to proper committee on the day received.

SEC. 3. Messages from the Senate announcing amendments to House bills and resolutions, non-concurrence in House amendments to Senate bills and resolutions, and requests for conferences, as also all reports of conference committees and all matters of disagreement, amendments and requests, between

the two houses, shall go to the Speaker's table in their regular order, but they may be called up for action of the House at any time, except as against a motion to adjourn, or to fix the day to which the House shall adjourn.

[When a bill is returned to the House with Senate amendments, the House may (a) agree to the amendments, (b) disagree to all of the amendments and ask for a conference committee, (c) agree to one or more and disagree as to the remainder and request a conference to consider those in disagreement, or (d) agree to one or more and disagree to the remainder. One of the first three plans is usually followed.

The Speaker does not rule on the germaneness of Senate amendments to House bills, or upon the right of the Senate to amend House bills in a particular way. He leaves these matters entirely up to the House to be decided on, by the vote to concur or not concur.

Senate amendments to House bills should be printed in the Journal if adopted by the House.

Amendments to a bill by one house must be concurred in by the other by a two-thirds vote (of the membership) if the bill is to go into immediate effect. This, of course, is in addition to the required two-thirds vote (of the membership) on final passage in each house.

A conference report, likewise, must receive a two-thirds vote in each house in order to put a measure into immediate effect. If a conference report consists of a complete bill (with emergency clause), and this report receives a two-thirds vote of each house, the law will become effective when approved or filed by the Governor.

In a decision handed down on June 27, 1931, Judge Morrow, presiding judge of the Court of Criminal Appeals, said: "It seems enough to say that a reasonable and logical interpretation of the controlling provision of the Constitution of this State confers upon the Legislature both the power (by a record vote of two-thirds of the members of each house) to change the time within which an

act of the Legislature may ordinarily become effective, and requires that they exercise such authority and power at the time when they become aware of the terms of the law as finally agreed upon. Previous action upon a bill in its intial stages, before material and radical changes have been made, would not control."

Conference committees are composed of five members. Usually where the vote in the House has been close on the major point or points at issue, the Speaker gives the majority three members and the minority two members on the committee. When the vote is not close but there has been a strong minority fight, the minority is usually given one place on the committee.

In Congress there are two kinds of conference committees, "free" and "simple." In the former the conferees are permitted to adjust matters in disagreement as they may see fit, and in the latter the conferees act under instructions of their respective houses. In neither case, however, does the Congressional practice allow conference committees to include in their reports matter not in disagreement between the two houses. These principles are adhered to in general by the Texas Legislature, but with a few extensions. A high degree of freedom is allowed conference committees where one house substitutes an entire bill (below and above the enacting clause) for a bill of the other house; where the differences over certain amendments are fundamental to the structure of a whole bill, thus requiring a re-draft; where bills are purposely thrown into conference committee to be re-written, such as game laws, county school supervisor laws, etc.; and where appropriation bills must be re-written due to differences over a great number of individual items, divisions, and totals. Such extensions are not only reasonable and in basic agreement with good parliamentary law, but are necessary to meet the ever-growing demand for a flexible procedure to handle an increasing volume of business which is already far in excess of that anticipated by the framers of the early rules.]

Several points regarding the right of the Senate to make certain amendments to a House bill.

The Speaker (Mr. Minor) laid before the House, H. B. No. 547 with Senate amendments. This bill was, "An Act imposing a privilege tax on persons producing natural gas, etc." One of the Senate amendments provided for an occupation tax on the sale of cigarettes, and Mr. Duvall raised the following points of order (among others) on its consideration:

(1) I raise the point of order that under the Constitution of Texas no bill can be amended in its passage through either house in such a manner as to change its original purpose, and the amendment placed on House Bill No. 547 by the Senate changes the original purpose of No. 547.

The purpose of House Bill No. 547 as stated in the caption of said bill, is to impose a privilege tax on persons importing gasoline who sell the same in intrastate commerce in this State. The purpose of the amendment is to supplement the available school fund and to reduce the burdens of the ad valorem taxation on farms and homes by the levying of a tax on cigarettes.

(2) I raise the point of order that under the Constitution of Texas all revenue-raising measures shall originate in the House of Representatives, and as the Senate amendment by Mr. Berkeley to House Bill No. 547, providing a tax on cigarettes, amounts to being an original bill and originated in the Senate and not in the House, the said amendment is out of order.

(3) I raise the point of order that the Senate amendment to House Bill No. 547 violates Section 35, Article 3, of the Constitution, which decrees that no bill shall contain more than one subject, which shall be expressed in its title. The Senate amendment places in House Bill No. 547 a subject which is not included in the title of said bill.

The Speaker overruled the points, and stated that in so doing he had followed the opinion of the Attorney General's Department, addressed to Hon. Phil L. Sanders, under date of April 14, 1931, as well as the opinion of Hon. Claude Pollard, rendered while he was Attorney General, found in the Senate Journal, First Called Session of the Forty-first Legislature, page 65, and the authorities therein cited. He also cited precedents holding that the Speaker should not rule out Senate amendments, but that the House should vote to concur or not to concur, thus exercising its judgment as to the constitutionality of the Senate amendments.

The fact that when a Senate bill finally passes the House, after having been amended by the House, and that a motion to reconsider the vote by which the bill finally passed was laid on the table, does not stop the House from receding from its amendments to the bill.

Mr. Brown of Wharton raised a point of order that neither motion

is now in order, for the reason that when the bill passed the House the vote by which the bill passed was reconsidered and tabled, and that it is not now in order to take it up again.

Overruled. (30th, 1st C. S.)

The House decides whether or not a conference committee violates instructions.

The House was considering a conference committee report, having previously given its committee certain instructions.

Mr. Hopkins raised a point of order on further consideration of the report on the ground that the committee violated the instructions given it by the House.

The Speaker overruled the point of order. (41st, 1st C. S.)

[This was a matter for the House itself to decide, not the Speaker. If the Speaker had sustained the point of order, the House would have been deprived of a decision in the matter. By overruling the point, the matter was turned over to the House to decide, by its vote on the report, whether or not its instructions had been violated. It also gave the House a chance to adopt or reject the report even though its instructions had been violated in a greater or lesser degree.]

Proper time to instruct a conference committee.

The Speaker laid before the House, as unfinished business, a resolution heretofore offered by Mr. Morse relative to instructing conferees on H. B. No. 2.

Mr. Young raised the following point of order: I raise the point of order that this resolution comes too late. After the matter has been turned over to the conference committee, nothing remains before the House at this time, the committee having made no report. The time to instruct a conference committee is when the committee is authorized, not after they have entered upon their negotiations and have made no report.

The Speaker, Mr. Barron, sustained the point of order. (41st, 5th C. S.)

SENATE AMENDMENTS.—Revenue bills must originate in the House, but the Senate may concur with amendments (II, 1480). Instances wherein the Senate has acquiesced in the constitutional requirement as to revenue bills, while holding to a broad power of amendment (II, 1497-1499). It is for the House and not the Speaker to decide whether or not a Senate amendment on the subject of revenue violates the privileges of the House (II, 1320).

DISAGREEMENTS BETWEEN THE HOUSES—CONFERENCES.—Sometimes one house disregards the request of the other for a conference and recedes from its disagreement, thereby rendering a conference unnecessary (V, 6316-6318).

The majority of the managers of a conference should represent the attitude of a majority of the House on the disagreements (V, 6336). In a conference the managers of the two houses vote separately (V, 6336). The House may instruct its managers of a conference, and the motion to instruct should be offered after the vote to ask for or to agree to a conference, and before the managers are appointed (V, 6379-6382). The motion to instruct conferees may be amended unless the previous question has been ordered (V, 6525). The House having asked a free conference, it is not in order to instruct the managers (V, 6384). The House having instructed its managers at a first conference, the Senate declined to participate and asked for a free conference, which was granted (V, 6402).

A conference may be had on only a portion of the amendments in disagreement, leaving the differences as to the remainder to be settled by the action of the two houses themselves (V, 6401). After a conference has been agreed to and the managers for the House appointed it is too late to reconsider the vote whereby the House acted on the amendments in disagreement (V, 5664).

Conferees do not usually admit persons to make arguments before them (V, 6263).

The motion to agree or concur should be put in the affirmative and not in the negative form (V, 6166). A conference report being presented, the question on agreeing to it is regarded as pending (V, 6517). The motion to agree is the pending question to a conference report, and the motion to disagree is not admitted (II, 1473).

Although a conference report may be in disregard of the instructions given the managers, yet it may not be ruled out on a point of order (V, 6395).

A conference report must be accepted or rejected in its entirety, and while it is pending no motion to deal with individual amendments in disagreements is in order (V, 6323).

The rejection of a conference report leaves the matter in the position it occupied before the conference was asked (V, 6525).

Where managers of a conference are unable to agree, or where a report is disagreed to in either house, another conference is usually asked (V, 6288-6291).

The failure of a conference does not prevent either house taking such independent action as may be necessary to pass a bill (V, 6320).

RULE XXV.

OF PETITIONS AND MEMORIALS.

SECTION 1. All petitions and memorials shall be filed with the Chief Clerk. Every petition or

memorial shall be signed by the petitioner or memorialist, and by the members presenting it. Such petitions and memorials shall be printed in the Journal only when specifically ordered by a vote of the House.

SEC. 2. No memorial or other paper presented to the House shall be withdrawn from its files, except by order of the House. But when an act may pass for the settlement of any private claim, the Chief Clerk is authorized to transmit to the officer charged with settlement the papers relating to the claim.

RULE XXVI.

OF PRINTING.

SECTION 1. Every motion to print documents, reports and other matter transmitted by the department heads, or to print memorials, petitions, documents or any other papers, except messages from the Governor, or bills of the Senate or House of Representatives, or amendments thereto, shall, unless the House orders otherwise, be referred to the Committee on Printing.

RULE XXVII.

OF ABSENTEES.

SECTION 1. No member shall absent himself from the sittings of the House without leave, unless in case of sickness. Should any member absent himself without leave for the purpose of impeding the action of the House, such member may be expelled; provided, that before action is taken hereunder the matter shall be referred to the Committee on Privileges, Suffrage and Elections for investigation and

report. It shall require two-thirds vote of the members present to excuse absentees, and no member shall be excused upon his own motion. Leaves of absence may be revoked at any time by a majority vote of the House.

SEC. 2. The names of absentees shall appear upon the Journal.

RULE XXVIII.

OF WITNESSES.

The rule for paying witnesses summoned to appear before the House, or any of its committees, shall be as follows: For each day a witness shall attend, the sum of three ($3.00) dollars; and for coming to or going from the place of examination he shall receive actual and necessary expenses, and two ($2.00) dollars for each day which is necessarily consumed in going to and returning from said place of examination; but nothing shall be paid for traveling home when the witness was at the place of trial when summoned. The certificate of the chairman of the committee before which a witness is summoned, of the amount due such witness, shall be sufficient authority for the same to be paid.

RULE XXIX.

OF ADMISSION TO THE HOUSE.

SECTION 1. Persons hereafter named, and none other, shall be entitled to the Hall of the House when the House is in session, viz., the members and employees of the House, Senators and employees of the Senate, the Governor and his private secretary, the Lieutenant Governor, the President and Vice-Presi-

dent of the United States, United States Senators and members of Congress, Governors of other States, judges of the Supreme Court and Courts of Criminal and Civil Appeals, the heads of all State departments, and contestants in election cases pending their contest in the House, and immediate families of the members of the Legislature.

SEC. 2. Reporters of newspapers shall be assigned appropriate and convenient seats in the House by direction of the Speaker. Provided, that no newspaper reporter, or any person whomsoever, whether a State officer or not, except the Governor, who is lobbying or working for or against any pending or prospective legislature measure, shall, in any event, be permitted upon the floor of the House, or the rooms leading thereto, when the House is in session; nor shall any newspaper reporter or correspondent, whose salary or compensation is paid in whole or in part by any person, firm, corporation or association other than the paper or papers for which he reports, or represents, be admitted into the Hall or rooms leading thereto when the House is in session. And any person who has appeared before any committee for or against any measure pending or that has been before this House shall come within this rule.

SEC. 3. Every newspaper reporter and correspondent, before being admitted to the House during its session, shall file with the Speaker a written statement showing the paper or papers which he represents, and certifying that no part of his salary or compensation is paid by any person, firm, corpo-

ration or association except the paper or papers which he represents.

SEC. 4. It shall not be in order for the Speaker to entertain a request, motion or resolution for the suspension of this rule, or to present from the chair the request of any member for unanimous consent.

SEC. 5. It shall be the duty of the Sergeant-at-Arms and his assistants to clear the Hall of all persons not entitled to the privilege thereof five minutes before the hour of the meeting.

SEC. 6. Provided, that this rule shall not be construed to prevent any citizen from appearing before any of the committees of the House, when in session. And provided further, that this rule shall not apply during the inauguration of the Governor, and other public ceremonies provided for by resolution of the House. And it is further provided that no motion shall be in order to invite any person to address this House while it is in session, except those entitled to the privileges of the floor as defined by Section 1 of this rule.

SEC. 7. Solicitors and collectors shall not be admitted to the House during its sessions.

RULE XXX.

AMENDMENTS TO THE RULES.

No standing rule or order of the House shall be changed except by an affirmative vote of two-thirds of the members present. All propositions to amend any rule or order shall be by resolution and be at

once referred, without debate, to the Committee on Rules, and reported therefrom within two days.

RULE XXXI.

That the word "days," as used in Section 5, Article III, of the Constitution of Texas, as applied to the rules of the House of Representatives means Legislative days and that the word "days," as used in Section 24, Article III, of the Constitution of Texas, as applied to the compensation of the Members of the House, means calendar days.

RULE XXXII.

WHEN RULES ARE SILENT.

On any question of order or parliamentary practice where these rules are silent or inexplicit, Jefferson's Manual and the Digest of the Rules and Practice of the House of Representatives of the United States Congress shall be considered as authority.